

ROCHESTER BOARD OF EDUCATION POLICY MANUAL

DECEMBER 2023

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0000 Series: District Goals

EDUCATIONAL PHILOSOPHY

VISION

The Board of Education envisions the future of the Rochester City School District as a high-performance school system characterized by high expectations for all segments of the District – students, staff, parents, administrators, and members of the community – who are committed to the continuous improvement of instructional programs and services for students.

Our Students:

1. Receive a world-class education. They are learning, achieving, and meeting world-class standards to become literate, thinking, contributing members of a multicultural society;

2. Perceive schools as places of hope, where cultural diversity and individual differences are appreciated, and all students, regardless of socio-economic background, achieve to their highest potential; and

3. Are proud to attend Rochester schools, where every school is a school of choice.

Our Schools:

1. The administration, teachers, and staff are united in a common quest to develop all students to their highest levels of performance;

2. All staff and decision-making bodies are supporting teaching and learning as demonstrated in their relationships, attitudes toward work, and decisions they make;

3. School environments are safe places where there is joy in learning and joy in teaching; the culture is characterized by high expectations for students and staff;

4. All schools and District departments are organized and operated to provide for continuous improvement of teaching and learning; and

5. All parents are actively engaged in supporting their children's learning by making education and school a top priority in their lives.

Our Community:

1. The whole community is mobilized to support students and their families by encouraging and recognizing excellence and through marshalling resources for education;

2. Businesses, community organizations, religious institutions, colleges and universities are engaged in substantive, supportive partnerships with schools, sharing the same goals to create and maintain high performance; and

3. Local, state, and federal government leaders are enacting public policy and allocating sufficient resources that guarantee optimum conditions for children.

Notes: Strategic Framework Policy (March 2, 1995) Vision Statement, revised; Amended March 24, 2022 pursuant to Resolution No. 2021-22: 523

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DISTRICT POLICY PROHIBITING DISCRIMINATION OR HARASSMENT OF STUDENTS OR EMPLOYEES

General Policy Overview

The Board of Education affirms its commitment and responsibility to provide equal educational and employment opportunities in an environment which is free from discrimination, including harassment and intimidation and to comply with all applicable laws that prohibit unlawful discrimination. The Board of Education strictly prohibits and condemns all forms of unlawful discrimination, including but not limited to harassment, on the bases of actual or perceived:

1. Race (including traits historically associated with race, including but not limited to hair texture and protective hairstyles);
2. Color;
3. Weight;
4. Religion or religious practice;
5. Creed;
6. Ethnicity;
7. National origin;
8. Citizenship status;
9. Age;
10. Marital status;
11. Partnership status;
12. Disability (physical or mental);
13. Use of guide dog, hearing dog, or service dog;
14. Predisposing genetic characteristics;
15. Sexual orientation;
16. Gender or sex (including pregnancy, childbirth, or related condition);
17. Gender identity or expression;
18. Military work or status;
19. Veteran status;
20. Domestic violence victim status; or
21. Political affiliation.

All forms of unlawful discrimination or harassment are prohibited by employees (including Commissioners of the Board of Education and contractors), volunteers and students, as well as any third parties who are participating in, observing, or otherwise engaging in activities subject to the supervision and control of the District.

It is a violation of this policy for District students or employees (including contractors) to engage in behavior that subjects any student, employee or applicant for employment to discrimination and/or harassment at a school/worksite location or in connection with an education or work-related function on the basis of any of the above-noted grounds where such conduct: (1) adversely affects any aspect of a student's educational opportunities, including the opportunity to participate in programs and activities; (2) adversely affects any aspect of an employee's/applicant's employment or the compensation, terms, conditions or privileges of employment; or (3) creates a hostile, offensive, or intimidating educational or work environment. It is also a violation of this policy for District employees to engage in unlawful discriminatory behavior and/or harassment with respect to applicants for employment and other individuals who do business with the District.

Nothing in this policy shall be construed to prohibit a denial of admission to, or exclusion from, a course of instruction or activity based on a person's gender that would be permissible under the law. Nothing in this policy shall be construed to prohibit, as discrimination based on disability, actions that would be permissible under the law.

The Board also prohibits retaliation based on an individual's opposition to discrimination or participation in a related investigation or complaint proceeding under this policy or anti- discrimination statutes.

Definitions

The following information is offered to provide guidance; this list is not exhaustive. Defined terms are listed in alphabetical order.

1. Age: actual or perceived age.

2. Alienage/Citizenship: actual or perceived immigration status or status as a citizen of a country other than the United States of America. It shall not be an unlawful discriminatory practice for any person to discriminate on the ground of alienage or citizenship status or to make inquiry as to a person's alienage or citizenship status or to give preference to a person who is a citizen or native of the United States when such preference is expressly permitted or required by a federal, city or state law or regulation.

3. Color: the apparent pigmentation of the skin, especially as an indication or possible indication of race.

4. Disability: actual or perceived disability, or history of disability. The term "disability" means any physical, medical, mental, or psychological impairment or history or record of such impairment, or a condition regarded by others as a disability. It is not discriminatory for an employer to require that an employee or applicant be able to perform the essential functions of a job with or without reasonable accommodation.

5. Ethnicity/National Origin: actual or perceived national origin or ethnic identity. National origin is distinct from race/color or religion/creed because people of several races and religions or their forbearers may come from one nation. The term "national origin" includes members of all national groups and groups of persons of common ancestry, heritage, or background; it also includes individuals who are married to or associated with a person or persons with a common heritage including language, culture, and often a shared or common religion and/or ideology that stresses ancestry.

6. Gender: actual or perceived gender/sex; socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women. The prohibition against gender discrimination includes sexual harassment.

   The term "gender" also includes a person's gender identity, self-image, appearance, behavior or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the legal sex assigned to that person at birth.

7. Gender Expression: How one is socially perceived; may include one's behaviors, dress, mannerisms, speech patterns, and/or social interactions; a person's external characteristics and behaviors that are socially defined as either masculine or feminine.

8. Gender Identity: One's personal view of one's own gender; a person's deeply-felt internal sense of identifying with a specific gender (i.e. male, female, non-binary).

9. Marital Status: actual or perceived marital status.

10. Military Status: a person's participation in the military service of the United States or the military service of the State, including but not limited to, the Armed Forces of the United States, the Army National Guard, the Air National Guard, the New York Naval Militia, the New York Guard and such additional forces as may be created by the federal or state government as authorized by law.

11. National Origin: a person's country of birth or ancestor's country of birth.

12. Predisposing Genetic Characteristic: any inherited gene or chromosome, or alteration thereof, determined by a genetic test or inferred from information derived from an individual or family member that is scientifically or medically believed to predispose an individual or the offspring of that individual to a disease or disability, or is associated with a statistically significant increased risk of development of a physical or mental disease or disability.

13. Race/Color: actual or perceived race or color.

14. Religion/Creed: actual or perceived religion or creed; a set of fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.

15. Religious Practice: practices and observances such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, proselytizing, etc.

16. School Community: Includes but is not limited to all students, school employees (including contractors), school agents, bus drivers, volunteers, and any third party who are participating in, observing, or otherwise engaging in activities, including sporting events and other extracurricular activities subject to the supervision and control of the District.

17. School Employee: Includes but is not limited to all teachers, support staff, administrators, custodians, cafeteria workers, coaches, contractors and School Board members.

18. Sex: a term used to describe the biological and physiological characteristics that define a person's sex (i.e. male, female, non-binary, two-spirit).

19. Sexual Orientation: actual or perceived sexual orientation; the sex to which a person is sexually attracted. Someone attracted primarily or exclusively to members of the opposite sex is characterized as straight or heterosexual. Someone attracted primarily or exclusively to members of the same sex is characterized as homosexual. A person with a strong or viable attraction to both genders is characterized as bisexual or pansexual.

20. Victim of Domestic Violence, Sexual Offenses, or Stalking: an actual or perceived victim of domestic violence is a person who has been subjected to acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person who is cohabitating with or who has cohabitated with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature or a person who is or has continuously or at regular intervals lived in the same household as the victim.

An actual or perceived victim of sex offenses or stalking is a person who has been subjected to such behavior as defined by the Penal Law.

An employee may request a reasonable accommodation due to their status as an actual or perceived victim of domestic violence, sex offenses or stalking in order to fulfill the essential requirements of a job. The employee may be asked to provide certification that they are a victim of domestic violence, sex offenses or stalking. An employee requesting the reasonable accommodation shall provide a copy of such certification within a reasonable period after the request is made. The certification requirement may be satisfied by providing a police or court record, documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional service provider that the employee or that employee's family or household member sought assistance as an actual or perceived victim of domestic violence, sex offenses, or stalking and/or the effects of the violence or stalking; or other information consistent with the employee's disclosure and the request for accommodation.

21. Weight: actual or perceived weight used in reference to a person's "size."

General Overview of Discrimination

Discrimination refers to the treatment or consideration of, or making a distinction in favor of or against, a person based on the group, class, or category to which that person belongs, rather than on individual merit. Discrimination can occur in individual circumstances or as the result of an established practice which has the effect of conferring privileges on a certain class or denying privileges to a certain class because of criteria such as age, race, color, sex, religion, national origin, or disability.

Discrimination is the unequal treatment of an individual (or group) for a reason which has nothing to do with legal rights or ability. Federal and state laws prohibit discrimination based on several characteristics, including race, color, national origin, sex, disability, gender and other characteristics.

Unlawful discrimination also includes harassment, including sexual harassment and/or sexual violence. Discrimination might mean that a person, or a group of persons, are excluded from a place or an activity, or are being denied benefits and/or services afforded others based on protected characteristics such as race, color, national origin, sex, and/or disability.

Overview of Harassment

Harassment includes unwelcome verbal, written, graphic or physical conduct that offends, denigrates or belittles an individual based on that individual's actual or perceived race, color, religion, creed, ethnicity, national origin, citizenship status, age, marital status, partnership status, disability, predisposing genetic characteristics, sexual orientation, gender (sex), military status, veteran status, domestic violence victim status or political affiliation, and specifically with respect to students, on the basis of weight, gender identity, gender expression, and religious practices that:

1. Has the purpose or effect of substantially or unreasonably interfering with an individual's work performance or is used as a basis for employment decisions (including terms and conditions of employment) affecting such individual; and/or creates an intimidating, hostile or offensive work environment, or;

2. Has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity, or creates an

intimidating, hostile or offensive learning environment; and/or effectively bars the student's access to an educational opportunity or benefit, or;

3. Otherwise adversely affects the employment and/or educational opportunities and benefits provided by the District.

Such conduct may include, but is not limited to, unsolicited derogatory remarks, jokes, demeaning comments or behavior, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, extorting or the display or circulation of written materials or pictures.

Examples of Specific Types of Harassment

1. Racial and/or Color Harassment: Can include unwelcome verbal, written, graphic or physical conduct directed at the characteristics of an individual's race or color, such as nicknames emphasizing stereotypes, racial slurs, comments on manner of speaking, and negative references to racial customs.

2. Religious (Creed) Harassment: Can include unwelcome verbal, written, graphic or physical conduct directed at the characteristics of an individual's religion or creed, such as derogatory comments regarding surnames, religious tradition, religious clothing, or religious slurs or graffiti.

3. National Origin Harassment: Can include unwelcome verbal, written, graphic or physical conduct directed at the characteristics of an individual's national origin, such as negative comments regarding surnames, manner of speaking, customs, language, or ethnic slurs.

4. Marital Status Harassment: Can include unwelcome verbal, written, graphic or physical conduct directed at the characteristics of an individual's marital status, such as derogatory comments regarding being single or divorced, or being a single parent.

5. Disability Harassment: Can include harassment based on an individual's disabling mental or physical condition and includes any unwelcome verbal, written, graphic or physical conduct directed at the characteristics of an individual's disabling condition, such as imitating manner of speech or movement, or interference with necessary equipment.

6. Sexual Harassment: Includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

    a. Submission to that conduct is made either explicitly or implicitly a term or condition of an educational or employment benefit or detriment; or

    b. Submission to or rejection of the conduct is used as the basis for any educational or employment decision affecting the harassed individual; or

    c. The conduct has the purpose or effect of unreasonably interfering with the harassed individual's educational or work performance, or creating an intimidating, hostile or offensive learning or working environment.

    This applies whether the harassment is between individuals of the same or different gender. Sexual harassment can include unwelcome verbal, written, graphic or physical conduct directed at or related to an individual's gender such as sexual gossip or personal comments of a sexual nature; sexually suggestive or foul language; sexual jokes; whistling; spreading rumors or lies of

a sexual nature about someone; demanding sexual favors; forcing sexual activity by threat of punishment or offer of an educational or job reward; obscene graffiti; exhibition or distribution of pornographic pictures or objects; offensive touching, pinching, grabbing, kissing or hugging; or restraining someone's movement in a sexual way.

Examples of Specific Types of Sexual Harassment

1. Sex/Gender Harassment: Can include unwelcome verbal, written, graphic or physical conduct directed at the characteristics of an individual's sex/gender, such as derogatory comments regarding pregnancy, or individual's participation in a non-traditional job or activity;

2. Sexual Orientation Harassment: Can include unwelcome verbal, written, graphic or physical conduct directed at the characteristics of an individual's sexual orientation, such as negative name calling and imitating mannerisms.

Retaliation

A separate and distinct violation of this policy. Members of the school community are prohibited from retaliating against any person who reports alleged unlawful discrimination or harassment or against any individual who testifies, assists or participates in an investigation, proceeding, action or hearing relating to unlawful discrimination/harassment. An alleged harasser may be found to have violated this anti-retaliation provision even if the underlying complaint of unlawful discrimination/harassment is not found to be a violation of this policy.

Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. It may be redressed through application of the same reporting, investigation, and enforcement procedures as for unlawful discrimination/ harassment.

Reporting and Investigation

The District will act to promptly and equitably investigate and respond appropriately to all complaints or allegations of unlawful discrimination, including harassment, based on any of the characteristics described above. District personnel will take appropriate action to protect individuals from retaliation and to promptly and equitably investigate and respond appropriately to all complaints of retaliation. The District makes no promise or warranty about the outcome of an investigation, nor any promise or assurance that it will exercise its discretion in a manner which will meet the desires or preferences of any particular party.

In order for the Board to enforce this policy and to take corrective measures as may be necessary, it is essential that any employee, prospective employee or student who believes they have been a victim of unlawful discrimination, including harassment, in the school environment and/or at programs, activities and events under the control and supervision of the District, as well as any individual who is aware of and/or who has knowledge of, or witnesses any possible occurrence of unlawful discrimination, including harassment, immediately report such alleged act. Such report shall be directed to or forwarded to the District's designated compliance officer(s) in accordance with the procedures outlined in the corresponding regulation (0100R, “Regulation regarding Reporting Incidents of Discrimination or Harassment”). Such complaints are recommended to be in writing, although verbal complaints of alleged unlawful discrimination, including harassment, will also be promptly investigated in accordance with the terms of this policy. In the event that the compliance officer is the alleged offender, the report will be directed to the next level of supervisory authority.

Upon receipt of a tenable complaint, the District will conduct a prompt, thorough, and equitable investigation of the charges. However, even in the absence of a complaint, if the District has knowledge of any occurrence of unlawful discrimination, including harassment, the District will conduct a prompt, equitable, and thorough investigation and respond appropriately. To the extent possible all complaints will be treated as confidential and private. However, disclosure may occur to the extent necessary to complete a thorough investigation of the charges, follow through with corrective action and/or to notify law enforcement officials as warranted.

Based upon the results of an investigation, if the District determines that an employee and/or student has violated the terms of this policy and/or accompanying regulations, immediate, corrective action will be taken as appropriate. Should the offending individual be a student, appropriate disciplinary measures will be imposed, up to and including suspension in accordance with applicable laws and/or regulations, District policy and regulation, and the District *Code of Conduct*. Should the offending individual be a school employee, appropriate disciplinary measures will be imposed, up to and including termination of the offender's employment in accordance with legal guidelines, District policies and regulations, and any applicable collective bargaining agreement(s). The imposition of such disciplinary measures by the District does not preclude the filing of civil and/or criminal charges as may be warranted.

The Board prohibits any retaliatory behavior directed against complainants, accused individuals, witnesses, and/or any other individuals who participated in the investigation of a complaint of unlawful discrimination, including harassment. Reasonable actions will be taken to prevent intimidation or retaliation against complainants, targeted individuals, witnesses, and/or any other individuals who participated in the investigation of a complaint of unlawful discrimination, including harassment. Any student or staff who believes that intimidation or retaliation has occurred or is occurring should make a report to the District's Compliance Officer, the Chief of Human Capital Initiatives, so that an investigation and any necessary corrective action can be undertaken.

Regulations corresponding with this policy will be developed for reporting, investigating, and remedying allegations of unlawful discrimination, including harassment, based on the characteristics described above.

This policy should not be read to abrogate other District policies and/or regulations or the District *Code of Conduct* prohibiting other forms of unlawful discrimination or inappropriate behavior within this District. It is the intent of the District that all such policies and/or regulations be read in conjunction to provide the highest level of protection from unlawful discrimination in the provision of employment/educational services and opportunities. However, different treatment of any student or employee which has a legitimate, legal purpose shall not be considered a violation of District policy.

Knowingly Making False Accusations

Employees and/or students who *knowingly* make false accusations against another individual as to allegations of unlawful discrimination, harassment or retaliation may also face appropriate disciplinary action.

Because of the damage that can be done to someone falsely accused, any individual who in bad faith knowingly makes a false complaint or report of unlawful discrimination, harassment or retaliation will be subject to disciplinary action up to and including suspension or termination in accordance with legal guidelines, District policy, and any applicable collective bargaining agreement(s). The term "false report" refers only to those made in bad faith and does not include a complaint that could not be corroborated or which did not rise to the level of unlawful discrimination, harassment or retaliation.

Reporting Acts Constituting Child Abuse

Several behaviors listed as sexual harassment (i.e., sexual touching, grabbing, pinching, being forced to kiss someone, etc.) may also constitute child abuse. Sexual abuse of a child can include sexual molestation or exploitation of a child including, but not limited to, incest, prostitution, rape, sodomy, or lewd or lascivious conduct involving a child. Thus, under certain circumstances, alleged harassment may also constitute child abuse under state law. New York State law and Board Policy 5460 require school employees to report all incidents of child abuse and neglect, including sexual abuse.

District Responsibility/Training

Regardless of whether a complaint has been filed, if the District knows of the occurrence or the possible occurrence of unlawful discrimination or harassment, the District will require a prompt, equitable and thorough investigation by appropriate personnel. In the event an anonymous complaint has been filed, the District will respond to the fullest extent possible.

The Superintendent or their designee will be responsible for informing students and staff on a yearly basis of District policy and regulations regarding the prohibition of unlawful discrimination and/or harassment, including:

1. the procedures established for making a complaint;
2. the procedures established for the investigation and resolution of complaints; and
3. the general legal issues pertaining to unlawful discrimination and harassment, including age-appropriate examples in age-appropriate language, and the rights and responsibilities of employees and students.

Dissemination of District Policy/Regulation and Evaluation

A copy of District policy and regulations pertaining to unlawful discrimination, including harassment, will be posted on the District website; will be published in appropriate school publications such as teacher/employee handbooks, student handbooks, and/or school calendars; will appear on brochures and other appropriate District publications; and may be posted in various locations throughout each school building. A copy of the District policy and regulations pertaining to prohibition of unlawful discrimination, including harassment, will be available upon request at the District Central Office, at school building principals' offices, and in counselors' offices.

Cross-ref: Reporting Complaints of Discrimination or Harassment (0110-R)
Code of Conduct (1400)
Equal Employment Opportunity (9110)

Ref: Americans with Disabilities Act, 42 U.S.C. §12101 et seq.
Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d et seq.
Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e et seq.; 34 CFR §100 et seq.
Title IX, Education Amendments of 1972, 20 U.S.C. §1681 et seq.
§504, Rehabilitation Act of 1973, 29 U.S.C. §794
Individuals with Disabilities Education Law, 20 U.S.C §§1400 et seq.
Executive Law §290 et seq. (New York State Human Rights Law)
Education Law §§313(3), 3201, 3201-a
8 NYCRR 100.2(c), (l), (jj), (kk); 119.6
Dignity for All Students Act, Education Law, §10 – 18

Notes: Prior policy: 1510 District Policy Against Harassment of Students or Employees. Adopted: June, 15, 2006 pursuant to Resolution No. 2005-06: 881; June 28, 2012 pursuant to Resolution No. 2011-12: 850; February 14, 2013 pursuant to Resolution No. 2012-13: 477; July 29, 2013 pursuant to Resolution No. 2013-14: 76; Amended October 26, 2017 pursuant to Resolution No. 2017-18: 352; Amended November 17, 2022 pursuant to Resolution No. 2022-23: 265

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GENDER NEUTRAL SINGLE-OCCUPANCY BATHROOMS

All single-occupancy bathroom facilities in the district are designated as gender neutral. Signs designating gender neutral single-occupancy bathrooms must be posted on the wall next to the door of that bathroom facility.

A "single-occupancy bathroom" is as defined in Public Buildings Law §145(d) as "a bathroom intended for use by no more than one occupant at a time or for family or assisted use and which has a door for entry into and egress from the bathroom that may be locked by the occupant to ensure privacy."

The Superintendent of Schools or designee is directed to post appropriate signage to implement this policy consistent with applicable laws. Handbooks, directional signs, memos, safety plans, and maps will also be updated as necessary.

Ref: Education Law §409-m (single-occupancy bathrooms designated gender neutral)
Public Buildings Law §145(d)
Building Code of New York State §§1111; 2902.4

Notes: Adopted October 19, 2023 pursuant to Resolution No. 2023-24: 416

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EQUITY AND EDUCATIONAL EXCELLENCE

PURPOSE

Rochester City School District (RCSD) students, staff and stakeholders bring their personal backgrounds into our schools and the RCSD is richer for it. Each of them has a legitimate expectation to have a barrier-free learning environment counteracting the contemporary and historical impact of racism, which is the root cause of bias, prejudice and discrimination. For generations, the impact has been predictable of learning outcomes based on race, class, socioeconomics, gender, ethnicity, sexual orientation, gender identity, cognitive/physical ability, diverse language fluency, and religion.

Our students deserve respectful learning environments in which their racial and ethnic diversity is valued and used as assets for teaching and learning, and contributes to successful academic outcomes. We believe that the responsibility for student success is broadly shared by RCSD staff, administrators, teachers, communities and families.

It is the obligation of the RCSD to embrace the diversity within our District while actively eliminating practices that perpetuate the disparities among our students so that all students have equitable access to high-quality educational opportunities. These disparities are unacceptable.

We must directly confront institutional racism that results in predictably lower academic achievement for students of color. Eliminating any vestige of bigotry and racism in our District will increase achievement, including on-time graduation, for ***all*** students, while narrowing the gaps between the highest-and lowest-performing students.

The concept of educational equity goes beyond equality – where all students are treated the same. Instead, true educational equity fosters a barrier-free environment where all students have access to equitable high-quality experiences and the support they need to flourish in those experiences, regardless of where they live, their race, class or other personal characteristics such as creed, color, religion, ancestry, national origin, age, economic status, gender, sexual orientation including gender expression or identity, pregnancy status, marital status, physical appearance, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability.

RCSD acknowledges that complex societal and historical factors contribute to the inequity within our District. Nonetheless, rather than perpetuating the inequity that results in disparities, we must address and overcome inequity, by providing all students with high-quality instruction and targeted academic and social-emotional supports, which increases opportunities to succeed.

True equity involves differentiating resource allocation based on students' needs, providing specific targeted supports, a curriculum reflective and appreciative of the rich cultural heritage of District students, and investment in restorative practice implementation rather than in school law enforcement and/or punitive measures. A student whose history and heritage are appreciated, celebrated, and used as tools for teaching and learning will learn better and have access to empowering rigorous and innovative learning.

In order to secure this vision, the RCSD will focus on the individual and unique needs of each student, and foster the universal values of diversity, equity, inclusion and excellence in education without bias, prejudice, or discrimination. Our highest leverage for achieving equity is supporting and enhancing the details of teaching and learning.

ELIMINATE SYSTEMIC DISPARITIES

To interrupt systems that perpetuate inequities, the RCSD will:

1. Invite and include people from all protected classes to examine issues and find adaptive solutions, which address the root causes and systems, rather than technical solutions, which provide one-time situational solutions;

2. Develop the personal, professional and organizational skills and knowledge of its employees to enable them to address the role and presence of racism both in its implicit and explicit forms;

3. Eliminate all practices that lead to racial predictability and disproportionality in all aspects of education and its administration (e.g., the disproportionate over-application of discipline to students of color, their over-representation in Special Education, and their under-representation in various Advanced Learning programs); and.

4. Commit to ensuring that diversity, equity, inclusion and excellence are essential principles of our school system fully integrating these principles into all of our policies, programs, operations and practices.

ENSURE SYSTEMIC EQUITY

The RCSD will implement and lead from a system-wide equity plan that stands on three critical pillars: Family, Student and Community Engagement; Leadership; and Teaching and Learning.

1. Family, Student and Community Engagement

RCSD employees will develop and implement equitable practices for and with our students, their families and other community members including:

a. Intentionally seeking and including students' multiple perspectives in the development and implementation of culturally responsive teaching and learning practices and curriculum;

b. Engaging family and community members with staff and students, District-wide, and at school and program sites, in the development and implementation of culturally responsive and effective partnerships between home and school;

c. Inviting and including community members to bring multiple cultural perspectives to examining and solving issues that arise; and

d. Engaging, including and collaborating with our families, students, residents, communities, and stakeholders as this Board recognizes that their active involvement is essential to the Board's own responsibility for effective and equitable governance.

2. Leadership

RCSD leaders will ensure that equity guides their actions and the actions of those they supervise in the service of improved academic results by:

a. Recruiting, employing, supporting, retaining and continuously developing an effective workforce that reflects the diversity of the student body. The RCSD will recruit equity conscious and culturally competent administrative, instructional and support personnel;

b. Providing cultural competency training for all its personnel;

c. Modeling racial equity by what is said, what is written, and what is done in conducting the business of the RCSD;

d. Replacing inequitable operational practices with systems that support the implementation of this policy;

e. Focusing accountability systems and metrics on racially equitable results;

f. Allocating annually the RCSD's many financial, capital and human resources equitably; and

g. Facilitating equitable access to high-quality co-curricular and extra-curricular activities, social services, tutoring, and enrichment opportunities.

3. Teaching and Learning

RCSD employees will work together to increase their individual and collective capacity to effectively teach a diverse and changing student population by:

a. Ensuring a positive and academically rigorous school environment that engages all students;

b. Collaborating as teachers and administrators to create and implement culturally responsive, equitable instructional practices, curriculum and assessments;

c. Eliminating practices that lead to the over-or under-representation of any student group, particularly by focusing on implementing high-quality instruction, creating affirming and welcoming environments, and reducing the disproportionate use of exclusionary discipline practices with black and brown students in the District;

d. Creating multiple learning pathways that widen access to high-quality educational opportunities and lifelong success;

e. Providing high quality, culturally relevant and responsive curricula, including African and Latinx studies for all students and teachers, regardless of learning styles; and

f. Identifying, developing and applying equitable instructional practices that have demonstrably made a positive difference for students and groups of students in order to reduce prevalent and persistent learning outcome gaps.

IMPLEMENTATION AND MONITORING

The Board directs the Superintendent to develop and implement a system-wide equity plan that operationalizes the policy and establishes metrics to determine measurable academic improvements for ***all*** RCSD students. The Superintendent shall annually report progress on the plan and its outcomes.

Cross-ref: Prohibiting Discrimination or Harassment of Students or Employees (0100)
Glossary for Equity and Educational Excellence (105-E1)

Ref: U.S. Constitution Amendment XIV, §1 (Equal Protection)
20 U.S.C. §1703 (Equal Educational Opportunity)
25U.S.C. §452, et seq. (Johnson-O'Malley Act)
42 U.S.C. §2000c, et seq. (Desegregation)
42 U.S.C. §2000d, et seq. (Title VI of the Civil Rights Act of 1964)
42 U.S.C. §2000e-2 (Title VII of the Civil Rights Act of 1964)

Notes: Adopted March 29, 2018 pursuant to Resolution No. 2017-18: 555; Amended April 27, 2023 pursuant to Resolution No. 2022-23: 627

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SEXUAL HARASSMENT

The Board of Education recognizes that harassment on the basis of sex, gender, gender identity or expression, and/or sexual orientation is abusive and illegal behavior that harms individuals and negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board further recognizes that preventing and remedying such harassment in schools is essential to ensure a healthy, nondiscriminatory environment in which students can learn and employees can work productively.

Sexual harassment is a form of discrimination and is unlawful under this policy, federal and state law. This policy applies to students, employees, applicants for employment, paid or unpaid interns, volunteers, contractors, subcontractors, and persons doing business with the Rochester City School District.

The Board is committed to providing an educational and working environment that promotes respect, dignity and equality and that is free from all forms of sexual harassment. To this end, the Board condemns and strictly prohibits all forms of sexual harassment on school grounds, school buses and at all school-sponsored activities, programs and events, including those that take place at locations outside the District.

Definitions

Sex-based harassment can be comprised of two types of behavior: sexual harassment and/or gender-based harassment.

Sexual harassment is unwelcome conduct of a sexual nature, which can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature (see regulation 0110-R for examples).

Gender-based harassment includes verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes (see regulation 0110-R for examples). Sexual or gender-based harassment of a student can deny or limit the student's ability to participate in or to receive benefits, services, or opportunities from the school's program.

Prevention

Preventing sexual harassment or discrimination largely depends upon creating a climate of respect for the dignity of each person. The District will promote civility, respect, and understanding by providing training to raise awareness of:

1. The specific behaviors that constitute sexual harassment in all of its forms;
2. The short- and long-term impact of sexual harassment on the individual and the larger community;
3. The importance of reporting incidents of sexual harassment to convey an intolerance for this behavior and to support individuals who have been the target of such harassment; and
4. The process for reporting, investigating, and resolving incidents of sexual harassment.

Training regarding sexual harassment will be provided on a regular basis to students, employees, and newly hired employees. The training must cover all elements required by law, meet minimum state standards, and include interactive activities (e.g. question and answer session, quiz, feedback survey). Sexual harassment training may be provided by the District or by an approved contractor.

Paid and unpaid interns, applicants for employment, volunteers, contractors, subcontractors and persons doing business with the Rochester City School District will be instructed to review this policy, which will be posted on the District website with a complaint form (0100-R).

Reporting and Investigation in the Rochester City School District

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The District will promptly investigate all complaints of sexual harassment, either formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation. If the complainant reports that they feel unsafe at school due to the nature of the complaint, the District will determine if accommodations need to be made until the issue is resolved.

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe sexually harassing behavior, or suspect that sexual harassment is occurring are required to file a report. Supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or knowingly allowing sexual harassment to continue.

If, after appropriate investigation, the District finds that a student, an employee or a third party has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, District policy and state law.

All complainants and those who participate in the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind. Anyone who retaliates against an individual who has in good faith reported or assisted in an investigation of sexual harassment will be subjected to disciplinary action, up to and including termination of employment, internship, volunteering, or business with the Rochester City School District.

Additional Legal Protections and Remedies

In addition to reporting incidents of sexual harassment to authorities in the Rochester City School District, individuals can also file a report with any of the following government agencies:

The New York State Division of Human Rights: enforces New York State Human Rights Law, which protects employees, paid or unpaid interns, and non-employees when this law has been violated. Complaints can be filed within one year of the incident of harassment, or a suit can be filed in state court within three years of the incident. For more information, go to: www.dhr.ny.gov or contact 1-888-392-3644.

U.S. Equal Employment Opportunity Commission (EEOC): enforces federal anti-discrimination laws, allowing individuals to file a complaint any time within 300 days of the incident of harassment. For more information, go to: www.eeoc.gov or contact 1-800-669-4000.

If the sexual harassment involved physical touching, coerced physical confinement or coerced sexual acts, this may constitute a crime and should be reported to the local police department.

Implementation of Policy in the Rochester City School District

The Superintendent of Schools is directed to develop and implement regulations for reporting, investigating and remedying allegations of sexual harassment. These regulations are to be attached to this Policy. In

addition, training programs shall be established to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment.

This Policy shall be posted in a prominent place in each District facility, on the District's website, and shall also be published in student registration materials; student, parent and employee handbooks; information provided to contractors and vendors doing business with the District; and other appropriate publications.

The Policy Subcommittee, including Board chair, General Counsel, Chief of Human Capital, and other administrators as applicable, will review annually to review this policy's effectiveness and compliance with applicable state and federal law, and to recommend revisions to Board.

Cross-ref: Sexual Harassment (0110-R)

Ref: Education Amendments of 1972, Title IX, 20 U.S.C.§1681 *et seq.*
Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 *et seq.*
Davis v. Monroe County Board of Education, 526 U.S. 629, 652 (1999)
Gebser v. Lago Vista Independent School District, 524 U.S, 274 (1998)
Faragher v. City of Boca Raton, 524 U.S. 775 (1998)
Burlington Industries v. Ellerth, 524 U.S. 742 (1998)
Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)
Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)
Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)
Office for Civil Rights *Revised Sexual Harassment Guidance (January 19, 2001)*
Office for Civil Rights, *Dear Colleague Letter: Sexual Harassment Issues (2006)* Office for Civil Rights, *Dear Colleague Letter: Bullying (October 26, 2010)*

Notes: Adopted May 24, 2018 pursuant to Resolution No. 2017-18: 894; Amended November 15, 2018 pursuant to Resolution No. 2018-19: 469; Amended October 19, 2023 pursuant to Resolution No. 2023-24: 415

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STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION POLICY

The Board of Education is committed to providing an educational and working environment that promotes respect, dignity and equality. The Board recognizes that discrimination, such as harassment, hazing and bullying, is detrimental to student learning and achievement. These behaviors undermine the sense of safety, support, and community in the school environment and interfere with the mission of the District to educate students.

To this end, the Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing and bullying. All forms of discrimination are prohibited, whether on school grounds, school buses, school-sponsored activities, or through electronic communications (e.g. text message, social media, email).

Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds that interferes with the educational process or impinges on the rights of other students are prohibited. These types of discrimination/bullying incidents will be subject to the same disciplinary interventions as similar incidents occurring on school property.

This policy is governed by the New York State *Dignity for All Students Act* and related regulations of the New York State Commissioner of Education. The *Dignity for All Students Act* was created to provide an environment free of discrimination and harassment for all students attending public schools. Students' ability to learn is jeopardized when they are subjected to discrimination or harassment, including bullying, taunting, or intimidation. Additional information about the *Dignity for All Students Act* can be found at: www.p12.nysed.gov/dignityact.

Definitions

Bullying: Although bullying is usually subsumed under the term "harassment", further definition is needed to facilitate implementation, provide meaningful guidance and prevent behaviors from rising to a violation of law.

Bullying is a hostile activity that harms or induces fear through the threat of further aggression. Bullying includes a range of behaviors, such as harassment, hazing, intimidation or discrimination. The accompanying regulation provides more guidance regarding the definition and characteristics of bullying.

Cyberbullying: Harassment or bullying of a District student through any form of electronic communication (e.g. text message, social media, email), device or interface. Cyberbullying may occur on or off of school property, but has the effect of creating a hostile school environment that:

1. interferes with a student's educational performance, opportunities or benefits;
2. jeopardizes a student's mental, emotional, or physical well-being; causes a student to fear for their physical safety; or
3. leads to physical injury or emotional harm to a student.

Discrimination: Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities to an individual or group of people because of the group, class or category to which they belong (as enumerated in the *Definitions* section, under "Harassment").

Hazing: Hazing is an induction, initiation or membership process involving harassment. With hazing, the harassment creates a situation likely to result in public humiliation, physical or emotional discomfort, bodily injury or public ridicule.

Harassment: Harassment has been defined in various ways in federal and state law and regulation. The Board recognizes that these definitions are important standards, but the Board's goal is to prevent these behaviors from escalating to limit liability and to promote a positive school environment.

The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as the creation of a hostile environment through action or through verbal threats, intimidation or abuse that:

1. Unreasonably and substantially interferes with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or
2. Causes or would reasonably be expected to cause a student to fear for their physical safety.

The harassing behavior may be based on any characteristic, including a person's actual or perceived:

1. race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as but not limited to braids, locks, and twists);
2. color;
3. weight;
4. national origin;
5. ethnic group;
6. religion;
7. religious practice;
8. disability;
9. sex;
10. sexual orientation; or
11. gender (including gender identity and expression).

In some instances, bullying or harassment may constitute a violation of an individual's civil rights. The District is mindful of its responsibilities under the law and in accordance with District policy regarding civil rights protections**.**

Prevention

The school setting provides an opportunity to teach children and emphasize among staff that cooperation and respect for others is a key District value. A program geared to prevention is designed to not only decrease incidents of bullying, but to help students build more supportive relationships with one another by integrating the bullying prevention program into classroom instruction. Through District-wide professional development and instruction, staff members and students will be sensitized to the warning signs of bullying and to their responsibility to become actively involved in preventing bullying before overt acts occur.

Curricular material that raises awareness and sensitivity to discrimination or harassment, and promotes civility in the relationships of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, sexes or gender expression or identities will be included in the instructional program K-12.

A critical aspect of prevention is promoting student engagement in the school community. To this end, students should be given multiple opportunities to participate in a wide range of pro-social activities, assume responsibility and leadership in setting the tone for their school, and bond with caring, supportive adults. These elements of student engagement are essential in creating a school climate that will help

prevent negative behaviors, foster students' academic and social/emotional growth, and provide vibrant leaning opportunities for all.

Prevention strategies that are integrated into the curriculum and into daily classroom activities support and reinforce relationships, strengthen social and emotional skills, and foster development of self-regulation and a positive mindset, which form the foundation for a positive culture and community and establish the framework for discipline.

Each school will designate a ***Dignity Act Coordinator (DAC)*** who has been thoroughly trained in human relations in the areas of race, color, weight/appearance, predisposing genetic characteristics, creed, national origin, ethnic group, ancestry, citizenship status, religion, religious practice, gender (including gender identity and expression), sexual orientation, age, marital status, political affiliation and disability, and will be accountable for implementation of this policy. The role of the DAC is to coordinate and enforce this policy.

Students will be informed about the principles contained in this policy, their rights, and the protections provided by this policy in a manner that is readily comprehensible to them.

Intervention

Intervention by adults and bystanders is an important step in preventing escalation and resolving issues at the earliest stages. Intervention will emphasize education and skill-building.

Successful intervention may involve remediation. Remedial responses to bullying include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target. Remediation may be targeted to the individual(s) involved in the bullying behavior or environmental approaches which are targeted to the school or District as a whole.

In addition, intervention will focus upon the safety of the target. Staff is expected, when aware of bullying, to report it in accordance with this policy, refer the student to designated resources for assistance, or to intervene in accordance with this policy and regulation. Staff are also to consider the factors that contributed to the problem behavior and refer to the matrix, "Levels of Intervention and Disciplinary Responses" outlined in the *Code of Conduct* (policy 1400) in determining their response to the situation.

Provisions for students who do not feel safe at school

The Board acknowledges that a specific coordinated approach may be needed if the child does not feel safe at school. Students who do not feel safe at school are limited in their capacity to learn and reach their academic potential. When staff become aware of bullying or harassment, they should notify the building principal and determine if accommodations are needed to help ensure the safety of the student. The building principal, other appropriate staff members, the student and the student's parent will work together to define and implement any needed accommodations.

The District recognizes that a balance must be struck between the need for accommodations to enhance student safety and avoiding further stigmatizing the student who has been targeted. The student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the student who has been targeted. As needed, follow-up discussion and/or meetings will be scheduled to ensure that safety concerns have been adequately addressed and to determine when and if the accommodations need to be changed or discontinued.

Training

The Board recognizes that professional development is needed in order to implement an effective bullying prevention and intervention program. The Superintendent and the District professional development team will incorporate training to support this program in new teacher orientation and in the annual professional development plan, as needed. Training opportunities will be provided for all staff who have contact with students, including bus drivers, cafeteria and hall monitors.

Reporting and Investigation

Although it can be difficult to step forward, the District can't effectively address bullying if incidents are not reported. Students who have been bullied, parents whose children have been bullied or other students or staff who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided in this policy and the accompanying regulation.

Complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy, the *District Policy Prohibiting Harassment and/or Discrimination against Students and Employees* (0100), and the District's *Code of Conduct* (1400). If a staff person is unsure of the reporting procedure, they are expected to inquire about how to proceed by speaking with their supervisor.

Incidents will be included in the New York State Education Department's incident reporting system for schools and districts, with reports provided to the Board on a quarterly basis. The report will contain data on the number of bullying/harassment incidents district-wide and for each school, disaggregated by student subgroup and type of bullying/harassment (e.g. physical, verbal, cyberbullying).

It is the duty of all school personnel to report any incidents of student-to-student and staff-to-student bullying or harassment that they observe or that they are made aware of by students. Reports shall be made to the building principal or to their supervisor. Supervisors and building principals will refer the information to appropriate District staff for investigation, as designated in the accompanying regulation. A District employee may be deemed to have permitted unlawful discrimination or harassment if they fail to report an observed incident, whether or not the targeted student complains.

The results of the investigation shall be reported to the student(s) who were targeted and the student(s) who were accused, in accordance with the accompanying regulation. If either of the parties disagrees with the results of the investigation, the findings may be appealed in accordance with the regulation that accompanies this policy.

Disciplinary Consequences/Remediation

While the focus of this policy is on prevention, acts of bullying may still occur. In these cases, offenders will be given the clear message that their actions are wrong and the behavior must improve. Student offenders will receive in-school guidance in making positive choices in their relationships with others. If appropriate, disciplinary action that is measured, balanced and age-appropriate will be taken by the administration in accordance with the district's Code of Conduct, as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted.

Consequences for a student who commits an act of bullying will be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the

student, and the student's history of problem behaviors, and must be consistent with the district's Code of Conduct.

Non-Retaliation

All complainants and those who participate in the investigation of a complaint in conformity with state law and District policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

Dissemination, Monitoring, Review, and Reporting

This policy, or a plain language summary, shall be published in student registration materials, student, parent and employee handbooks, and posted on the District's website. In addition, the information in this policy shall be adapted for each grade level to ensure that students are aware of expectations, protections, and recourse available in the event of harassment or bullying. A bullying complaint form will be available on the District's website. The District will ensure that clear explanations are provided to students regarding this policy, behavioral expectations, protections, and the process of reporting bullying or harassment.

As part of the annual review of the *Code of Conduct*, this policy will be reviewed to assess its effectiveness and compliance with state and federal law. If changes are needed, revisions will be recommended to the Board for consideration.

The Board will receive the annual incident report that is required to be reported to the New York State Education Department's incident reporting system for schools and districts. The report will be for each building and for the entire District, with particular attention to trends in the incidence of bullying. In addition, a quarterly report will be provided to the Board with detail of the number of bullying or harassment incidents that have occurred and the nature of the incident (i.e. verbal, physical, social, or cyberbullying), disaggregated by school and by student demographic group. Based on review of the data, the Board may consider further action, including additional staff training and modification of this policy.

The District will ensure that reporting of information to the public will be in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).

Cross-ref: District Policy Prohibiting Discrimination or Harassment of Students or Employees (0100)
Code of Conduct (1400)
Code of Ethics (2160)
Student Individualized Education Program (IEP): Development and Provision (4209)

Ref: Dignity for All Students Act, Education Law, §10 – 18
Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.*
Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.*
Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*; 34 CFR §100 *et seq.*
Title IX, Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*
§504, Rehabilitation Act of 1973, 29 U.S.C. §794
Individuals with Disabilities Education Law, 20 U.S.C §§1400 *et seq.*
Executive Law §290 *et seq.* (New York State Human Rights Law)
Education Law §§313(3), 3201, 3201-a
8 NYCRR §§100.2(c), (l), (jj), (kk); 119.6
Tinker v. DesMoines Independent Community School Dist., 393 US 503, (1969)
Mahanoy Area School District v. B.L., 594 U.S. (2021)

Pollnow v. Glennon, 594 F.Sup. 220, 224 aff'd 757 F.2d. 496
Zeno v. Pine Plains 702 F3rd 655 (2nd Cir. 2012)
Cuff v. Valley Central School District F3rd 109 (2nd Cir 2012)
Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)
Gebser v. Lago Vista Independent School District, 524 U.S, 274 (1998)
Faragher v. City of Boca Raton, 524 U.S. 775 (1998)
Burlington Industries v. Ellerth, 524 U.S. 742 (1998)
Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)
Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)
Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)
Appeal of K.S., 43 Ed. Dept. Rep. 492
Appeal of Ravick, 40 Ed. Dept. Rep. 262
Appeal of Orman, 39 Ed. Dept. Rep. 811

Notes: Adopted November 15, 2018 pursuant to Resolution No. 2018-19: 470; Amended November 17, 2022 pursuant to Resolution No. 2022-23: 265

ct

INDIVIDUALS WITH HIV-RELATED ILLNESS

The Board of Education recognizes the public concern over the health issues surrounding Acquired Immune Deficiency Syndrome (AIDS) and Human Immunodeficiency Virus Infection (HIV). The Board also recognizes, based upon the current state of medical knowledge, that the virus associated with AIDS is not easily transmitted and there is no evidence that AIDS or the HIV virus can be transmitted by casual social contact in the open setting on District properties.

The Board acknowledges the rights of those individuals diagnosed as having AIDS or HIV infection to continue their education and employment as well as the rights of all individuals in the District to participate in District activities without being subjected to significant risks to their health. The Board also takes notice that under current law and regulations the disclosure of confidential AIDS and/or HIV-related information must be strictly limited.

Accordingly, it is the policy of the Board that no student shall be denied the opportunity to attend school, continue their education or take part in school-related activities solely on the basis of being diagnosed as having AIDS or HIV infection. If a student with AIDS or HIV infection, because of their medical status, is not permitted to participate fully in a school education and/or extracurricular program, the District shall provide that student with an appropriate educational placement as fully integrated with the District's regular elementary and secondary school program as possible.

It is the policy of the Board that no employee shall be prevented from continuing in their employment solely on the basis of their HIV status; such employees are entitled to all rights, privileges, and services accorded to other employees and shall be entitled to reasonable accommodations to the extent that such accommodations enable such individuals to perform their duties. No disciplinary action or other adverse action shall be taken against any employee solely on the basis of their status as HIV infected or a person with AIDS. Such action will only be taken where, even with the provision of reasonable accommodations, the individual is unable to perform their duties.

In accordance with current state law and regulations, it is also the policy of the Board to prevent any individual from being subjected to adverse or discriminatory treatment or stigma because they have been diagnosed as having AIDS or being HIV-infected.

All employees shall have access to the District's exposure control plan as required by the federal Office of Safety and Health Association (OSHA). In accordance with OSHA regulations, training in universal precautions and infection control shall be offered to all employees and shall be provided to every employee with potential occupational exposure.

The Superintendent shall establish and implement, and all District personnel shall comply with, guidelines and routine sanitary hygiene procedures for dealing with all spills of blood and other body fluids in or on District facilities and premises. The Superintendent should consult with public health officials and/or appropriate District personnel, when appropriate, for the most current methods and information pertaining to such procedures.

Cross-ref: Reproduction Health Education Program (4315.1-R)
Students with HIV-Related Illness Regulation (5191-R)

Ref: Public Health Law, Article 27-F
29 USC §§794 et seq. (Rehabilitation Act of 1973)
20 USC §§1400 et seq. (Individuals with Disabilities Education Act)
42 U.S.C. §12132, et seq. (Americans with Disabilities Act)
34 CFR Part 104
29 CFR Part 1910.1030
Executive Law §296 (Human Rights Law)

Education Law §§4401; 4401-a
Education Law §§903; 913
8 NYCRR §§29.1(g); l35.3; 136.3; 200
10 NYCRR §63
An Implementation Package for HIV/AIDS Policy in New York State School Districts, NYS HIV/AIDS Prevention Education Program, June 17, 1998

Notes: Prior policy, Policy Manual, HIV/AIDS (August 20, 1987); Revised August 20, 1998; Amended June 29, 2023 pursuant to Resolution No. 2022-23: 918a (Formerly Students with HIV Related Illness)

ct

EVALUATION OF SCHOOL BOARD OPERATIONAL PROCEDURES

To improve Board operations, the Board of Education shall review the effectiveness of its internal operations at least once annually. The Superintendent of Schools and others who work regularly with the Board shall be asked to participate in this review and to suggest ways by which the Board can improve its functioning as a deliberative, fiscally responsible and efficient legislative body.

The Board shall set forth the standards by which it will evaluate itself, taking into account the following:

1. the District's needs and the Board's ability to meet such needs;

2. the District's goals for its instructional programs;

3. the Board's relationship with the Superintendent and District staff; and

4. the community's perception of Board members as educational leaders.

To ensure maximum improvement, the evaluation is to be carried out systematically in accordance with good planning, conscientious follow-through, and careful assessment of results. All decisions of the Board are to be supported by as much objective evidence as possible.

Notes: Policy added August 20, 1998; Amended October 20, 2022 pursuant to Resolution No. 2022-23: 206

ct

EVALUATION OF SUPERINTENDENT

The Board of Education recognizes that student growth, District progress, and community satisfaction are all affected by the performance of the Superintendent. The Superintendent cannot function effectively without periodic feedback about their performance. Therefore, the Board recognizes its responsibility to evaluate the Superintendent, as a means of ensuring the highest quality leadership for the school system.

The evaluation tool is a joint process of establishing goals, performance standards, and the periodic review of the progress toward these goals. The evaluation of the Superintendent shall provide a continuing written record of performance to be used in making judgments concerning probationary service, contract terms, terminations, and other personnel actions.

The purpose of the evaluation shall be to enable the Superintendent to:

1. understand the scope of their duties and responsibilities;
2. establish long- and short-term goals;
3. place priorities on tasks which are most critical in the performance of their duties and responsibilities;
4. clarify relationships with those they direct and supervise, and with those who direct and supervise them;
5. improve their own day-to-day operational efficiency, enhance their self- image and increase their job satisfaction;
6. Recommended Wording: receive job performance reviews/updates from individuals that gives them advice, counsel and/or guidance;
7. receive commendation for their accomplishments; and
8. note areas that need improvement and identify ways for achieving improvement.

During each year of the Superintendent's appointment, the Board and the Superintendent will meet to discuss a plan of performance review and accountability for that school year, based on the needs of the schools. The final plan adopted, however, shall be at the sole discretion of the Board. Such evaluation shall occur periodically, but at least annually, pursuant to the regulations of the Commissioner of Education, and will be discussed only during an executive session. The most recent plan developed by the Board for the review of the Superintendent will be filed in the District Office, and will be available upon request for review by any individual no later than August 31st of each year.

Cross Ref: Duties of Superintendent (3120)

Ref: 8 NYCRR §100.2(o)(1)(6)

Note: Prior policies, Policy Manual, AFB and AFB-R, revised; Amended June 23, 2022 pursuant to Resolution 2021-22: 843

ct

SCHOOL IMPROVEMENT PLANS

The Board of Education directs the Superintendent of Schools to develop a comprehensive school improvement plan for those school buildings identified by the Commissioner of Education as most in need of assistance (if any), in accordance with the Commissioner's Regulations.

The school improvement plan must be developed in consultation with teachers, administrators, students, parents, and appropriate school service professionals, as well as with staff of the State Education Department (SED) or others assigned to assist the planning process. The plan must address the areas of deficiency and any changes in the school program required by the Commissioner.

The District Administration must submit a plan to the Board for approval in sufficient time to meet the SED deadline. The Board will comply with any additional requirements of SED that arise as it monitors the implementation of the plan.

Ref: 8 NYCRR §100.2(p)(6)

Notes: Policy added August 20, 1998; Amended November 17, 2022 pursuant to Resolution No. 2022-23: 265

ct

1000 Series: District

COMMUNITY RELATIONS GOALS

The Board of Education strives to conduct affairs by way of a continuing, open dialogue between the community and the schools. Given District residents' high level of interest in the education of children, the Board wishes to maintain its high level of sensitivity to the needs and desires of the community and to act expeditiously to meet changing needs and conditions.

It is the responsibility of the Board to represent and influence the community within which educational programs are delivered so as to reinforce the need for a quality educational program as part of a healthy community. Every member of the Board shall serve as an advocate for children, who are the primary reason why schools exist and whose educational needs must be identified and met.

The Board believes that it is the responsibility of the entire community to provide the means, conditions, environment, interest, and support necessary for excellence in the total educational program. It is imperative that there exist relations among all racial, religious, and economic groups leading to a more cooperative atmosphere in our schools.

It is also imperative that the community be involved in every facet of the District. Citizens should be actively involved in the development, implementation and evaluation of District programs and services.

The Board establishes the following goals for building a strong community:

1. To view residents as community assets by empowering them to realize and use their abilities to build and transform our District and community by:
    a. ascertaining the community's opinions and desires with respect to the operations of the school system, and to incorporate that knowledge into its actions; developing arrangements among civic and community organizations for sharing of resources, especially in the creation of programs designed to benefit students;
    b. providing every possible means whereby all residents of the school District may have the opportunity to contribute their best thinking to the orderly planning of education for children in the District; and
    c. understanding community attitudes and aspirations for the schools.

2. To keep the community accurately informed about its schools and to expand the community by:
    a. understanding every aspect of the school system, and stimulating community interest in the school;
    b. facilitating dissemination of information to the community concerning issues and activities in the school; and
    c. developing and maintaining the most effective means of communication possible with the people of the District.

3. To encourage contributions from the parent-teacher associations of the District so that school personnel and parents cooperate to advance the educational welfare of the children.

4. To promote a spirit of cooperation among the Board, the schools, and the community.

5. To develop and maintain the confidence of the community, the Board and the school District staff.

All complaints from the community will be handled by the administrative officer in charge of the unit of the school District organization closest to the complainant. However, such complaints may be carried to the Superintendent of Schools and/or the Board if the problem cannot be solved at that level.

Notwithstanding the above, the final decisions in these areas will rest with the Board.

Notes: Prior policy, Policy Manual, AD/AE, Revised August 20, 1998; Amended September 22, 2022 pursuant to Resolution No. 2022-23: 143

ct

PUBLIC INFORMATION PROGRAM

It is the responsibility of the District to provide for a two-way flow of information and interaction between the District and all groups interested in and affected by its programs. Such exchanges make the Board and the staff more effective in helping citizens to understand the power and influence of education, to receive the kind of information desired, and to give the District suggestions and criticisms relating to the improvement of the schools.

The Board shall maintain a continuing public information program, in order to promote widespread understanding of the school program, and to gain the support and participation of the community in the school system. In addition to encouraging members of the community to attend and participate in public Board meetings, the Superintendent of Schools shall develop a program to disseminate information about Board policies, procedures, actions and District educational programs to the public.

It is the responsibility of every employee to promote good community relations for the schools and for the educational betterment of students.

The Superintendent shall coordinate the activities of District administrators to ensure their direct involvement in the public information program. Each school, through its faculty and staff, shall participate not only in the dissemination of information to the public, but also in the planning of events and social programs aimed at getting the community involved in school District activities.

Parents and citizens wishing to obtain information should request it first through a Building Principal or other school administrator, then through the Superintendent, and finally through the Board.

Cross-ref: Parent and Family Engagement Policy (1900)

Notes: Prior policy, Policy Manual, KB; Revised August 20, 1998; Amended September 22, 2022 pursuant to Resolution No. 2022-23: 143; Amended November 30, 2023 pursuant to Resolution No. 2023-24: 467

ct

SCHOOL DISTRICT RECORDS POLICY

The Board of Education hereby establishes its policy regarding records in its custody and control in the following four areas:

1. Retention and disposition of records;
2. Public disclosure of records pursuant to the Freedom of Information Law (FOIL);
3. Privacy accorded to student records under the Federal Educational Rights and Privacy Act (FERPA); and
4. Access to and disclosure of employees' personnel files.

1. Retention and Disposition of Records

The Board hereby adopts the most recent records retention and disposition schedule promulgated by the Commissioner of Education, setting forth the minimum length of time school district records must be retained. (See 8 NYCRR Part 185, "Records of Public Corporations" for the most recent record retention schedule). District records are to be matched to the record retention schedule based on record descriptions, content and function, rather than by specific name or title.

If a record is not listed in the most recent record retention schedule, District staff should contact the NYS State Archives for guidance.

The record retention schedule pertains to the information contained in the record, regardless of the physical form or characteristic (e.g., paper, electronic, computer CD, or other medium).

The Superintendent shall as necessary to ensure adherence to this policy promulgate regulations governing the retention, as well as proper disposal or disposition of records after they are no longer required to be retained. A record shall be maintained of the type, date, and quantity of records disposed.

2. Public Disclosure of Records Pursuant to FOIL

The Board hereby designates the Chief Communications Officer as Records Access Officer under the Freedom of Information Law. The Superintendent may delegate his duties and responsibilities as Appeals Officer to Counsel for the District.

The Board hereby establishes business hours from 8:30 AM to 4:30 PM as the time records are available, and the office of the Chief Communications Officer in Central Office, as the place where records are available.

The Board hereby establishes as a fee for copies of records (i) twenty-five cents per copy no larger than nine inches by fourteen inches, or (ii) the actual cost of reproducing any other record.

3. Privacy Accorded to Student Records Under FERPA

The Board hereby adopts as Policy the provisions of FERPA and directs the Superintendent of Schools to promulgate appropriate regulations thereunder.

4. Access to and Disclosure of Employees' Personnel Files

The Board hereby establishes the following policy with respect to personnel records:

a. The personnel file of an employee shall mean that file containing formal employment information (i.e., job applications, references, resumes, memoranda of interviews, records of salary increases and promotions, formal evaluations, records of discipline, medical records, records of separation, and similar records).

b. Personnel files shall be maintained in the offices of the Chief of Human Capital

c. Initiatives.

d. Personnel files shall be considered confidential, and access to them shall be limited to the Chief of Human Capital Initiatives and his or her staff; Counsel for the District; and senior management staff and principals to the extent they need access to the files of employees in their line of supervision.

e. Employees may review and copy the contents of their own personnel files between 8:30 AM and 4:00 PM on business days, in the presence of a member of the staff of the Chief of Human Capital Initiatives.

The contents of personnel files may be disclosed publicly only to the extent authorized as required by the Freedom of Information Law, or other federal or state statutes, or pursuant to lawful subpoena. All disclosures of employee personal identifying information shall be made in accordance with New York State Labor Law §203-d.

Cross-ref: School District Records Regulation (1120-R)
Student Records and Privacy (5500)

Ref: Public Officers Law §84 et seq.
Education Law §2116
Arts and Cultural Affairs Law §57.11
Local Government Records Law, Article 57-A
8 NYCRR Part 185
New York State Labor Law §203-d
State Technology Law §208
Americans with Disabilities Act, 42 USC §12101, et seq.

Notes: Added August 20, 1998; Amended May 26, 2011 pursuant to Resolution No. 2010-11: 837; Amended July 26, 2018 pursuant to Resolution No. 2018-19: 79; Amended September 22, 2022 pursuant to Resolution No. 2022-23: 143

ct

MEDIA RELATIONS

The Board of Education believes that it is in the interest of both the education community and the public at large to provide helpful and timely communications of newsworthy information and events about the District through the news media.

The Board invites and welcomes the active participation of all forms of mass media in promoting the cause of good education within the District and elsewhere. The Board encourages suggestions and advice from representatives of the media as to how best to facilitate the flow of information to them from the Board and others within the school system.

The Superintendent's office will serve as a clearinghouse for all District information, coordinating various media services and providing information to the news media. As a general rule, all representatives of the media will be given equal access to information about the District and its schools. News announcements of general interest will be distributed simultaneously. Individual requests for information will be addressed in an individual fashion, in accordance with the Freedom of Information Law.

Cross-ref: Media Relations Regulation (1130-R)

Ref: NYS Arts and Cultural Affairs Law §61.09

Notes: Adopted March 2, 1995; Amended August 20, 1998; Amended September 27, 2012 pursuant to Resolution No. 2012-13: 224; Amended September 22, 2022 pursuant to Resolution No. 2022-23: 143

ct

Public Engagement

The Rochester Board of Education and the Superintendent of Schools are committed to:

1. Listening to our diverse community of students, families, teachers, and others in the community;
2. Reporting the District's progress in the areas outlined in the District's current Strategic Plan;
3. Increasing the level and quality of family involvement District-wide by preparing and implementing a strategic plan for parent involvement;
4. Developing effective communications to help our stakeholders become informed and educated on District happenings; and
5. Developing and implementing a strategic communications plan to target both internal and external audiences.

The Rochester Board of Education and the Superintendent of Schools will engage our public in a number of different ways, such as, but not limited to the following:

1. Community conversations;
2. Focus group sessions;
3. Town meetings;
4. Communication materials highlighting the successes, progresses, and changes in schools;
5. Multimedia and video production;
6. Building and maintaining the support of business, community leaders and interested parties;
7. Special needs services (i.e. sign language interpreting); and
8. Bilingual and multilingual publications.

The Board of Education authorizes the Superintendent of Schools to develop, implement, and evaluate a strategic communications plan to forward the District's mission, goals, and academic performance benchmarks to improve student achievement.

Cross-ref: Community Schools (1200)
Parent and Family Engagement Policy (1900)
Interpreters for Hearing-Impaired Parents (1925)
District/Community Collaborative Presentations, Programs, and Services (4830.1)

Ref: Section 100.11, Commissioner of Education Regulations

Notes: New Policy, January 21, 1999 (Resolution No 98-99: 414); Amended October 19, 2023 pursuant to Resolution No. 2023-24: 415

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CONSTITUTIONALLY PROTECTED PRAYER IN SCHOOLS

1150.00: Introduction & Statement of Policy
.1 History
.2 Congressional Intent
.3 Board Policy

1150.10: Promulgation of Administrative Regulations
.11 Authorization
.12 Amendments & Revisions

1150.20: Scope of Administrative Regulations
.21 Topics of Federal Guidelines
.22 Resolving Incompatibility with Other Policies or Regulations

1150.30: Community Use & Disclaimer of Endorsement
.31 Community Use
.32 Neutrality & Use of Disclaimers

1150.40: Annual Certification of Compliance
.41 Authorization

1150.00: Introduction & Statement of Policy

.1 History: Consistent with the commitment of the Board of Education to values of Personal Freedom and Privacy, Respect for Others, and Diversity, it has long been the goal and objective of the Board of Education to foster knowledge of and respect for the great religious traditions of world civilization; and to maintain that delicate balance under which the District, as a governmental unit neither promotes nor denigrates the practice or the denial of religious beliefs of any student or other constituent of our educational community.

It has long been the policy of the Board of Education, consistent with First Amendment jurisprudence, that school officials would be neutral in their treatment of religion, showing neither hostility nor favoritism toward religious expression, including prayer; and would not sponsor religious activity. Thus, for example, Board Policy 1500 "Public Use of School Facilities" adopted in 1998 authorizes those uses of school buildings and grounds consistent with Education Law §414, providing, however that no such use would be deemed an endorsement of the activity or purpose. In 2001, the related Community Use Regulations [specifically Regulation 1500-R, §II (B)] were amended to reflect guidance of the US Supreme Court in the Good News case. Our regulations provide that where District facilities are available to youth organizations for meeting purposes, permits may be granted to youth groups with a religious viewpoint or emphasis on the same factors and priorities applied to other groups, and will not be denied based on the religious viewpoint or activities purely incidental to the youth program. The Board of Education has also reserved its discretion, in the exercise of civic responsibility, to allow temporary use of facilities, compatible with our educational mission and State law, in order to respond to natural disaster, fire or other similar emergency pending the ability of a religious organization to repair or relocate its facilities.

.2 Congressional Intent: Congress, in adopting Section 9524 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 has required every school district to annually certify to the United States Department of Education, as a condition of receiving federal

funds under ESEA, that it has no policy that prevents, or otherwise denies participation in constitutionally protected prayer in public schools, as defined by federal agency guidance.

On February 7, 2003, the first such federal guidance was approved jointly by the Office of General Counsel of the US Department of Education and the Office of Legal Counsel of the US Department of Justice, and published by the US Department of Education. The guidance is now published in the Federal Register.

.3 Board Policy: It is the policy of the Board of Education to be and to remain in full compliance with applicable federal and State law governing participation in constitutionally protected prayer in elementary and secondary schools. It is the intention of the Board of Education to comply with the federal guidance, as it may be revised from time to time; to direct the Superintendent of Schools to promulgate and to periodically revise administrative regulations to assure compliance in all District schools with the federal guidance; and to direct the Superintendent, or an appropriate designee, to annually certify compliance to the US Department of Education and/or the New York State Department of Education.

1150.10: Promulgation of Administrative Regulations

.11 Authorization: Consistent with the intent set forth above, the Superintendent of Schools is authorized and directed to promulgate maintain and enforce throughout the District administrative regulations which will meet the guidelines set forth in guidelines issued by the United States Department of Education and/or the New York State Department of Education governing participation in constitutionally protected prayer in the elementary and secondary schools of this District.

.12 Amendments & Revisions: If at any time the United States Department of Education and/or the New York State Department of Education revises or amends its guidelines; or if those guidelines are voided, suspended or modified by decision of a court of competent jurisdiction which decision in binding upon school districts in New York State, the Superintendent shall, at the earliest feasible time, review such amendments or decisions, and make such revisions to the administrative regulations as the Superintendent deems warranted to continue compliance with enforceable guidelines.

1150.20: Scope of Administrative Regulations

.21 Topics of Federal Guidelines: Based upon the February 7, 2003 Guidance of the U.S. Department of Education, it is the expectation of the Board of Education that the administrative regulations authorized under this policy shall include the following topics: prayer during noninstructional time; accommodation of prayer during instructional time; organized prayer groups and activities; conduct of teachers, administrators and other school employees, acting in official capacities relative to the encouragement, discouragement or participation in prayer or religious activities; moments of silence; religious expression and prayer in class assignments; student assemblies and extracurricular events; prayer at graduation; and baccalaureate ceremonies. It is the intention of the Board that in the event that federal or State guidance is amended to embrace additional topics, that such additional topics will be included in amendments to the Administrative Regulations.

.22 Resolving Incompatibility with Other Policies or Regulations: It is the policy and intent of the Board of Education that if any Policy or administrative regulation of this District, at any time, is in whole or in part inconsistent or incompatible with this policy or with the administrative regulations authorized herein, that such inconsistent or incompatible portion or such policy or regulation shall be deemed to be suspended pending review by the Board of Education; provided, however, that to the extent that the provisions or purposes of such policy or regulation are not incompatible, or can be enforced without reference to the incompatible portion, then such provisions and purposes shall be deemed to continue in full force and effect.

1150.30: Community Use & Disclaimer of Endorsement

.31 Community Use: Nothing is this Policy shall be deemed as a limitation upon the operation of Policy 1500, "Public Use of School Facilities" or upon the administrative regulations governing permits for community use of school facilities.

.32 Neutrality & Use of Disclaimers: In any circumstance in which a member or member of the District's constituencies is exercising a constitutionally protected right to pray, it is the policy of this Board that the District is and shall remain neutral—neither hostile nor endorsing — such activity. School officials are hereby authorized and directed to make appropriate neutral disclaimers to the effect that such speech is a protected right of the individual and not attributable to the District or its schools.

1150.40: Annual Certification of Compliance

.41 Authorization: The Superintendent of Schools, or an appropriate designee, is hereby authorized and directed to (a) make certifications of compliance with federal or State policy in such time and manner as required by Federal or by State law; and (b) to respond as appropriate to any inquires or enforcement efforts commenced by federal or state officials relating to the certification or guidance referenced herein.

Cross-ref: Public Use of School Facilities (1500)
Public Use of School Facilities Regulation (1500-R)

Ref: Education Law §414
No Child Left Behind Act of 2001, §9524; 20 USC § 7904
U.S. Department of Education, "Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools," 85 FR 3257 (January 21, 2020).

Notes: Adopted June 12, 2003 pursuant to Resolution No. 2002-03: 857; Amended July 29, 2013 pursuant to Resolution No. 2013-14: 74; Amended September 22, 2022 pursuant to Resolution No. 2022-23: 143

ct

COMMUNITY SCHOOLS

"A full-service community school is a public elementary or secondary school that uses established partnerships between schools, families, and community organizations to provide well-rounded educational opportunities and meet the social, emotional, physical, mental health, and academic needs of students."

Federal Department of Education Full-Service Community Schools FAQs, July 2021

Each community school reflects the local needs, assets, and priorities, no two looks exactly alike. What they do share, however, is a commitment to partnership and to rethinking, and at times rebuilding relationships based on a strong foundation of trust and respect. The Rochester Board of Education supports school climates that support relationships and the needs of the whole child and by extension, their families, whether or not a school is designated as a Community School.

Like every good school, community schools must be built on a foundation of powerful teaching that includes challenging academic content and supports students' mastery of 21st-century skills and competencies.

What makes community schools unique is the combination of four key pillars (or features) that together create the conditions necessary for students to thrive.

1. **Integrated Student Supports**
2. **Expanded and Enriched Learning Time and Opportunities**
3. **Active Family and Community Engagement**
4. **Collaborative Leadership and Practices**

COMMUNITY SCHOOL GUIDING PRINCIPLES

1. **Pursue Equity**
   Educational excellence and equity are inseparable. Community schools work actively to identify and confront policies, practices, and cultures that keep students of different backgrounds and races from achieving equitable outcomes. Community schools proactively and intentionally empower those typically disempowered by barriers to participation.

2. **Invest in a Whole-Child Approach to Education**
   Meaningful teaching and learning embrace but go beyond mastery of core academic subjects to include youth development principles; holding high expectations for children, youth, and adults; and developing their social-emotional, health, critical thinking, and problem-solving skills.

3. **Build on Community Strengths**
   Community schools utilize the assets of the entire community, including the gifts of people who live and work there, parents, families, residents, and community partners to create the optimal learning conditions for each student.

4. **Use Data and Community Wisdom to Guide Partnerships, Programs, and Progress**
   Reliable and community-specific data, coupled with the wisdom of youth, families, and residents, guides how educators and community partners work together to achieve measurable results.

5. **Commit to Interdependence and Shared Accountability**
   Student success requires explicit investment in collaborative planning and implementation between educators and community partners and across program areas and disciplines. Mutually

agreed-upon results and related indicators, as well as written agreements, enable educators and community partners to hold each other accountable.

6. **Invest in Building Trusting Relationships**
   Deep collaboration takes dedicated effort and time and becomes evident in the daily formal and informal social exchanges within a school community and between the school and the broader community. Trusting relationships fuel school transformation by helping to create a nurturing safe, respectful climate where caring adults, families, and students come to rely on each other as part of a shared approach to student success.

7. **Foster a Learning Organization**
   Improved student learning depends on a school community where educators and community partners work together toward continuous improvement. Time and support are available for individual and collective reflection and adjustment as well as shared learning and professional development, to facilitate responsiveness to student needs.

Cross-ref: District/Community Collaborative Presentations, Programs and Services (4830.1)
Capital Planning for Shared Building Use (7050)

Ref: Education Law §414

Notes: Prior policy, Policy Manual, Community Schools (November 19, 1987), Revised August 20, 1998; Amended August 24, 2023 pursuant to Resolution No. 2023-24: 234 (Formerly Community Involvement)

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RECOGNITION FOR ACCOMPLISHMENT

The Board of Education expects diligent effort from its own members, staff, student body and citizen school volunteers, and community partners and advisors in the achievement of school District goals and objectives. The Board is also mindful that there are, from time to time, individuals who make exceptional contributions to the District's schools.

The Board will grant official public recognition for these truly outstanding accomplishments on behalf of the school District by individual students, staff members, citizens, community partners and/or Board members.

Cross-ref: Recognition for Accomplishment Regulation (1205-R)

Notes: Prior policy August 20, 1998, Policy Manual, AGA, Revised; Amended September 22, 2022 pursuant to Resolution No. 2022-23: 143

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SCHOOL-BASED PLANNING

Context and Purpose

The Board of Education is committed to a program of reform based upon the beliefs that all children can learn, parents are an integral part of the learning process, and schools have the responsibility to educate students to standards of excellence that will prepare them for higher education, the workplace, and their roles as members of a culturally diverse society. The Board, pursuant to law, has authority over and responsibility for the general management, operation, control, maintenance, discipline, and related educational activities of the schools under its charge and is, therefore, accountable for the quality of the educational program afforded Rochester's children. Consistent with these responsibilities, the Board has undertaken a program of reform that involves four strategies to effect change in the school system and improve the performance of students:

1. encouraging schools to increase their productivity by providing school communities with greater authority and responsibility for decisions that affect student performance (school-based planning);

2. creating the best possible staff for the Rochester schools, as staff committed to urban education that is able to bring students to new standards of performance;

3. establishing goals, standards and measures for student achievement (outcomes); and

4. establishing a system of accountability that focuses the work of the District on preparing students for their roles as employees and citizens in the future.

In setting school-based planning as one of its strategies to achieve reform, the Board expresses its conviction that the design of the organization must respect the primacy of the school's role in initiating and implementing change that will improve the performance of students. Recognizing the school as the essential unit of District productivity and accountability, the Board will provide school staff with latitude and authority over decisions that affect student performance (i.e., selection and assignment of staff, appropriation of allocated resources, curriculum emphasis, design of instruction, placement and grouping of students, use of instructional time), based upon law, policy, contractual agreements, research, and sound educational practice. The type of improvement that the Board seeks is dependent on the energy, capability, and resourcefulness of teachers, administrators, support staff, and parents at individual sites, forming active and responsive communities that are committed to the quality of children's education and that occupy a powerful role in shaping school experience.

The Board intends school improvement to proceed in the context of the Board's mission and with an understanding of the purposes of education, expressed as the expectations that the Rochester community holds for District graduates. Greater latitude and authority will be transferred to schools as the District has more evidence that school efforts are directed to improved student performance and are accompanied by parents' and the community's satisfaction with the quality of education provided to children.

In setting forth this policy, it is understood that nothing herein shall alter, amend, supersede, or abrogate provisions of agreements collectively bargained pursuant to the Taylor Law by and between the Board and the unions representing District employees.

Organization

School-based planning is the organizational structure for improving school productivity. This structure provides for the formation of a planning team at each school, consisting of representatives of the full school

community who are primarily responsible for designing a multi-year school improvement plan. In addition, it allows for the formation of planning teams at sites other than schools and in programs within schools, by consensus of the primary constituencies.

The planning team, chaired by the Building Principal, will assess student performance and school effectiveness, set improvement goals, and design instruction and other services in the context of those goals. The team's work will proceed by consensus - decisions that will be made through constituency consensus - and will provide for the participation of all constituencies who share an interest in the productivity of the school:

1. teachers;
2. administrators;
3. support staff;
4. parents; and
5. students (in grades 7 – 12).

In the event that a team is elected that is not representative of the school's grade levels and program offerings, the team shall have the responsibility to take affirmative action steps immediately to correct under-representation. Such steps may include, but shall not be limited to, adding members to the team by consensus, designating seats for representatives of certain groups, and seeking assistance from the Executive School-Based Planning (ESBPT) Steering Committee, Human Resources, the Office of Parent Engagement (OPE), community groups, and others. Proper representation of all constituency groups will be monitored by the Office of Parent Engagement, and the Executive SBPT Steering Committee.

Because the planning team serves as the school's unit of shared governance and accountability, each school will have a fully constituted team functioning throughout the year. Members who are elected shall be encouraged to make a minimum commitment to serve for one year.

Authority and Responsibility

The school planning team is more than advisory in nature. It is a deliberative, decision-making body. The following premises define the parameters within which the planning team functions:

1. The planning team is charged with the work of school improvement, empowered to make decisions and shape programs that will strengthen the education provided to students and lead to the highest standards of achievement. The team's work shall be guided by research on school effectiveness and characterized by innovation, restructuring of conventional approaches, and the most effective practice. This work will be characterized by a commitment to action, assessment, and adjustment, realized through intentional collaboration, and fueled with a relentless focus on evidence.

2. Each school or team with a school (i.e., house, cluster, school-within-a-school) shall negotiate with the District an agreement on baseline data, improvement goals, and improvement strategies, as well as on the additional resources, support and conditions that may be indicated. The negotiated agreement for school improvement shall be done annually, via the completion of the School Comprehensive Education Plan (SCEP) as required by the New York State Department of Education (NYSED) for schools identified as in need of Comprehensive Support and Improvement (CSI) and Targeted Support and Improvement (TSI), or School Improvement Plan (SIP) for schools designated for Local Support and Improvement (LSI), binding all parties, and submitted by NYSED's required deadline. The plan will include a commitment to make annual progress reports to the school community.

3. Instructional leadership shall emanate from the team as a whole and from its work. While leadership can emanate from anyone on the team, the Principal shall retain both the authority and the responsibility for creating an environment that supports instruction.

4. Each member of the team shall serve as an equal partner in the team's deliberations, decisions, and activities. Each member shall approach the work of school improvement with a sense of ownership for all students, and a commitment to all students' success.

5. Once an individual agrees to be elected to the planning team, it shall be their responsibility to carry out the work of school improvement by participating fully in the team's discussions, deliberations, and activities. Participation in the work of the team is a manifestation of commitment to the welfare of students.

6. The planning team is empowered to act on behalf of the school when its decisions and actions are consistent with Board policy, legal mandates, and contractual language (unless waivers are granted), and are supported by a majority of each constituency represented on the team (constituency consensus). Although the authority of the planning team emanates from the collective action of its members, the team as a whole shall have the responsibility to consider and involve individuals and constituencies who will be affected by its decisions, whether or not those individuals are formally represented on the team.

7. Since the Board, in setting policy and entering into contractual agreements, has delegated certain authority and responsibilities to planning teams, each team must establish, by consensus, specific procedures to resolve any impasses that would prevent it from carrying out its charge and responsibilities. Impasse procedures must be filed with the Office of the Superintendent. They will be reviewed by the Executive School-Based Planning Team Steering Committee. School-Based Planning Teams shall review their impasse procedures annually, not only to inform newly elected team members, but also to determine if any changes are needed.

8. In developing its strategies for improvement, the team shall be accountable for equity in the internal distribution of resources; adopting school policies that reflect professional knowledge; establishing means by which staff can continually gain more knowledge; identifying learner-centered problems and adult problems of practice, and utilization of problem-solving processes that continually assess and modify its own practices; and responding to the concerns and ideas of parents, students, and staff.[1]

9. Recognizing that the empowerment of the team is highly dependent on the stability, knowledge, and interactive skills of its members, individual schools have the responsibility for providing orientation and ongoing training of members, developing procedures that minimize excessive turnover in membership, and providing all members, particularly parents and students, with District support, and access to information they need to make informed decisions and participate as equal partners. The Office of Parent Engagement provides support to the SBPT's at the school level, as well as District support through the Executive SBPT Steering Committee. (i.e. Annual Training of SBPTs, quarterly best practice roundtables.)

10. As a measure of accountability, all planning team meetings shall be open to members of the school community (except when confidential matters such as personnel are discussed) and members shall be responsible for seeking input from and reporting back to the constituencies that they represent on a regular basis.

[1] Language in this section are educational terms of art.

11. As a microcosm of the school community and as its primary representative body, the school planning team has the responsibility to model and incorporate into its decisions and operation the spirit of reform and values as articulated in Board policy (e.g., Equal Employment Opportunity, Values Policy, Parent Involvement Policy) and represented in other strategic initiatives (e.g., Performance Appraisal Redesign for Teachers; Goals, Outcomes, Measures, and Standards; decentralization; creating and developing the highest caliber staff; shared accountability; fostering of innovation).

Parent Representation

The Board's policy on school-based planning recognizes the essential role that parents play as leaders and partners in our schools and in shared decision-making at each site.

The District recognizes and adopts the state definition of "parent" as defined in section 100.11 of the Regulations of the Commissioner of Education in the document entitled "Information Regarding the Commissioner's Regulation Concerning School-Based Planning and Shared Decision-Making." This section clearly notes that a "parent may not be an employee of the District or any bargaining unit."

The following premises will guide the role of parents in school-based planning:

1. Parents are involved in all aspects of the decision-making process as equal partners of the school-based planning team.

2. Parents are elected to the planning team by parent constituent groups in their schools; in cases where there is no organized parent group in a school, the school administration shall work with the District Parent Leadership Advisory Council and the Office of Parent Engagement to assist the school by establishing a parent-driven process to elect school parent representatives.

3. Parent representatives shall be responsible for communicating with their constituents and for representing parent opinions on the planning team.

4. Parents will work with school leadership to ensure that sufficient support is given to facilitate parent-to-parent communication regarding matters discussed and agreed to by the planning team.

Focus of Planning

The essential role and responsibility of the school planning team is to decide how to educate the school's students. The team must accept responsibility to lead and influence others in the school community in a way that creates ownership, collaboration and support for the school's mission, visions and goals. Team actions should unite the team in its efforts to improve student achievement.

The school improvement plan shall provide the strategic, long-range direction for schools, consistent with the District's Mission, Vision and Goals. These plans are reviewed by the School Chiefs, to ensure goals are based on data and needs assessments.

Each school will develop a school plan that includes the following:

1. A statement of the school vision that provides an inspiring image of what the school wants to be in the future.

2. Needs/Assessment that includes an analysis of the current state of the school relative to where it wants to go. The analysis will use data to drive school improvement. Examples of data to be used include growth scores, grade point average (GPA), promotion rates, graduation rates, formative and summative assessments, student interviews, school climate surveys, and suspensions.

3. School Improvement Goals in the following areas:

    a. Academic Performance

        i. Academic Achievement: Goals related to improving student performance and outcomes in core subjects like mathematics, science, language arts, and social studies. This may include raising test scores, increasing graduation rates, reducing achievement gaps, and promoting higher levels of student engagement.

        ii. Curriculum and Instruction: Goals focused on enhancing the curriculum, instructional strategies, and learning experiences provided to students. This may involve incorporating innovative teaching methods, integrating technology effectively, aligning curriculum with academic standards, and promoting active and student-centered learning approaches.

        iii. Professional Development: Goals aimed at enhancing the skills and knowledge of teachers and staff through targeted professional development opportunities. This may involve providing training on new instructional strategies, assessment techniques, classroom management approaches, and the integration of technology.

        iv. Parent and Community Engagement: Goals related to strengthening partnerships between the school, parents, and the wider community. This may include initiatives to increase parental involvement, establish effective communication channels, engage community organizations, and involve families in decision-making processes.

        v. Student Support Services: Goals focused on providing comprehensive support services to address the diverse needs of students. This could involve improving access to counseling, mental health support, special education services, and creating systems to identify and assist struggling students.

        vi. School Climate and Culture: Goals centered around creating a positive and inclusive school environment that supports student well-being, engagement, and social-emotional development. This could include initiatives to prevent bullying, improve discipline practices, enhance student-teacher relationships, and foster a sense of belonging and respect among all stakeholders.

        vii. School Leadership and Governance: Goals centered around improving the effectiveness of school leadership and governance structures. This may include developing shared leadership models, promoting collaboration among administrators and teachers, and establishing transparent decision-making processes.

        viii. Facilities and Resources: Goals related to ensuring that the physical infrastructure and learning resources of the school support student success. This may involve upgrading facilities, acquiring modern instructional materials, enhancing

technology infrastructure, and optimizing the use of resources within budgetary constraints.

4. Measures of student and school performance including, but not limited to, District specified performance measures.

5. Improvement strategies to achieve progress toward goals and performance measures.

6. Annual improvement targets consistent with agreed upon accountability measures.

7. Person(s) responsible for leadership and timeframes for implementation.

The focus of the team's work will be directed toward instruction, and ensuring that the curriculum supports the New York State Next Generation English Language Arts and Mathematics Learning Standards for students learning rather than routine school operations. The team is charged to initiate change in the ethos and structure of the school, to invigorate the school, and ensure its highest productivity.

Accountability

Our system of accountability is shared accountability in which expectations and standards are clearly defined; assessments are credible, measure true progress and provide information to improve practice; triggers of support, assistance and intervention are defined; and incentives to improve practice exist for individual educators (teachers, administrators, support staff), groups of educators (schools, school-within-schools, primary unit, intermediate unit, houses, etc.) and others (parents, community, human service agencies, governmental institutions and businesses).

Further, the District and collective bargaining units recognize that schools or groups of educators within schools (schools-within-schools, primary unit or intermediate unit) are the essential unit of accountability and that student achievement is the essential indicator of progress.

Our commitment is to establish an accountability plan based on four key principles:

1. Student outcomes are the primary indicator of progress. Student growth and ability to meet learning standards will serve as the fundamental measure of school or school unit accountability.

2. Annual assessment of progress, including public reporting by each school or school unit, will occur, at a School Community meeting by Dec. 1. (i.e., 1st SBPT Meeting of the year)

3. Evidence of how school results have led to changes in the school's improvement plan must be reported annually.

4. Incentives (when available), including resources to support effective practice and promising directions will be tied to school or school unit progress.

STUDENT OUTCOMES AND ANNUAL ASSESSMENT OF PROGRESS

The annual progress reporting on all aspects of school performance shall include, but not be limited to, the following achievement measures and measures of school quality:

1. Measures in language arts and math (primary and intermediate levels) to be combined, including developmental stages in reading and math.

2. Percent of students expected to perform at the next grade level without additional support.

3. Progress/Growth of cohort groups over a 2-3 year period: primary, K-2/3; intermediate, 4-6; middle, 6-8; and high school, 9-12.

4. Feedback from receiving school.

5. Percent of students who take and, where applicable, pass District, Regents, and national exams, including but not limited to SAT/ACT and other authentic measures of student performance, i.e., New York State proposed Unitary Regents Examination.

6. Portfolios with evidence of strong accomplishments in writing.

In addition to student achievement measures, the Board recognizes the importance of indicators of school quality that must be included in an assessment of progress. Such school quality indicators will include but not be limited to:

1. Parent involvement, including evidence of direct parent impact on the educational process and evidence of staff connection/outreach to the parent/home. A School Climate Survey will be conducted to receive parent feedback by the Office of School Innovation semi-annually.

2. Customer satisfaction, including evidence of satisfaction with the quality of the educational experience, school environment and school/staff levels of responsiveness. The Office of Parent Engagement conducts a required Biennial SBPT Assessment, as required by NYS, where this information is captured.

LINKING RESULTS TO THE SCHOOL IMPROVEMENT PLAN

The annual public report by each school or school unit will describe how the school's results have led to changes in the school's improvement plan.

INCENTIVES LINKED TO SCHOOL OR SCHOOL UNIT PROGRESS

Schools or schools-within-schools demonstrating progress will receive greater autonomy, flexibility, recognition and discretion in the use of resources.

For Teachers:

If incentives are available, they shall be linked to student progress on agreed-upon achievement measures and other school quality indicators.

For Administrators:

A proportionate (per unit Member) amount of the funds (total amount not to exceed $85,000) will be made available to the Building Principal, Program Principal, Teaching Principal, or other structure, as outlined in the Association of Supervisors and Administration of Rochester (ASAR) collective bargaining agreement and as allowed per applicable regulations.

The District will work with the various stakeholder groups to address the concerns and issues identified in the most recent Needs Assessment by providing diverse supports and resources to the particular school.

Policy Monitoring and Evaluation

The Superintendent has the responsibility to review the effectiveness of this policy with the Board of Education. This policy will be reviewed every three years in the spring beginning in the 2024-25 school year through the Board of Education's Policy Development and Review Committee ("Policy Committee"). The Superintendent shall report recommendations to amend or rescind this policy to the Policy Committee no later than February 28th of the year the policy will be reviewed. The Executive School-Based Planning Team shall function as a decision-making body empowered to make adjustments, changes and modifications in school-based planning practice, procedure, and regulation consistent with this policy and contractual agreements. The team's work shall proceed by constituency consensus. As such adjustments, changes and modifications are made, they shall be put in writing and communicated to school-based planning teams.

School Improvement plans will be submitted to the New York State Education Department as required.

Ref: 8 NYCRR Part 100

Notes: Prior policy, Policy Manual, School-Based Planning (June 1, 1995), revised a*d. Amended April 24, 2014 pursuant to Resolution No. 2013-14: 623; Amended October 19, 2023 pursuant to Resolution No. 2023-24: 415 (Previously policy 2265)

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BOOSTER ORGANIZATIONS

The purpose of this policy is to set guidelines for the interaction between booster clubs and the Rochester City School District.

The Board of Education recognizes that extracurricular support groups, or "booster" organizations, provide important support to District schools and stimulate community interest in the aims and activities of our schools. Booster organizations may be defined in two ways:

1. An organization which is created to foster community support and raise funds for a specific extracurricular activity (e.g., athletics, speech and debate, and musical groups); or

2. An organization which is created to foster community support and raise funds for a school's general extracurricular program.

Parents and other interested members of the community who wish to organize a booster club for the purpose of supporting a specific school program are encouraged to do so, as long as the activities of such organization do not interfere unduly with the total educational program or disrupt District operations in any way. To this end, booster organizations must follow these guidelines:

1. Membership in the organization must be voluntary;

2. Submit an activity schedule in advance to the Superintendent of Schools or designee for prior approval. Any time the booster club uses the name of the District, or any language suggesting that the District has endorsed, sponsored or otherwise approved of the club's activities, there must be prior approval by the Superintendent.;

3. Seek advance approval for any use of school facilities and/or equipment, following the policy and procedures outlined in Policy 1500 (Public Use of School Facilities) and its accompanying regulation;

4. Avoid interference with the decision-making of any student group;

5. Understand and respect the authority of District employees in the administration of their duties; and

6. Assume all financial responsibility for their organization, including but not limited to the provision of adequate insurance coverage, as appropriate.

If a booster organization wishes to contribute money, service time, or tangible property to the District, the contribution shall be made in accordance with the procedures set forth in Gifts From the Public Regulation (1810-R).

Booster-proposed plans, projects and other activities must be evaluated and promoted in light of their stated contribution to the academic and extra-curricular school programs. Careful consideration should be given to the total value of the contribution to all students, and not just specific student groups.

Accounting by Booster Clubs - Each booster club must have its own checking account and the bylaws for the club must require two signatures for any disbursement from the account. Booster club funds and accounts are not School District accounts and will not be included in the District's budgeting and accounting

for its annual audit purposes. Funds collected by a booster club are not to be deposited into the School District's student activity accounts. By June 30th of each year, each booster club shall provide a financial report to the Superintendent or designee itemizing funding revenues and expenditures over the past year.

The booster club shall not represent or imply that its activities, contracts, purchases, or financial commitments are made on behalf of or binding upon any school or the District itself. Such a statement shall appear on all purchase orders, contracts and other forms of financial commitment issued by the booster club.

Fundraising - All fundraising activities shall comply with the local, state and federal law. School employees, including athletic coaches, trainers or sponsors of school-sponsored student groups, shall not act as the primary organizers or spokespersons for any booster club fundraising event. Participation in fundraising activities by a booster club shall be a factor in a student's level of participation in any school activity of athletic program.

Title IX Compliance - The Board of Education discourages the formation or organization of booster clubs which sponsor, assist or support student activities or athletic programs which predominately serve student participants of a single sex. In order to assure that contributions or support by booster clubs do not create inequities or significant disparities in the program equipment and facilities made available to students participating in single sex sports, the booster club shall donate funds or tangible personal property contributed to the Rochester City School District's educational, extracurricular or athletic programs, by program or sport. Support provided to a single athletic program, regardless of source, must be included in the Rochester City School District's evaluation of its overall athletic program and the comparability of benefits made available to male versus female athletics.

Cross-ref: Code of Conduct (1400)
Public Use of School Facilities (1500)
Gifts from the Public (1810)
Gifts from the Public Regulation (1810-R)

Ref: Title IX of Civil Rights Act of 1964, 20 USC 1681-1688

Notes: Adopted May 26, 2016 pursuant to Resolution No. 2015-16: 766, Amended October 20, 2022 pursuant to Resolution No. 2022-23: 206

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VISITORS TO SCHOOLS

1. General Policy

To promote effective communication between the citizens of the community and the school system, the Board of Education encourages parents and other citizens to visit their schools periodically during the course of the school year. All visitors to school properties and events will abide by the Code of Conduct policy (1400).

The Board recognizes that many visits that occur are regularly scheduled events, e.g., parent-teacher, organization meetings, public gatherings, sporting events, etc. The Board also encourages supportive visits from parents, family members, and others to collaboratively enhance school communities. School staff will respond promptly to parent requests to establish mutually agreeable visiting plans. The Board views these visits as constructive; however, no such visit shall be permitted to interfere with the educational process. If there are no emergencies, making prior appointments is encouraged.

School-based and District family engagement staff should be consulted when necessary for assistance in optimizing school/classroom observation and participation by family members. Family engagement staff shall be consulted in any visiting encounter that an educator or family member believes may interfere with the educational process.

Each school is to notify parents, guardians, and authorized educational support individuals of the procedures for arranging classroom visits. D

Definitions

Parent

The federal definition refers to a natural parent, legal guardian or other person standing in *loco parentis* (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare). Courts that identify a custodial parent are recognized through legal documentation.

General Requirements for Visiting Schools

Anyone who is not a student or District staff member or officer shall be considered a visitor and shall enter through the designated single-entry point for the school. All visitors must report immediately to the school office or security desk, sign into the school and obtain a visitor's pass. Photo identification or District identification and signing of the visitors' register is required in order to obtain a visitor's pass. The visitor's pass or District identification must be worn at all times while in the school or on school grounds.

Visitors attending school functions that are after school hours and open to the public are not required to register in the school office, but may be asked to sign in for the event.

School Visits from Parents and Authorized Individuals Providing Educational Support

Parents or guardians may designate in writing an individual to serve as a provider of educational support for their children. Such educational support providers should generally receive similar access,

cooperation, and family engagement support regarding school visits as formal parents or guardians receive.

Parents and other authorized persons should also go directly to the school office when coming to pick up their children during the school day. The school office must be notified in advance as much as possible if a student needs to leave school early. Parents and other authorized persons must show their personal identification, and sign their children out of the school before removing their children from their educational setting.

All Other Visitors to Schools

Anyone who is not a parent, guardian, authorized educational support person, student, District staff member or officer may only visit a school building with the permission of an appropriate administrative staff member.

Student visitors from other schools shall not be given permission to enter school buildings, unless they have a specific reason to do so and prior approval from the building administrator.

Unauthorized Persons on School Property

Any unauthorized person (including individuals that are barred) on school property will be reported to the Principal or their designee, and will be asked to leave. An unauthorized person's refusal to leave District property when requested may result in the police being contacted to intervene. Custodial parents that may be unauthorized must gain consent from the building administrator and/or designee of the Superintendent of Schools.

2. Searches of Persons and Parcels Entering District Property

The safety of our students, staff, visitors, and property is a matter of critical importance. As with courthouses, airports, monuments and other government facilities, there is special concern in modern times about the risks of violence and of drug activities, which are all the more acute in facilities used by children.

All persons entering any District property, therefore, are subject to search of their person and parcels to the fullest extent authorized by federal or state law for persons entering other public buildings and facilities. Any person entering any District property is deemed to have consented to such search of person and parcels. No person refusing such search shall be permitted to remain on District property. The search can be completed by a school administrator or safety and security officer of the Rochester City School District.

3. Recruiters

All recruiters shall be treated uniformly in the conduct of on-campus student recruitment. Scheduling of recruiting visits will be arranged and announced through the school counseling office. When recruiting visit(s) by potential employers or educational providers who have asserted a legal right to restrict membership or employment (see Policy 1240.1) are arranged for a general school population of a District school, as in the case of a "career night" or similar group event, then in addition to space for such educational or employment recruiters, space for informational displays shall also be made available to recognized advocacy groups who apply for such space. For such events, to provide notice to such recognized advocacy groups, to students, and to parents and guardians, the school counseling

office will contact the District Communications Office so that a press release regarding the event can be issued.

No organization shall be permitted in any District building for the purpose of recruiting District students if such organization has a stated policy which discriminates against any person on the basis of race, color, religion, disability, sex, creed, political beliefs, age, economic status, marital status or sexual orientation, until such time as these discriminatory policies are discontinued; provided, however, that where by statute, judicial decision, or federal or state regulation an organization is legally permitted to restrict its hiring or membership practices, recruiting will be permitted subject to the provisions of Policy 1240.1. A list of organizations that apply to the District for access to recruit under Policy 1240.1 shall be maintained by the District and available through the Office of Communications and the Office of Legal Counsel.

Recruiters will be afforded the opportunity to conduct meetings during the school day with those students who are interested. All group meetings shall be scheduled through the school counseling office. Follow-up visits by recruiters in order to meet with individual students will be permitted only by the request of the individual student involved and with the authorization of the student's school counselor. Requests for follow-up individual meetings shall be scheduled through the individual student's school counselor. However, whenever a military recruiter schedules a visit to a school, the school scheduler (school counselor) is required to notify the District Communications Office, which is required to notify providers of alternative counseling.

Organizations and groups wishing to provide alternative information to students regarding individual recruiters will be provided an opportunity to do so at times and in places as determined by the school counseling office. The "Rights and Responsibilities of Secondary Students" handbook, adopted as policy by the Board, provides that students have the right to draft counseling.

"Directory information" such as names, address, and telephone numbers of students shall be available for release only in the manner and to the extent permitted by the Family Educational Rights and Privacy Act (FERPA), 20 USC § 1232g et seq. It is the policy of this District that parents (or students over the age of eighteen) may file an election to prevent the release of their students' directory information (i.e. "opting out"). Information regarding the election to "opt out" of releasing a student's directory information must be included in the student's record.

The process for "opting out" shall be included in the School Calendar each year, and shall also be available on the District web site. (Please refer to the policy, Recruiting by Organizations with Restrictive Membership or Employment Practices Authorized and Permitted by Law (1240.1), for further information about "opting out" of sharing student directory information).

Visits to school buildings are to be in accordance with the Board regulations posted in conspicuous places. A violation of the visitation policy shall be prosecuted pursuant to New York State law.

Cross-ref: Recruiting by Organizations with Restrictive Membership or Employment Practices Authorized and Permitted by Law (1240.1)
Code of Conduct (1400)

Ref: Education Law §§1708; 2801
Family Educational Rights and Privacy Act (FERPA), 20 USC §1232g et seq.

Notes: Prior policies, Policy Manual, Military Recruitment (December 5, 1991); revised August 20, 1998; October 17, 2002; July 17, 2003; revised May 22, 2014 pursuant to Resolution No. 2013-14: 649; Amended March 23, 2017 pursuant to Resolution No. 2016-17: 630; Amended December 20, 2018; Amended October 19, 2023 pursuant to Resolution No. 2023-24: 415

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RECRUITING BY ORGANIZATIONS WITH RESTRICTIVE MEMBERSHIP OR EMPLOYMENT PRACTICES AUTHORIZED AND PERMITTED BY LAW

This District's Values Policy embraces the goals of Justice, Equality, Respect for Others, and Diversity, but also embraces the goals of Legitimate Authority, Respect for the Rule of Law, and Personal Freedom and Privacy. The Board recognizes that its Values Policy coexists with accommodations made by statute, by federal or state regulation, and by judicial decisions which assert the right of certain organizations to limit or restrict their membership or hiring practices, including but not limited to churches and religious organizations, the armed forces of the United States, and youth groups listed in title 36 of the United States Code, such as the Boy Scouts of America. The values of tolerance and diversity by definition include tolerance of those whose values are not concurrent with one's own. The Board has determined that consistent with the District's values of Legitimate Authority and of Respect for the Rule of Law, students who may benefit from the educational, scholarship or employment opportunities of such organizations should not be denied or restricted in their access to such organizations where the restrictive practice(s) of the organizations have the sanction of federal or state law or regulation, even if such practice is not wholly consistent with all of competing values of the District.

The Board advances the following requirements:

Notice Regarding Access to High Schools

Upon receipt of written notice from recruiters of legal authority within the scope of this policy, the administration of each school shall make the restrictive information available to all interested persons, in a manner reasonably intended to give fair notice, at the time and place of any recruiting activity by the organization. This notice requirement to students may also be accomplished by written notification distributed to students by building school counselors, simultaneous with the provision of information about the covered organization(s). In the event that any principal has a question or concern about the notice, a statement of the concern and a copy of the written notice may be forwarded to the District's Department of Law.

Access to High School Student Directory Information

Unless parents/guardians, or students themselves, notify the District in writing that they do not consent to the release of student directory information, federal law requires the District to provide the names, addresses, and telephone numbers of high school students to military recruiters that request such information. Consequently, unless parents/guardians or students notify the District in writing that they do not consent to the release of directory information to military recruiters, the District shall disclose such information to military recruiters in response in such requests.

In an effort to recognize the express wishes of parents and students regarding access to student directory information, the Board of Education aspires to achieve 100% participation by parents/guardians and/or students through the implementation of the following measures.

In the first weeks of the fall semester, the District shall send a letter to parents/guardians of all 11th and 12th grade students and students over the age of 17 years, notifying them and their students of their right to deny disclosure of student directory information to any or all of the following groups: employers, colleges or universities, scholarship organizations, the military and other organizations or parties. The letter will include a series of boxes to be checked, one for each group, and a place for the signature of the parent/guardian and/or student. The disclosure letter should be returned to the District by October 1st of each school year, and the District shall be responsible for making the appropriate notations in the student's record to ensure information is only distributed in accordance with the parent/guardian's or

student's wishes. The District shall also communicate with the parents/guardians of all affected high school students by an alternate, public medium in order to advise them of their rights under law and this policy.

Furthermore, on or about the date that the letters are sent to parents/guardians, the principal of each high school shall ensure that all affected students are notified that their parents will be receiving letters advising them of their rights to deny disclosure of student directory information. The students shall be advised that similar forms will be provided to them at school in the forthcoming days permitting them to deny disclosure of their student directory information to the military and other groups. No sooner than seven days after the students are advised of their rights under this policy, the principal of each high school shall ensure the distribution, explanation, completion and return of directory information forms in the appropriate classes during the first weeks of the fall semester. Each principal shall ensure that the directory information forms are completed and returned on the same day that they are distributed. For students absent on the date that the forms are distributed, the forms shall be made available to students, completed and returned in the days following the students return to school.

In order to allow sufficient time to process requests, the School District shall withhold all student information until October 15th. If either the student or parent/guardian denies access to student directory information to employers, colleges, scholarship organizations, the military or other organizations or parties, the School District shall not disclose such information to the group identified. Parents and/or students need not resubmit their completed forms each school year. However, parents and/or students may elect to submit new directory forms each year at their discretion.

This policy does not prohibit the dissemination of information to students by school counselors about any organization within the scope of this regulation, or information about how to contact such organizations about career or educational opportunities.

Cross-ref: Visitors to the Schools (1240)

Ref: Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints v. Amos, 483 U.S. 327, 97 L.Ed.2d 273, 107 S.Ct. 2862 (1987)
Boy Scouts of America v. Dale, 530 U.S. 640, 147 L.Ed.2d 554, 120 S.Ct. 2446 (2000)
42 U.S.C. § 2000e-1 [Equal Employment Opportunities]
10 U.S.C. § 503(c)-(d) [Armed Forces Recruitment-Educational Institutions]
20 U.S.C. § 7905 ["Boy Scouts of America Equal Access Act", §9525 of the" Leave No Child Behind Act of 2001"]
20 U.S.C. § 7908 [Armed Forces Recruiter Access to Students and Student Recruiting Information, § 9528 of the "No Child Left Behind Act"]
U.S. Department of Defense Directive 1332.14

Notes: Prior policy, Policy Manual, "Military Recruitment" (December 5, 1991); Revised August 20, 1998; Amended October 17, 2002; Amended August 18, 2005 by Resolution 2005-06: 178; Amended July 23, 2009, by Resolution No. 2009-10: 91; Amended September 22, 2022 pursuant to Resolution No. 2022-23: 143

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SECURITY BREACH AND NOTIFICATION

The Board of Education is committed to protecting the private information of Rochester City School District students, staff, and residents in the District's possession. The District's information systems are protected by advanced next generation firewall protection, end-point security, and email scanning. However, the evolving nature of technology and the potential gain from compromising information systems prevents any system from being absolutely inviolable. Should the District's records be compromised or private information be acquired without authorization, the District shall comply with the Information Security Breach and Notification Act and this policy.

The Board of Education acknowledges the heightened concern regarding the rise in identity theft and the need for secure networks and prompt notification when security breaches occur. The Board adopts the National Institute for Standards and Technology Cybersecurity Framework Version 1.1 (NIST CSF) for data security and protection. The District's systems will at a minimum follow NIST CSF and adopt technologies, safeguards and practices which align with it. This will include an assessment of the District's current cybersecurity state, their target future cybersecurity state, opportunities for improvement, progress toward the target state, and communication about cyber security risk.

The District will designate a Data Protection Officer to be responsible for the implementation of the policies and procedures required in Education Law §2-d and its accompanying regulations, and to serve as the point of contact for data security.

Definitions

Personal Information: any information concerning a natural person which, because of name, number, symbol, mark or other identifier, can be used to identify that natural person.

Private Information: personal information, which is not encrypted, which includes one or more of the following:

1. social security number;

2. driver's license number or non-driver identification card number;

3. home address, telephone number, personal electronic email address, user identification numbers or passwords to personal electronic accounts; or

4. account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an employee's or a student's personal information, employment records, academic records, or financial account.

Under Title I of the Elementary and Secondary Education Act, the District is required to provide student directory information to recruiters from colleges, prospective employers, and the military services. Parents must notify the District if they do not want their child's directory information to be shared with recruiters. (See the Recruiting by Organizations with Restrictive Membership or Employment Practices Authorized and Permitted by Law policy (1240.1) for more information). Student directory information includes: a student's address, telephone number, date and place of birth, name of last school attended, dates of attendance, field of study, and participation in athletic and extracurricular activities.

"Private information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

The Board directs the Superintendent of Schools, in accordance with appropriate business and technology personnel to establish regulations which address:

1. the protections of "personally identifiable information" of student and teachers/principal under Education Law §2-d and Part 121 of the Commissioner of Education;

2. the protections of "private information" under State Technology Law §208 and the NY SHIELD Act; and

3. procedures to notify persons affected by breaches or unauthorized access of protected information.

Breach of the Security of the System: unauthorized acquisition of computerized data which compromises the security, confidentiality, or integrity of personal information. Good faith acquisition of personal information by an employee or agent of a state entity for the purposes of the agency is not a breach of the security of the system, provided that the private information is not used or subject to unauthorized disclosure.

The Superintendent shall establish regulations regarding the procedures to be used to:

1. identify any breaches of security that result in the release of private information;

2. ensure training is provided to District employees on an ongoing basis regarding information technology security awareness; and

3. inform the Chief of Communications Officer, who is responsible for notifying all individuals affected by the security breach.

Notification of Breach

The District's Chief of Communications Officer or designee shall notify affected persons of any breach of the security of its computer system(s) following discovery. Affected persons shall include all individuals whose private information was, or is reasonably believed to have been, acquired without valid authorization. The disclosure shall be made in the most expedient time possible, consistent with the legitimate needs of law enforcement or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

The District's Chief of Communications Officer shall provide all notice required by this policy and shall include contact information at the District in order to respond to questions regarding the breach and a description of the categories of information that were, or are reasonably believed to have been, acquired without authorization. The Chief of Communications Officer shall provide such notice directly to the affected persons by one of the following methods:

1. written notice;

2. electronic notice; or

3. telephone notification.

Notice must be provided in a manner reasonably expected to be received by the affected persons. The District must maintain a log of all persons notified under this policy.

The Chief of Communications Officer shall also provide notice of any breach, its timing, and the approximate number of affected persons to the New York State Attorney General, the New York State Consumer Protection Board, and the New York State Office of Cyber Security and Critical Infrastructure.

In the event that more than five thousand New York residents are to be notified at one time, the District shall also notify consumer reporting agencies as to the timing, content and distribution of the notices and approximate number of affected persons.

Third-Party Contractors: The District will ensure that contracts with third-party contractors reflect that confidentiality of any student and/or teacher or principal PII be maintained in accordance with federal and state law and the District's data security and privacy policy.

Each third-party contractor that will receive student data or teacher or principal data must:

1. adopt technologies, safeguards and practices that align with the NIST CSF;

2. comply with the District's data security and privacy policy and applicable laws impacting the District;

3. limit internal access to PII to only those employees or sub-contractors that need access to provide the contracted services;

4. not use the PII for any purpose not explicitly authorized in its contract;

5. not disclose any PII to any other party without the prior written consent of the parent or eligible student (i.e., students who are eighteen years old or older):

    a. except for authorized representatives of the third-party contractor to the extent they are carrying out the contract; or
    b. unless required by statute or court order and the third-party contractor provides notice of disclosure to the District, unless expressly prohibited.

6. maintain reasonable administrative, technical and physical safeguards to protect the security, confidentiality and integrity of PII in its custody;

7. use encryption to protect PII in its custody; and

8. not sell, use, or disclose PII for any marketing or commercial purpose, facilitate its use or disclosure by others for marketing or commercial purpose, or permit another party to do so. Third party contractors may release PII to subcontractors engaged to perform the contractor's obligations, but such subcontractors must abide by data protection obligations of state and federal law, and the contract with the District.

If the third-party contractor has a breach or unauthorized release of PII, it will promptly notify the District in the most expedient way possible without unreasonable delay but no more than seven calendar days after the breach's discovery.

Third-Party Contractors' Data Security and Privacy Plan: The District will ensure that contracts with all third-party contractors include the third-party contractor's data security and privacy plan. This plan must be accepted by the District.

At a minimum, each plan will:

1. outline how all state, federal, and local data security and privacy contract requirements over the life of the contract will be met, consistent with this policy;

2. specify the safeguards and practices it has in place to protect PII;

3. demonstrate that it complies with the requirements of Section 121.3(c) of this Part;

4. specify how those who have access to student and/or teacher or principal data receive or will receive training on the federal and state laws governing confidentiality of such data prior to receiving access;

5. specify if the third-party contractor will utilize sub-contractors and how it will manage those relationships and contracts to ensure personally identifiable information is protected;

6. specify how the third-party contractor will manage data security and privacy incidents that implicate personally identifiable information including specifying any plans to identify breaches and unauthorized disclosures, and to promptly notify the District;

7. describe if, how and when data will be returned to the District, transitioned to a successor contractor, at the District's direction, deleted or destroyed by the third-party contractor when the contract is terminated or expires.

Cross-ref: School District Records (1120)
Media Relations (1130)
Recruiting by Organizations with Restrictive Membership or Employment Practices Authorized and Permitted by Law (1240.1)
Internet Policy (4526)

Ref: State Technology Law §§201-208
Labor Law §203-d

Notes: Adopted June 22, 2011 pursuant to Resolution No. 2010-11: 906; Amended July 26, 2018 pursuant to Resolution No. 2018-19: 80; Amended October 20, 2022 pursuant to Resolution No. 2022-23: 206

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ROCHESTER CITY SCHOOL DISTRICT
CODE OF CONDUCT
Policy 1400

ACKNOWLEDGMENT

This Code of Conduct is the product of a collaborative effort by parents, students, teachers, District staff, and community members seeking to make classrooms and schools in the Rochester City School District safe, supportive, and joyful environments for teaching and learning.

This Code is intended to be a living document. We have begun with an initial goal of minimizing the push-out of students through suspensions and arrests, which are shown to contribute to what has been termed the "school-to-prison pipeline." Multiple layers contribute to a student's success and well-being, including engaging families as partners and assuring that District personnel and school-level staff have the supports and resources they need to implement the new Code. The focus of all of our collaborative efforts, including this Code and beyond, is a vibrant and supportive school climate across the District.

We will learn as we put this Code into action. We will push toward the aspirations within it, even as we strive to assure the supports needed are in place. We will make changes and develop sections that need further work based upon our learning, and we will assess our progress ongoing in order to achieve the goals of keeping students safe, in school, and flourishing.

The climate of a school—the degree to which people feel safe and valued, experience communication as open, honest and caring, and feel a sense of ownership and also responsibility for one another's well-being—has a profound effect on people's ability to take creative risks, learn, grow and nurture others.

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SCHOOL CULTURE AND CLIMATE

School culture and climate affect everyone in a school community. By creating supportive and welcoming communities, we ground the lives of every community member in the values we all care about, a quality education for all students and a supportive and positive school environment for students, parents, teachers, support staff and administrators. Such grounding for all creates a profound impact upon students, both in their academic progress and their relationships with peers and adults. It deeply enhances the quality of life and the work environment for all staff in the school building. It makes a school welcoming to families and our wider community. For schooling to be successful, each school must establish and maintain a positive school culture that supports all its members—students, families, and staff—as they work together to grow, both socially and academically.

Building positive school culture entails a great deal of active work by all members of a school community. Members must come together to determine the values by which they wish to live, ensuring in doing so that the voices of all are heard. They must explore with each other types of behaviors that they believe will support their shared values, as well as behaviors that they believe will undermine them. They must have--and take advantage of--frequent opportunities to reflect on behaviors they actually participate in or observe, and to consider how to use more supportive behaviors. They must engage in frequent dialogue with other community members regarding issues of community behavior, climate, and culture. Such matters need to be a major part of study and curriculum at the school, making social, moral and ethical growth a key component of education.

TO WHOM, WHEN AND WHERE THIS CODE APPLIES

Unless otherwise indicated, this Code applies to all students, District personnel, parents, visitors and other persons on school property or attending any school function, and applies to behavior:

1. In school during school hours;
2. Before and after school, while on school property;
3. While traveling in vehicles funded by RCSD;
4. At all school-sponsored events; and
5. Off school grounds or outside regular school hours that has the potential to result in a disruption to the educational process or endanger the health, safety or welfare of those in the school community.

PROMOTING POSITIVE STUDENT BEHAVIOR

The primary goal of student discipline is to engage and re-engage students in their educational work. Student discipline should encourage students to reflect on behavior that enables them to structure behavior productively and to support moral and ethical growth. Discipline should be governed by a desire for, and commitment to, a strong educational community based on deep and caring relationships and engagement in high-quality work.

Student Engagement

Student engagement is integral to creating a positive school culture and climate that fosters students' social/emotional growth and academic achievement. Providing students with multiple opportunities to participate in a wide range of pro-social activities, to take agency and leadership in setting the tone for their school, and to bond with caring, supportive adults can help prevent negative behaviors and create vibrant learning opportunities for all.

Examples can include:

1. providing students with meaningful opportunities to share ideas and concerns and to take an active role in school-wide initiatives and decision-making;
2. student leadership development that engages a wide variety of students with different interests,

personalities and cultural backgrounds (i.e., not just academically excelling, civically engaged or so-called "popular" students) who put their creativity, talents, and peer influence into action to help set the tone of a vibrant school climate;
3. regular recognition of students' achievements in a range of academic and co-curricular areas;
4. practice sharing constructive feedback;
5. school-wide systems that promote hope, aspirations, and positive, pro-social behavior.

Such opportunities, coupled with a comprehensive guidance program of prevention and intervention, provide students with the experiences, strategies, skills, and supports they need to thrive.

GUIDING PRINCIPLES

Right to High-Quality Education

All students have a right to a high-quality education. As such, school disciplinary measures should be used to help them engage in and realize that right, not to exclude students from school or otherwise deprive them of such an education. The District will reserve suspensions solely for those cases in which graduated disciplinary efforts have been employed without success, or circumstances in which the safety of students or staff or the continuance of the educational process is at risk.

General Principles

School discipline policies shall be aimed at creating a positive school climate, supporting the social and emotional development of students, and teaching non-violence and respect for all members of the school community. By viewing social development as a critical aspect of discipline, RCSD schools shall anticipate and respond to school disciplinary matters in a manner that is consistent with students' sense of dignity and self-worth.

The purpose of discipline must be to understand and address the causes of behavior, resolve conflicts, repair the harm done, restore relationships and reintegrate students into the school community. In addition, particular attention and intervention support shall be provided to vulnerable families and youth at risk of being pushed out. School staff must be supported both to develop these skills and to practice them in conjunction with students, families and their own colleagues. In order for this effort to be successful, students and their families must be valued and empowered to work together with District staff in all matters, not just those pertaining to the Code of Conduct, in order to achieve these goals.

RCSD schools shall abide by the following general principles for the implementation of school discipline:

PRINCIPLE #1 – CREATING A POSITIVE SCHOOL ENVIRONMENT	
1.1: POSITIVE RELATIONSHIPS	School safety and academic success are formed and strengthened when all school staff and personnel build positive relationships with students and are actively engaged in their lives and learning.
1.2: FAIRNESS AND CONSISTENCY	School staff will promote high standards of behavior by teaching, modeling, and monitoring behavior, and by fairly and consistently promoting positive behavior.
1.3: ENGAGING INSTRUCTION AND EFFECTIVE CLASSROOM MANAGEMENT	Effective and engaging instruction and classroom management are the foundation of effective discipline.
1.4: STUDENT SUPPORTS	Schools must utilize guidance interventions and other appropriate support services to provide effective discipline and guidance to students, including and especially those returning from exclusionary discipline, to maximize their ability to meet social and academic standards within the school community.
1.5: NON-DISCRIMINATION	School discipline must be implemented without discrimination based on ethnicity, race, color, religion, religious practice, creed, national origin, citizenship status, ancestry, sex, gender, gender identity or expression, sexual orientation, age, weight/appearance, predisposing genetic characteristics, or disability. See the *District Policy Prohibiting Discrimination or Harassment of Students or Employees* (0100) for further information.
1.6: SCHOOL-LEVEL POLICY	School-level rules and codes of conduct must be consistent with this Policy, approved by the Superintendent or designee and distributed to students and parents in a manner consistent with this Policy. Schools are also expected to develop plans for improving school climate.
1.7: SHARED ACCOUNTABILITY	All school community members should hold themselves, and each other accountable, both to their community and to their shared vision for their community. Members are encouraged to reflect frequently on how their behaviors either support the shared values of the community or fail to do so, and to consider behaviors that would be more supportive of the community's values.
1.8: TRAINING	Teachers, administrators and school staff shall receive ongoing differentiated professional development training on classroom/school management, conflict resolution, and non-punitive approaches to discipline.
1.9: STUDENT RESPONSIBILITIES	All students have the responsibility to work to the best of their abilities, attend school daily unless they are legally excused, contribute to maintaining a safe and supportive school environment, treat peers and school staff in a respectful manner, accept responsibility for their actions, hold themselves to the highest standards of conduct and demeanor, and promote a climate of mutual respect and dignity toward all in the school community.

PRINCIPLE #2 – FAIR DISCIPLINE	
2.1: PREVENTION AND INTERVENTION	School discipline is best accomplished by preventing misbehavior before it occurs, and using effective interventions after it occurs.
2.2: DISCIPLINE WITH GUIDANCE	School discipline that is paired with meaningful instruction and guidance offers students an opportunity to learn from their mistakes and contribute to the school community, and is more likely to result in getting the student re-engaged in learning.
2.3: MAXIMIZE LEARNING AND MINIMIZE REMOVAL	Effective school discipline maximizes the amount of time students spend learning and minimizes the amount of time students are removed from their classrooms while protecting the safety of the school community and the educational process.
2.4: EXCLUSIONARY DISCIPLINE AS A LAST RESORT	Use of In-School Suspensions, Out-of-School Suspensions, Expulsion, and Referrals to Alternative Schools will be minimized and used on a graduated basis wherever possible. The priority shall be to keep students in class whenever school safety and continuance of the educational process allow.
2.5: LIMITED ROLE OF SCHOOL SAFETY PERSONNEL	The District will provide training to all staff in restorative practices, youth development, and how to respond to the needs of young persons. All school personnel, including school safety officers, shall make every effort to maximize the use of techniques to de-escalate conflict and repair harms, and identify alternatives to arrest. District personnel will maintain responsibility for all issues considered to be school disciplinary matters. Per the School Safety Plan, the District employs security personnel to assist the schools in dealing with all matters of security and safety issues. The principle role of our security personnel is to safeguard the District's students, staff and visitors from harm; to deter, detect, respond to, and report infractions of the District Code of Conduct and New York State Law; and to protect the District's assets from theft and damage. Security personnel employed by the District are authorized to carry out this role consistent with the Policies and Regulations of the District, applicable New York State Law and District training. Whenever law enforcement does respond to a school or school event, the school principal or other supervising District personnel shall actively maintain responsibility for the environment and provide direction to staff, students and others who are present, except when there is an immediate danger necessitating law enforcement's temporary control.
2.6: ADDRESS RACIAL DISPARITIES IN SCHOOL DISCIPLINE	The District must address and respond to racial inequities, institutional racism and other forms of discrimination or bias that are identified in school discipline. To do so, a process must be provided whereby members throughout the school community can engage with issues honestly with the goal of healing and

	strengthening relationships and of uniting resolve to change how we do things and rectify the damage done by institutional racism and implicit bias.
2.7: DUE PROCESS	Effective discipline can only be implemented with profound respect for the due process rights of students and parents, consistent with New York State Education Law § 3214 and the U.S. Constitution, including, but not limited to, the right to notice of the penalty to be imposed and a meaningful opportunity to present a student's version of the facts and circumstances that led up to the event.

PRINCIPLE #3 – COLLABORATION WITH COMMUNITY	
3.1: DISTRIBUTION OF POLICY	Students, parents, teachers and other school personnel must be well-informed of school discipline policies. The District shall distribute a summary of this Policy to all students and their parents and post the Policy on the District website and in an accessible place within each school.
3.2: FAMILY ENGAGEMENT	Schools exist to support families in the education of their children and all staff should embrace reciprocity and meaningful engagement. School staff will keep parents informed of their children's behavior—both positive and negative, enlist them as partners in addressing areas of concern, and always inform them directly when exclusionary discipline is called for.
3.3: COLLABORATION AND SHARING OF RESOURCES	Schools should collaborate with union, community and agency partners in order that school staff are made aware of resources and supports that will aid in their personal development and maximize their abilities to meet the academic and social needs of students in the Rochester community.

FAMILIES AS PARTNERS

Students, parents and school personnel all have a role in making schools safe and must cooperate with one another to achieve this goal. Routine outreach to parents can include, but is not limited to, a phone call, written communication and/or a meeting. As role models, parents and school staff should exhibit the behaviors that they would like to see students emulate.

To support parents in being present and active partners in promoting safe and supportive school environments, they must be familiar with the Code of Conduct. School officials are responsible for sharing the information in this document and any school-level policies developed with students, parents, and staff. Schools are encouraged to provide workshops for parents on understanding the Code and how best to work with the school to support their children's social-emotional growth. Educators are responsible for informing parents about their children's behavior and for nurturing the skills students need to succeed in school and society.

Parents are encouraged to discuss issues that may affect student behavior with their children's teacher and other school staff and strategies that might be effective in working with the student.

Attendance

Attendance at school is vital to a student's academic progress and success. School personnel must ensure that appropriate outreach, intervention, and support are provided for students who exhibit attendance problems that may manifest themselves as truancy or patterns of unexcused absence or educational neglect. In cases of truancy, school personnel must meet with the student and parent in order to determine needed supports and an appropriate course of action, which may include, but is not limited to: guidance intervention, referral for counseling, and/or referral to after-school programs.

Each school should review cases of chronic absenteeism, classroom removals, and/or truancy and should involve attendance teachers, administrators, school counselors, teachers, social workers, and other school staff in facilitating a resolution.

It is important that there be robust consultation and communication between the school and the home. Guidance conferences attended by the Principal or their designee, a school counselor, the student's parent(s), and one or more of the student's teachers are an effective means of encouraging parental input and should be held with students when appropriate. Parents who want to discuss interventions in response to student behavior should contact their children's school or the Parent Liaison/Homeschool Assistant, or, if necessary, the Office of Parent Engagement.

In the event a student engages in significant inappropriate behavior, the Principal or Principal's designee must report the behavior to the student's parent. If a student is believed to have committed a crime, the parent must be contacted ***before*** the police are called to intervene, unless there is an imminent threat to safety.

DEVELOPMENTAL SUPPORTS FOR SCHOOL PERSONNEL, COMMUNITY MEMBERS, PARENTS, AND STUDENTS

A transformed, intentional school climate and culture must emphasize support for all members of the school community to maintain its vitality. Specifically, school leadership and personnel who hold positions throughout the building must be supported with a variety of resources and approaches that enable them to learn and to foster the changes and growth needed. In addition, students, families, and community members need these supports as well to enable them to learn and to foster the changes and growth needed. Among these, everyone involved in our schools needs to be able to count on the following:

1. **More opportunity to work in groups**, which reinforces interdependent, collaborative thinking.

2. **Professional growth opportunities** (including trainings, professional development, shadowing colleagues or in model schools, etc.) that are aimed at the purposes and goals of transformed school climate. Vital trainings include: how to implement restorative practices; examining multiple layers of internalized, interpersonal and institutional racism that contribute to racial disparities in discipline and achievement; trauma-informed responses; and others identified by educators.

3. **Community growth opportunities** that will enable families, students, and other community members to understand--and participate in--the transformation of school climate that is the central aim of this effort.

4. Even as we learn from people who are deeply, theoretically grounded in this work, growth and shifting culture must be done *WITH*, not *TO* people. Engagement comes from invitation to do *with* as **co-creators of the new path forward.**

5. **Avoid "one and done."** Opportunities and time to design and practice within the context of their group of co-creators, as well as across stakeholders, along with ongoing mentoring and peer support.

6. **Specific tools that everyone understands with common language** (i.e., restorative practices, anti-racism, trauma-informed practices, internal motivation).

7. Simultaneously, the **recognition that there are multiple approaches** to achieving our goals and encouragement to see one another as resources rather than threats, opportunities to learn from one another for expanded knowledge, skills and tools.

8. **Space with equipped support staff**, like a Student Help Zone or other area, where trained staff and/or counselors can help students work through their difficulties with the goal of getting back to the classroom as soon as possible and better able to engage with their peers and school staff.

9. A **shared conviction that moral, ethical, and social development are fundamental purposes** of education, along with recognition that current educational constructs and testing regimens are pushing out the ability to focus on building blocks of personal development.

10. **Time and incentives to support students' interests**, such as advising, coaching, and developing clubs and activities that boost connectedness and pride in their school.

11. **Regular signals that the District is investing in supports** to transform school climate with benefits for everyone. The vision for school climate must be emphasized at all levels of the District's communications, brand, resources, and supports with the frequent message that this humane and powerful approach is worth the ongoing investment of time and effort.

12. **Effort to minimize turnover at all levels** as we find ways to institutionalize this commitment.

13. **Tools for measuring the impact** of restorative and other practices that teachers, schools and families are putting into place.

RCSD commits to working in a collaborative spirit across the district to phase in these supports as we work together to fundamentally transform our schools to become more restorative, problem-solving and welcoming.

SHARED ACCOUNTABILITY

Rationale

The climate of a school—the degree to which people feel safe and valued, experience communication as open, honest and caring, and feel a sense of ownership and also responsibility for one another's well-being—has a profound effect on people's ability to take creative risks, learn, grow and nurture others.

Adults can make mistakes. In hierarchical systems such as schools, as well as in a country that struggles with inequality, racism, sexism, ableism, ageism, and heterosexism, the actions of adults and their mistakes have a profound effect on students.

Adults need to be able to model positive behavior for students and this includes taking accountability for their actions. Accountability also builds trust between students and adults. Shared accountability promotes good communication. When everyone in the school community feels nourished by good communication and the liveliness of being with students who are excited to be there:

1. quality of life and work environment is enhanced;
2. learning is improved; and
3. everyone gains more respect for one another, and thus, the ability to work together as a team for students' well-being and success.

What is meant by "shared accountability?"

A school is a hierarchical system which makes it difficult for people to be held accountable equally. Nevertheless, we should strive towards shared accountability. Shared accountability requires that both adults and children are held accountable for their actions and have the ability to hold each other accountable. We will reflect on our actions and analyze whether or not we are supporting our community.

How is shared accountability practiced?

To create shared accountability, shared values in the school community must be made clear to all the members and championed by the school Principal or their designee.

These values will be assertive toward changing the conditions that have been damaging or have been holding us back from all of us reaching our full potential as individuals, as a community, and as an institution.

Members of the school community will acknowledge and show appreciation when people go above the standard.

Members of the school community must be willing to apologize and ready to analyze their actions.
All members of the school community will be held accountable through restorative practices, whenever possible.

Adults have a place of power over the students, thus holding them accountable is more difficult. Because of this, each school must identify a person and place for students to air their concerns and have restorative meetings with adults and classmates about issues that may arise.

We aspire to share accountability within our District and school communities. We know that significant shifts must be made culturally and structurally to achieve this. Thus, we commit to practicing and stretching ourselves beyond what feels familiar and comfortable to help usher in the school climate that supports continual growth and joy in teaching and learning.

RIGHTS, RESPONSIBILITIES AND EXPECTATIONS

The District commits to creating learning communities in which all members are understood to be growing, caring, respectful people. To that end, all members have the right to expect:

1. An environment that deeply supports teaching and learning.
2. Fair and respectful treatment throughout the community, with full opportunity to be heard.
3. Non-discrimination and equal treatment with respect to all school activities.
4. Open and transparent communication and explanation of school procedures, rules, and policies.
5. Commitment throughout the school to policies aimed at growth as a learning community and at growth of each individual member of the community.
6. An environment that values and practices shared accountability.

The **Dignity for All Students Act (Dignity Act)** requires that no student is subject to discrimination or harassment, based on a person's actual or perceive race, color, weight/appearance, national origin, ethnic group, religion, religious practice, disability, sex, gender, or sexual orientation by school employees or students on school property, on a school bus, at a school function or that is initiated off school grounds and has the potential to adversely affect another student's ability to participate in or benefit from a school's education or extracurricular program[1].

Bullying/Cyberbullying, among other things, is the use, both on and off school property, of intentional, reckless and/or hostile behavior which harms another person physically or emotionally, and is characterized by an imbalance of power between students. If two students are equally engaged in an altercation, this is not a bullying situation, but instead considered a "conflict" between the two students. When an imbalance of power is present it can be seen in small ways over a long period of time or in a large way all at one time. Bullying includes verbal, physical, or written communication that is threatening or seriously intimidating. Cyberbullying includes the use of information and communication technologies (i.e., e-mail, cell phones, pagers, text messages, social media, video calls, gaming systems, instant message, personal website or blogs or a combination of these) to support deliberate, hostile behavior by an individual or group who intentionally or recklessly harm or intimidate others physically or psychologically.

School employees who witness harassment, bullying and/ or discrimination or receive an oral or written report of such acts shall promptly notify the Principal or Dignity Act Coordinator in accordance with Board Policy 0100 and 0100R. Students and parents/guardians who witness harassment, bullying and/or discrimination are encouraged to notify the Dignity Act Coordinator, which can be identified at your school (list can be found on the District's website under DASA Reporting).

[1] In addition to DASA the Rochester City School District protects students' creed, citizenship status, ancestry, disability, predisposing genetic characteristics, gender identity or expression, or age.

Students' Rights & Responsibilities[2]

The District is committed to upholding students' rights in accordance with the following. Students are also expected to fulfill their responsibilities to fully participate in their education as outlined below.

RIGHTS	RESPONSIBILITIES
1. To attend school in the District in which one is legally enrolled, as provided by law.	1. To attend school daily, regularly and on time, perform assignments, strive to do the highest quality work possible, be prepared to learn and actively participate in their education.
2. To be heard when support is needed.	2. Communicate with appropriate school staff when help is needed.
3. To expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly. To access school policies, regulations and rules and have them explained by school staff, when necessary.	3. To be aware of all rules and expectations, and consequences regulating students' behavior and conduct themselves in accordance with these guidelines.
4. To be respected as an individual and treated courteously, fairly and respectfully by other students and school staff.	4. To respect everyone in the school community and to treat others courteously, fairly and respectfully.
5. To express one's opinion verbally, physically or in writing.	5. To express opinions and ideas in a respectful manner so as not to offend, slander, or restrict the rights and privileges of others.
6. To dress in such a way as to express one's identity and personality.	6. To dress appropriately in accordance with the dress code.
7. To be afforded equal and appropriate educational opportunities, including access to extracurricular and afterschool programs.	7. To be aware of available educational programs in order to use and develop one's capabilities to their maximum.
8. To take part in all school activities on an equal basis regardless of race, color, creed, weight/appearance, religion, religious practices, creed, sexual orientation, sex, gender, gender identity or expression, national origin, ethnic group, ancestry, citizenship status, political affiliation, age, marital status, predisposing genetic characteristics, or disability.	8. To work to the best of one's ability in all academic and extracurricular activities, as well as being fair and supportive of others.
9. To have access to relevant and objective information concerning drug and alcohol abuse, as well as access to individuals or agencies capable of providing direct assistance to students with serious personal problems.	9. To be aware of information and services and to seek assistance in dealing with personal problems, when appropriate.

[2] Cross-ref: District Policy Prohibiting Discrimination or Harassment of Students or Employees (0100)
Ref: 8 NYCRR 100.2(l)(2)(ii)(o)

10. To be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, creed, weight/appearance, religion, religious practices, creed, sexual orientation, sex, gender, gender identity or expression, national origin, ethnic group, ancestry, citizenship status, political affiliation, age, marital status, predisposing genetic characteristics, or disability by employees or students on school property or at a school-sponsored event, function or activity.	**10.** To respect one another and treat others fairly in accordance with the District *Code of Conduct* and the provisions of the *Dignity Act*. To conduct oneself in a manner that fosters an environment that is free from intimidation, harassment or discrimination. To report and encourage others to report any incidents of intimidation, harassment or discrimination.
11. To freedom of speech and of the press and the right to petition and peacefully organize with other students with the purpose of improving the school, classroom, and/or learning environment.	**11.** To work together with classmates and school staff to maintain a positive school climate.
12. To due process, to be considered innocent until proven guilty, and to a fair and impartial grievance process to resolve student concerns. To present one's version of events for school staff in situations in which disciplinary action is being considered.	**12.** To complete school work, abiding by school rules regarding academic honesty in accordance with the Code of Conduct.
13. To organize with other students and self-represent in important school decision-making processes.	**13.** To be exercised in a safe manner.
14. To affordable and nutritious food in the school environment.	**14.** To have a guarantee of affordable and nutritious food in the school environment on a daily basis (i.e., lunch).

Parents' Rights & Responsibilities

The District is committed to working with parents as partners in the education of their children.

RIGHTS	RESPONSIBILITIES
1. Be actively involved in their children's education.	**1.** Make sure their children attend school regularly, on time, and when children are absent, notifies school of reason for absence. Collaborate with the District to optimize their children's educational opportunities.
2. Be treated courteously, fairly and respectfully by all school staff and community members.	**2.** Be respectful and courteous to staff, other parents, guardians and students while on school premises or at school functions, or when communicating with staff regarding District business.
3. Get clear and concise information about the policies of the Rochester Board of Education and the procedures that relate to their children's education.	**3.** Read and become familiar with the policies of the Board of Education, administrative regulations and the Code of Conduct. Help their children understand these rules and expectations, so that their children can help create a safe and supportive school environment.

4. Get regular reports, written or oral, from school staff regarding their children's academic progress or behavior, including but not limited to report cards, behavior progress reports and conferences.	**4.** Tell school officials about any concerns or complaints in a respectful and timely manner.
5. Receive information and prompt notification of inappropriate or disruptive behaviors caused by or that impacts their children and any disciplinary actions taken by Principals or school staff.	**5.** Work with Principals and school staff to address any academic or behavioral problems their children may experience.
6. Receive information about due process procedures for disciplinary matters concerning their children, including information on conferences and appeals as well as results of restorative practices and other responses related to their children.	**6.** Give updated contact information to the Rochester City School District and their children's individual schools.
7. Receive information from school staff about ways to improve their children's academic or behavioral progress, including but not limited to counseling, tutoring, after school programs, academic programs, and mental health services within the Rochester City School District and the community.	**7.** Give their children a space to complete their homework or allow participation in after-school programs that permit the completion of homework. Teach their children respect and dignity for themselves and other students, regardless of actual or perceived race, color, creed, weight/appearance, religion, religious practices, creed, sexual orientation, sex, gender, gender identity or expression, national origin, ethnic group, ancestry, citizenship status, political affiliation, age, marital status, predisposing genetic characteristics, or disability. This will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.
8. Receive information about services for students with disabilities and English language learners, when applicable.	**8.** Notify school of any concerns that hinder their child's education (i.e., disability, language barriers).
9. Receive communication, both orally and in writing, in their native language.	**9.** Communicate with the District and schools their communication needs (i.e., language translation).

Principals & Staff Expectations

Principals and school staff have unique obligations to students and parents in the educational setting.

1. Maintain safe and orderly schools by using prevention and intervention strategies that aligns with restorative practices, and by following the Rochester City School District *Code of Conduct*.

2. Be respectful, fair and courteous to students, parents and guardians, and other community members; serve as role models for students.

3. No adult employed by or representative of RCSD shall ever physically or verbally demean other school community members, engage in behaviors as prohibited in policy 0100, including while reading out loud.

4. Attend work daily, be punctual and use well-planned, creative and engaging instructional plans every

day in accordance with the Rochester City School District employee criteria.

5. Demonstrate passion for teaching, understanding of student-centered learning and concern for equitable student achievement.

6. Participate in professional development opportunities and incorporate learnings from professional development opportunities to positively impact job performance and/or student learning.

7. Be knowledgeable about the policies of the Board of Education and administrative regulations and rules, and enforce them fairly and consistently.

8. Maintain confidentiality in conformance with federal and state law.

9. Be knowledgeable about federal and state laws and regulations about the disciplinary process for students with disabilities.

10. Communicate policies, expectations and concerns, and respond to complaints or concerns from students and parents or guardians in a timely manner and in a language they understand.

11. Make sure that students are referred to the appropriate committees, departments, offices, divisions, agencies or organizations when outside support is necessary. Inform students and families of resources available in the community to meet their needs.

12. Assist students in coping with peer pressure and emerging personal, social, or emotional problems.

13. Keep parents and guardians informed of student academic progress and behavior, create meaningful opportunities for their participation, and provide regular communication in a language they understand.

14. Provide information to assist students with career planning.

15. Provide makeup work for students with lawful absences, including those students who are absent for disciplinary reasons.

16. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, creed, weight/appearance, religion, religious practices, creed, sexual orientation, sex gender, gender identity or expression, national origin, ethnic group, ancestry, citizenship status, political affiliation, age, marital status, predisposing genetic characteristics, or disability, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.

17. Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.

18. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

19. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the attention of the teacher, school counselor, student support services personnel or other staff to the building administrator and/or Dignity Act Coordinator (DAC) and/or the Chief of Human Capital Initiatives in a timely manner.

20. Work together with students and parents to maintain a positive school climate.

21. Principal: Meaningfully address in a timely manner any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal's attention in collaboration with the Dignity Act Coordinator (DAC) or the Chief of Human Capital Initiatives, as applicable.

22. Principal: Ensure that students and staff have the opportunity to communicate regularly with school administrators and have access to the Principal to address grievances.

Dignity Act Coordinator Expectations

Oversee and coordinate the work of building-level bullying prevention activities.

1. Be thoroughly trained to handle human relations in the areas of race, color, creed, weight/appearance, religion, religious practices, creed, sexual orientation, sex, gender, gender identity or expression, national origin, ethnic group, ancestry, citizenship status, political affiliation, age, marital status, predisposing genetic characteristics, or disability.

2. Identify curricular resources that support infusing civility and mutual respect in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources in a restorative manner.

3. Be responsible for monitoring and reporting the effectiveness of the school's bullying prevention practices.

4. Meaningfully address issues of harassment or situations that threaten the emotional or physical health and safety of any student lawfully on school property or at a school function.

5. Be accessible to students, parents and staff members.

Superintendent Expectations

Superintendents play a lead role in supporting school leaders as they strive to establish positive school climates.

Expectations include:

1. Promote a safe, positive, orderly, respectful and stimulating environment, free from intimidation, discrimination and harassment, supporting active teaching and learning.

2. Provide building level staff with appropriate administrative support.

3. Review with District administrators the policies of the Board of Education and state and federal laws relating to school operations and management.

4. Inform the School Board about educational trends, including student discipline.

5. Work to create instructional programs that reduce instances of misconduct and are sensitive to student and teacher needs.

6. Work with District administrators to educate staff and school community about the Code of Conduct, enforce the Code of Conduct and ensure that all cases are resolved promptly and fairly.

7. Address all areas of school-related safety concerns.

8. Address personal biases that may affect equal treatment of students and staff.

9. Maintain confidentiality in accordance with federal and state law.

School Board Expectations

The School Board is obligated to ensure that the District has a Code of Conduct that effectively supports positive school climates.

1. Collaborate with students, teachers, administrator and parent organizations, school safety personnel, other school personnel, and the community in educating about the Code of Conduct and ensuring other Board Policies align with the Code of Conduct.

2. Adopt and review at least annually the Code of Conduct to evaluate its effectiveness and the fairness and consistency of its implementation.

3. Adopt an annual budget that supports effective implementation of the Code of Conduct.

4. Appoint one staff member in each school building who is thoroughly trained to handle human relations in the areas of race, color, creed, weight/appearance, religion, religious practices, creed, sexual orientation, sex gender, gender identity or expression, national origin, ethnic group, ancestry, citizenship status, political affiliation, age, marital status, predisposing genetic characteristics, or disability (Education Law §13[3]) as the Dignity Act Coordinator (DAC).

5. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.

6. Take appropriate measures where violations of the Code of Conduct occur.

7. Maintain confidentiality in accordance with federal and state law.

8. Address personal biases that may affect equal treatment of students and staff.

PREVENTION, INTERVENTION AND PROGRESSIVE DISCIPLINE

Universal Prevention

A District-wide, whole school approach to promoting positive behavior is the foundation to building and maintaining a positive culture within each school. A universal youth development framework that is consistent; pro-active and builds on the strengths of all students; adopted district-wide and implemented within each school and classroom provides prevention supports to all students. Prevention strategies incorporated into classroom daily activities and integrated into curriculum reinforces and supports relationship-building, strengthening social and emotional skills, developing positive mindsets and self-regulation strategies and forms the foundation for a discipline framework.

Proactive strategies prioritize building positive relationships and are incorporated into classroom daily activities, and integrated into curriculum. Proactive strategies are strategies that support strengthening social and emotional skills, developing positive mindsets and self-regulation strategies and form the foundation for a discipline framework.

Progressive Discipline

Understanding discipline as a "teachable moment" is fundamental to RCSD's approach to discipline. Progressive discipline uses incremental interventions to address inappropriate behavior with the ultimate goal of teaching pro-social behavior. Progressive discipline seeks concurrent accountability, learning, and behavioral change.

Progressive discipline aims at creating positive learning opportunities around behavioral, moral, and ethical issues. By so doing, it can prevent negative behaviors by helping students learn from their mistakes. Implementing progressive discipline requires that school staff help students who have engaged in misconduct:

1. Understand the harm the behavior caused;
2. Understand why the behavior occurred and what they could have done differently in the same situation;
3. Take responsibility for their actions;
4. Use the opportunity to repair the harm, to rebuild relationships, and to learn strategies and skills to use in the future; and
5. Understand the progression of more stringent consequences if the behavior reoccurs.

This Code of Conduct outlines interventions and consequences that are appropriate to respond to student behaviors.

Restorative Approaches

Restorative practices foster healthy relationships within the school community and promote positive discipline in schools by resolving conflicts, holding individuals and groups accountable, repairing harm, promoting pro-social behavior, and addressing the needs of all parties involved. Restorative approaches can take many forms, but at their core, restorative approaches seek to find out what happened, who was harmed by the behavior, what needs to be done to make things right or repair the harm, and how people can behave differently in the future. Examples of restorative practices include but are not limited to talking to students about their actions, facilitated circles, and peer mediation. School staff and partners in the building will take a restorative approach to addressing student misconduct in accordance with their training, and will contact parents to help foster and support the outcome of restorative approaches.

Restorative approaches, though not mandatory, is best with willing participants to avoid any behavior violations as outlined in the matrix. For more detail, see Appendix B (Restorative Practices).

Guidance Interventions Contrasted with Disciplinary Responses

Responding to behaviors through early, systematic interventions when issues are first identified can prevent escalation and repetition of similar behaviors. Smaller interventions are attempted and, if unsuccessful, more intensive interventions are brought to bear. All interventions should connect to the norms, principles, expectations, and strategies that the district and school-wide prevention framework focuses on so children can reflect on their actions and link back to the universal prevention strategies being developed and taught.

Supportive and guidance interventions are preferred over punitive and exclusionary approaches, yet there will continue to be situations in which students will receive disciplinary and exclusionary consequences. The Code of Conduct uses the term "disciplinary response" to describe warnings, loss of privileges, detentions, suspensions and other disciplines, in contrast to "guidance intervention" which denotes more individualized, restorative and supportive responses to behaviors.

LEVELS OF INTERVENTION AND DISCIPLINARY RESPONSES

Factors to Consider in Determining Interventions and Disciplinary Responses

School staff must consider what factors contributed to the challenging behavior and whether such behavior could be alleviated by helping the student understand and deal with the factors causing the behavior.

1. Age, health, and disability or special education status of the student.
2. Appropriateness of student's academic placement.
3. Student's prior conduct and record of behavior.
4. Student's understanding of the impact of their behavior.
5. Student's willingness to repair the harm caused by their behavior.
6. Seriousness of the behavioral offense and the degree of harm caused.
7. Whether the behavior constitutes a DASA violation, and if so, what response is required to satisfy the District's obligations under DASA.
8. The circumstances/context in which the conduct occurred.
9. Whether the student was acting in self-defense.
10. Whether the student's offense threatened the safety of any student or staff member.
11. Impact of the incident on overall school community.
12. The likelihood that a lesser intervention would adequately address the violation.
13. Whether the school made any effort to address the student's behavior using positive, preventive methods prior to the incident at issue.
14. Any other mitigating or aggravating circumstances that may be relevant.
15. In the event that a court issues an order of protection for the benefit of a District student or employee, the student against whom the order is issued may be transferred to another school if necessary to comply with the order.

Guidance for Interventions and Disciplinary Responses

School staff have discretion in choosing which interventions and consequences within the level are appropriate, but their discretion is guided by the following:

1. Whenever possible and appropriate, the response to misconduct should begin with the lowest level of response and should prioritize restorative practices and appropriate guidance intervention(s).
2. Whenever possible and appropriate, prior to imposing exclusionary discipline, school officials should exhaust guidance interventions and less severe disciplinary responses.
3. More intensive guidance interventions and progress to a higher-level disciplinary response will be used with students who engage in a pattern of persistent misconduct.

Range of Interventions, Disciplinary Responses and Delineation of Authority

1. Oral warning – any member of the District staff.
2. Written warning – bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers and other certificated staff, Principal, Assistant Principal, Superintendent.
3. Restorative practices – circle-teachers, guidance counselors, principal or their designee and other designated community members.
4. Written notification to parent – bus driver, hall and lunch monitors, coaches, guidance counselors, teachers and other certificated staff, Principal, Assistant Principal, Superintendent or designee.
5. Detention – teachers and other certificated staff, Principal, Superintendent or designee.
6. Suspension from transportation – Director of Transportation, Principal, Superintendent or designee.
7. Suspension from athletic participation – coaches, Principal, Superintendent or designee.
8. Suspension from social or extra-curricular activities – activity director, Principal, Superintendent or designee. Teachers may suspend students from social or extra- curricular events or activities which the particular teacher organizes and supervises.
9. Suspension of other privileges – Principal, Superintendent or designee.
10. Suspension or revocation of student's access to District computers and Internet connections—Principal, Superintendent or designee.
11. In-school suspension – Principal, Superintendent or designee.
12. Removal from classroom by teacher – teachers.
13. Short-term (five days or less) suspension from school – Principal, Superintendent or designee, Board.
14. Long-term (more than five days) suspension from school – Principal (may recommend), Superintendent or designee or Board (may impose long-term suspension).
15. Removal from a regular school program—Superintendent or designee, Board.
16. Permanent suspension from school – Superintendent or designee, Board.
17. Other remedies authorized by law—official designated by applicable statute or regulation.

Matrix for Guidance Interventions and Disciplinary Responses

The Code of Conduct holds students accountable for their behavior. Misconduct is grouped into four levels based on the seriousness of the behavior. Each level contains a variety of interventions and consequences for school staff to use in response to the student behavior. The Code of Conduct provides graduated accountability measures for students who engage in repeated behaviors despite prior interventions or consequences.

Under this Matrix, school staff respond to student behaviors with guidance interventions and, depending on the circumstances, disciplinary responses. School staff can choose one of many guidance interventions to help students improve their behavior. At all levels, students may receive a non-disciplinary referral to support staff in the school building.

The Matrix intentionally limits the behaviors for which a student can receive a disciplinary exclusion, such as classroom removal, short- or long-term suspension, or expulsion. Except for prolonged or persistent behaviors, students are not suspended for Level 1 or 2 behaviors or removed from a classroom for Level 1 behaviors. Students may be given a classroom removal for Level 2, 3, or 4 behaviors. Students may be given suspension for Level 3 or 4 behaviors. Students who engage in misconduct that is not included in the Matrix are subject to appropriate disciplinary measures as determined by school administration, consistent with the disciplinary levels for similar behaviors set forth in the matrix.

Level 1	Uncooperative / Noncompliant Behavior	Classroom Interventions; Student Support Team Interventions
Level 2	Disorderly / Disruptive Behavior	Intensive Support Staff; Administrator Interventions and Responses
Level 3	Aggressive or Injurious / Harmful Behavior	Referral Interventions; Suspension Responses
Level 4	Seriously Dangerous or Violent Behavior	Referral Interventions; Extended Suspension Responses

How to Use the Behaviors and Responses Matrix

In responding to misconduct, school staff should use the matrix below, in conjunction with the table above, as follows:

1. School staff should locate the behavior on the Matrix.

2. On the first instance of any inappropriate or disruptive behavior, school staff shall utilize one or more guidance interventions, and disciplinary responses, if appropriate, from the lowest level indicated on the Matrix for that behavior (or one or more interventions or disciplinary responses from any lower level). (See table above for interventions and responses.)

3. If the same behavior is persistently repeated during the same school year, school staff may utilize one or more interventions or disciplinary responses from the next higher level on the Matrix for that behavior, or any lower level. If there is only one level indicated for that offense, then any interventions or disciplinary responses utilized must be from that same level or a lower level.

4. Except in cases of repeated and persistent violations of the same or similar nature, school staff may not utilize interventions and disciplinary responses from those boxes that state "May be used if approved by the Chief of Schools". In those cases, in which the disciplinary response from the boxes that state, "May be used if approved by the Chief of Schools" are used, restorative practices should still be considered as a component of the response. Staff are encouraged to use guidance interventions

whenever possible.

5. If the police are called then a referral should be made to the District services that specialize in the area. If there are no District services in the particular area, a referral should be made to the community organization that specializes in the particular area. The purpose of the referral is to support the student as a restorative practice.

6. The boxes crossed out with an "X" in the matrix must not be used under any circumstances.

Example

1. If a student displays disrespectful behavior and it is determined that an intervention or disciplinary response is needed, the teacher should utilize one or more interventions from Level One.

2. If that student is again disruptive during the same school year, the teacher may utilize one or more interventions from Levels One or Two.

3. If the interventions are unsuccessful and the student commits the same infraction a third time, then the teacher may utilize one or more interventions from Levels One and Two.

4. In circumstances in which the student has repeatedly and persistently engaged in violations of the same or similar nature, interventions from the levels that state "May be used if approved by the Chief of Schools") may be utilized if approved.

LEVELS OF INTERVENTIONS AND DISCIPLINARY RESPONSES

Universal Prevention for All Students

The District takes a whole school approach to promoting positive behavior. Social-emotional learning is infused into a culturally responsive curriculum that engages students. Staff meets regularly to ensure that there is a comprehensive student support program in place that includes guidance services, opportunities for social-emotional learning, student engagement opportunities and prevention and intervention behavioral supports to encourage and motivate pro-social student behavior and positive connection to the school community. Restorative circles and other restorative practices are used regularly to build relationships, establish understanding and trust and create community. The school has a system in place for early identification of students in need of intervention and/or support services.

KEY: USE LOWEST LEVEL INDICATED FIRST

	Type of Intervention	Guidance Interventions*	Disciplinary Responses
Level 1	**Classroom Interventions and Responses.** These interventions aim to teach correct and alternative behavior so students can learn and demonstrate safe and respectful behavior. Teachers are encouraged to try a variety of teaching and classroom management strategies. Teachers should use these responses in a graduated fashion.	• Reminders and redirection • Verbal correction • Role play • Modeling & practicing • Parent or guardian contact • Written reflection • Written apology • Seat change • Daily progress sheet on behavior • Teacher/student conference • Buddy teacher system • Teacher/parent conference	• In-class time out • Loss of classroom privileges • Detention
Level 1	**Student Support Team Interventions.** These interventions often involve support staff, both school based and within the broader community, and aim to engage the student's support system to ensure successful learning and consistency of interventions, and change the conditions that contribute to the student's inappropriate or disruptive behavior. Staff should use these responses in a graduated fashion.	• Any of the above interventions • Parent accompanies student to school if parent agrees and as part of contractual requirements • Referral to building-wide support location • Referral to after-school program • Referral to Student Support Team • Referral to mentoring program • Referral to school-based health or mental health clinic • Referral to community-based organization • Referral to substance abuse treatment services • Change in schedule or class if applicable • Functional Behavioral Assessment and creation of a Behavior Intervention Plan • Referral to CSE or 504 team. • Peer mediation • Restorative approaches, including community service or restitution • Conflict resolution • Community mediation • Community conferencing	
Level 2	**Intensive Support Staff and Administrative Interventions and Responses.** These interventions can involve the school administration and aim to correct behavior by stressing the seriousness of the behavior while keeping the student in school. Staff should use these responses in a graduated fashion.		• Any of the above consequences • Reprimand by appropriate administrator • Loss of school privilege • Detention • Classroom removal (up to ½ day)
Level 3	**Suspension and Referral Interventions and Responses.** These interventions may involve the short-term removal of a student from the school environment because of the severity of the behavior. The duration of the short-term suspension, if issued, is to be limited as much as practicable while adequately addressing the behavior. Staff should use these responses in a graduated fashion.		• Any of the above consequences • Short-term suspension (one to five days)
Level 4	**Extended Suspension and Referral Responses.** These interventions involve the removal of a student from the school environment because of the severity of the behavior. They may involve the placement of the student in a safe environment that provides additional structure to address behavior. These interventions focus on monitoring the safety of the school community and ending self-destructive and dangerous behavior. Staff should use these responses in a graduated fashion.		• Any of the above consequences • Long term suspension

***The list of guidance interventions is not all-inclusive. Other options that support students in the classroom and in the school without removing them from the school environment may be considered and used.**

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ACADEMIC/CLASSROOM

INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE

KEY: USE LOWEST LEVEL INDICATED FIRST

Level 1: Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place**.**	**Level 2:** Intensive Support Staff and Appropriate Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the students and others.	**Level 3:** Short Term Suspension – may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses).	**Level 4:** Request for Long Term Suspension.

INAPPROPRIATE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	MAY REFER TO LAW ENFORCEMENT FOR ADVICE, DIVERSION OR FURTHER ACTION
Academic Dishonesty (i.e., cheating or plagiarizing)					
Cheating or plagiarism	✓	✓			
Classroom Disruption*					
Talking out in class or talking out of turn; throwing objects; picking on, bothering or teasing other students and other behavior that disrupts student learning; horseplay.	✓	✓			
Disrespectful Behavior					
Using verbal insults or put-downs; lying to, misleading or giving false information to school staff.	✓	✓			
Portable Electronic Device Use at Unauthorized Times					
Use of cell phones, tablets, computers, electronic games, laser pointers, PDAs, iPods, and other portable electronic devices. *On first infraction, students must only be given a warning. Only after the first infraction can the student be subject to Level 1 responses. On the second infraction, parent notification must occur.*	✓	✓			
School Equipment Use without Permission					
Use of school technology and communication equipment.	✓	✓			

***If the disruption involves behavior that is harassing, threatening, or violent, then refer to those behaviors in the Code of Conduct for the appropriate interventions.**

NON-ACADEMIC/ADMINISTRATION

INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE

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INAPPROPRIATE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	MAY REFER TO LAW ENFORCEMENT FOR ADVICE, DIVERSION OR FURTHER ACTION
Absences					
Unexcused tardiness or absence from school.	✓				
Persistent or excessive absence from school.	✓	Guidance intervention only			
Class Cutting					
Failure to appear or attend a scheduled class.	✓	Guidance Intervention only			
Dress Code Violation					
Refer to dress code standards listed in Appendix A.	✓	Guidance interventions only			
Bus Violation					
Serious disruption on the bus (conduct causing the driver to stop the bus).		✓	Suspension ONLY from Bus	Suspension ONLY from Bus	
Insubordination (refusal to obey an order from school staff Non-violent/Non-physical)					
Refusal to follow instructions of authorized school personnel.	✓	✓			
Refusal to be scanned.	✓	✓	✓		
Misbehavior in Non-instructional Areas (i.e., hallway, lunchroom, stairwell)					
Running, making excessive noise, throwing objects; picking on, bothering or teasing other students.	✓	✓			
Failure to follow directions, leading to a potential threat of harm to another person or directly leading to the harm of others.	✓	✓	✓		

NON-ACADEMIC/ADMINISTRATION			
INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE			
KEY: USE LOWEST LEVEL INDICATED FIRST			
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INAPPROPRIATE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	MAY REFER TO LAW ENFORCEMENT FOR ADVICE, DIVERSION OR FURTHER ACTION
Inciting or Participating in a Disturbance					
Causing a large disruption to the atmosphere of order and discipline in the school that is necessary for effective learning, outside of general classroom disruption, or obstructing.		✓	✓	✓	✓
Using a personal communication device to attract others to participate in or witness a disturbance.		✓	✓	✓	✓
Using a personal communication device to display, promote, or showcase a disturbance (recording the disturbance or posting the disturbance on social media, sending video footage to others, etc.).		✓	✓	✓	

VIOLENCE/DASA

INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE

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INAPPROPRIATE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	MAY REFER TO LAW ENFORCEMENT FOR ADVICE, DIVERSION OR FURTHER ACTION
Physical Contact with School Personnel (i.e., throwing an item, hitting, shoving, kicking, biting or punching)					
Unintentional, reckless physical contact with school personnel.	✓	✓			
Attack against school personnel; physically attacking an employee of the Rochester City Schools or other adult (Grades K to 6).	✓	✓	✓	✓	
Attack against school personnel; physically attacking an employee of the Rochester City Schools or other adult (Grades 7 to 12).	✓	✓	✓	✓	✓
Fighting					
Physical aggression with another student (i.e., shoving or pushing).	✓	✓			
Minor fighting (may include incidents resulting in minor injuries).	✓	✓	✓		
Attack on Student (i.e., hitting, kicking or punching another student without warning or provocation)					
No injury (no visual, physical injuries; includes incidents of domestic violence or relationship disputes).		✓	✓		
Bodily injury (K to grade 6)		✓	✓	May be used if approved by the Chief of Schools	
Bodily injury (grades 7 to 12)		✓	✓	✓	May be used if approved by the Chief of Schools

VIOLENCE/DASA

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INAPPROPRIATE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	MAY REFER TO LAW ENFORCEMENT FOR ADVICE, DIVERSION OR FURTHER ACTION
Serious Bodily Injury					
Unintentionally causing substantial risk of death or causing permanent or serious disfigurement, loss of function of any part of the body or impairment of the function of any part of the body.			✓	✓	Serious bodily injury may be reported to law enforcement
Intentionally causing substantial risk of death or causing permanent or serious disfigurement, loss of function of any part of the body or impairment of the function of any part of the body.				✓	Serious bodily injury must be reported to law enforcement
Sexually-Based Infraction, Misconduct and/or Assault					
Sexual harassment (i.e., unwelcome sexual advances, requests for sexual favors; other inappropriate verbal, written or physical conduct or gestures of a sexual nature, indecent exposure).	✓	✓	✓	✓	✓
Consensual sexual activity (Grades K to 12)	✓	✓	✓		May be used if approved by the Chief of Schools
Forced sexual act (use of physical force, express or implied threat of harm to gain compliance) (Grades K to 6). **(Unwanted sexual contact, including unwanted touching of intimate body parts without use of force.)**	✓	✓ AND Refer to RCSD Student Support Services/ Community Organization	✓ AND Refer to RCSD Student Support Services/ Community Organization	✓ AND Refer to RCSD Student Support Services/ Community Organization	Sexual assaults must be reported to law enforcement
Forced sexual act (use of physical force, express or implied threat of harm to gain compliance) (Grades 7 to 12) **(Unwanted sexual contact, including unwanted touching of intimate body parts without use of force.)**				✓ AND Refer to RCSD Student Support Services/ Community Organization	Sexual assaults must be reported to law enforcement

VIOLENCE/DASA

INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE

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INAPPROPRIATE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	MAY REFER TO LAW ENFORCEMENT FOR ADVICE, DIVERSION OR FURTHER ACTION
Threats, Bullying, Cyber-Bullying, and Harassment (based on Race, Ethnicity, Sex Gender/Gender Identity, Sexual Orientation, Disability, or Religion against Members of the School Community, including Cyber-Harassment)					
Minor harassment (i.e., verbal discriminatory actions). **Dignity for All Students Act (DASA) Report may be filed**	✓	✓	✓		
Intentional or reckless conduct (including verbal or written conduct) or electronic communication that is ~~intended to be~~ offensive, threatening, or intimidating and may substantially disrupt the orderly operation of a school. **Dignity for All Students Act (DASA) Report must be filed**	✓	✓	✓	May be used if approved by the Chief of Schools	May be used if approved by the Chief of Schools
Physical contact in a manner intended to be offensive, threatening or intimidating and may substantially disrupt the order operation of a school. **Dignity for All Students Act (DASA) Report must be filed**		✓	✓	May be used if approved by the Chief of Schools	May be used if approved by the Chief of Schools
Serious bullying and/or harassment (i.e., repeatedly over time engaging in intentional negative behaviors that adversely affect another student's ability to participate in or benefit from a school's education or extra-curricular programs or severe isolated instances of bullying, such as threatening behavior that places a student in fear of death or serious injury, defamation, discrimination or conduct that is intended to cause another student to suffer public humiliation). **Dignity for All Students Act (DASA) Report must be filed**		✓	✓	✓	May be used if approved by the Chief of Schools

DRUGS/SUBSTANCES			
INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE			
KEY: USE LOWEST LEVEL INDICATED FIRST			
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INAPPROPRIATE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	MAY REFER TO LAW ENFORCEMENT FOR ADVICE, DIVERSION OR FURTHER ACTION
Alcohol*					
Under the influence (investigation to occur to make a determination) Medical personnel must be immediately notified if a student is found to be under the influence or using an inhalant.	X	Refer to RCSD Student Support Services/ Community Organization	X	X	X
Possessing	✓	Refer to RCSD Student Support Services/ Community Organization	✓ AND Refer to RCSD Student Support Services/ Community Organization	✓ AND Refer to RCSD Student Support Services/ Community Organization	✓
Distributing or selling	X	X	✓	✓	✓
Drugs or Controlled Substances (at school, school-sponsored activities or when involved in incidents affecting the safety or welfare of the school community)*					
Under the influence (investigation to occur to make a determination) Medical personnel must be immediately notified if a student is found to be under the influence or using an inhalant.	X	Refer to RCSD Student Support Services/ Community Organization	X	X	X
Possessing	✓	✓	✓ AND Refer to RCSD Student Support Services/ Community Organization	✓ AND Refer to RCSD Student Support Services/ Community Organization	✓
Distributing or selling	X	X	✓	✓	✓

***All students identified with or under the influence of alcohol, drugs, controlled substances or inhalants require an assessment to determine need for prevention, treatment, or medical intervention services and must be connected to appropriate services through identified school support staff, such as a nurse, social worker, counselor or administrator at the time of the incident.**

DRUGS/SUBSTANCES			
INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE			
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INAPPROPRIATE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	MAY REFER TO LAW ENFORCEMENT FOR ADVICE, DIVERSION OR FURTHER ACTION
Inhalants*					
Under the influence (investigation to occur to make a determination) Medical personnel must be immediately notified if a student is found to be under the influence or using an inhalant.		Refer to RCSD Student Support Services/ Community Organization			
Possessing	✓	✓	✓ AND Refer to RCSD Student Support Services/ Community Organization	✓ AND Refer to RCSD Student Support Services/ Community Organization	✓
Distributing or selling			✓	✓	✓

***All students identified with or under the influence of alcohol, drugs, controlled substances or inhalants require an assessment to determine need for prevention, treatment, or medical intervention services and must be connected to appropriate services through identified school support staff, such as a nurse, social worker, counselor or administrator at the time of the incident.**

LEGAL/LAW

INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE

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INAPPROPRIATE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	MAY REFER TO LAW ENFORCEMENT FOR ADVICE, DIVERSION OR FURTHER ACTION
Gambling					
Requiring the use of money or exchangeable goods.	✓	✓			
False Activation of a Fire Alarm					
Grades K to 4	✓	✓	✓	✓	**Fire Department must be notified.**
Grades 5 to 12		✓	✓	✓	**Fire Department must be notified.**
Fire Setting/Arson					
Starting a fire; destruction of property as a result of starting a fire.		✓	✓	✓	MUST BE REPORTED TO FIRE DEPARTMENT NYS Fire Code §401.3
Property Damage, including Graffiti					
Minor or reckless damage (less than $50).	✓	✓			May be used if approved by the Chief of Schools
Intentional damage to another person's or school property ($50 to $250).		✓	✓		May be used if approved by the Chief of Schools
Intentional damage to another person's or school property (over $250).		✓	✓	✓	May be used if approved by the Chief of Schools
Theft					
Taking of property that does not belong to that person.	✓	✓	✓	✓	✓

LEGAL/LAW

INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE

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INAPPROPRIATE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	MAY REFER TO LAW ENFORCEMENT FOR ADVICE, DIVERSION OR FURTHER ACTION
Trespassing					
Being on school property without permission.	X	✓	✓	✓	May be used if approved by the Chief of Schools
Being on school property while suspended or expelled.	X	✓	✓	✓	May be used if approved by the Chief of Schools
Breaking and entering	X	✓	✓	✓	✓
Bomb/Gun Threat					
K to grade 4	✓ And Threat Assessment	✓ And Threat Assessment	✓ And Threat Assessment	✓ And Threat Assessment	X
Grades 5 to 12	✓ And Threat Assessment	✓ And Threat Assessment	✓ And Threat Assessment	✓ And Threat Assessment	May be used if approved by the Chief of Schools
Weapons, Firearms and Explosives (at school, school-sponsored activities, or when involved in incidents affecting the safety or welfare of the school community)					
Firearms (possession of a firearm as defined in 18 USC 921 of the federal code – i.e., handguns, rifles, shotguns, and bombs) Suspension for no less than one calendar year is mandated by state law for firearms violations, but can be modified on a case-by-case basis by Rochester City School District Superintendent (Education Law §3214(3)(d)).	X	X	X	✓	**MUST** BE REPORTED TO POLICE Education Law §3214(3)(d)
Other guns or weapons which could cause bodily harm (i.e., loaded BB guns, pellet guns, knives, paint ball gun, silencer or other weapon that could cause serious bodily harm or look like a gun.	✓	✓	✓	✓	**MUST** BE REPORTED TO POLICE
Possession of objects that resemble a gun or weapon but are unlikely to cause bodily harm (i.e., water guns, toy guns, unloaded or inoperable pellet guns.	✓	✓	✓	✓	May be used if approved by the Chief of Schools

School Based Safety Codes

Every District building has a safety code designed to handle issues of building safety and emergency preparedness, and buildings may have conduct codes supplemental to the District *Code of Conduct*. All students, District personnel and visitors are expected to comply with building rules, and with any additional rules established to meet alerts issued by the U.S. Department of Homeland Security, law enforcement or other authorized public agencies, and to do their part to create safe environments.

Reporting Violations

All students are encouraged to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the Building Principal or their designee. A student observing anyone possessing a weapon, alcohol or illegal substance on school property or at a school function should report this information immediately to a teacher, the Principal, the Principal's designee, building/program administrator or the Superintendent of Schools. The identity of the person providing information will be protected to the fullest extent practicable.

All District staff who are authorized to impose disciplinary interventions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions have a duty to promptly report violations of the Code of Conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

Enforcement

The Principal or designee shall be responsible for enforcing the Code of Conduct. When the Principal or designee sees or is advised by others of an individual engaged in prohibited conduct which in their judgment and discretion does not pose any immediate threat of injury to persons or property, the Principal or designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal or designee may also warn the individual of the consequences for failing to stop, which is outlined in the matrix section of this Code of Conduct.

If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct, in the judgment and discretion of the Principal or designee poses an immediate threat of injury to persons or property or to public order, the Principal or designee shall have the individual removed immediately from school property or the school function and may, if they believe it necessary, call the police to assist in removing the person.

The District may initiate disciplinary action against any student or staff member, as appropriate, in accordance with law, and with respect to employees, any applicable collective bargaining agreement. In addition, the District reserves its right to pursue legal action, civil and/or criminal, against any person violating the *Code of Conduct*.

Students' Electronic Devices

A student's electronic device may be confiscated by District personnel pursuant to a school building's procedures if the Principal determines that the possession of such a device is disruptive or distracting to the school environment or educational process. For purposes of this policy, electronic devices include, but are not limited to: cell phones, smartphones, mp3 players, iPods, iPads, Kindles, Nooks, PDAs, laptops, pagers, recording devices, games and other mobile electronic devices. The confiscated electronic device must be properly identified, placed and stored in a locked container or room. Each school shall create storage and return procedures consistent with this policy. Claims related to the loss of a student's electronic device that result from a school's failure to abide by this policy shall be paid through the school's discretionary fund.

In accordance with state guidelines and to ensure the integrity of testing, students are not allowed to bring cell

phones or other electronic devices into classrooms or other exam locations during administration of NYS or in any other assessments.

Test proctors, monitors and school officials have the right to collect cell phones and other prohibited electronic devices prior to the start of the test and to hold them for the duration of the test-taking time. Admission to the test will be denied to any student who has a cell phone or other electronic device in their possession and does not relinquish it.

Students with Individualized Education Plans (IEP), 504 Plans, or documentation from a medical practitioner that specifically requires the use of an electronic device may do so as specified.

District Computer Equipment/Websites/E-mail Used by Any Person[3]

No person using District faxes, computer equipment, software owned, leased or controlled by the District, or websites, e-mail or Internet access provided by the District has a reasonable expectation of privacy with respect to such equipment, software, websites, e-mail or Internet access provided by the District. No person shall knowingly add any program or any hardware attachment (including wireless apparatus) to any such equipment without the express written consent of the District's Information Management & Technology Department; nor shall any person knowingly or intentionally use any proprietary software on District equipment unless a valid license has been issued for such use on such equipment; nor shall any person intentionally expose District equipment to any computer virus, worm or other technological invader. No user shall use District equipment to engage in extensive or abusive non-business or nonacademic projects or Internet searches, since such use tends to slow and/or compromise the system and make it less accessible for District educational and business operations. The District reserves the right to monitor the use of its equipment and software, and to monitor e-mail, websites and Internet access using District equipment or on school property without prior notice or consent. Any use of District computer equipment or software, or Internet access from District equipment or from school property which violates federal or state law may be reported to appropriate law enforcement officials, and may also result in both disciplinary action and denial of prospective use of such equipment and of Internet access, and in a civil action to recover any judgment, settlement, fine or penalty imposed upon the District because of such statutory violation. Any use of such equipment or facilities which violates provisions of this *Code of Conduct* may result in both disciplinary action and denial of prospective use of such equipment and of Internet access.

Weapons, Alcohol & Illegal Substances

The only individuals authorized to possess firearms on District property are law enforcement officers on site in the performance of their official duties, and such other individuals who are permitted to possess firearms on a school campus by express statutory authority or the express consent of the Board of Education.

Any weapon, alcohol or illegal substance found on District property or in the possession of any person on District property shall be confiscated immediately, if possible. If the material is possessed by a student, confiscation shall be followed by notification to the parent of the student involved and the appropriate disciplinary sanction, which may include permanent suspension and referral for prosecution. Possession by an employee subjects that person to discipline in accordance with applicable law and any collective bargaining agreement covering such employee, and referral for prosecution.

Student Removals & Due Process

On occasion, a student may engage in behavior that threatens the safety of others in the school community or seriously disrupts the school environment and needs to be removed through a temporary classroom removal, suspension or expulsion. However, written referrals shall not be used to document supports offered to students

[3] Cross-ref.: *Acceptable Use of the District Network* (1950)
Internet Policy (4526)

within the classroom (i.e., timeouts and other informal measures). See Appendix F for definition of removal.

There are four ways that schools can remove students for disciplinary reasons:

1. Temporary Classroom Removal by Teacher (up to 1/2 day)
2. Short Term Suspension by Principal (1-5 days), either in or out of school
3. Long Term Suspension by Superintendent (6 days – 365 days)
4. Expulsion by Superintendent

Disciplinary removal means an in-school or out-of-school suspension, or any other removal (ex. asking a parent to pick a student up as a way of deescalating, sending a student to a "Help Zone" for an extended length of time) of a student from class during which the student:

1. is not afforded the opportunity to continue to appropriately participate in the general curriculum;
2. does not receive the services specified on the student's Individualized Education Program (IEP); or
3. does not continue to participate with nondisabled children to the extent they would have in their current placement.

In these cases, students are entitled to due process, which means that the school staff must take steps to investigate the incident and talk to the student before making the decision to remove the student from school. Due process generally includes the right to receive notice of why a person is being removed from school and an opportunity for that person to tell their side of the story before a final decision is made. Parents must receive notice of the behavior and the discipline response. The longer the removal, the more steps the school must take before removing a student. Students with disabilities are entitled to additional due process.

For a full list of the steps that are required, see Appendices C (Due Process) and D (Students with Disabilities).

Alternative Instruction[4]

The mission of the District is to educate all students to their highest level of performance. The District is committed to meeting or exceeding the performance goals it has established, as well as the performance guidelines established by the State of New York; and to taking all feasible steps to provide that a suspension will not be the reason for any student to fall behind in achieving those goals.

The Board expects students, administrators, teachers, and parents to make every effort to maintain student academic progress in the event of removal or suspension, and support student re-entry into the school and classroom at the conclusion of the disciplinary action.

When a student is removed from class by a teacher, or a student of compulsory school age is suspended from school pursuant to Education Law § 3214, the District will take the necessary steps to provide alternative instruction as required by this Code and by applicable law. The method of alternative instruction shall be appropriate to the circumstance (i.e., long-term, short-term, in-school suspension, or removal from class). In all cases, it shall be incumbent upon the building staff to ensure that each student has course assignments available to them for the period of removal or suspension; and that upon return to regular classes, those assignments are turned in within the same time frames as provided for make-up opportunities in the case of excused absence. It is the responsibility of each student to complete all such assignments and, where assigned to an alternative site or to a tutor, to attend and perform to the best of the student's ability. When a student not of compulsory school age is suspended from school, the District will afford the student the opportunity to access the same education alternatives as a student of compulsory age.

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[4] Cross-ref.: Instructional Goals (4000)
Student Attendance and Withdrawal Policy (5100)
Ref.: Education Law §3214(3)(e)

Student Searches

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school personnel authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the Code of Conduct.

In addition, the Board authorizes the Superintendent, building principals and District security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the *Code of Conduct*. An administrator or security personnel acting under the direction and supervision of an administrator may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the official has a legitimate reason for the limited search. Other school personnel may conduct a search only in a situation where the circumstances do not allow the calling of the Superintendent, building principal or security official.

If practicable, the school official conducting a search shall consult with the School Chief or Law Department concerning the presence of reasonable suspicion and shall have another adult witness the search. Whenever practicable, before searching a student or the student's belongings, the authorized school official should first ask the student if they possess physical evidence that the student violated the law or the *Code of Conduct* and/or ask the student to voluntarily surrender the evidence and/or consent to the search.

Searches will be limited to the actions necessary to locate the evidence sought. Whenever practicable, searches will be conducted in a private area and students will be present when their possessions are being searched.

The rules in these standards regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

Searches may be conducted on school property or at school functions, including searches of lockers, hotel rooms, vehicles or other facilities used by students during school sponsored trips, or athletic or academic events, in which case the staff member, chaperones, or coaches involved in such activity shall be deemed to have the same authority to act that applies to a building principal or security official on school property.

Strip searches of students are expressly prohibited in all circumstances under this policy. "Strip search" is defined as a search requiring a student to remove all clothing.

If the Principal or designee determines that there is an imminent threat to the safety of the student or others, law enforcement must be contacted to intervene.

In all cases, reports shall be completed regarding the circumstances and results of the search. Any dangerous or illegal items, such as weapons or controlled substances, taken during the course of the search shall be turned over to the Director of Safety and Security or law enforcement authorities.

The authorized school officials conducting the search shall be responsible for promptly recording the following information about each search:

1. Name, age and grade of student searched;
2. Detailed reasons for the search;
3. Name of any informant(s);

4. Purpose of search (that is, what item(s) were being sought);
5. Type and scope of search;
6. Person conducting search and their title and position;
7. Witnesses, if any, to the search;
8. Time and location of the search;
9. Results of the search (that is, what items(s) were found);
10. Disposition of items found; and
11. Time, manner and results of parental notification

The Principal or the Principal's designee shall be responsible for the custody, control and disposition of any dangerous item taken from a student, and immediately turn over any illegal item, or item which may constitute evidence of a crime to the Rochester Police Department or other authorized law enforcement agency. The Principal or their designee shall clearly label each item taken from the student and retain control of the item(s) until the item is turned over to the police. The Principal or their designee shall be responsible for personally delivering dangerous or illegal items to the Director of Safety and Security or to law enforcement.

Computer Identification Systems & Random Metal Detection[5]

At all secondary schools (7th through 12th), computer identification systems shall be used to supplement other safety initiatives, and to ensure to the extent feasible that unauthorized access to the schools is minimized. All students are required to carry their student identification, and to present it upon request to any District official or employee. Metal detection systems, including hand-held wands, walk-through and x-ray capacity equipment may be used by trained personnel at any school in a random manner, and may be done on a non-random basis premised upon reasonable suspicion. All students are subject to scanning procedures, and to confiscation of any material prohibited by law, school policy, or regulation. If a student refuses to cooperate with the scanning or authorized pat down process, support staff shall be called for intervention and mediation. If the student continues to refuse to comply, the student may be referred for disciplinary action.

Prohibited and Permitted Physical Force[6]

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any District employee is strictly forbidden. However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, state regulation provides that reasonable physical force may be used to:

1. Protect oneself, another student, teacher or any person from physical injury.
2. Protect the property of the school or others.
3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of School District functions, powers and duties, if that student has refused to refrain from further disruptive acts.

The District will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's regulations.

Arrests and Referrals to Law Enforcement

Appendix E to this Policy contains the comprehensive guidance regarding law enforcement in schools.

Arrests for school-based behavior should only be used as a last resort when there is a serious, actual threat to safety. Incidents should be resolved without arrests as much as practicable.

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[5] Cross-ref.: Safe Schools (8135)

[6] Ref.: 8 NYCRR §§19.5(a)-(c); 100.2(l)(3)(i)

Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with criminal investigations. Consistent with Board Policy 5600 and Superintendent Regulation 5600-R, police officials may enter school property or a school function to question or search a student or to conduct a criminal investigation involving students only if they have:

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function.

The school principal, or designee, will immediately contact the parent/guardian when the police seek to question or search a student as part of a criminal investigation. If the parent/guardian cannot be reached, or the parent refuses to consent to the search or questioning, the questioning or search of the student cannot be conducted, unless the student is at least 18 years of age or there is an imminent threat to safety. Whenever possible, the parent/guardian (or the Principal or designee, if the parent is unavailable) will be present during any police questioning or search of a student on school property or at a school function.

Students who are questioned by police officials on school property or at a school function will be afforded the same rights that they have outside of school.

The matrix notes the circumstances under which reports to law enforcement may be considered or are required.

School officials should use their discretion before notifying law enforcement, and should consider the following factors:

1. Age, health, and disability or special education status of the student;
2. Appropriateness of student's academic placement;
3. Student's prior conduct and record of behavior;
4. Student's understanding of the impact of their behavior;
5. Student's willingness to repair the harm caused by their behavior;
6. Seriousness of the behavioral offense and the degree of harm caused;
7. Whether the behavior constitutes a violation of the Dignity for All Students Act (DASA), and if so, what response is required to satisfy the District's obligations under DASA.
8. The circumstances / context in which the conduct occurred;
9. Whether the student was acting in self-defense;
10. Whether the student's offense threatened the safety of any student or staff member;
11. Impact of the incident on overall school community;
12. The likelihood that a lesser intervention would adequately address the violation;
13. Whether the school made any effort to address the student's behavior using positive, preventive methods prior to the incident at issue; and
14. Any other mitigating or aggravating circumstances that are relevant.

The school principal, or designee, will immediately contact the parent/guardian of any student arrested or involved in a criminal investigation on school grounds in all non-emergency situations, or as soon as practicable in emergency situations. Consistent with Board Policy 5600 and Superintendent's Regulation 5600-R, any time the police seek to arrest a student, the Principal or designee must contact the Law Department, and a member of the Law Department should, if possible, be present for the arrest.

Students and their families are not prohibited from contacting the police if they believe that a student has been the victim of a crime. See Appendix E (Law Enforcement) for more details.

Public Conduct on School Property

The District is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions, including meetings or hearings conducted by the Board of Education. For purposes of this section of the *Code*, "public" shall mean all persons on school property or attending any school function wherever located, including visitors, students, parents, teachers and other District personnel.

The restrictions on public conduct on school property and at school functions contained in this *Code* are not intended to limit freedom of speech or peaceful assembly. The District recognizes that free inquiry and free expression are indispensable to its objectives. The purpose of this *Code* is to maintain public order and prevent abuse of the rights of others.

All persons on school property or attending any school function, meeting, conference or hearing shall conduct themselves in a respectful and orderly manner. Just as parents, guardians and other visitors expect the administrators, teachers and staff to treat them with dignity and civility, those visitors are expected to extend the same courtesy and cooperation to the District's employees. Good sportsmanship and civility are expected of all persons participating in, coaching or attending sports events, or attending public assemblies and programs. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose for which they are on school property.

This provision is supplemental to other policies of the Board of Education relative to the use of District property by members of the community, and is directed specifically to assuring to the fullest possible extent that all users of District property, including visitors, comport themselves in a civil, peaceful and lawful manner.

Prohibited Conduct on School Property

No person, either alone or with others, shall:

1. Intentionally or recklessly injure any person or threaten or attempt to do so.

2. Intentionally or recklessly damage or destroy, or attempt to damage or destroy District property or the personal property of a teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.

3. Disrupt the orderly conduct of classes, school programs, sporting events, assemblies, theatrical or musical presentations, meetings, conferences, hearings, Board of Education meetings or other school activities.

4. Distribute or wear materials on school property or at school functions that are obscene, or advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.

5. Intimidate, harass or discriminate against any person on the basis of actual or perceived race, color, creed, weight/appearance, national origin, citizenship status, ethnic group, religion, religious practice, age, sex gender (including gender expression and gender identity), sexual orientation, disability, predisposing genetic characteristics, marital status, partnership status, domestic violence victim status, military work or status, veteran status, or political affiliation; or use language or gestures which a reasonable person would find intentionally discriminatory toward any person or group entitled to protection in their right to obtain an education under the New York State Executive Law. Such intimidation may be person-to-person, or communicated indirectly by writing, or by any telephonic or electronic means, including use of computers or the Internet.

6. Intimidation or "bullying" on school property or at a school function, which includes harassment that interferes with a student's education or threatens a student's well- being. Harassment includes engaging in actions or making statements that are intended to place an individual in fear or cause emotional harm; threatening, stalking or seeking to coerce or compel a person to do something; or abusive conduct or use of epithets, threats, or slurs based on actual or perceived race, color, weight/appearance, ethnicity, national origin, citizenship status, creed, religion, religious practices, age, sex, gender, gender identity or expression, sexual orientation, disability, predisposing genetic characteristics, marital status, partnership status, domestic violence victim status, military work or status, veteran status, or political affiliation. Such harassment may be person-to-person, or communicated indirectly by writing, or by any telephonic or electronic means, including use of computers or the Internet.

7. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.

8. Obstruct the free movement of any person in any place to which this code applies.

9. Violate the traffic laws, parking regulations or other restrictions on vehicles.

10. Possess, consume, sell, distribute or exchange alcoholic beverages or controlled substances, or be under the influence of either on school property or at a school function.

11. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers while on duty as such, or except as specifically authorized by the Board of Education or by statute.

12. Loiter on or about school property.

13. Gamble on school property or at school functions.

14. Refuse to comply with any reasonable order of identifiable District officials performing their duties.

15. Willfully incite others to commit any of the acts prohibited by this Code.

16. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

17. Comport themselves in a manner which violates District rules, particularly with regard to the limited public forum made available by the Board; or which violates the terms of any use permit.

18. Threaten to use any weapon; or brandish or display what appears to be a weapon.

19. Attempt to obtain property or favor from another by threat or by force.

20. Threaten bodily harm to staff or students. A threat exists whenever a reasonable person would interpret the statement as a serious expression of intent to harm or assault.

21. Use language or gestures that are profane, lewd, vulgar or abusive, or uncivil, particularly during meetings, conversation or discussion with any teacher, administrator, staff member or student.

22. Place a bomb, explosive, biological or chemical weapon or incendiary device on District property, whether or not active; or make a telephoned, written or electronic message that a bomb, explosive,

biological or chemical weapon or incendiary device has been or will be placed on or near District property.

23. Commit any other act on District property or at a school function which would be prohibited under this Code if committed by a student of this District.

Visitors to Schools

The Board encourages parents and other citizens to visit the District's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or their designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the particular school will be considered a visitor (including Central Office staff).

2. All visitors to the school must report to the office of the Principal upon arrival at the school. There they will be required to sign the visitor's register. If identification badges are used in the building, they will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the Principal's office before leaving the building.

3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings, athletic competitions or public gatherings, are not required to wear an identification tag.

4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.

5. Teachers are not expected to take time to discuss individual matters with visitors during class time.

6. Any unauthorized person on school property will be reported to the Principal or their designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.

7. All visitors must abide by the rules contained in the *Code of Conduct*.

DATA COLLECTION

Annual Data Collection & Review

Schools will biannually review their discipline data and submit a written report to the District and the Board of Education. Schools and the District will make the following data and reports publicly available. Based on the review, schools will make changes to their implementation of the *Code of Conduct* consistent with the intent of this and other policies.

The District, Superintendent, and School Board will review the following:

1. The total enrollment for the school;
2. Average daily attendance rate at the school;
3. Dropout rates for grades seven through twelve;
4. The school's bullying prevention and education program;
5. Intervention and prevention strategies;
6. Number of conduct and discipline code violations, broken down according to the nature of the offenses, disaggregated by school, race, ethnicity, age, grade, disability, ELL status, s e x , and gender of the students, where available:

    a. Possession of a dangerous weapon;
    b. Use or possession of alcohol, drugs or controlled substances;
    c. Willful disobedience or open and persistent defiance;
    d. Conduct equal to first degree, second degree, third degree, or vehicular assault
    e. Behavior that is detrimental to the welfare or safety of other students or of other school personnel;
    f. Willful destruction or defacement of school property;
    g. Conduct equal to robbery; and
    h. Other violations of the code of conduct and discipline that resulted in documentation of the conduct in a student's record.

7. The extent to which the policy, including but not limited to disciplinary action, is consistently applied to all students.

School Climate and Discipline Oversight

The District will monitor school climate district-wide by:

1. Conducting annual surveys of students and teachers on school climate and safety;
2. Reviewing complaints received by school-based committees regarding discipline practices or the conduct of school staff and school resource officers;
3. Developing, monitoring, and evaluating school discipline policies and practices district-wide; and
4. Reviewing complaints and long-term suspension appeals received by the Board of Education.

ANNUAL REVIEW, DISSEMINATION, & REGULATION

Through its Policy Development and Review Committee ("Policy Committee") the Board of Education will review the *Code of Conduct* annually at or following the close of each academic year.

The President of the Board shall appoint an Advisory Committee to assist the Policy Committee in its review of the *Code of Conduct*. The Advisory Committee will be comprised of student representatives, teachers, administrators, parents and community-based organizations, school safety personnel and other school staff.

The Advisory Committee shall submit its findings and any recommendations to the Board of Education and Superintendent by April 1st (date by which Committee can reasonably be expected to conduct review of *Code* implementation and generate recommendations) of each school year and at such additional times as it deems appropriate.

The Policy Committee and Advisory Committee shall consider school-level data, including data aggregated to illustrate trends and district-level data. In conducting the review, the Policy Committee and full Board will consider the effectiveness of the *Code*'s provisions and whether the standards have been applied fairly and consistently. Revisions to the *Code of Conduct* will be made after at least one public hearing, which shall provide for the participation of school personnel, parents, students and any other interested party. A minimum of 10 school days' notice shall be provided prior to conducting a public hearing to consider changes to the *Code of Conduct.*

Dissemination[7]

The District shall post the complete *Code of Conduct* (with all amendments and annual updates) and a summary of the *Code of Conduct* on the District website and other applications available to parents when possible; provide a summary of the *Code of Conduct* to all parents before the beginning of each school year and make copies available thereafter; provide each new teacher with a complete digital or hard copy of the *Code*; and make complete copies available for review by students, parents, district personnel and community members. The District shall file a copy of the *Code of Conduct* and any amendments with the Commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after adoption.

Promulgation of Administrative Regulations

Consistent with the policy guidelines set forth above, the Superintendent of Schools is authorized to promulgate, revise, maintain and enforce throughout the District administrative guidelines and regulations consistent with constitutional requirements that address particular issues of administration, interpretation and enforcement of any section of this policy.

Resolving Incompatibility with Other Policies or Regulations

If any policy or administrative regulation of this District, at any time, is in whole or in part inconsistent or incompatible with this policy or with the administrative regulations authorized herein, the inconsistent or incompatible portion of such policy or regulation shall be deemed to be superseded by the *Code of Conduct*; provided, however, that to the extent that the provisions or purposes of such policy or regulation are not incompatible, or can be enforced without reference to the incompatible portion, then such provisions and purposes shall be deemed to continue in full force and effect.

Severability

If any provision of this *Code* or the application of any provision to any person(s) or circumstance(s) is held to be unconstitutional or otherwise unenforceable by any Court, by legislative enactment or amendment or by any Opinion of the Commissioner of Education, it is the intent of the Board of Education that such a ruling shall in no way affect or impair any other provision of this *Code* or the application of any such provision upon any other person or circumstance.

[7] Ref.: Education Law §2801(4)(5); 8 NYCRR 100.2(1)(iii)

Cross-ref: District Policy Prohibiting Discrimination or Harassment of Students or Employees (0100)
Reporting Complaints of Discrimination or Harassment (0100-R)
Student Harassment and Bullying Prevention and Intervention Policy (0115)
Community Relations Goals (1000)
Community Involvement (1200)
Visitors to Schools (1240)
Public Use of School Facilities (1500)
Public Conduct on School Property (1520)
Smoking, Vaping and Other Tobacco Use on School Premises (1530)
Acceptable Use of District Network (1950)
Electioneering in Schools (2120.1)
Instructional Goals (4000)
Students with Disabilities (4202)
Civic Education (4311.2)
Internet policy (4526)
Student Policies Goals (5000)
Student Attendance and Withdrawal Policy (5100)
Student Publications (5220)
Eligibility for Extracurricular Activities (5305)
Drug Free Schools (5312.1a)
Access to Education, Student Privacy, Law and Immigration Enforcement (5600)
Access to Education, Student Privacy, Law and Immigration Enforcement (5600-R)
Capital Planning for Shared Building Use (7050)
Health & Safety (8100)
Safe Schools (8135)
Video Cameras on School Buses (8414.4)
Drug-Free Workplace (9320)

Ref: Education Law §13[3]
Education Law §310
Education Law §2801
Education Law §3214
U.S. Constitution
U.S. Department of Homeland Security
8 NYCRR19.5(a)-(c); 100.2(l); 100.2(l)(2)(ii)(o); 100.2(1)(iii); 100.2(l)(3)(i); 100.2(gg)
8 NYCRR 201, et. seq
8 NYCRR Part 275
18 USC 921 of the Federal Code
Article 130 of the Penal Law
P.L. 108-446 "Individuals with Disabilities Education Improvement Act of 2004"
Gun-Free Schools Act, 18 USC §§3351, 8921, 8922, 921

Notes: Adopted August 16, 2001 pursuant to Resolution No. 2001-02: 184; Amended May 20, 2002 pursuant to Resolution No. 2002-03: 845; Amended July 17, 2003 pursuant to Resolution No. 2003-04: 64; Amended July 15, 2004 pursuant to Resolution No. 2004-05: 92; Amended August 18, 2005 pursuant to Resolution No. 2005-06: 179; Amended June 15, 2006 pursuant to Resolution No. 2005-06: 882; Amended August 16, 2007 pursuant to Resolution No. 2007-08: 148; Amended October 23, 2008 pursuant to Resolution No. 2008-09: 365; Amended November 19, 2009 pursuant to Resolution No. 2009-10: 340; Amended February 16, 2012 pursuant to Resolution No. 2011-12: 558; Amended June 28, 2012 pursuant to Resolution No. 2011-12: 851; Amended November 15, 2012 pursuant to Resolution No. 2012-13: 324; Amended July 29, 2013 pursuant to Resolution No. 2013-14: 81; Amended June 16, 2016 pursuant to Resolution No. 2015-16: 856; Amended June 24,

2021 pursuant to Resolution No. 932; Amended June 29, 2023 and September 5, 2023 pursuant to Resolution No. 2022-23: 917a

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APPENDIX A

Dress Code

DRESS CODE

Rationale
A dress code and its implementation impact both the constitutional rights of students and the responsibilities of school officials to maintain an environment conducive to learning. As such, the purpose of this dress code is to strike a positive balance between a student's right to free expression and the educational mission of the district.

Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other District personnel should, at a minimum, adhere to the dress code, as well as exemplify acceptable dress and help students develop an understanding of appropriate appearance in the school setting.

Clothing, accessories or appearance that run contrary to the district's educational mission, cause a material or substantial disruption of the educational process, or infringe upon the rights or safety of others, can be regulated.

It is important to note that mere dislike or offense is not sufficient grounds to restrict speech or expression, including dress or appearance. All such restrictions must stem from something greater than personal preference, beliefs or taste. This means that to be lawfully regulated, the attire or garb must truly be a substantial or material interruption, infringe upon the legitimate rights or safety of others, or be contrary to the school's educational mission.

This dress code applies to both students and adults any time they are on District property, including the school buildings and Central Office, and whenever they are attending any school function, wherever located.

Standards: (including those established in individual schools) will be applied equally to students of all race, age, genders, gender expression, orientation or gender identity

All persons are expected to give proper attention to personal hygiene and to dress appropriately for school and school functions. When on school property or at a school function, a person's dress, grooming and appearance, including jewelry, make-up and nails, must:

1. Cover buttocks, waist and chest.
2. Not include clothing, headgear or jewelry that is associated with or identifiable as a symbol of gang membership.
3. Be void of abusive, suggestive or profane language; symbols of illegal substances; or any other words, symbols or slogans that disrupt the learning environment or deny dignity or respect to others.
4. Include shoes, which are to be worn at all times for health and safety reasons.

Guidelines for Further Standards
In addition to the standards above, schools may prescribe reasonable school-level dress standards provided that such standards are rationally related to legitimate objectives, are sufficiently narrowly tailored, are content-neutral, do not unlawfully infringe upon student's constitutional rights related to speech, liberty, religion or other fundamental right, apply equally to all members of the school community and have been developed in conjunction with students, parents, teachers and other staff and members of the school community. Reasonable exceptions shall be made for students who have medical needs if it conflicts with the school's dress code policy. This

collaborative development of school-level dress standards is an opportunity for the school community to discuss issues related to dress and appearance, such as culture, religious identity, sex, gender, gender identity and expression, dignity and respect.

School-level dress standards should be justified by a legitimate concern for health or safety or other material or substantial disruption, promote dignity, respect and cultural and religious sensitivity and keep teachers and students focused on teaching and learning, not policing dress.

Any dress standards that a school develops need to be approved by the Superintendent, be published and communicated to the school community and be consistent with the provisions of this *Code of Conduct*.

Dress Code Violations

Violations of the dress code should be considered opportunities or "teachable moments" to discuss issues regarding dress and appearance, such as culture, religious identity, sex, gender, gender identity and expression, dignity and respect.

Students who violate the dress code, including school-level standards, will be required to modify their appearance by covering or removing the offending item, and if necessary and/or practicable, replacing it with an acceptable item. Any student who refuses to do so shall be subject to a Level 1 or Level 2 response. Students should not be suspended or otherwise removed from their educational program because of a dress code violation.

Data Collection and Reporting

As noted elsewhere in this *Code of Conduct*, schools shall collect and submit the following data elements as part of their semi-annual reports to the District and Board:

1. Dress code violations resulting in a Level 1 or Level 2 response.
2. Suspensions resulting from escalations of conflict relating to dress code violations.

APPENDIX B

Restorative Approaches

Restorative Approaches

Restorative approaches are an integral component of progressive discipline and the direction in which the District is committed to proceed. Restorative approaches originate from indigenous practices that reflect our shared humanity and commonality. Used proactively, they build positive vibrant culture. In the context of justice, restorative approaches use the foundations of relationships and interconnectedness to repair harm and reestablish harmony.

A restorative approach can be used as both a prevention and intervention measure. Restorative processes can help schools build relationships and empower community members to take responsibility for the well-being of others; prevent or deal with conflict before it escalates; address underlying factors that lead youth to engage in inappropriate behavior and build resiliency; increase the skills of those who have harmed others; and provide wrong doers with the opportunity to be accountable to those they have harmed and enable them to repair the harm to the extent possible.

When used as an intervention measure, taking a restorative approach to discipline changes the fundamental questions that are asked when a behavioral incident occurs. Instead of asking who is to blame and how those engaged in the misbehavior will be punished, a restorative approach asks four key questions:

1. What happened?
2. Who was harmed or affected by the behavior?
3. What needs to be done to make things right?
4. How can people behave differently in the future?

All parties are encouraged to take responsibility for their part in the occurrence that led to intervention.

Types of Restorative Practices

Circle Process: Circles are effective as both a prevention and intervention strategy. Circles may be used as a regular practice in which a group of students (or faculty, or students and faculty) participates. A circle can also be used in response to a particular issue that affects the school. The circle process enables a group to build relationships and establish understanding and trust, create a sense of community, learn how to make decisions together, develop agreements for the mutual good, resolve difficult issues, etc.

Collaborative Negotiation: Using the collaborative negotiation process enables an individual to talk through an issue or conflict directly with the person with whom they disagree to arrive at a mutually satisfactory resolution. Training in collaborative negotiation includes learning active listening and other conflict resolution communication skills.

Peer Mediation: An impartial, third party mediator (in a school, a student who has been trained to serve as a peer mediator) facilitates the negotiation process between conflicting parties so they can come to a mutually satisfactory resolution. Mediation recognizes that there is validity to conflicting points of view that disputants bring to the table and helps disputants work out a solution that meets both sets of needs. Disputants must choose to use mediation and must come to the process willingly. Mediation is not used where one individual has been victimized (for example, in cases of harassment or bullying) by another.

Formal Restorative Conference: A conference is facilitated by an individual who has received specific training in bringing together individuals who have acknowledged causing harm with those who have been harmed. Regardless of the circumstances, the mental, physical health, safety, and welfare of the individual who was harmed is of paramount importance when considering this option in a school setting. Both sides may bring supporters to the circle that have also been affected by the incident. The purpose of the conference is for the harm doer and the harmed to understand each other's perspectives and come to a mutual agreement which will repair the harm as much as it is able to be repaired.

For other resources with restorative practices, refer to the District's RocRestorative page at https://www.rcsdk12.org/rocrestorative and/or team.

APPENDIX C

Due Process

DUE PROCESS PROTECTIONS

If a parent believes a removal or other disciplinary action was not in compliance with the Code of Conduct, they may reach out to the Office of the School Chiefs. If a parent disagrees with a short-term suspension, long-term suspension or expulsion, they may refer to that section of this appendix for guidance on the appeal process.

Referral for Disciplinary Action

If school staff believe that a student's conduct warrants a disciplinary intervention, staff should complete a referral for disciplinary action to trigger an investigation of the incident. The purpose for a referral is to track and document the facts and interventions used by staff in order to ascertain the best course of action when a serious infraction occurs that necessitates the removal of a student from the class. However, written referrals shall not be used to document supports offered to students within the classroom (i.e., timeouts and other informal measures).

When the student is removed from a classroom for consideration of short-term in-school or out- of-school suspension or long-term suspension, the teacher must provide a referral form to accompany the student. This referral must be filled out prior to the Principal making a decision and at the earliest convenience of the teacher when they have been able to ensure that their classroom is in order.

The form filled out by the teacher shall be a district-wide standardized form that will include the teacher's methods of positive intervention approaches already implemented.

The referrals will be input into a digital system. A computerized program should be able to provide a cumulative report that will be able to track the number of referrals per teacher in regular intervals. Administrators will have a meeting with teachers with high numbers of referrals or with high rates of disparities among student subgroups (i.e., race, ethnicity, disability status, etc.) in order to provide additional supports and uncover challenges.

The information gathered from the tracking process will be used to inform teachers and administrators with respect to students and staff who are in need of support, as well as to inform teachers and administrators as to the effectiveness of strategies and supports that have been implemented.

Investigative Procedures for School Discipline

It is the responsibility of the Principal or their designee to take the following investigative steps before a decision is made:

1. Question the victim and any other witnesses to the incident and, when possible, obtain their signed written statements.
2. Investigative procedures must seek to understand the entire event including precipitating factors.
3. Review and retain or a reasonable time any documentary, photographic, or video evidence.
4. Whenever practicable, inform the accused student of the misconduct of which they are being accused and provide the accused student with an explanation of the evidence.
5. Whenever practicable, provide the accused student an opportunity to present their side of the event and identify witnesses.
6. In circumstances where the student has been arrested, the student must be advised that any statement made by the student may be used against the student in a court of law, and the student's parent should be notified immediately.

Classroom Removal

Notice Requirement:

Schools must provide the following notice to parents when a student is removed from the classroom:

1. All reasonable efforts must be made to notify the parent of the classroom removal and must be done by telephone, email, or other electronic means on the same day as the classroom removal;
2. Written notice will be provided within 24 hours from the classroom removal;
3. Written notice will be in writing in the parent's native language if practicable; and will include a description of the incident, length of the classroom removal, and a statement that parents can request a conference to discuss the removal; and
4. The school will maintain a record of all classroom removals provided that such record shall not constitute part of the student's cumulative file.

Conference Request[8]:

At the parent's or student's request, the teacher and/or a school administrator will have a conference with the parent and/or student.

1. The school shall schedule the conference to occur within five school days of the parent's or student's request, unless the parent or student agrees to a later date; and
2. Actual notice of the conference date shall be provided to the parent and the student.

Short-Term In School or Out of School Suspension[9]

Short-term suspensions are an extreme disciplinary measure to be used for behavior that cannot be dealt with using standard positive interventions. Short-term suspensions shall not take effect until a preliminary interview, notice and conference occur, except when a student's presence in school poses an ongoing danger to persons or property or an ongoing threat to the academic process, the student may be suspended prior to the informal conference provided the conference occurs within 2 school days of the start of the suspension.

1. Preliminary Interviews: Where it is suspected that a student has engaged in conduct for which a suspension may be warranted, it is the responsibility of the Principal or their designee to take the required investigative steps and make a determination of possible discipline, including short term

[8] Ref: Education Law §3214(3-a)
[9] Ref: Education Law §3214(3)(b)

suspension, if warranted under the circumstances. The Principal or acting Principal shall take into account all of the factors listed in the section entitled, "Levels of Intervention & Disciplinary Responses" when making a preliminary recommendation about a disciplinary action.

2. Notice to Parent:
    a. Principal (or designee) shall make every effort to reach the parent by telephone, email, or other electronic means to inform the parent of the student's referral for a suspension on the same day as the determination to seek a suspension;

    b. Written notice will be delivered to the parent within one school day from the determination to seek a suspension;

    c. Written notice will be in the parent's dominant language whenever practicable. If not practicable, all reasonable steps shall be taken to provide oral translation to the parent or legal guardian;

    d. That notice shall be on an approved RCSD form and contain the following:

        i. a description of the incident, including the section of the *Code of Conduct* the student allegedly violated;
        ii. length of the possible suspension;
        iii. a statement explaining the standard positive interventions and practices used, or if none was used, why this is the case, and explaining why the use of alternative exclusionary discipline may be justified under the circumstances;
        iv. a statement informing the parent of their right to request an informal conference with the Principal;
        v. a statement of the student's and parent's rights written in plain language, including the right to question a complaining witness, to obtain school records, to bring an attorney or advocate, the right to interpretation of the conference by a qualified interpreter or someone of the parent's choosing and the right to appeal;
        vi. a statement of the means by which the student will be provided alternative instruction during the period of suspension;
        vii. a statement that if the child has been arrested or if a criminal investigation is pending, any statement, written or oral, can be used against the student in a court of law;
        viii. a list of free and low-cost attorneys and advocates in the area; and
        ix. the procedures for appealing the disciplinary decision.

3. Informal Conference:

    a. The informal conference is an opportunity to assess the facts surrounding the incident for which a suspension is possible, to determine whether a suspension is justified, to collaboratively devise satisfactory solutions for the student's return to their program and prevent further disruption of the student's education.

    b. The informal conference shall be scheduled as soon as possible, but no later than five school days from the date of the written notice unless the delay is at the parent's request.

    c. <u>Informal Conference Provisions:</u>

        i. The student and parent have the right to call witnesses and present documentary

evidence, including audio and video recordings and to question a witness with firsthand knowledge of the incident.

ii. The student and parent may be represented by an attorney or an advocate.

iii. Upon request of the parent or student, the school shall provide interpretation services in their dominant language(s).

iv. The student and parent have the right to receive a written decision within one school day of the conference.

v. If the Principal determines short-term suspension is warranted, the written decision shall include the length of suspension, and procedures for appealing the decision, including the date by which the appeal must be submitted.

4. Appeal of Short-Term Suspension Decision:

   a. Students and parents can appeal a short-term suspension to the New York State Commissioner of Education.
   b. Any appeal must be filed within 30 days of the decision following the suspension conference.

5. Exception for emergencies: If a student's presence in school poses an ongoing danger to persons or property or an ongoing threat of disruption to the academic process, a student may be removed immediately and the informal conference shall follow as soon after the student's removal as practicable, but in no case more than 48 hours after the removal. If immediate emergency removal from school is necessary, the school shall immediately notify the parent to determine the best way to transfer custody of the student to the parent.

Long-Term Suspension (LTS) and Expulsion[10]

Long-term suspension and expulsion are extreme disciplinary alternatives to be used for behavior that cannot be resolved appropriately using standard positive interventions, a classroom removal, or a short-term suspension. Long-term suspensions and expulsions shall not take effect until an investigation, notice and a hearing occur in accordance with the following:

1. Investigation: When a student engages in conduct for which a long-term suspension or expulsion may be warranted, the Principal or their designee must investigate consistent with the requirements in #1 of short-term in-school or out-of-school suspension, above. The Principal shall take into account all of the factors identified under Levels of Intervention and Disciplinary Responses when making a preliminary recommendation about a disciplinary action. If the Principal determines that an LTS referral is appropriate, they shall inform the student of the referral for LTS and the reason for the referral.

2. Notice to Parent:

   Schools must provide the following notice when a long-term suspension or expulsion is proposed:

   a. Principal (or designee) shall make every effort to reach the parent by telephone, email, or other electronic means to inform the parent of the student's referral for a suspension on the same day as the determination to seek a suspension;

   b. Written notice will be delivered to the parent within one school day from the determination to seek a suspension or expulsion;

[10] Ref.: Education Law §3214(c)
Education Law §310
8 NYCRR Part 275

c. Written notice will be in the parent's dominant language if practicable;

d. That notice shall contain the following:

i. a description of the incident including the section of the *Code of Conduct* the student allegedly violated;

ii. length of the proposed suspension;

iii. a statement explaining the standard positive interventions and practices used, or if none was used, why this is the case, and explaining why the use of alternative exclusionary discipline may be justified under the circumstances;

iv. a statement of the student's and parent's rights written in plain language, including the right to fair hearing, the right to question the district's witnesses and to present testimony and other evidence on behalf of the student, to obtain school records, to bring an attorney or advocate to the hearing, the right to interpretation of the hearing by a qualified interpreter or someone of the parent's choosing, and the right to appeal;

v. A description of the alternative education that will be provided to the student until such time as a determination has been made with respect to whether or not the student is guilty of the charge, and any applicable penalty has been imposed.

e. The Long-Term Suspension Hearing Office shall send notice to the parent that includes:

i. a date, time and location for a fact-finding hearing;
ii. a statement that if the child has been arrested or if a criminal investigation is pending, that any statement, written or oral, can be used against the student in a court of law;
iii. a list of free and low-cost attorneys and advocates in the area; and the procedures for appealing the disciplinary decision.

3. Hearing:

a. The hearing is an opportunity for an impartial and neutral hearing officer to determine if the school can meet its burden of proof to sustain the charge(s), and if the proposed suspension or expulsion is appropriate.

b. The hearing shall occur within five school days of the date of suspension, unless the parent requests a later date. If the hearing occurs after the fifth day following the suspension without the parent consenting to the delay, the student shall be returned to their regular program until such time as the hearing is held and the Superintendent or their designee has made a decision regarding the charge(s).

c. **Hearing Provisions:**

i. Hearings shall be conducted by a neutral and impartial hearing officer. Upon appointment, all hearing officers are authorized to administer oaths and issue subpoenas in conjunction with the proceedings before them.

ii. The school must prove the alleged student behavior by competent and substantial evidence.

iii. School cannot rely exclusively on hearsay evidence to meet its burden of proof.

iv. Students and parents have the right to call witnesses and present documentary evidence including, but not limited to, witness statements, incident reports, and audio and video recordings; and to question persons with information related to the incident.

v. Students and parents have the right to request and, upon request, the District must require, the presence and testimony of witnesses who are school employees.

vi. Students and parents have the right to request the presence and testimony of witnesses who are safety or law enforcement personnel on campus, and the school shall take all reasonable steps to ensure their presence.

vii. Students and parents have the right to request the presence and testimony of other students or witnesses to the event, and the school shall take all reasonable steps to ensure their presence.

viii. Students and parents have the right to representation by an attorney or an advocate.

ix. The hearing officer shall consider only the evidence presented at the hearing and shall make findings of fact and recommendations to the Superintendent or their designee as to the appropriate measure of discipline. The proposed suspension or expulsion may be dismissed, reduced, or upheld.

x. The hearing officer must dismiss the proposed suspension if they determine:

1) The suspension was imposed for a behavior for which suspension is prohibited under the *Code of Conduct*.

2) The school did not present sufficient evidence to meet its burden of proof.

3) The suspension was not appropriate, considering the factors listed in this *Code*.

xi. The hearing officer or superintendent's designee may dismiss or reduce the proposed suspension if they determine:

1) The school did not impose graduated and proportionate discipline, unless the conduct that resulted in the suspension was sufficiently serious that graduated discipline would not have been appropriate.

2) The suspension was not appropriate given the facts as presented at the hearing.

3) The school did not follow the due process procedures in this subsection.

xii. Upon request of the parent or student, the school shall provide interpretation services in the parent's native language.

xiii. Students and parents have the right to receive written notification of the determination of guilt or lack thereof and penalty, if guilt is determined. If the Superintendent or their designee determines a long-term suspension or expulsion is warranted, the written decision shall include the length of suspension, the conduct for which the student has been found guilty, and procedures for appealing the decision, including the date by which the appeal must be submitted.

xiv. The written decision shall be sent to the student/parent within three school days after the Superintendent's designee receives the penalty determination.

xv. An accurate and complete record of the hearing shall be maintained by the school, but no stenographic record shall be required and an audio or video recording shall be deemed a satisfactory record. Students and parents shall have a right to request and receive this record at no cost.

4. Appeal Provisions:

a. Parents or students can appeal the decision to suspend within 30 school days from the date the parent receives the Superintendent's suspension determination letter;

b. A written decision on appeal, including the rationale for the decision, will be issued within 30 school days of the filing of the appeal;

c. The appeal will consider whether the record demonstrates that the student's rights were violated during the investigation, hearing, or appeal process;

d. The decision on appeal must be based solely on the hearing record;

e. The suspension or expulsion can be upheld, overturned or reduced; and

f. The Board of Education must overturn the suspension if it determines:

i. The record does not contain sufficient evidence to support the finding.
ii. The suspension was imposed for a behavior for which suspension is prohibited in the school's *Code of Conduct*.
iii. The record demonstrates that the school did not follow the due process procedures in this subsection.
iv. The suspension was not appropriate considering the factors listed under the Levels of Intervention and Disciplinary Responses.

g. The Board of Education may overturn or reduce the suspension if it determines:

i. The school did not impose graduated and proportionate discipline, unless the conduct which resulted in the suspension was sufficiently serious that graduated discipline would not have been appropriate.

ii. The suspension was not appropriate given the facts as presented at the hearing.

h. If the family disagrees with the Board's decision, an appeal may be submitted to the New York State Commissioner of Education within 30 days of the Board's decision.

Access to Schools

Except in cases of emergency, if a Principal desire to restrict a family member's access to the school, the Principal's supervisor must first authorize such action. The Principal must specify in writing to the restricted family member the explanation for restriction, duration and conditions of any restriction (i.e., ., must make advance appointment or be escorted within the building).

APPENDIX D[11]

Students with Disabilities

The Board of Education is committed to a policy of inclusion of students with disabilities within the full range of programs offered to students of the District and, to the fullest extent consistent with the specific needs of individuals as provided for by law. To every extent practicable, and according to individual student need, students with disabilities shall be educated with their non disabled peers.

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior.

This *Code of Conduct* affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state requirements, namely, the Individuals with Disabilities Education Act (IDEA) and the Commissioner's Regulation including Part 201 (Procedural Safeguards for Students with Disabilities), referenced below. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

When a removal from instruction will result in the student accumulating more than ten school days of removals within the school year, or a single removal will result in more than ten school days outside of the student's regular program, a parent and District special education official shall review the student's file to determine whether the conduct was caused by or had a direct and substantial relationship to the student's *educational* disability, or was the direct result of the District's failure to implement the IEP (a Manifestation Determination Review, or "MDR"). An MDR must be conducted for any student with an Individualized Education Program (IEP) or 504 Plan who is subject to a disciplinary change of placement. If a student does not have an IEP or 504 Plan, but is presumed to be a student with a disability under specific criteria set forth in the IDEA, the student is entitled to the same due process protections as a student with an IEP who is subject to disciplinary removal.

The MDR will be held separately following the suspension hearing, and within ten (10) days of the disciplinary decision that resulted in a change of placement. The MDR team shall consist of members of the Committee on Special Education (CSE), including the Parent. If the child's conduct is determined to be a manifestation of their disability the IEP team must: (1) conduct a functional behavioral assessment and implement a behavioral intervention plan, if the LEA has not done so; or (2) review an existing behavioral intervention plan and modify it to address the behavior; and (3) except in cases involving weapons, drugs, or infliction of serious bodily injury, return the child to the placement from which the child was removed, unless the parent and Local Education Agency (LEA) agree to a change of placement as part of the modification of the behavioral intervention plan. .

IDEA 2004 authorizes schools, upon determining that the violation was not a manifestation of the child's disability, to apply the same disciplinary procedures as for a child without a disability, provided that FAPE requirements are met, with the option of providing such FAPE in an interim alternative educational setting if agreed upon between the District and the Parent. When the student's behavior involves serious bodily injury, weapons, illegal drugs or controlled substances (as defined in criminal code and as

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[11] Cross-ref: Students with Disabilities (4202)
Ref.: P.L. 108-446 "Individuals with Disabilities Education Improvement Act of 2004"
Education Law §3214(3)(g)
8 NYCRR 201, *et. seq*

distinguished in this Code of Conduct), the student may be disciplined in accordance with Part 201.7(e) of the Commissioner's Regulations.

Students with disabilities who are suspended for not more than ten school days shall be afforded the same rights as their non-disabled peers. In all instances, the District shall consider any unique circumstances on a case by case basis when determining whether to order a disciplinary change for a student with a disability who violated this Code of Conduct.

In the event of any change or amendment to such federal and state law and regulations, or to any order of a court of competent jurisdiction impacting District students with disabilities, the Superintendent is authorized to issue regulations designed to maintain coordination of our program with such legal requirements.

APPENDIX E

Law Enforcement

Roles of Law Enforcement and Criminal Investigations

The Board of Education acknowledges the role of law enforcement in contributing to safe and secure schools. Law enforcement presence for arrest or detention of a student is subject to Board Policy 5600 and Regulation 5600-R.

School District and School Administrators

1. The school principal, or designee, will immediately contact the parent/guardian when law enforcement seeks to question or search a student as part of a criminal investigation. If the parent/guardian cannot be reached, or the parent refuses to consent to the search or questioning, the questioning or search of the student cannot be conducted, unless the student is at least 18 years of age or there is an imminent threat to safety. Whenever possible, the parent/guardian (or the Principal or designee, if the parent/guardian is unavailable) will be present during any law enforcement questioning or search of a student on school property or at a school function.

2. To the extent practicable, the school principal, or designee, will notify the law enforcement officials involved in an arrest or criminal investigation if a student requires special accommodations of which the District is aware (i.e., medical assistance, medication, disability, language interpretation).

Law Enforcement Involvement in Searches and Interviews of Students

District officials will cooperate with police officials and other law enforcement authorities in order to maintain a safe school environment. Law enforcement officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with criminal investigations. Law enforcement officials may enter school property or a school function to question or search a student or to conduct a criminal investigation involving students only if they have:

1. A search or an arrest warrant, which the Principal should confirm with the Department of Law;
2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Responding to an incident and/or emergency reported by the school.

If a law enforcement official seeks to question or search a student on school property in the context of an official criminal investigation, the Principal or designee shall first notify the student's parent/guardian to give the parent/guardian the opportunity to be present during the questioning or search. If the parent cannot be contacted, or the parent refuses to give consent for a search or questioning, the search or questioning will not be conducted, unless the student is at least 18 years of age. Whenever possible, the parent/guardian (or the Principal or designee, if the parent/guardian is unavailable) will be present during any law enforcement questioning or search of a student on school property or at a school function.

Students who are questioned by law enforcement officials on school property or at a school function will be afforded the same rights that they have outside of school. Even with the parent/guardian present, students of all ages have the right to remain silent and request their own attorney when being questioned by law enforcement,

whether or not they are on school property.

Abuse/Neglect Investigations by Child Protective Services (CPS) and Law Enforcement

Consistent with the District's commitment to keep students safe from harm and the obligation of school officials to report to Child Protective Services (CPS) when they have reasonable cause to suspect that a student has been neglected, abused or maltreated, the District will provide data and assistance to local CPS workers or members of a multi-disciplinary team accompanying these workers who are responding to allegations of suspected child abuse, and/or neglect, or custody investigations. Such data and assistance include access to records relevant to the investigation, as well as interviews with any child named as a victim in a report, a sibling of that child, or a child residing in the same home as the victim. School District administrators should not contact parents/guardians unless specifically advised to do so by CPS workers involved in the investigation.

All requests by CPS to interview a student on school property shall be made directly to the Principal or their designee. Child Protective Service workers and any associated multi-disciplinary team members must comply with the District's procedures for visitors, provide identification, and identify the child(ren) to be interviewed. All reasonable efforts should be made to assure that such interviews are conducted in a place that offers as much privacy and as few interruptions as is feasible, given the physical limitations of individual buildings.

The Principal or their designee shall decide if it is necessary and appropriate for a school staff member, including but not limited to an administrator or nurse, to observe the interview either from inside or outside the interview room. Anyone attending a CPS interview of a student is present solely to support the student emotionally and should not attempt to participate in or influence the interview.

A CPS worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if they were not removed from school before a court order can reasonably be obtained. If the CPS worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

District staff will contact the Department of Law for clarification on any questions related to the foregoing process.

APPENDIX F

Glossary

Academic Dishonesty: Providing, receiving or viewing answers to quiz or test items or independent assignments; having out or using books, notes or notebooks during a test without permission from a staff member.

Administrator: The building/program administrators (such as Principals, Vice-Principals, Assistant Principals, house administrators, program administrators, and athletic directors), District-wide administrators, the Director of Transportation and security supervisors.

Alcohol/Drugs/Controlled Substances: Any illegal, intoxicating, addictive, mood altering, or potentially harmful substance including, but not limited to, alcohol, inhalants, controlled substances, marijuana, cocaine/crack, LSD, PCP, "ecstasy," amphetamines, heroin, steroids, look-alikes, and any synthetic version thereof, whether specifically illegal or not. This definition includes substances commonly referred to as "designer drugs", which are substances designed and synthesized to mimic the intended effects and usages of illegal drugs. For purposes of this definition there is also included prescription and over-the-counter drugs when used inappropriately or, in the case of prescription medications, when possessed or used by anyone other than the individual for whom they have been prescribed by a licensed physician. Neither prescription medications nor over the counter medications may be possessed by elementary school students. Parents of elementary school students requiring such medication must personally deliver such medication to the school nurse, for administration to the student in the manner prescribed.

Attack on Student: A student or students set upon another student in a forceful, hostile or aggressive way without warning or provocation; this includes behavior commonly referred to as "banking."

Behavior Intervention Plan: A proactive plan designed by school staff to correct inappropriate or disruptive student behavior through positive behavioral interventions, strategies, and supports. This plan is appropriate for both students with and without disabilities.

Bodily Injury: Any physical or corporeal injury.

Bomb Threat: The making of threats or providing false information about the presence of explosive materials or devices on school property without cause in writing, in person or by phone, text or other electronic means.

Bullying/Cyberbullying: "Bullying/Cyberbullying: Intentional or reckless hostile behavior which harms another person physically or emotionally, and is characterized by an imbalance of power between students. If two students are equally engaged in an altercation, this is not a bullying situation, but instead considered a "conflict" between the two students. When an imbalance of power is present it can be seen in small ways over a long period of time or in a large way all at one time. Bullying includes verbal, physical, or written communication that is threatening or seriously intimidating. Cyberbullying includes the use of information and communication technologies (i.e., e-mail, cell phones, pagers, text messages, social media, video calls, gaming systems, instant message, personal website or blogs or a combination of these) to support deliberate,

hostile behavior by an individual or group who intentionally or recklessly harm or intimidate others physically or psychologically.

Community Service: An unpaid service for the benefit of the public that is performed as part (or all) of the consequence for committing an infraction. Allows the student to participate in some sort of activity to serve and benefit the community. Examples include working at a soup kitchen, cleaning up litter, helping at a facility for the aged, etc.

Conference: A communication that takes place face to face, by telephone or virtually. Conferences can involve students, teachers, administrators, and parents/ guardians in discussion about student misbehavior and potential solutions that address social, academic, and personal issues related to the behavior.

Consequence: A result that follows from an action or condition.

Class Cutting: Unexcused absence from a class or school activity.

Disciplinary Removal: means an in-school or out-of-school suspension, or any other removal (ex. asking a parent to pick a student up as a way of deescalating, sending a student to a "Help Zone" for an extended length of time) of a student from class during which the student:

4. is not afforded the opportunity to continue to appropriately participate in the general curriculum;
5. does not receive the services specified on the student's Individualized Education Program (IEP); or
6. does not continue to participate with nondisabled children to the extent they would have in their current placement.

District Personnel: all individuals, wherever assigned, who are employed by the District, or are under contract or assignment to the District, or who volunteer to assist the District in the operation of its programs and/or the delivery of its services. The term "District personnel" includes transportation personnel whether employed by the District or by a contractor. For purposes of this Code, "District personnel" and "school personnel" are synonymous.

Disruptive Student: An elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.
Ref.: Education Law §3214(2-a)(b)

ELL: English language learner.

Emergency Situation: A circumstance in, or in close proximity to, a school or school event in which there is a serious, active and immediate threat of injury to a person or persons. An emergency usually requires an immediate competently executed response to dissipate or remove the threat.

Fair: Impartial and just; without favoritism or discrimination.

Functional Behavior Assessment: Involves gathering information about a student's inappropriate or disruptive behavior and determining approaches school staff should take to correct or manage the student's behavior.

Gender Expression: The manner in which a person represents or expresses gender, often through behavior, clothing, hairstyle, activities, voice, or mannerisms.

Gender Identity: An individual's self-conception along a continuum of being male and female, as distinguished from biological gender or gender assigned at birth.

Harassment[12]:

1. **Disability Harassment**: A negative act or verbal expression toward an individual or group based on an individual's disabling mental or physical condition and includes any unwelcome conduct directed at the characteristics of an individual's disabling condition, such as imitating manner of speech or movement, or interference with necessary equipment.

2. **Ethnicity or National Origin Harassment**: A negative act or verbal expression toward an individual or group of the same race or national origin who share common or similar traits, languages, customs and traditions, based upon race, national origin, customs and traditions.

3. **Gender Expression or Gender identity Harassment**: A negative act or verbal expression toward an individual or group who share common forms of gender expression or gender identity, such as derogatory comments regarding transgender individuals, mannerisms, clothing or activities based on identifying along a continuum of being male and female.

4. **Marital Status**: A negative act or verbal expression toward an individual directed at the characteristics of an individual's marital status, such as derogatory comments regarding being single, divorced, or being a single parent.

5. **Racial Harassment:** A negative act or verbal expression toward an individual or group of persons who possess common physical characteristics (i.e., color of skin, eyes, hair and facial feature genetically transmitted by descent and heredity) that distinguish them as a distinct division of human kind, based on these physical characteristics.

6. **Religious Harassment**: A negative act or verbal expression toward an individual or group of persons, who possess common religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, based on religious beliefs.

7. **Sex/Gender Harassment:** A negative act or verbal expression toward an individual's sex/gender, such as derogatory comments regarding pregnancy or individual's participation in a non-traditional job or activity.

8. **Sexual Harassment**: Unwelcome sexual advances, requests for sexual favors or other inappropriate verbal, written or physical conduct of a sexual nature, directed toward others.

9. **Sexual-Orientation Harassment**: A negative act or verbal expression toward an individual or group of persons based on their sexual attraction toward or responsiveness to members of the opposite or same sex.

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[12] Cross-Ref: District Policy Prohibiting Discrimination or Harassment of Students or Employees (0100)

LGBTQIA+: Lesbian, Gay, Bisexual, Transgender, Questioning/Queer, Intersex or Asexual.

Loss of Privileges: As a consequence of a violation of the Code of Conduct, a student can lose the right to participate in school events and activities, including participation in graduation and senior activities (if the behavior warrants this consequence, only monies paid as senior dues for the missed activity will be refunded).

Makeup Work: When students are removed from class because of inappropriate or disruptive behavior, school staff must provide students with missed assignments and the opportunity to make up these assignments without penalty. Students with Individualized Education Plans (IEPs) and 504 plans have additional protections that may require full IEP implementation, not just homework packets. School staff should refer to their Student Discipline Handbook and Special Education Compliance Manual for more information.

Mentoring Program: A student is paired with a mentor (a counselor, teacher, student, or community member) who helps the student in personal, academic, and social development.

Parent: Parent, guardian or person in parental relation to a student.

Parent Outreach: Parent outreach requires school staff to inform parents of their child's behavior and seek the parents' assistance with correcting inappropriate or disruptive behavior.

Peer Mediation: Peer mediation is a form of conflict resolution in which students help other students deal with, and develop solutions to conflicts. See Appendix B: Restorative Practices.

Possession of Alcohol, Drugs and/or Inhalants: Possession of alcohol, drugs and/or inhalants means to have physical possession or otherwise or exercise dominion or control over.

Pro-Social: Relating to or denoting behavior that is positive, helpful, and intended to promote social acceptance and friendship.

Referral to Substance Abuse Treatment Services: Students with behavior related to substance abuse, and/or when there is reason to believe substance abuse counseling is needed, may be referred to school-based or community-based services.

Referral to Community-Based Organizations: Students can be referred to community-based organizations for a variety of services, including after-school programming, individual or group counseling, leadership development, conflict resolution, and/or tutoring.

Referral to School-Based Health and Mental Health Clinics: These services provide counseling and assessments to students who are in need. Students are allowed to privately share issues or concerns that lead to inappropriate or disruptive behavior or negatively affect academic success.

Restitution: Replacing item(s) that were stolen or damaged by providing fair market value by way of compensation or service.

Restorative Approaches: See Appendix B: Restorative Approaches.

School Day: Any day of required pupil attendance, unless preceded by the word "calendar." "Day" means a school day.

School Function: Any school-sponsored event or activity, including but not limited to extra- curricular and athletic events, meetings, conferences, or hearings.
Ref.: Education Law §2801(1)

School Personnel: all individuals, wherever assigned, who are employed by the District, or are under contract or assignment to the District, or who volunteer to assist the District in the operation of its programs and/or the delivery of its services. The term "District personnel" includes transportation personnel whether employed by the District or by a contractor. For purposes of this Code, "District personnel" and "school personnel" are synonymous.

School Property: In or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary, secondary, adult education or post-secondary school or any other property owned or leased by the District, or in or on a school bus, as defined in Vehicle and Traffic Law §142, or other transportation vehicle adopted by/for the District. Ref.: Education Law §2801(1)

Serious Bodily Injury: Bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

Sexual Activity: Inappropriate behavior of a sexual nature while on school grounds or during school-sponsored activities, including but not limited to indecent exposure, consensual sexual contact, sexual intercourse, oral sex or possession of sexually explicit material.

Sexual Assault or Offense: Unwanted sexual contact or sexual act or sexual contact by coercion, force or threat of force or harm, including inappropriate touching and/or an act that would constitute a crime under Article 130 of the Penal Law.

Sexual Orientation: The actual or perceived attraction or lack of attraction to specific genders, some examples include, but are not limited to, straight, lesbian, gay, asexual, bisexual, pansexual.

Tardiness: Arriving late to school or class.

Theft: Taking or attempting to take property of another person or institution without permission or knowledge of the owner, with the intent to deprive the owner of its use.

Trespassing: Being on school property without permission, including while suspended or expelled.

Violent Student[13]:
An elementary or secondary student under the age of 21 who:

[13] Ref.: Education Law §3214(2-a) (a)

1. Commits an act of violence, such as intentionally hitting, kicking, punching and/or scratching upon a school employee, or attempts to do so;
2. Commits, while on school property or at a school function, an act of violence, such as intentionally hitting, kicking, punching and/or scratching, upon another student or any other person lawfully on school property or at the school function, or attempts to do so;
3. Possesses, while on school property or at a school function, a weapon;
4. Displays, while on school property or at a school function, what appears to be a weapon;
5. Threatens, while on school property or at a school function, to use a weapon;
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function; or
7. Knowingly and intentionally damages or destroys school District property

Weapon (including look-alike and ammunition)[14]: A firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act, any other gun, BB gun, pellet gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, knife, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance (including chemical and biological substances) animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one-half inches in length.

A weapon is, by way of illustration and without limitation, one of the following:

1. Firearm: A firearm as defined in 18 U.S.C. 921 of the federal code. Examples include handguns, rifles, shotguns and bombs. Refer to the federal code for the complete definition.

2. Other Guns/Weapons: Could cause bodily harm (i.e., loaded BB guns, pellet guns, knives, paint ball gun, silencer, or other weapon that could cause serious bodily harm or look like a gun).

3. Possession of Objects: Can resemble a gun or weapon but are unlikely to cause bodily harm (i.e., water guns, toy guns, unloaded or inoperable pellet guns.

4. Weapon used to cause bodily harm or injury: Use of a weapon to injury any person on school property or while involved in a school-sponsored activity.

[14] Ref.: Gun-Free Schools Act, 18 USC §§3351, 8921, 8922, 921
Education Law §3214(3) (d)
8 NYCRR 100.2(gg)

PUBLIC USE OF SCHOOL FACILITIES

The school buildings and grounds are maintained for the education and recreation of the school children of the District, and no use shall be made of the buildings or grounds which would interfere or disrupt their most effective use for the benefit of the school children. All uses of school buildings and grounds shall be consistent with Section 414 of the Education Law.

Such use may take place during school hours only if, in the opinion of the Superintendent (or their designee), the use will not be disruptive of normal school operations. Both during and after school hours, all such use should pertain to the general welfare of the school and/or community, in compliance with the Education Law. Any such use, however, shall not be deemed an endorsement of the activity or purpose for which the facilities are used.

Cross-ref: Public Use of School Facilities Regulation (1500-R)

Ref: Education Law §414

Notes: Adopted August 20, 1998; Amended July 29, 2013 pursuant to Resolution No. 2013-14: 75; Amended September 22, 2022 pursuant to Resolution No. 2022-23: 143

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PUBLIC CONDUCT ON SCHOOL PROPERTY

The Board of Education recognizes that the primary purpose of the District is to provide a superior atmosphere for learning and education. Any action by an individual or group aimed at disrupting, interfering or delaying the education process or having such effect, is hereby declared to be in violation of Board policy. The Superintendent is hereby authorized and directed to promulgate and file rules and regulations to affect this policy as required by Education Law §2801.

The Board also recognizes its responsibility to protect school property and declares its intent to take any and all legal action to prevent its damage or destruction. The Board will also seek restitution from, and prosecution of, any person or persons who willfully damage school property.

It is not the intent of this policy to limit freedom of speech or peaceful assembly. The Board recognizes that free inquiry and free expression are indispensable to the objectives of a school district. The purpose of the rules and regulations is to prevent abuse of the rights of others and to maintain public order, not to prevent or restrain controversy or dissent.

Cross-ref: Visitors to Schools (1240)
Code of Conduct (1400)
Public Use of School Facilities (1500)
Public Conduct on School Property Regulation (1520-R)
Safe Schools (8135)

Ref: Education Law §2801

Notes: Policy added August 20, 1998; Amended September 22, 2022 pursuant to Resolution No. 2022-23: 143

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SMOKING, VAPING AND OTHER TOBACCO USE ON SCHOOL PREMISES

To provide a healthy environment for District students, employees, and members of the public, the Board of Education prohibits smoking, tobacco use, and use of electronic cigarettes (or e-cigarettes) in District buildings, on school grounds, and in any vehicle used to transport children or staff. Smoking, tobacco use, and use of electronic cigarettes are also prohibited within 100 feet of all District building entrances, exits and outdoor areas, except when this includes residential property. This prohibition extends to all employees, students, visitors, guests and clients of the District.

An "electronic cigarette" or "e-cigarette" is an electronic device that delivers vapor that is inhaled by an individual, including vaporizers, vapor pipes, and vape pens, or any refill, cartridge or component of such a device. Additionally, ingesting cannabis or concentrated cannabis products is prohibited on school grounds and on school buses. This policy does not apply to lawful medical cannabis use in compliance with state law and regulation for those who are properly certified and registered; however, state regulations do not permit smoking or vaporizing medical cannabis where smoking and vaping are prohibited by law.

Signs stating "No Smoking," "No Smoking in this Facility," "Smoking Prohibited in this Facility," the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it), or signs of like import, shall be prominently and conspicuously placed at the entrance of every school, in District vehicles, and designated outdoor locations on school grounds (e.g. athletic fields, playgrounds).

District employees and students who violate this policy shall be subject to appropriate disciplinary action, as outlined in the *Code of Conduct* (1400).

Visitors, guests and clients of the District shall be subject to ejection from school grounds if they refuse to abide by this policy.

Building Principals are hereby designated as the agents of the District responsible for enforcing this policy and for informing individuals when they are in violation of the law and of this policy.

Cross-ref: Visitors to Schools policy (1240)
Code of Conduct (1400)

Ref: Education Law §§409(2);
The Pro-Children Act of 2001, 20 USC §§7181 et. seq.
The Pro-Children Act of 1994, 20 USC §§6081 et. seq.
Public Health Law Article 13-E
Public Health Law §§206; 340; 347; 1399-aa

Notes: Prior policy, Revised Superintendent's Regulations Regarding Smoking in Schools Adopted August 20, 1998; Amended July 26, 2018 pursuant to Resolution No. 2018-19: 81; Amended October 20, 2022, prior name Smoking, Tobacco Use and Use of Electronic Cigarettes on School District Premises, pursuant to Resolution No. 2022-23: 206

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HOME-SCHOOLED STUDENTS

The law requires that the Board of Education ensure that children instructed at home are taught by a competent instructor and receive an education substantially equivalent to that offered in the District's schools.

Parents/Guardians who wish to educate their children at home must submit to the District an Individual Home Instruction Plan (IHIP), outlining the educational goals to be met and the course materials and syllabi to be used each year for the child's learning process. The District may accept or deny an IHIP. Parents/Guardians must submit quarterly reports and an annual assessment with the fourth quarterly report, which will provide the District with the necessary information to make determinations of substantial equivalency and competency of instruction on an ongoing basis.

Parents/Guardians may appeal to the Board a determination by the Superintendent of Schools or designee that an IHIP is not in compliance with the Regulations of the Commissioner of Education. Parents/Guardians shall have the right to appeal the final determination of the Board to the Commissioner of Education within 30 days of receipt of such determination.

Special Education

A student with an IHIP, who is a resident of the school District and has a disability, or is suspected of having a disability, is eligible to receive services from the school District, in accordance with law, regulation and District policy 4211. A parent/guardian must request special education services in writing to the Board by June 1st, unless the child is first identified or moves into the District after June 1st. In that case, the parent/guardian must request the services within 30 days of being identified or of moving into the District.

Special education services will be provided on an equitable basis compared to programs and services provided to other students with disabilities attending public or nonpublic schools within the District. The District will determine the location where services will be available to home schooled students.

Participation in Extracurricular Activities

Students instructed at home by their parents are not permitted to participate in District activities or use District facilities, other than as permitted under District policy 1500, Public Use of School Facilities. In accordance with policy 1500, students who are home-schooled and want to participate in District activities, must be vaccinated if they are to be on District premises.

Instructional Materials

The Board authorizes the Superintendent to loan instructional materials, if available, to students receiving home instruction. The Superintendent or their designee shall determine the availability of resources and develop appropriate procedures.

Cross-ref: Public Use of School Facilities (1500)
Students with Disabilities (4202)
Least Restrictive Environment (4211)
Student Health Services (5420)

Ref: Education Law §§ 3204(2); 3210(2)(d); 3602-c (2-c)
Public Health Law § 2164 (as amended by Chapter 35 of the Laws of 2019)

8 NYCRR §§ 100.10; 135.1; 135.4
Appeal of Ponte, 41 EDR 174 (2001)
Matter of Abookire, 33 EDR 473 (1994)
State Education Department Memorandum, "New Requirements for the Provision of Special Education Services to Home-Instructed ("Home-Schooled") Students, July 2008
State Education Department Memorandum, "Home Instruction Questions and Answers," http://www.p12.nysed.gov/sss/homeinstruction/homeschoolingqanda.html, Sept. 2016

Notes: Adopted October 20, 2022 pursuant to Resolution No. 2022-23: 207

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GIFTS FROM THE PUBLIC

1. GIFTS TO DISTRICT OFFICERS OR EMPLOYEES

No District officer or employee shall directly or indirectly receive any gift having a value in excess of the limitation established by General Municipal Law § 805 (currently $75 or more), whether in the form of money, services, loans, travel, entertainment, hospitality, etc., under circumstances in which it could reasonably be inferred that the gift was intended to influence the performance of their duties. However, the Board of Education welcomes the writing of letters or notes to staff members expressing gratitude or appreciation.

Nothing herein should be construed as prohibiting the traditional exchange of holiday gifts, provided discretion is used to ensure that gifts of value are not accepted by staff employees or officers. Gifts from children that are principally sentimental in nature and of insignificant financial value may be accepted in the spirit in which they are given.

2. GIFTS TO A SCHOOL OR TO THE SCHOOL DISTRICT

Only the Board of Education may accept for the school district any gifts of money, property or goods, except that the Superintendent may accept on behalf of the Board any such gifts of less than $1500 in value.

The Board reserves and authorizes the Superintendent to reserve the right to refuse to accept any gift which does not contribute toward the achievement of the District's goals or the ownership of which would tend to deplete the resources of the District.

Any gift accepted by the Board or the Superintendent shall become the property of the District, and may not be returned without the approval of the Board. Gifts are subject to the same controls and regulations as other properties of the District.

It shall be the policy of the District to accept a gift, provided it is made within the statutory authority granted to school districts and has received the approval of the Board of Education.

In granting or withholding its consent, the Board will review the following factors:

a. The terms of the gift must identify:

   i. the subject of the gift;
   ii. the purpose of the gift;
   iii. the beneficiary or beneficiaries, if any; and
   iv. all conditions or restrictions that may apply.

b. The gift must not benefit a particular or named individual or individuals, except for an award to an individual student. In granting an award to an individual student, all students shall have an equal opportunity to qualify for it in conformance with federal and state law.

c. If the gift is in trust, the obligation of the investment and reinvestment of the principal shall be clearly specified and the application of the income or investment proceeds shall be clearly set forth.

d. No gift or trust will be accepted by the Board unless:

i. it is in support of and a benefit to all or to a particular public school in the district;
ii. it is for a purpose for which the school district could legally expend its own funds; or
iii. it is for the purpose of awarding scholarships to students graduating from the district.

Any gift rejected by the Board shall be returned to the donor or their estate within 60 days together with a statement indicating the reasons for the rejection of such gift.

Cross-ref: Gifts from the Public Regulation (1810-R)
Code of Ethics (2160)

Ref: General Municipal Law §805-a Education Law §1709(12)

Notes: Adopted August 20, 1998; Amended July 29, 2013 pursuant to Resolution No. 2013-14: 77; Amended September 25, 2018 pursuant to Resolution No. 2018-19: 312; Amended October 20, 2022 pursuant to Resolution No. 2022-23: 206

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PARENT AND FAMILY ENGAGEMENT POLICY

Parents and Families are the subject of this policy. This policy is intended to ensure that Rochester City School District employees and parents understand, and ensure parent and family engagement rights at every level of the District.

This policy strengthens the partnership among families, school communities, District staff, the Superintendent, and the Board of Education, by defining the principles of effective parent engagement, identifying ways in which parents can be involved in their child's education, and providing guidelines for parent representation in school and District-based decision-making organizations. This policy establishes standards for implementation and evaluation of all parent engagement practices.

The Board of Education believes and recognizes:

1. that education in the school environment represents only one aspect of a child's learning and development;
2. partnership with parents and families is critical in assisting children to realize their full potential;
3. parent and family engagement are essential to student achievement, school educational planning and operations; and
4. the need for a collaborative partnership between school and home.

The Board of Education directs the Superintendent of Schools to develop equitable home-school communication practices and methods across the District.

Effective parent communication must involve a partnership of shared responsibility in which:

1. School and District staff reach out to families to partner in their children's learning and development;
2. School, District staff and families share an ongoing commitment to partner and adapt to children's changing needs; and
3. School, District staff and families support children's learning in the variety of settings encountered in their daily lives.

This policy supplements the rights of parents guaranteed by the Board of Education and by state and federal law.

Definitions

Parent: The definition of "parent" as utilized in this document is a natural parent or grandparent, an adoptive parent, a legal guardian, or an individual who place themselves in the position of a lawful parent, with all the obligations and responsibilities of such position in with a student who is enrolled as a student of the District.

Parental Engagement: as utilized in this document is parent participation in consistent two-way communication regarding academic, social-emotional learning, and school community activities.

Grievance: as utilized in this document is an official statement and process of registering a complaint or concern over something believed to be wrong or against District policies and regulations.

Parent and family engagement programs, activities and procedures at the District and individual school level must ensure that parents and family members:

1. Play an integral role in assisting their children's learning;
2. Are encouraged to be actively involved in their children's education at school; and
3. Are full partners in their children's education and are included in decision-making and on advisory committees to assist in the education of their children to the extent permitted by law.

Title I Parent and Family Engagement –District Level Policy

The Rochester City School District is a Title I school district.

Under the federal No Child Left Behind Act of 2001, as modified by the Every Student Succeeds Act (ESSA) of 2015, school boards receiving federal Title I funds must adopt a written parent and family engagement policy. The policy must be developed in collaboration with parents and family members, and is subject to their agreement. The final adopted parent and family engagement policy must be distributed to District parents and family members, and incorporated into the District Title I Plan.

Consistent with the parent and family engagement goals of Title I, Part A of the federal No Child Left Behind Act of 2001 (NCLB) as authorized by the Every Student Succeeds Act (ESSA), the District will develop and implement programs, activities and procedures to encourage and support the participation of parents and family members of students eligible for Title I services in all aspects of their child's education. All schools receiving Title I, Part A funds will develop and implement school-level parent and family engagement procedures, as required by federal law. To the extent feasible, each school or program will have parent-friendly literature available in the language predominantly spoken by those in parental relation to the students enrolled in such schools or programs to support participation by all District parents.

All District and school Title I parent and family engagement programs, activities, and procedures will provide opportunities for the informed participation of parents and family members, including those who have limited English proficiency; parents and family members with disabilities; and parents and family members of migratory children. The District must also provide opportunities for parents and family members with disabilities to request auxiliary aids and services to enable them to communicate and participate effectively in all aspects of their child's education.

A District-wide culture change is necessary to improve family and parent participation and engagement. This change must be embraced by the Superintendent and demonstrated by staff in schools and the Central Office. Progress toward improving meaningful parent and family engagement in the District will be monitored by the District-wide parent organization (see section 1900.3) in conjunction with the Office of Parent Engagement and the Office of School Innovation responsible for addressing these goals.

Parent Participation in Developing the District's Title I Plan and School Plans

As further required by federal law, parents and family members of students eligible for Title I services will be provided an opportunity to participate in the development of the District's Title I plan, and to submit comments regarding any aspect of the plan that is not satisfactory to them. Their comments will be forwarded with the plan to the State Education Department.

The New York State Education Department requires that parents and family members participate in the process of developing school plans for the school that their child attends. The Board, Superintendent, and other District staff will undertake the following actions to ensure parent and family member involvement in the development of the District-wide Title I plan:

1. Town Hall Meetings

2. Open House
3. Robo Calls
4. Parent Surveys
5. Phone, mail, or email correspondence

Please refer to the section below, "School Level Parent and Family Engagement Approaches", and the "Title I Parent and Family Engagement – School Level Approach" (1900-E1) exhibit for more details.

Grievance Process

The Superintendent shall develop regulations to establish a process for parents and family members to file grievances. The process for tendering such grievances shall be provided for parents and made available to the general public. The Superintendent (or designee) shall prepare and deliver to the Board of Education an annual summary of oral and written grievances, and the actions taken to respond to them. Notwithstanding the foregoing, this policy in no way restricts an individual parent's right to make their feelings known at any level of the District on any topic of concern.

Core Beliefs of Parents of RCSD Students:

1. Students are our first priority and will drive each decision.
2. Each student has recognizable and untapped potential that we strive to discover and fulfill.
3. We embrace diversity and commit to the eradication of racism and all forms of discrimination and oppression.
4. We provide students, families and staff with equitable access to resources for learning.
5. We respect and honor the dignity of all individuals.
6. Educating the whole child requires high-quality learning that is safe, loving and rigorous.
7. Our work is centered in respect, trust, integrity and accountability.
8. Education is a partnership of families, school, and the community.
9. We make each fiscal and resource allocation decision equitably, transparently and in the best interest of our students.

National Standards for Family-School Partnerships

The National Parent-Teacher Association developed the "National Standards for Family-School Partnerships" (1900-E4) for family-school partnerships to provide a framework for enhancing student success by District and school staff.

School Level Parent and Family Engagement Approaches

The Superintendent will ensure that all District schools receiving federal financial assistance under Title I, Part A are provided with coordination, technical assistance and all other support necessary to assist in planning and implementing effective parent and family engagement programs and activities that improve student achievement and school performance. In accordance with each school's needs, the Superintendent will ensure that:

1. Training for Title I parent engagement will be provided 3 times a year;

2. The Office of Grants and Program Accountability will notify the Parent Leadership Advisory Council and building administrators about the Title I parent engagement funding for their school;

3. The Office of Parent Engagement and Title I Committee will review each school's Title I Parent Engagement Plan annually for approval;

4. The District-wide parent organization (see section 1900.3) will review each school's Title I Parent Engagement Plan as needed, and advise the Board of Education regarding approval of the District-wide Title I Parent Engagement Plan;

5. Consultations and support will be provided to school principals regarding involvement of parents and staff in Title I parent engagement planning, as needed; and

6. District parents will be surveyed at the beginning and end of each school year, at a minimum.

Please refer to the "Title I Parental Involvement – School Level Approach" exhibit (1900-E1) for more detail**.**

1900.2 Varieties of Parent Involvement

Each parent and family may define differently the best means of engagement for themselves, their scholars and families. No one can list all of the ways that families can be involved in school communities. Families are the primary teachers of children and they are welcomed in the learning experience within the school community. Some of the significant ways parents may be engaged, include but are not limited to:

1. Parents being expected and encouraged to actively participate in their school communities, and ensuring that parents have consistent, predictable access to schools to accomplish this.

2. Parents being volunteers in organized school groups and committees such as PTA, PTO PTSA and other parent groups.

3. Schools engaging in more active outreach to parents to inform and gauge availability and interest in school activities.

4. The District providing Professional Development (PD) and training to school administrators and teachers on how to encourage and facilitate family participation.

5. The role of the Parent Liaison and Home School Assistants being refined and refocused to better effectuate their mission of being strong partners to parents and families.

6. A Parent Involvement Fair or other parent engagement event in the last week of August or first month of school to get parents involved immediately at the beginning of the school year.

7. Parents being provided opportunities to be leaders in their schools and at the district level through planning teams and District-wide parent groups and Board-sponsored task forces, committees

Parents are invited to participate in the development of the District Comprehensive Improvement Plan (DCIP) to assist in collecting data and monitoring District progress toward specific goals for state reviews (see 1900-E3).

Parents as Partners in Policy-Making

Parents shall be partners with the Board and the Superintendent in developing policies. The District's policy development process is outlined in Board policy and further delineated in regulations developed by the Superintendent.

Building Capacity for Parent Involvement

The implementation of this policy is to empower parents as advocates for improving their children's academic achievement, the District and Title I, Part A schools will:

1. The District will encourage parents to be involved in Parent University in order to assist parents in understanding topics such as the state's academic content and standards; grade-level expectation; state and local academic assessments; Title I requirements; methods for monitoring their children's progress and for working with educators to improve their children's academic achievement.

2. Provide materials and training to help parents participate in improving their children's academic achievement, such as literacy training and use of technology (including education about the harms of copyright piracy and safety precautions in using the worldwide web).

3. Enlist parents to assist in educating teachers, specialized instructional support personnel, principals, other school leaders, and other staff, in understanding the value and utility of parents' contributions and ways to:

    a. Reach out, communicate, and collaborate with parents as equal partners;
    b. Implement and coordinate parent programs;
    c. Build ties between parents and the schools; and
    d. Understand and be culturally sensitive to the needs of each family.

    To achieve this objective, the Parent Leadership Advisory Council will review all Parent University workshops planned for the upcoming school year with the Office of Parent Engagement by the end of August.

Parent University and Other Professionally-led Learning Offerings

1. Parent participation in/watching Professional development trainings

2. Ensure that information related to school, parent-related programs, meetings, and other activities is provided to parents of children participating in Title I programs via the Parents' Right to Know Letter and school-based presentations. The information shall be presented in an understandable and uniform format in a language the parents can understand (to the extent practicable), and in alternative formats (upon request).

3. Abide by the Student Academic Achievement School-Parent Compact exhibit (1900-E2) at the building level.

Coordination of Parental Involvement Strategies

The District will coordinate and integrate parent engagement strategies for compliance with Title I, Part

A with those used to promote parent participation in other Federal, State, and local programs, including public preschool programs. The District will coordinate parent involvement strategies by:

1. Monitoring parent and family attendance at all events, including Title I events;
2. Offering surveys to parents at all events, including Title I events, to identify and support parents' needs; (information will be publicly available through the Office of Parent Engagement i.e.; survey data, workshop data, satisfaction surveys);
3. Promoting the Power of 2 Initiative of the Office of Parent Engagement in every school;
4. Encouraging in the community and District-wide at least two parents from each classroom to participate in one or more of the following: School-Based Planning Teams, PTA/PTO, or parent engagement events; and
5. Informing parents of their rights under the federal *Every Student Succeeds Act* (ESSA).

1900.3 Parent Organizations in the District

District-wide Parent Organization:

A District-wide parent organization, Parent Leadership Advisory Council (PLAC), shall be established to provide parents with opportunities to serve as leaders at the District level. Currently, parents have organized themselves at the District-wide level under the name Parent Leadership Advisory Council. PLAC shall consist of representatives of school-based parent organizations and other parent groups

PLAC shall be composed of parents, legal guardians, and those with custody of students **currently** enrolled in the Rochester City School District (RCSD), except that current RCSD employees shall not be eligible to serve as officers on PLAC.

All meetings for PLAC shall be open to all District parents, legal guardians, and individuals with custody of a student currently enrolled in an RCSD school. No parent, legal guardian, individual with custody of a currently enrolled RCSD student, or District staff member shall be denied entry into meetings of PLAC. The schedule of PLAC meetings shall be provided to all parents, legal guardians, and individuals with custody of a student currently enrolled in an RCSD school. PLAC will regularly update District parents, legal guardians, and individuals with custody of a student currently enrolled in an RCSD school of changes to the Council's meeting schedule or location, major developments in the District, and opportunities to provide input into decision-making. The Office of Parent Engagement, Office of Communications, and PLAC will work collaboratively to provide parents with the information.

The bylaws of PLAC must adhere to the requirements contained in this policy. Any changes in the bylaws of PLAC must be ratified by the Rochester Board of Education.

PLAC will meet periodically with the Superintendent, their representative, and/or members of the Board of Education to share and discuss issues of concern affecting students, education, and the school environment. The Superintendent and at least one Board member shall meet annually with PLAC to evaluate this policy, identify barriers to success, and recommend policy changes to eliminate or overcome barriers.

District-Level Parent Organizations

School-level and District-level parent groups should work collaboratively to prioritize the needs of students.

1. Bilingual Education Council

2. Special Education Parent Advisory Council
3. Parent Leadership Advisory Council
4. Multilingual Parent Advisory Council

School Level Parent Organizations:

1. **School-Level Parent Groups**

   Each school will have a parent organization that centers work around the priorities of the Parent Engagement Plan and aligns with The National PTA Standards. Principals will work collaboratively with identified staff and parents in their school charged with developing and sustaining building-based and District level parent organizations. If there are barriers to developing parent organizations at the school level, Principals will reach out to the Office of Parent Engagement for support. Parent organizations shall support the election process for the School-Based Planning Team parent representatives (further information contained in *School-Based Planning Teams* policy – 2265). Schools should provide as much support as possible in disseminating information to and about parent organizations through mediums most likely to reach the school audience, such as school websites.

District Responsibilities regarding Parent Involvement

The District is responsible for creating and maintaining programs, activities, and procedures for implementing effective parent involvement to improve school performance and student achievement. At a minimum, the Superintendent's Office will identify the responsible District staff, school, or department, and direct that they will:

1. Involve parents in the development of the District's annual plan (DCIP - District Comprehensive Improvement Plan/ SCEPs - School Comprehensive Education Plan) and policy related to the No Child Left Behind Act (NCLB) and modified by the Every Student Succeeds Act (ESSA) of 2015.
2. Coordinate and integrate parent involvement strategies in research-based education programs.
3. Educate and involve parents in decisions about allocation of Title I funds to schools for parent involvement.
4. Practice increased financial transparency by providing parents with relevant information about District finances.
5. Share decision-making with parents in planning, review, and improvement of programs.
6. Provide parents with a description and explanation of the curriculum and the forms of assessment used to measure student progress.
7. Inform parents of their option to change schools if their child is enrolled in a Priority School
8. Notify parents of supplemental services offered to students who attend a school on a low-performing list for at least three (3) years.
9. Inform parents of the options and process for school transfers for reasons of safety established by the State of New York.
10. Inform parents of classroom teacher qualifications to the extent permitted by law.
11. Provide training and information sessions for parents regarding their rights under the No Child Left Behind Act (NCLB) as modified by the Every Student Succeeds Act (ESSA) of l2015 through Parent University Training led by the Office of Parent Engagement.
12. The Auditor General will meet with the Parent Leadership Advisory Council and additional parents during the annual risk assessment and audit plan development process in order to include the perspectives of families and parents in District audits.
13. Provide full opportunities for participation of parents of: limited-English-proficient students,

students with disabilities.
14. Provide full opportunities for participation of parents of: migrant children, and homeless students.
15. Incorporate the Power of 2, which encourages 2 parents from each classroom to participate in School-Based Planning Teams, school parent group, and other parent engagement events. Principals from each school will ensure that Parent Liaisons and/or Home School Assistants take responsibility for this initiative.

Specific Areas of Cooperation

The Board, administrative staff and School-Based Planning Teams shall retain their responsibilities for making decisions, and shall actively consult with parents in the following areas of cooperation between parents and the District:

1. School-Based Management – Principal
2. Capital and Operating Budget – CFO
3. Instruction – CAO
4. Curriculum/Textbooks - CAO
5. Student Support Services - SSS
6. Attendance and Enrollment - Principals and Office of Attendance
7. Academic Standards - Deputy Superintendent of T&L
8. New Construction/Remodeling/Modernization - COO
9. Special Education - Deputy Superintendent of T&L
10. Special Services
11. Bilingual/Bicultural Education - DOME
12. Health and Wellness - Chief of Health and PE
13. Social and Emotional Well-Being - SSS

Responsibilities of the Board of Education

Parents will be informed of all meetings and topics of the Rochester Board of Education in a timely manner. Meetings will be listed on the District's annual calendar, which is provided to parents in the summer prior to the start of the school year.
Other meetings will be publicized through the media, Office of Parent Engagement, the District's website, school bulletin boards, *Students First*, other mass communication devices, and directly to school-based parent groups. The Parent Leadership Advisory Council shall meet with the Board of Education and the Superintendent at mutually agreeable times as part of ongoing public engagement activities.

Parent Interests in Collective Bargaining Agreements

The Board of Education shall consider the concerns and interests of parents in its deliberations regarding collective bargaining agreements. The District will seek information regarding the needs and interests of parents in advance of collective bargaining negotiations.

Parent-Staff Relations

The District shall seek information from parents on a regular basis (at least once a marking period) regarding their satisfaction with their children's teachers and other personnel to improve instruction and school/ parent relations. Survey data will be used to inform decision making for academic outcomes.

Communication to Parents

The Chief Communications Officer is authorized to develop parent-friendly materials to communicate this policy's content, goals and District responsibilities to all District parents and to community members in order to promote and sustain parent involvement. This policy and the corresponding regulations will be translated into Spanish. Spanish interpretation will be provided at all meetings as the norm. Upon request, translation services will be provided at parent meetings for parents who speak languages other than English and/or Spanish. The Information and Technology Department will support parents. Information will be communicated to parents via electronic and non-electronic means.

Policy Implementation and Regulations

The Superintendent will develop regulations for the implementation of this policy. The regulations will establish standards for evaluating the success of the District's and school's parental involvement practices, and the evaluation, analysis, and findings will be reported to the Board for each school year in September. These regulations and standards for evaluation will be reviewed publicly by Board mandated Parent groups and Parent Representatives on Board of Education Committees.

Parent engagement will be supported through educational training programs provided to staff, faculty, administration, community partners, District volunteers and school building Parent leaders. Training programs will be designed on the basis of, but not limited to, surveys, 1-on-1 communication, public forums and other public meetings. These processes and procedures will be developed at the school level by the School Based Planning Teams and then shared and monitored by the Superintendent and cabinet members.

The District will provide resources to encourage the maximum number of parents to participate in the activities described in this policy. The issue of adequate resources will be included in the annual review of this policy to support individual programs across the District for equity.

Guidelines

The Superintendent will support, sustain and provide transparency of district information, including data collected from surveys and forums, participation in the creation of processes and procedures to all District Wide Parent Groups which is to include a timeline moving forward for implementation and accountability based on the above collected data. The regulations will establish the process and procedure of protocols for addressing parent concerns approved by the District Level Parent Groups. Presentations will be given to Executive and school level School Based Planning Teams, at a minimum, on a yearly basis. A series of meetings to ensure these guidelines are established and adhered to will be planned in August.

The regulations will also address a process by which parents may be recommended for advisory membership on Board committees, advisory bodies and otherwise participate as partners in policy-making from a diverse Parent Community representative of the demographics of the District with the aid of Parent Groups at all levels, both school and District-wide.

The Office of Parent Engagement along with District Level Parent Groups will establish regulations for developing and sustaining a Parent University to provide parent involvement training. These regulations will identify and integrate the roles of the District departments, programs, District Level Parent Groups, mandated committees, and other parent organizations with programming based on individual school and District-wide need.

Accountability

The Board of Education in collaboration with the Executive Teams of the District Wide Parent groups will develop an accountability system with measurable goals for parent and family engagement for schools, staff, District leaders and parents who are in leadership positions. Benchmarks will be established for staff, faculty, administration and parent leadership responsibility in the area of parent involvement.

The Board shall ensure that compliance with this *Parent and Family Engagement Policy* is explicitly addressed in the Superintendent's evaluation.

Evaluation

An annual evaluation of the content and effectiveness of this parent and family engagement policy will be conducted by the Superintendent (or designee) in collaboration with District parents and presented to the Board. The evaluation will address improvements needed in the academic quality of Title I schools, including:

1. Identifying barriers to parent participation;
2. Actions to be taken to address these barriers; and
3. Policy revisions needed to facilitate greater and/or more effective parent and family involvement.

School-based and District parent organizations must be active participants in the annual evaluation process. The Parent Council shall assist in establishing the specific evaluation format to be used at the building level to facilitate comparability across the District. The evaluation of parental involvement will use the measurable goals established in the Superintendent’s accountability system.

To ensure that parent and family engagement practices are implemented with fidelity the Superintendent (or designee) shall provide to the Board of Education a consolidated Building-level and District- level evaluation of the content, implementation and effectiveness of this policy in April of each year.

Parents will be notified when the annual evaluation report is available, as well as ways in which the report can be accessed. The Board will meet with the Parent Leadership Advisory Council to discuss the evaluation findings, identify barriers to parent involvement in the District, and recommend policy changes to eliminate or overcome those barriers.

These evaluation reports will be considered by the Board of Education to determine the necessity and parameters of revisions to this policy, consistent with the applicable provisions of the parental

involvement section of No Child Left Behind Act of 2001 (NCLB) and the Improving America's Schools Act of 1994, 20 U.S.C 6319 (2002).

In addition to the annual evaluation, an open audit report regarding the Office of Parent Engagement is also available through the Office of the Auditor General, and has been supported by the Parent Leadership Advisory Council.

Cross-ref: Community Involvement policy (1200)
Code of Conduct (1400)
Title I Parent and Family Engagement - School Level Approach (1900-E1)
Student Academic Achievement School-Parent Compact (1900-E2)
District Comprehensive Improvement Plan (1900-E3)
National Standards for Family-School Partnerships (1900-E4)
Job Descriptions (1900-E5)
Parent Leadership Advisory Council By-Laws (1900-E6)
Bilingual Education Council Bylaws (1900-E7)
Parent and Family Engagement Regulation (1900-R)
Advisory Bodies (2260)
School-Based Planning Teams policy (2265)
Administrative Councils, Cabinets, Committees (3220)
Equivalence in Instructional Staff and Materials (4010)

Ref: 20 USC §§6318(a)(2); 7801(38), Every Student Succeeds Act (§1116 of the Elementary and Secondary Education Act)
U.S. Department of Education, *Parental Involvement, Title I, Part A, Non-Regulatory Guidance,* April 23, 2004

Notes: Adopted May 2, 1991; Amended: August 20, 1998; August 21, 2000; October 17, 2002; December 15, 2011 pursuant to Resolution No. 2011-12: 411; July 24, 2014 pursuant to Resolution No. 2014-15: 81; November 17, 2016 pursuant to Resolution No. 2016-17: 368; December 20, 2018; Amended October 20, 2022 pursuant to Resolution No. 2022-23: 206; Amended November 30, 2023 pursuant to Resolution No. 2023-24: 467

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INTERPRETERS FOR HEARING-IMPAIRED PARENTS

The Board of Education recognizes that those District parents with hearing impairments which prevent a meaningful participation in their child's educational program must be afforded an opportunity equal to that afforded other parents to participate in meetings or activities pertaining to the academic and/or disciplinary aspects of their child's education. Accordingly, and pursuant to law, the school District will provide, at no charge to parents or persons in parental relation, an interpreter for hearing-impaired parents or persons in parental relation for school- initiated academic and/or disciplinary meetings or activities including, but not limited to:

1. Parent-teacher conferences;
2. Child study or building level team meetings;
3. Planning meetings with school counselors regarding educational progress and career planning;
4. Suspension hearings or other conference with school officials relating to disciplinary actions; and
5. Any meetings relating to the provision of special educational services.

For purposes of this policy, "Hearing Impaired" shall include any hearing impairment, whether permanent or fluctuating, the result of which prevents a meaningful participation in school District meetings and activities.

For purposes of this policy, a school District meeting is any meeting or activity which is conducted by the Board or the District which may be attended by a parent or person in parental relation.

The school District will provide an interpreter for the hearing-impaired parent if a written request for the service has been submitted to and received by the District within 48 hours prior to the scheduled meeting or activity. Interpreters will be scheduled without notice for CSE meetings if parental need is requested at student registration. If an interpreter is unavailable, the District will then make other reasonable accommodations which are satisfactory to the parents (e.g., notetaker, transcript, decoder, or telecommunication device for the deaf). These services will be made available by the District at no cost to the parents.

The Board directs the Superintendent of Schools to maintain a list of available interpreters and to develop procedures to notify parents of the availability of interpreter services, the time limitation for requesting these services, and of the requirement to make other reasonable accommodations satisfactory to the parents should an interpreter not be available.

Hearing-impaired parents are requested to submit the attached form to request accommodation of their disability.

Ref: Americans with Disabilities Act of 1990, 42 USC §§12131-12134
Rehabilitation Act of 1973, 29 USC §794
Education Law §3230 8 NYCRR §100.2(aa)
Rothschild v. Grottenthaler, 907 F.2d 286 (2d Cir. 1990)

Notes: Adopted August 19, 1993; Amended August 20, 1998; Amended July 29, 2013 pursuant to Resolution No. 2013-14: 78; Amended October 20, 2022 pursuant to Resolution No. 2022-23: 206

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ACCEPTABLE USE OF DISTRICT NETWORK

OBJECTIVES

This policy sets forth the standards and expectations governing use of the District's Network by all Rochester City School District ("District") Board members, employees, students, consultants, partners, and guests. The policy is intended to promote the ethical, legal, and school- related use of the District Network. All electronic devices will be governed under this policy when such devices are attached to the District Network.

RESPONSIBILITY

The purpose of District-provided computer, wired and unwired networks, email and internet access is to facilitate communications in support of legitimate District work, research and education. In order to remain eligible as Users, such use must support the educational objectives and work responsibilities of the District. Access is a privilege, not a right and access entails responsibility.

DEFINITIONS

1. District Network: All of the District owned or licensed computers, wired and unwired networks, email and telephone, hardware, software, and related technologies, including all networks, wiring, and communications equipment.

2. Electronic Information: All e-mail, audio files, and electronic data, files, or other records stored on the District Network

3. Educational Purposes: Those actions directly promoting the educational, instructional, administrative, business, and support services missions of the District and related to any District instruction, project, job, work assignment, task, or function for which the User is responsible.

4. Inappropriate Materials: Text, graphic, pictorial, or auditory representations of items that that, taken as a whole and with respect to the interests of students, appeal to a prurient interest in nudity, sex, or excretion; materials which lack serious literary, artistic, political, or scientific value to students; materials that promote discrimination or harassment against others based on race, religion, gender, nationality, sexual orientation; materials intended to teach skills that would enable an individual to engage in illegal activities; or materials that violate the law or are inconsistent with Policies of the Board of Education, Superintendent Regulations or the educational mission of the District.

5. Internet Access: All methods used to connect to Internet servers and Users, and all methods for providing access regardless of funding or facilitating sources, including e-mail.

6. Restricted Information: Any data or information for which the person accessing it does not have an educational purpose. This also relates to information that could be considered public where such information does not support User responsibilities in a manner that is beneficial to the District and personnel.

7. Technology Protection Measure: An Internet filtering technology that is designed to limit access to selected portions of the Internet based on identified criteria. Its intended use in the District is to limit access to Inappropriate Material.

Unauthorized Equipment: Any device that is not approved by the Superintendent or designee to be connected to a District computer or District Network, including, but not limited to personal network devices such as wireless access points, network routers and network switches.

8. User: Any Board of Education member, District employee, student, consultant, partner, guest or other individual authorized to use the District Network.

PROCEDURE

1. Management of Electronic Data and Information Security

   Users may only access information and/or computer systems to which they are authorized and that they need for their assignments and responsibilities.

   a. Users are responsible for their own individual accounts.

      i. Users are required to protect the security of their accounts by changing passwords as directed by the Information Management and Technology Department ("IM&T") and by keeping their passwords strictly confidential.

      ii. Users are expressly prohibited from sharing accounts and passwords.

      iii. Violations that can be traced to an individual account name may be treated as the responsibility of the account owner.

   b. IM&T shall develop and implement protocols in order that computers may be locked automatically when Users are away from their computers for a predetermined period of time. Users are required to log off before allowing others to use their computer.

      It is the responsibility of every User to be aware of and follow all applicable security procedures in accordance with this Regulation.

   c. Users must secure their electronic data. Sensitive files must be saved to a secure location such as an individual's network folder/directory or a removable disk that is then secured in a locked file cabinet, or secure district cloud location (i.e. Google Cloud, One Drive).

   d. Users should make backup copies of critical files stored on their computers and ensure the copies are stored in a secure place.

   e. District Data and Information - Employees will only access information that; is necessary to perform their District duties consistent with the purpose intended; is consistent with the Code of Conduct; and does not qualify as **Restricted Information**.

2. Physical Security

   Computer systems equipment must be located and maintained in a secure physical environment. Users are responsible for cooperating with the following physical security provisions for computers and related technology.

   a. When staff members are not present to supervise the area, all areas (including permanent or temporary storage) housing valuable computer equipment must be secured.

b. Computer or related equipment, excluding laptops issued to individuals, may not be relocated or removed from District property without coordination through the Help Desk. Any computers or related equipment can only be moved from one location to another under the supervision of the District Computer Technician assigned to that building.

c. Users issued a laptop computer must sign a hand receipt when taking possession of the computer. The laptop must be returned to the IM&T Computer Services Liaison (located at Central Office) or School Technician prior to the User leaving the District or transferring to another school or office.

d. The Help Desk will maintain a database of all computers, computer equipment and cellular telephones signed out under a hand receipt. It is the responsibility of the individual taking possession of the equipment and signing the hand receipt to notify the Help Desk that they have returned the equipment in order that their name may be removed from the database as a User in possession of the equipment.

e. District staff should report lost and/or stolen equipment by:

    i. Notifying the Police and filing a police report of stolen equipment.
        1) Obtaining a copy of the Police Report and send one copy to:
            a) The Director of Office of Safety and Security; and
            b) Information Technology Officer of IM&T.
        2) Completing a Lost, Stolen or Damaged Computer Equipment Report Form listing all missing items with their serial number, make, model number and estimated costs. Copies should then be given to the Director of Office of Safety and Security and the Information Technology Officer of IM&T.

3. Systems and Applications Security

    a. Users shall not install software or hardware, or disable or modify security settings or measures (such as antivirus software) installed on any computer for any purpose without the permission of the Help Desk.

    b. Users must not change the system settings without the permission of the Help Desk.

    c. District software and applications may not be installed or copied to a non- District computer, except when authorized in writing by the Information Technology Officer.

4. Network Security

    The District is not responsible for information found on networks outside of the District, including, for example, the Internet. The District does not have control over information residing on other systems or Internet sites to which there is access through the District. Some sites and systems outside of District may contain defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or illegal material.

    a. Users are responsible for ensuring that access to or importation of material on networks is for Educational Purposes.

b. Any material or information purposefully posted or linked from the District system or Internet site must be consistent with the District's educational or business purpose, as defined in this Regulation.

c. Users are responsible for abiding by all Federal and State laws, Board policies and Superintendent Regulations applicable to the computer system(s) they use, including those accessed over the Internet from District equipment.

d. Except as provided in subparagraph e. and f. below, equipment owned personally by District employees, partners, or consultants may not be connected to the District Network or directly to any District owned equipment.

e. Requests of contractors or consultants to connect their corporate laptops or desktop computers to the District's Network shall be considered and approved in writing on a case-by-case basis by the Information Technology Officer or designee.

f. Approved contractors must sign a Network Access Request Form.

g. The only remote access or Virtual Private Network ("VPN") approved for all Users is to District Web pages through the Internet and to the District e-mail system. Remote access to all other District computer systems is not permitted, except by express written authorization of the Information Technology Officer.

i. VPN access is only granted to District employees using District owned Window's based computer systems equipment.

ii. Employees may request VPN access for contractors with significant business justification and may be approved on a case- by-case basis by the Information Technology Officer or designee. Approved contractors must sign a District's VPN Access Request Form.

5. Conduct and Use

a. Use of all computer facilities, the District Network, and other technology resources are intended for Educational Purposes and are subject to District review and may be logged and archived.

b. District e-mail is for District Educational Purposes only. All emails are subject to District review and will be logged and archived.

i. IM&T will assign an official District e-mail address to all employees. It is to this official address to which the District will send e-mail communications to employees. This official e-mail address will be the listed in the Global Address Book for the District's Exchange e-mail system.

ii. Communications over the e-mail system shall be professional and appropriate for the workplace.

iii. Falsifying mail headers or routing information so as to obscure the origins of mail or mail routes is forbidden.

iv. Altering the content of a message attributed to another is not permitted unless the changes are expressly stated in the communication.

v. The District will not support having e-mail electronically redirected to another e-mail address (e.g. @hotmail.com, @yahoo.com, @gmail.com, etc.).

c. Given that communications may be time-critical, Users are expected to check their official e-mail address on a frequent and consistent basis in order to stay current with District communications.

d. All Users are prohibited from engaging in any unlawful activities or any other activities which would in any way bring discredit to the District.

e. Although it is impossible to identify every inappropriate conduct and use of computer facilities, the following examples of computer and network use infractions are expressly prohibited:

i. Tampering with any portion of the District Network or assisting others to cause tampering (e.g. any unauthorized alteration of operating systems, individual accounts, network-shared folder, software, networking facilities, and/or other programs) and/or equipment damage.

ii. Decrypting passwords, unauthorized capturing of passwords by using hardware devices or software applications, and/or gaining unauthorized higher-level access or privileges or attempting to do so.

iii. Interfering deliberately with other Users' network access or computer use.

iv. Using, possessing or distributing language, pictures, or other material or taking actions that are libelous, slanderous, or that harass others.

v. Using, possessing or distributing Inappropriate Materials.

vi. Introducing codes such as viruses or worms that may cause harm or subvert the intended function of District computer systems.

vii. Attaching Unauthorized Equipment to any District computer or District Network without authorization from the Superintendent or designee.

viii. Circumventing Technology Protection Measures, also known as network security or filtering technology.

ix. Reading, deleting, copying, forging, or modifying the e-mail of other Users or attempting to do so.

x. Reading, deleting, copying, forwarding, printing, sharing, or modifying the data files of other Users without the express written authorization of the Superintendent or designee.

xi. Permitting another to use one's personal District e-mail address, account, or password.

xii. Permitting another to use one's personal District Network account, network folders, or password.

xiii. Using commercial advertising, personal solicitations, chain letters, or non-educational games on District systems.

xiv. Copying or transferring copyrighted materials and software without authorization.

xv. Using District Networks to post personally identifiable, confidential or false information about students or staff without proper authorization.

xvi. Using District Networks or computer systems for personal gain or any illegal or unauthorized activity.

xvii. Promoting political or religious causes.

xviii. Distributing confidential District or student data or information without authorization of the Superintendent or designee.

xix. Any activity intended to foster personal financial gain.

xx. Any illegal purpose or action.

f. All Users are prohibited from knowingly accessing or attempting to access Inappropriate Material. Student and staff use of the Internet will be monitored by a variety of methods including, but not limited to, technology and direct supervision.

   i. At the discretion of the IM&T Director or designee, IM&T will take measures to block or filter Internet Access as required by the Children's Internet Protection Act. As a minimum, the following categories of sites will be blocked:

      1) Violence - This category refers to sites that contain visual representations of or invitations to participate in violent acts. This may include war, crime, pranks, hazing, etc. A violent act may be considered any activity that uses physical force designed to injure another living being.

      2) Weapons/bombs - This category refers to any site promoting the use of weapons and/or bombs and the making of bombs. This does not include sites related to gun control or legitimate social issues.

      3) Adult themes and content - This category refers to sites that are adult in nature and are not defined in other rating categories.

      4) Pornography - This category covers anything relating to pornography, including mild depiction, soft pornography and hard-core pornography.

      5) Phishing - Deceptive websites intended to trick end-users into revealing personal data such as credit card numbers, account usernames, passwords, social security numbers, etc. These websites pretend to be those of common, well- known sites such as banks and credit card companies.

6) Social networking/dating - Sites that offer free or paid services that promote interaction, dating or other networking through forums, chat, email or other methods.

7) Intolerance/extremism - This category refers to any site advocating militant activities or extremism. This includes groups with extreme political views and intolerance to individuals and/or groups based upon discriminating or racial distinctions.

8) Spyware/adware - Websites that are known to distribute or contain code that displays unwanted advertisements or gathers information about the user without the user's knowledge.

9) Anonymizer - This category refers to sites that allow the User to surf the net anonymously. It also refers to sites that allow the User to send anonymous emails. This also includes sites providing proxy bypass information or services.

10) Copyright infringement - This category refers to sites that offer media, software, MP3, DVD movies or any other copyrighted materials that are bootlegged or illegally available for purchase or download. This category is often blocked to protect iPrism owners from liability caused by the download and installation of bootlegged software. Note that this category does not refer to sites that are specific to computer hacking.

11) Nudity - This category refers to sites that provide images or representations of nudity. They may be in an artistic or non-artistic form such as magazines, pictures, paintings, sculptures, etc. This category shall be assigned to those sites that display both partial and full nudity even though the images may not be pornographic in nature.

12) Malware - Websites that are known to contain harmful code that may modify a User's system without the User's knowledge.

13) Local Deny – These are websites that have been identified but do not fall into one of the categories identified above.

ii. IM&T will periodically review a trend report and adjust what is blocked or filtered as required.

1) All Users are prohibited from knowingly accessing or attempting to access portions of the Internet that do not promote the educational, instructional, administrative, business, or support services purposes of District or are not related to any instruction, project, job, work assignment, task, or function for which the User is responsible.

2) Any User of the District Network who identifies a portion of the Internet that contains Inappropriate Material that has not been filtered through the Technology Protection Measure should contact the Help Desk immediately.

3) A User of the District Network shall not use those resources for personal commercial purposes or for personal financial or other gain.

a) Incidental personal use of the District Network for other purposes is permitted at the discretion of the Superintendent or designee when the use:

i) does not unreasonably consume those resources
ii) does not interfere with the performance of the User's job or other District responsibilities

iii) does not consume an unreasonable amount of the User's work time;

iv) does not concern subjects inappropriate in a school or work environment (e.g. accessing pornographic web sites);

v) is not inconsistent with the District's mission of teaching children;

vi) is otherwise in compliance with applicable law, Policies of the Board of Education and Regulations of the Superintendent; and

vi) is not **Restricted Information**.

6. Access to Confidential and other Electronic Information
   a. Personally identifiable information about students contained in e-mail communications or attachments thereto, including information contained in student education records, medical information, and information about disabilities must be in compliance with the Family Educational Rights and Privacy Act ("FERPA") and the Health Insurance Portability and Accountability Act ("HIPAA").

   b. District Employees may access the District's Electronic Information provided the employee needs to access the contents in order to perform the responsibilities of the job. Access shall be limited to that information necessary to complete the job responsibilities.

   c. For non-BOE personnel and staff; Supervisors and other District personnel may access the Electronic Information stored anywhere on the District Network in order to review, retain or delete any or all e-mail messages, computer files, or electronic data used by an employee at any time provided permission to access that information has been approved by the District's General Counsel or designee and the Auditor General.

   d. For BOE Personnel and staff, Supervisory personnel may access the Electronic Information stored anywhere on the District Network in order to review, retain or delete any or all e-mail messages, computer files, or electronic data used by an employee at any time provided permission to access that information has been approved by the Auditor General.

   e. All requests for access to **Restricted Information** and approvals must be documented. The request must include the reason for the request, period of information requested, and

specify any additional parties that will receive the information. Attachment 1 must be used to document the request.

f. No-one shall access nor disclose District Information and/or **Restricted Information** including but not limited to, financial information, personal information, students, parents, employees, or business partners for which they have not been authorized.

g. The Office of Auditor General of the BOE shall have full and unrestricted access to all systems, documents, and information within the Rochester City School District.

Any violation of this policy by a User (except District students) may result in denial of access and discipline consistent with the applicable collective bargaining agreement or employment rules and regulations of the Board and Superintendent, and applicable law. Any violation of this policy by a District student may result in denial of access and discipline consistent with the Code of Conduct (Policy 1400) and applicable law.

Cross-ref: Code of Conduct (1400)
School Network Acceptable Use (1950-R)

Notes: Adopted June 22, 2011 pursuant to Resolution No. 2010-11: 907; Amended February 28, 2014 pursuant to Resolution No. 2013-14: 513; Amended October 20, 2022 pursuant to Resolution No. 2022-23: 206

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2000 Series: School Board

BOARD OF EDUCATION GOALS AND METRICS

The Board of Education, as a legally constituted body of elected representatives, bears the responsibility of setting policy for the district. The Board acts in accordance with the authority and responsibility vested in it by federal and state laws, rules, and regulations on behalf of the district's citizens.

In order to ensure that its educational programs provide all students with high-quality education, the Board will:

1. Work closely with the community to ensure that Board actions and performance take into consideration the concerns and aspirations of the community.

2. Identify the educational and technological needs of the community and industry, to transform such needs into programs aimed at stimulating students and preparing them for future careers, and regularly assess the quality and equity of the District.

3. Employ and evaluate a Superintendent of Schools in accordance with policy 0320, capable of ensuring that school personnel carry out the policies of the Board.

4. Provide leadership in order that the Board's goals can be effectively carried out. Board action should be confined to policy-making, planning, and appraisal with the Board delegating authority to the Superintendent for the implementation of policies.

5. Evaluate progress toward the achievement of District long- and short-term goals and ensure that Board policies and resources effectively support the District's vision.

6. Provide appropriate staff and Board training opportunities.

7. Fulfill governance responsibilities as required by state and federal law.

The Rochester City School District Mission and Vision Statements drive the Board of Education's goals and are outlined in the Educational Philosophy policy (0000). Given that these goals will vary somewhat from year to year, the Board goals shall be annexed to this policy as Exhibit 1 (2000-E1). These annual goals drive the Superintendent's Goals and Objectives (3000).

Cross-ref: Educational Philosophy (0000)
Evaluation of Superintendent (0320)
Board Goals and Metrics (2000-E1)
Superintendent Goals and Objectives (3000)

Notes: Adopted March 24, 2022 pursuant to Resolution No. 2021-22: 524; Amended April 27, 2023 pursuant to Resolution No. 2022-23: 627

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SCHOOL BOARD LEGAL STATUS

The legal status of the Board of Education is that of a corporate body established pursuant to the laws of New York State.

The Board is a seven-member Board elected by district residents. Each member of the Board serves for four years. The terms of office of Board members shall not all expire in the same year. Board members are responsible for school district management and policy-making.

Ref: Education Law §§1701; 1702; 1703; 1804(1); 2101(2); 2105; 2553(4)

Note: Policy added (replacing prior policy AA); Amended February 17, 2022 pursuant to Resolution No. 2021-22: 464

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SCHOOL BOARD ACCESS TO INFORMATION AND REPORTS

General

In order to fulfill their duties and responsibilities under law, Board members may seek access to information beyond that which is generally accessible to members of the community. There are a number of ways in which Board members may request and secure records or reports which are deemed necessary in order to fulfill their responsibilities under law:

1. The Board as an entity may request information which then will be made available for all Board members to review.
2. A single Board member may request certain information and/or reports which they can demonstrate is necessary if that Board member's request has the support of the majority of the Board.
3. In the absence of a majority vote of the Board, a single Board member may still request information if he/she can demonstrate that the requested information is relevant to what the Board is in the process of making a determination about and, under such circumstances will have the right to examine such materials in the manner set forth below.
4. Board members may also request the district's Record Access Officer to provide or prepare any information or reports, which is otherwise available to members of the general public pursuant to a Freedom of Information Law request.

Personnel Records

Pursuant to Part 84 of the Regulations of the Commissioner, members of the Board of Education may review employee personnel records only for the purpose of aiding the members to fulfill their legal responsibilities in making decisions in such employee personnel matters as appointments, assignments, promotions, demotions, remuneration, discipline or dismissal, or to aid in the development and implementation of personnel policies, or such other uses as are necessary to enable the Board to carry out legal responsibilities.

Board members may review employee personnel records provided:

1. the Superintendent is requested in advance to present the file at a regularly scheduled open meeting of the Board;
2. the records are reviewed during an executive session;
3. the personnel records are returned in their entirety to the Superintendent at the conclusion of the executive session; and
4. no reproduction of the records is made and no written notes are taken of the contents of employee personnel records.

Ref: Education Law §§1604; 1604-a; 1701; 1708; 1709; 1710
8 NYCRR Part 84
Gustin v. Joiner, 95 Misc. 2d 277 (1978), *aff'd* 68 AD2d 880 (1978)
Appeal of Meyer and Pavalow, 46 EDR 43 (2006)
Matter of Bruno, 4 EDR 14 (1964)

Notes: Adopted November 30, 2023 pursuant to Resolution No. 2023-24: 470a

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BOARD MEMBER AUTHORITY

Members of the Board of Education have legal authority for the conduct of the district schools only when acting as a body, by majority vote, in a properly convened session.

Board members acting as individuals have no authority over school affairs or school personnel. Since the Board is a corporate body, authority lies with the Board as a whole. Individual members or standing committees are not given representative authority of acting or speaking for the Board, unless the Board, through adopted policy or by majority vote, has delegated this authority to the individual member. Reports of special committees and reports of appointed representatives shall be subject to the approval of the entire Board.

Members of the Board are free to speak as individuals on issues related to school affairs, but when doing so are expected to communicate clearly that any such expression represents their own individual view and not the view of the Board.

Ref: Education Law §§1604; 1701; 1708; 1709; 1710
General Municipal Law §805-a
Matter of Bruno, 4 EDR 14 (1964)

Note: Prior policy, Rules and Regulations of the Board of Education (Article II), revised; Amended February 17, 2022 pursuant to Resolution No. 2021-22: 464

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BOARD MEMBER SCHOOL VISITS

An individual Board member's rights are no greater or different from those of any other individual. Unless specifically authorized to act on behalf of the Board of Education, an individual Board member has no right to make an official visit to the schools for the purposes of inspecting the schools, gathering information, or giving directions to any employee of the schools.

In consideration of the foregoing, the Board hereby authorizes that each year the Board President may designate Board members as liaisons to particular schools for the purpose of official visits. Only designated Board members shall make official school visits, and Liaisons shall make every effort not to disrupt the educational process during any visit to that school community.

Connect to visits, Board members shall:

1. provide advance notice (at least 72 hours) of a school visit to the Building Principal and applicable School Chief that is confirmed via email or a calendar announcement;

2. shall notify the Principal upon entering the building;

3. visit schools designated to them at least once annually, confirmed via email or calendar appointment;

4. not make official visits more frequently than once monthly unless there is an explicit invitation from the Building Principal; Superintendent of Schools; or authorization of the Board majority; and

5. direct concerns or opinions related to the education program in individual school buildings to the Superintendent of Schools.

In the event that a Board member is unable to make the yearly visit to their designated school due to illness or other exigent circumstances, the Board President may designate a substitute Board member for the purposes of the official visit.

Ref: Education Law §§1604; 1701; 1708; 1709; 1710
Coughlan v. Cowan, 21 Misc. 2d 667 (1959)
Appeal of Silano, 33 EDR 20 (1993)
Matter of Bruno, 4 EDR 14 (1964)

Notes: Adopted November 30, 2023 pursuant to Resolution No. 2023-24: 470a

ELECTIONEERING IN SCHOOLS

Campaigning within a school building by individual candidates or those campaigning on their behalf during school hours is not permitted. However, at times other than school hours, candidates or those campaigning on their behalf may leave literature, posters, etc., within a school building at a table in the school office, in a faculty lounge, or other designated area. Staff and students may wear campaign buttons or badges. Electioneering during the hours of any vote is prohibited within the polling place or within 100 feet of any such polling place. Displays or handout items of any political nature, except those provided by law, shall be prohibited by any individual, group or organization in any school building on those days when the polls are open for voting on school district matters.

Candidates or those campaigning on their behalf may be invited to schools as part of the instructional program. Care shall be exercised to ensure a balanced presentation. The social studies department has established guidelines for these instructional programs.

District school buildings may be used after school hours by candidates or those campaigning on their behalf under the guidelines contained in the Public Use of School Facilities (Policy 1500).

Cross-ref: Public Use of School Facilities (Policy 1500)

Ref: Education Law §2553

Note: Amended July 29, 2013 pursuant to Resolution No. 2013-14: 79; Amended February 22, 2022 pursuant to Resolution No. 2021-22: 464

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CODE OF ETHICS/CONFLICT OF INTEREST

1. PURPOSE

Improving the quality of our students' education is the fundamental goal to which the District's energies and resources must be devoted. The District's activities shall be conducted in a manner that consistently supports that goal and demonstrates the highest standards of ethical behavior and fiscal accountability. The Board recognizes that in order to implement these principles, there must be clear and reasonable standards for ethical conduct. This Code of Ethics/Conflict of Interest policy is intended to establish those standards and to prohibit acts incompatible with the public interest.

2. DEFINITIONS

a. Board: Board of Education.

b. Claim: Any demand, oral or written, made upon the District, its Board, or its Superintendent, to fulfill an obligation arising from law or equity.

c. Contract: Any oral or written obligation to do an act, or to refrain from doing an act, arising from an exchange of promises between or among persons.

d. District: Rochester City School District including its Board of Education.

e. Employee: Any person appointed, elected or hired to serve the District in any capacity or position, including, without limitation, persons serving on a temporary, part-time or seasonal basis, and persons serving on administrative or advisory boards, commissions, or committees of the District, whether permanent or temporary.

f. Family: Any parent, sibling, spouse, child, household member, domestic partner, any person sharing living quarters, grandfather or grandmother, father-in-law, mother-in-law, stepparent, or stepchild of a District employee.

g. Gift: Anything of value given gratuitously to a District employee.

h. Interest: A benefit or advantage of an economic or tangible nature that a District employee would gain or lose as a result of a decision or action, or an omission to decide or to act on behalf of the District. A District employee shall be deemed to have an interest in a:

   i. contract between the District and that District employee;

   ii. contract between the District and any member of the family of that District employee, except for a contract of employment;

   iii. contract between the District and any entity of which the District employee, or a member of their family, is an officer, director, employee, partner, or stockholder with the interest of 5% or more; or

   iv. direct or indirect benefit received by an employee as a result of a contract with the District.

i. Person: Any individual, corporation, partnership, business, employee or vendor.

j. Public Information: Information or records obtainable pursuant to the Family Educational Rights and Privacy Act (FERPA), Article 6 of the New York Public Officers Law (the Freedom of Information Law), and District policies and regulations adopted pursuant to such laws.

k. Vendor: Any corporation, partnership, business, company, organization or individual conducting or seeking to conduct business with the District (includes any contractor, supplier or customer), providing grant or research funds to the District, making donations to the District, or from whom the District is actively soliciting donations.

3. REQUIREMENTS

a. All employees shall exercise good judgment on behalf of the District, and shall pursue a course of conduct which will maintain public trust and confidence in the District. In no event shall an employee:

i. Treat any person more favorably than it is the custom and practice to treat the general public.

ii. Use their official position to secure unwarranted privileges or exemptions for self or others.

iii. Allow any person to improperly influence their performance of official duties.

iv. Have a romantic, sexual or other unprofessional relationship with any student of the School District even if the relationship is consensual.

v. Have a romantic, sexual or other unprofessional relationship with a subordinate employee even if the relationship is consensual. This includes a building-based administrator having a romantic or sexual relationship with any teacher or staff member in the same building.

b. Conflicts of Interest Prohibited

Except as permitted in subsection 1 or 2 below, (1) no employee shall have an interest in any contract in which the employee has the power or duty to (a) negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder, (b) audit bills or claims under the contract, (c) appoint an employee who has any of the powers or duties set forth above, or (d) influence the implementation or utilization of the contract on behalf of the District; and (2) no chief financial officer, budget director, or their deputies or employees, shall have an ownership interest (of 5% or more) or direct financial interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the municipality of which they are an employee. However, this provision does not apply to a contract or banking relationship between any:

i. Vendor and the District, in which an employee has an interest which is of such employment will not be directly affected as a result of the contract or banking relationship. Further interests under Section III(B)(d) shall not be prohibited if the interest is not otherwise prohibited by the General Municipal Law and the employee does not perform professional services for the Vendor in the District building or department in which the employee works; or

ii. Vendor and the District, in which an employee has an interest which is prohibited solely by reason of an ownership interest in the Vendor if the value of the ownership interest will not be affected materially as a result of the contract or banking relationship Further interests under Section III(B)(d) shall not be prohibited if the interest is not otherwise prohibited by the General Municipal Law and the employee does not perform professional services for the Vendor in the District building or department in which the employee works; or

iii. Vendor and the District, in which a District employee has an interest, if such contract was entered into prior to the time they were appointed or hired as a District employee, provided that:

1) The District employee disclosed their interest in the contract prior to the time they were appointed or hired by the District;

2) The District employee has no power or duty to authorize or approve payment under the contract, monitor performance under the contact or audit bills or claims under the contract; and

3) The remuneration of the District employee will not be directly affected as a result of the contract.

4) However, this subparagraph shall in no event authorize a renewal of such contract.

c. Disclosure

According to the process set forth in Section V, employees shall disclose known or suspected conflicts of interest or other violations of this policy and any applicable regulation. Suspected conflicts of interest shall include any employment by or ownership of a Vendor. Additionally, employees shall furnish written disclosure of outside business interests as well as business interests of family members, as may be warranted to satisfy ad hoc requests of the District.

d. Employment of Family Members

In no event shall:

i. Any member of the family of an employee be appointed or hired to serve under the direct authority or supervision of that District employee; or
ii. An employee participates in decision making by the District regarding the employment of any member of the family of that District employee.

e. Employment Generally

In no event shall an employee:

i. Have any employment, or engage in any business or commercial transaction, or engage in any professional activity, or incur any obligation, as a result of which, directly or indirectly, they would have an interest that would impair or conflict with their independence of judgment or action in the performance of their official duties. Activities prohibited under this paragraph include, but are not limited to employment by or ownership of a Vendor that provides professional services in the building or department in which the employee is employed by the District.

ii. Engage in other employment at a time when they are scheduled to be working for the District.

f. Gifts and Contributions

i. In no event shall an employee solicit, accept or receive a gift having a value in excess of the dollar value established by § 805-a of the General Municipal Law, whether in the form of money, property, services, loan, travel, entertainment, hospitality, promise, or any other form, from a person who has a contract with or an interest in a contract proposed or pending before the District. This provision does not apply to contributions solicited or received in accordance with the Election Law of the State of New York.

ii. The value of a gift shall be defined as its fair market value. The following exceptions shall not be considered gifts:

1) Complimentary attendance at a charitable or political event if the value of the admission fee is within the requirements of the General Municipal Law;

2) Complimentary attendance at an educationally related, widely attended event when the attendance is provided directly to the employee by the sponsor of the event and the event is related to the official duties of the employee;

3) Any ceremonial item;

4) Honorary degrees;

5) Contributions reportable under article fourteen of the Election law; and

6) Travel reimbursement or payment for transportation, meals and accommodations for an employee acting as a panelist or speaker at an informational event.

g. Public Information and Records
An employee may only disclose to third parties, with proper authorization, public information and records.

h. Representing Persons in Transactions with the District

i. By a Current District Employee - In no event shall a District employee, whether paid or unpaid, represent any person, other than themselves, in business negotiations, or in actions or proceedings, whether judicial or administrative, to which the District is a party.

ii. Exceptions:
1) In no event shall this section apply to the Law Department when it is representing a person within the scope of its official duties.

2) In no event shall this section bar or prevent the timely filing, by a current or former District employee, or a member of the family of a current or former District employee, of any claim, account, demand or suit against the

District arising out of any personal injury or property damage, or for any benefit or right authorized or permitted by law.

i. Supervisory/Subordinate Relationships
No person employed by the District shall supervise, evaluate, promote, review or discipline any employee who is a family member or with whom the employee is having a romantic or sexual relationship. In the event of a potential conflict, the employee shall notify their supervisor of the situation as soon as the situation arises.

j. Use of Public Funds for a Private Purpose
In no event shall an employee:

i. Provide District money, credit, property or services to any individual, or to any private or charitable corporation, association or other group, for a private purpose.

ii. Use or permit the use of District property, equipment, materials or vehicles, for the convenience, advantage, benefit or profit of themselves or any other person.

iii. Submit a request to be reimbursed for the purchase of personalized items (other than approved District stationery, business cards and similar items intended for District use), or request reimbursement for items which are for personal use.

iv. Submit a request to purchase or to be reimbursed for the purchase of any item that is not allowed under New York law, District Policy, Regulation or procedures (including Business Services Procedures & Reference Manual, P-Card procedures and Purchasing procedures).

k. Limitation on Working with Contractors After Leaving Employment
After leaving employment with the District, an employee may not share with any third party confidential or proprietary information obtained in the course of the employee's employment with the District.

4. ADMINISTRATIVE PROCEDURES

Distribution of Policy
The Code of Ethics/Conflict of Interest policy shall be posted on the District's website so as to be available to all employees and the public at www.rcsdk12.org/BOE.

5. DISCLOSURE & RESOLUTION

a. Every *Employee* shall disclose any known or suspected conflict of interest in accordance with Policy, regulation and procedures established by the District.

i. With respect to a matter proposed or pending before the District, in no event shall an employee discuss, decide, or take part in a matter in which they have a prohibited interest under Section III. B.

ii. The District employee shall identify immediately in writing the nature of their interest and the potential conflict to their immediate supervisor and a member of the Conflict of Interest Review Committee.

iii. If the member of the Conflict of Interest Review Committee believes that the issue merits review by the entire Conflict of Interest Review Committee, the question shall be submitted to the Conflict of Interest Review Committee for an opinion. The Conflict of Interest Review Committee shall render an opinion on whether the employee shall participate in the matter, and the employee shall abide by the opinion. If the supervisor or member of the Conflict Review Committee believes that the interest is substantial, then the employee shall not be allowed to participate in the endeavor under consideration.

iv. Failure to properly disclose, or to abide by the opinion of the Conflict of Interest Review Committee may result in the penalties described in Section VI below.

v. The existence and resolution of any known or suspected conflict of interest will be documented in the Board's records, including the minutes of any meeting at which the said known or suspected conflict was discussed or voted upon.

b. Administration of Acknowledgement.
Employees are required to acknowledge and disclose in writing any known or suspected instance of noncompliance with this Policy involving their work duties or responsibilities.

c. Annual Financial Disclosure.
Beginning in October 2024, Commissioners of the Board and all District employees shall provide an Annual Statement of Financial Disclosure to the District's Conflict of Interest Review Committee no later than October 15th of each year.

d. Conflict of Interest Review Committee ("CIRC")

i. The CIRC shall be comprised of one individual designated in writing by each of the following:
   1) General Counsel;
   2) Chief of Human Capital; and
   3) Auditor General.

ii. The CIRC shall have the powers and duties prescribed by Article 18 of the General Municipal Law, and shall render advisory opinions to District employees with respect to Article 18 of the General Municipal Law and the District's Code of Ethics/Conflict of Interest policy.

e. Reporting of Possible Violations
Any employee that believes a violation of this Policy 2160 or State or Federal law has occurred is encouraged to disclose the matter immediately according to a member of the CIRC or as described in the District's Whistleblower Policy 9645.

6. PENALTIES

a. An employee who fails to perform an act which is required, or who performs an act which is prohibited by this policy, applicable regulation or law, may be subject to disciplinary action in the manner provided by District policies and regulations, the applicable collective bargaining agreement, if any, and law.

b. Any contract entered into by the District, its Board or Superintendent, in which there is an interest prohibited by this policy or applicable law may be null and void and unenforceable.

c. The Department of Law may seek an injunction to enforce the provisions of this policy or applicable law or regulation.

Cross-ref: School District Records Policy (1120)
Purchasing (6700)
Purchasing Regulation (6700-R)
Reporting Improper Governmental Action and Protecting Employees Against Retaliation (District Whistleblower Policy) (9645)

Notes: Policy adopted 7/19/01; amended 3/17/05 pursuant to Resolution 2004-05:655; amended 10/20/05 pursuant to Resolution 2005-06:355; and amended 8/16/07 pursuant to Resolution and amended December 13, 2012 pursuant to Resolution 2012-13: 374; amended March 23, 2017 pursuant to Resolution No. 2016-17: 631; amended February 27, 2020 pursuant to Resolution No. 2019-20: 664; amended August 27, 2020 pursuant to Resolution Nos. 2020-21: 218 and 219; Amended November 30, 2023 pursuant to Resolution No. 2023-24: 468

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Appendix A

Rochester Board of Education

Standards of Conduct

The following are the general standards of professional/personal conduct applicable to all Members/ Commissioners of the Board of Education ("Board") for the Rochester City School District ("RCSD" or "District"). In fulfilling their responsibilities, members should observe the following:

1. Work with other RCSD Board Members and members of the community in a spirit of respect, civility, decency, harmony, and cooperation.

2. Be open to feedback and information from all District stakeholders.

3. Whenever possible, and consistent with New York State Law, the Board will operate in the most transparent way possible.

4. Understand that all Board Members must nonetheless maintain the confidentiality of all matters properly discussed in executive session and any matters that, if disclosed, would needlessly injure individuals or a particular school or program.

5. Demonstrate professional attitudes and personal conduct reflecting the standards articulated in the District's Code of Ethics/Conflict of Interest (Policy 2160).

6. Work unceasingly to improve the understanding and support of public education.

7. Avoid any conflicts of interest as defined in Policy 2160.

8. Keep abreast of issues in education.

9. Participate in training relevant to Board Service.

Guidelines Concerning Certain Specific Responsibilities

1. Recognize and participate in the exercise of the Board's exclusive authority to hire and evaluate the Superintendent of Schools, propose an annual budget and establish policy.

2. Every Board member should be familiar with the Board handbook (i.e., policies, laws and duties of the Board) and use it as a guide for operation.

3. Refer all complaints or concerns regarding the operation of the schools (including the complaints of RCSD parents and staff) to the Rochester City School District Superintendent of Schools.

    a. ("Superintendent"), or their designee, for appropriate processing and resolution.

4. Try to attend all Board Meetings, absent extenuating circumstances.

5. Be prepared for Board Meetings by reviewing relevant information supplied by the Superintendent and the District Clerk.

6. Understand and honor the roles and responsibilities of the Board, as opposed to those of the Superintendent.

7. Only the Board President, with the approval of the Board as a whole, can direct when District resources will be employed for Board business.

8. Every Board member should be familiar with both parliamentary procedure and the State Open Meetings Law.

9. Whenever possible, Board members should submit questions in advance of District Business Meetings to give the Superintendent and their staff ample time to prepare a response in advance of said meeting.

10. Should it become necessary to ask questions during the course of a Business or Special meeting, such questions should be addressed to the Superintendent whereupon they may then identify the appropriate staff person to respond to the Member's question.

11. Participate in the Board's annual review the District's Strategic Plan.

12. Help design and enforce a contract for the Superintendent that, among other things, defines their primary roles and responsibilities, the procedures for evaluation and the frequency of same.

Each Board Member, upon assuming office will be requested to sign an acknowledgement that they have read the above and agrees to conduct themselves in a manner consistent with these Standards and Guidelines.

Rochester Board of Education

Standards of Conduct

ACKNOWLEDGEMENT

I,_____, Commissioner of Education, hereby acknowledge on this day, _____ that I have reviewed the attached Standards and Guidelines appended to the District's Code of Ethics/Conflict of Interest (Policy 2160).

Signed _____

Name (Print) _____

(Commissioner of Education)

ADVISORY BODIES

The Board of Education recognizes that it can beneficially use the talents, resources, and interests available in the broader community to assist in developing the programs needed for the maintenance of a quality educational program in the schools of the District. To that end, the Board shall, at its discretion and in accordance with any applicable State law and regulation, appoint advisory bodies to advise and recommend courses of action to the Board for its consideration in resolving issues of significant impact.

The Board of Education shall create these advisory bodies in consultation with the Superintendent of Schools. Moreover, advisory bodies shall be appointed and discharged by official Board resolutions that shall state specifically the scope of the work, and the time frame within which the recommendations of the advisory bodies are due.

Appointments shall be made on the basis of interest, experience, expertise, and concern. Service on an advisory body shall be voluntary and without remuneration.

Appointments to the advisory bodies shall ensure that the viewpoints and experiences of the Superintendent of Schools and his/her leadership team (relevant to the charge given to the advisory body) are adequately represented on the advisory body. The recommendations of advisory bodies will be made to the Board and Superintendent of Schools prior to public release. Publicity or the release of information concerning committee findings shall be the responsibility and the prerogative of the Board. Final reports shall be delivered to the Board at a meeting scheduled by the Board to receive them.

The Board may accept, reject, or return recommendations for further study. Any actions stemming from the reports are the responsibility of the Board. Advisory bodies shall be discontinued upon completion of their assignments, and receive appropriate recognition or acknowledgment of services.

Cross-ref:	Parent & Family Engagement Policy (1900) Administrative Councils, Cabinets, Committees (3220)
Ref:	Education Law §§4402; 4601 8 NYCRR §135.3(2)
Notes:	Policy adopted 8/20/1998; amended 1/28/2020 pursuant to Resolution 2019-20:654; Amended February 17, 2022 pursuant to Resolution No. 2021-22: 464

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CONSULTANTS TO THE BOARD

The Board of Education may employ consultants in order to provide valuable specialized services which cannot be provided by district personnel because of limitations to time, experience or knowledge. The Board shall authorize the use of consultants when such specialized services are not required on a continuing basis. The salary and other terms and conditions of employment of a consultant shall be established by action of the Board.

Appropriate uses of consultants include:

1. conducting fact-finding studies, surveys and research;
2. providing counsel or services requiring special expertise; and
3. assisting the Board in developing policy and program recommendations and managerial improvements.

The Superintendent may recommend the employment of consultants to the Board.

A written proposal shall be submitted to the Board prior to engaging any consultant. The proposal shall identify:

1. the objectives to be achieved;
2. the services to be provided by the consultant;
3. the consultant's fee for services and all other costs;
4. the procedures to be followed;
5. a target date for completion; and
6. the method to be used to report results to the Board.

Consultants shall act solely in an advisory capacity. They shall not exercise any administrative authority over the work of school district employees. Consultants shall report to the Board.

Notes: Prior policy, Policy Manual, BCH, revised; Amended March 24, 2022 pursuant to Resolution 2021-22: 523

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BOARD BY-LAWS

1. Powers and Duties of the Board of Education

   The powers and duties of the Board of Education are those set forth in the New York State Constitution, the laws of New York State, particularly the Education Law, the regulations of the State Commissioner of Education, and the Constitution and laws of the United States and related regulations.

2. Meetings of the Board of Education

   a. Annual Organizational Meeting

      On the first business day in January of each year, the Board shall hold its Annual Organizational Meeting, at which, among other things, it shall select a president and vice president for a one-year term. The Clerk and Secretary to the Board shall serve as chairperson of the organizational meeting. All members of the Board shall be eligible for election as president and vice president. The chairperson shall request nominations, which need not be seconded. When nominations are closed, the chairperson shall conduct a roll call vote. At the completion of each roll call vote, the chairperson shall announce the result(s). Voting shall continue until one nominee obtains four or more votes.

   b. Regular Business Meetings

      Regular business meetings of the Board shall be held on the fourth Thursday of each month, or at such other day as the Board may select in its discretion, to commence at a time to be established by the notice of each meeting. When such Thursday falls on a legal holiday, such meeting shall be held on a date and at a time designated by the Board. Regular meetings shall be called in the manner and upon such notice as prescribed by subdivision one of Section 104 of the Public Officers Law.

   c. Special Meetings and Board Study Sessions

      A special meeting of the Board or a Board study session may be called at the discretion of the President or upon request of an individual member of the Board. A special meeting or a Board study session shall be called for consideration of one or more purposes specified in the call of the meeting. A special meeting or a Board study session shall be called in the manner and upon such notice as prescribed by subdivision two of Section 104 of the Public Officers Law. Notice to members of the Board shall be by email, fax, telephone or personal delivery. A special meeting, including a Board study or work session, shall be held at a time and place that is reasonable under the circumstances prompting call of the meeting. Special meetings and Board study/work sessions shall be open to the public. Individuals may address the Board at special meetings under the rules set forth in Section 2(j) of these By-Laws, except that no speaker may address an issue not specified in the call of the meeting. Individuals may not address the Board at a special meeting designated as a study session. Any provision of this Section 2(c) may be suspended upon a two-thirds vote of the Board.

      Note: Committee meetings do not fall under this section, and are instead addressed in Section 4, below.

   d. Executive Sessions

The Board may meet in executive session, at which only members of the Board, key staff members invited by the Superintendent, and such other individuals as the Board may choose may be present, during regular or special meetings upon the affirmative vote of four (4) or more members in favor of a motion to so meet, which also identifies the subject or subjects to be considered.

e. Abstention

No Board member shall abstain from voting on, or leave a meeting in order to avoid voting on, a resolution or motion unless to vote would, in the opinion of the Board member, violate the Rochester City School District Code of Ethics. Any member who wishes to abstain from voting shall make a brief statement of the reasons under the said Code for abstaining when it is their turn to vote.

f. Quorum and Voting

No official business shall be transacted at a meeting without a quorum, which requires four (4) of the seven (7) members of the Board to be present. A Board member may participate, vote, and otherwise transact business in the annual organizational, regular or special meetings of the Board using videoconferencing pursuant to Board policy 2350. Participation through the use of videoconferencing shall constitute presence for purposes of establishing a quorum.

An affirmative vote of four (4) or more members of the Board is required to enact any resolution. A majority of those members present (assuming a quorum) is required to adopt any parliamentary motion. Voting shall be by voice vote unless a roll call vote is mandated by law or requested by a member of the Board.

g. Place of Meetings

All organization and business meetings of the Board shall be held at the official headquarters of the Board of Education, unless another place is designated by the Board in advance of the meeting. All reasonable efforts shall be made to ensure that any alternate place chosen for a meeting is equipped to accommodate individuals with disabilities.

h. Rules of Order for All Board Meetings

Except for executive sessions, a Board member may speak on a topic under consideration when recognized by the Board President (or presiding officer). On
each occasion in which the Board member is recognized, the Board member may speak for up to five minutes, unless a time extension is granted by the Board President (or presiding officer). A Board member may be recognized by the Board President (or presiding officer) any number of times to speak on a topic under consideration, after other Board members have had an opportunity to speak on the topic.

The rules contained in "Robert's Rules of Order, Newly Revised"10th Edition (2000) or a more recently published version, shall govern the Board in all parliamentary procedure, except where these By-Laws apply. General Counsel to the Rochester City School District shall be the Board's parliamentarian. The parliamentarian shall rule on all questions about the interpretation of these By-Laws and on all interpretations of Robert's Rules of Order. The rulings of the parliamentarian shall be final.

i. Order of Business

Unless another order of business has been established by the President or by a majority of the members of the Board for a specific meeting by notice given to each Board member at least seventy-two (72) hours prior to the Board meeting, the order of business for each Business meeting shall be as set forth below: Written materials to be considered by the Board at a regular business meeting shall be delivered to each Board member no later than forty-eight (48) hours prior to the meeting.

i. Act of Reverence and Pledge of Allegiance to the Flag

ii. Acceptance of Minutes of previous meeting

iii. Speakers

iv. Reception of written reports and brief oral summaries thereof, if any, from Parent Advisory Council, Bilingual Education Council, Special Education Parent Advisory Council, and other groups as designated by the Board

v. Reception of written Board Activity Reports, written Standing Committee Reports and written Reports of the Student Representative as well as brief oral summaries, if any, of the reports

vi. A written report from Superintendent of Schools, to include Special Education, as well as a brief oral summary, if any, of the report

vii. Consideration of Resolutions

viii. Unfinished Business from previous meetings

ix. New Business

x. Adjournment

Any provision of this Section 2(i) may be suspended upon a two-thirds vote of the Board.

j. General Rules Applicable to Speakers

Subject to the limitations contained in this section, individuals who have registered to speak by noon of the day of a business meeting may address the Board. No unregistered speaker may address the Board. No individual may speak on behalf of a registered speaker. To the extent practicable, arrangements for Spanish, other language, and other translation services including American Sign Language should be made upon the request of a speaker at the time the speaker registers to speak. Each registered speaker may address the Board for up to three (3) minutes. Speakers who wish to register shall contact the Office of the Board of Education and shall furnish their names, addresses and affiliations, if any, with the Rochester City School District, as well as the topic on which they propose to speak. Speakers shall be heard in the following order:

i. Students

ii. Parents

iii. Community

iv. Staff

Within each speaking group, speakers shall be heard in order of their registration. The total time for all speakers in any Business meeting shall not exceed sixty (60) minutes. The time limit will be strictly enforced by the President, who at their discretion may request speakers unable to address the Board by reason of the time limit to speak at a later time or at a future Business Meeting of the Board.

Subject to having received appropriate warning(s), a speaker who violates the District's Code of Conduct by, for example, disrupting the orderly conduct of the meeting or engaging in actions or making statements that are intended to place an individual in fear or cause emotional harm, threatening, stalking or seeking to coerce or compel a person to do something against their will, or violating a time limit may be requested to leave any Board meeting.

k. Laws Applicable to Meetings

All meetings and executive sessions of the Board, and all meetings of Special and Standing Committees of the Board, shall be conducted in accordance with the provisions of the State Education Law and Open Meetings Law (Public Officers Law, Article 7), including requirements with respect to public notice and minutes.

3. Officers of the Board of Education

a. President

The President of the Board shall preside at meetings of the Board; shall sign documents authorized by the Board and requiring the President's signature; and shall enforce these By-Laws governing the Board.

The President or their designee shall serve as the Board's official liaison to the Mayor, the President of the City Council, and the heads of other governmental bodies unless the Board has chosen another Board member to act as liaison.

The President shall provide all the members of the Board (including the Superintendent of Schools) copies of all correspondence received and sent by the President relating to the work of the Board and shall provide all members of the Board oral or written reports of all dealings with other elected officials.

When making public statements, either oral or written, on behalf of the Board, the President shall represent the position of the Board. Written public statements by the President shall be submitted to the Board in advance whenever practicable for review and approval by a majority of the Board.

The President shall appoint members of Special Committees of the Board with the advice and consent of the Board and representatives to organizations of which the Board is a member and for which Board representation is desirable or required. The President shall be an ex officio member of all Special Committees of the Board. The President shall appoint a Board member

mentor for the Student Representative.

The President shall meet on a regular basis, at mutually convenient times, with Board committee chairpersons, and in consultation with the Superintendent of Schools, to consider whether the work plan and progress of the work of each committee are in alignment with the District's objectives.

The President shall meet with the Superintendent of Schools on a regular basis at mutually convenient times to discuss and coordinate the presentation of resolutions for consideration by the Board at business meetings, and to review the implementation of Board directives and policies. The Board may designate other Board members to meet with the President and Superintendent of Schools on a regular basis. Minutes of the bi- monthly planning meetings with the Superintendent shall be provided to all members of the Board.

b. Vice President

The Vice President shall act as President in the absence of the President, and shall serve as President if the office of President is vacated by the elected incumbent prior to the end of their term. [For the duration of the term during which the Vice President is so serving as President, the Board shall elect a new Vice President.] If the offices of the President and Vice President are vacated, the Board shall elect a new President and Vice President for the balance of the term at a meeting held in accordance with the procedures set forth in Section 2(a) of these By-Laws, within thirty (30) calendar days of the date on which each said office becomes vacant.

c. District Clerk

The District Clerk shall provide public notice of the meetings of the Board, shall keep a record of the proceedings and minutes of the Board and of its committees, shall prepare the official correspondence and legal documents of the Board, and shall maintain files thereof. The District Clerk shall maintain such other records and perform such other duties as may be required by the Board of Education.

4. Committees of the Board of Education

a. The following Committees shall be Standing Committees of the Board of Education:

i. Policy Development and Review

ii. Community and Intergovernmental Relations

iii. Finance and Resource Allocation

iv. Audit

v. Human Resources

vi. Equity in Student Achievement

b. The Board will discuss the appointment of Standing Committee Chairpersons each December, with a view toward their being appointed during its Annual Organizational Meeting.

c. Each Standing Committee shall meet and function as a committee comprised of members of the whole Board at the times indicated on the Board's Meeting Calendar.

d. Parent representatives serving in an advisory capacity to Committees may be appointed pursuant to Board Policies 1900 (Parent & Family Engagement) and 2260 (Advisory Bodies).

e. The agenda for any such meeting will be set by the designated Chairperson, who also shall preside at the meeting. Once set, such an agenda can only be revised by a majority vote of the Committee.

f. Committees meetings shall begin in the Committee and called to order by the Committee Chairperson, without the need for a Special Board meeting. The purpose of the meeting shall be limited to only agenda items for the Committee, unless a Special Board meeting is scheduled before the Committee meeting, pursuant to Section 2(c). Speakers shall be permitted to address the Committee, but only on topics related to the agenda set for the Committee meeting. Committee meetings shall be called in the manner and upon such notice as prescribed by subdivision two of Section 104 of the Public Officers Law, and shall be open to public and broadcast in the same manner as Business and Special Board meetings.

g. Any provision of this Article D may be suspended upon a two-thirds vote of the Board.

5. Student Representative

a. Except for the Annual Organizational Meeting, the Student Representative designated under the Student Advisory Board Rules and Regulations of 1997, as amended from time to time, may attend and participate in any regular business meeting, special meeting, study session, committee meeting, or other meeting required to be open to the public under Article 7 of the Public Officers Law, as amended. The Student Representative may attend but may not participate in the Annual Organizational Meeting.

b. The Student Representative may not attend any meeting not required to be open to the public, except that the Student Representative may attend meetings relating to the hiring of a superintendent unless the General Counsel to the District has issued a written opinion that the presence of the Student Representative could (a) jeopardize the rights or increase the obligations of the Rochester City School District or (b) require the meeting to be open to the public.

c. Except for the Annual Organizational Meeting, the Student Representative may participate in any meeting the Student Representative is permitted to attend. Participation by the Student Representative shall mean the right to address issues before the Board, the right to cast an advisory vote immediately prior to the formal vote on those issues, and the right to propose motions during committee meetings and study sessions. The Student Representative shall not formally move or second any motion.

6. Amendments

These By-Laws may be amended at any business or special meeting by the affirmative vote of five (5) members of the Board, provided that any proposed amendment shall have been submitted in writing to the members at a regular or special meeting at least one (1) week prior to the meeting at which the vote is taken.

7. Previous Rules Superseded

These By-Laws, effective immediately, supersede all previous By-Laws of the Board. Furthermore, all previous rules, regulations, or resolutions of whatever nature, contrary to or inconsistent with these By-Laws, are hereby declared null and void.

Notes: Adopted February 5, 1998; Revised December 5, 2002 pursuant to Resolution No. 2002-03:452; Revised June 19, 2003; Amended July 28, 2011 pursuant to Resolution No. 2011-12:102; Amended October 18, 2018 pursuant to Resolution No. 2018-19: 379; Amended August 8, 2019 pursuant to Resolution No. 2019-20:101; Amended August 22, 2019 pursuant to Resolution No. 2019-20:189; Amended August 27, 2020 pursuant to Resolution No. 2020-2021: 221; Amended September 8, 2020 pursuant to Resolution No. 2020-2021: 276; Modified committee name to Equity in Student Achievement October 27, 2020; Amended May 27, 2021 pursuant to Resolution No. 2020-21:845; Modified pursuant to Resolution No. 2021-22: 253 November 2, 2021; Amended May 26, 2022 pursuant to Resolution No. 2021-22: 654

ct

VIDEOCONFERENCING OF BOARD MEETINGS

I. Videoconferencing – Locations Open to the Public

Members of the Board of Education may attend Board meetings by videoconference, if their location is open to the public, and appropriate public notice has been given as outlined in law and policy. Such members may participate in all aspects of the meeting, including establishing a quorum, discussions, and voting. Board members participating via videoconference must disclose the total number of people in attendance at that location.

The District will make all reasonable efforts to ensure that the facility of the primary meeting site provides barrier-free access to the physically handicapped, and accommodates all members of the public who wish to attend. Sites where a member participates via videoconference which are open to the public are not required to comply with these conditions.

II. Videoconferencing Under Extraordinary Circumstances (Public Officers Law Section 103-a) – Locations Not Open to the Public

Pursuant to the resolution authorizing this policy, Board members are permitted to participate in meetings via videoconferencing under extraordinary circumstances, in accordance with state law and this policy. Extraordinary circumstances include: disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the members' physical attendance at the meeting.

To utilize videoconferencing under extraordinary circumstances, a quorum of Board members must be present in the same physical location(s) where the public can attend the meeting. Board members videoconferencing under extraordinary circumstances can participate in meeting discussions and voting, and their locations are not required to be open to the public, but they do not count towards a quorum unless their locations are open to the public.

The in-person quorum requirement will not apply in the event of a declared state disaster emergency or local state of emergency, if the District determines that such emergency would affect or impair the District's ability to hold an in-person meeting.

To participate via videoconference under extraordinary circumstances, Board members should notify the District Clerk, or designee, as soon as the need arises, stating the extraordinary circumstance. This should occur at least twenty-four (24) hours prior to the meeting in order to give proper notice to the public unless extraordinary circumstances prevent the Board member from doing so. Such notification may be made by any means (e.g., phone, electronically, in writing or in person), but the Board member should receive confirmation, so they know the request was received and approved. The District Clerk, or designee, will make the appropriate notifications to confirm an in-person quorum.

If more than one Board member wishes to participate in the same meeting by videoconferencing under extraordinary circumstances, the District will consider the need for a quorum at locations where the public may attend. The District may reschedule meetings if appropriate.

This policy, or the District's written procedures for videoconferencing under extraordinary circumstances if a separate document, will be posted on the District website.

Except for properly convened executive sessions, all Board members (i.e., those attending both in person and via videoconferencing) must be able to be heard, seen and identified (e.g., their first and last name

shown) during the meeting, including all motions, proposals, resolutions or any other matter formally discussed or voted upon.

All meetings that are broadcast or utilize videoconference technology will utilize technology that permits access by members of the public with disabilities, consistent with the Americans with Disabilities Act, as amended.

For all meetings involving videoconferencing under extraordinary circumstances, the District will provide members of the public the opportunity to view the meeting via video, and participate in public comment via videoconference in real time where public comment is authorized, to the same extent as in-person comment.

Minutes of meetings involving videoconferencing under extraordinary circumstances will include which members participated remotely.

All meetings where videoconferencing under extraordinary circumstances is used will be recorded, except those portions held in executive session. Recordings will be posted or linked on the District website within five business days of the meeting, and remain posted or linked for at least five years after the meeting. Recordings will be transcribed upon request.

Cross-ref: Board By-Laws (2300)

Ref: Public Officer's Law §§102; 103; 103-a; 104
NYS Department of State, Committee on Open Government, Advisory Opinion OML-AO-#5575 (3/6/2018)
"Questions and Answers, Chapter 56 of the Laws of 2022," NYS Committee on Open Government, https://opengovernment.ny.gov/system/files/documents/2022/05/chapter-56-of-the-laws-of-2022-guidance-document-05-20-22.pdf

Notes: Adopted July 28, 2011 pursuant to Resolution 2011-12: 103; Amended January 26, 2017 pursuant to Resolution No. 2016-17: 500; Amended October 28, 2021 pursuant to Resolution 2021-22: 243; Amended March 23, 2023 pursuant to Resolution No. 2022-23: 555 (Formerly Policy 2325 Videoconferencing)

ct

PUBLIC BOARD HEARINGS

The Board of Education shall schedule public hearings in accordance with the law and on occasions when it wishes to gather information and seek opinions on important issues affecting the school district. The Board shall take no formal action at a public hearing.

The time and place of the hearings shall be designated in the notice of the hearing. All interested persons or their representatives shall have an opportunity to present facts, views, or arguments relative to ideas or proposals under consideration.

At the beginning of each hearing the Board may present information on the topic of the hearing. Speakers shall be required to give their name and address. Non-residents do not have the privilege of speaking at public hearings except when permission is granted by the chair.

Speakers at public meetings, generally, will be limited to three minutes for their presentation. However, this time limit may be adjusted by the chair if the size of the audience or the number of requests to speak is small and an increase in the time would not unduly extend the length of the hearing. Any adjustment in time shall apply to all speakers from the audience.

Any speaker who is out of order may be cautioned by the chair. If such remarks or behavior persists, the speaker's privilege to address the Board may be terminated.

Notes: Adopted August 20, 1998; Amended April 28, 2022 pursuant to Resolution No. 2021-22: 576

ct

POLICY MANAGEMENT

The Board of Education recognizes that the adoption of written policies constitutes the basic method by which the Board exercises its leadership in the operation of the district. The policy manual may utilize the New York State School Boards Association (NYSSBA) policy numbering system when adopting, identifying, amending, or rescinding policies in any and all policy resolutions.

Policies may be proposed for adoption, amendment, or recession at any regular or special Board meeting, by any member of the school community. Such proposals can be presented to the Board as a written request to the President of the Board, who shall remand it to the Policy Committee, or to any member of the Board of Education who may make a similar request of the President of the Board.

The Board delegates to the Superintendent of Schools the responsibility and authority to establish any and all rules, regulations, and/or procedures necessary to implement and maintain its policies. Regulations promulgated or amended by the Superintendent become part of the policy manual without Board resolution or approval unless the associated policy specifically requires Board approval. The Board may, however, condition its approval of a new or amended policy on the promulgation of regulations. Exhibits shall be considered informational only, to be updated as needed without Board resolution.

The Board will maintain a process for policy manual review. The Superintendent and their administration will assist in the review and evaluation of Board policies when requested. Since policies often affect the students, parents, employees and/or community of the District, the Board shall make a continuing effort to try to involve as many relevant groups as reasonable during policy development. To ensure these groups a reasonable opportunity to advise the Board of their reactions to and feelings about proposed policies, no official Board vote shall take place on a policy adoption, amendment, or recession at the meeting during which it is first presented to the Board for consideration, unless a majority of the Board determines that it is necessary to do otherwise.

The Superintendent, employee, students, parents and/or community of the District may recommend new policies and/or policy changes to the Board when a policy is not under review. Recommendations are required to be made through submission of the policy exhibit 2410-E1.

To adopt, amend, or rescind a policy requires a majority vote of the entire Board. Such vote will be taken in the same meeting as the third reading.

To permit time for study of all policies under review and to provide an opportunity for interested parties to react, the policies under review may be presented as an agenda item to the Board in the following sequence:

1. First Reading – This may be at a regular meeting, a meeting of any committee of the whole or a special meeting following the meeting at which that policy has been developed and advanced. Speakers wishing to address policies under review will be heard in the speaker section of the relevant Board meeting agenda.

2. Second Reading – This may be at a regular meeting, a meeting of any committee of the whole or a special meeting following the meeting at which that policy has had its first reading. Speakers wishing to address policies under review will be heard in the speaker section of the relevant Board meeting agenda.

3. Third Reading – Four weeks following the Second Reading. This may be at a properly noticed regular meeting, a meeting of any committee of the whole or a special meeting following the meeting at which that policy has had its second reading. Speakers wishing to address policies under

review will be heard in the speaker section of the relevant Board meeting agenda, as action will be taken under Consideration of Resolutions to adopt, amend or rescind the policy.

The formal adoption, amendment and recession of policies shall be recorded in Board minutes. Only those written statements so adopted or amended shall be regarded as official Board policy. Any policy that was reviewed with no amendments, shall be recorded in its notes as "Reviewed (date) with no amendments pursuant to Resolution No.". The Board Policy Manual can be accessed at www.rcsdk12.org/policy.

Cross-ref: Criteria for Policy Analysis (2410-E1)

Ref: Education Law §§1604(a); 1709(1); 1804

Notes: Prior policy, Policy Manual, BFC; Rules and Regulations of the Board of Education (Article II), revised; Amended May 27, 2021 pursuant to Resolution No. 2020-21: 840; Amended February 17, 2022 pursuant to Resolution No. 2021-22: 464; Amended November 30, 2023 pursuant to Resolution No. 2023-24: 469

ct

ADMINISTRATION IN POLICY ABSENCE

In cases in which action must be taken where the Board of Education has provided no guidelines for administrative action, the Superintendent of Schools shall have the power to act, but their decisions shall be subject to review by the Board at its regular meeting. It shall be the duty of the Superintendent of Schools to inform the Board promptly of such action and of the need for policy.

Notes: Policy added; Amended March 24, 2022 pursuant to Resolution No. 2021-22: 523

ct

NEW BOARD MEMBER ORIENTATION

The Board of Education and the administrative staff shall assist each new Board member-elect to become familiar with and to understand the Board's functions, policies and procedures, and the school District's operation before taking office. Each Board member-elect shall, as soon as possible,

1. be given selected materials covering the function of the Board and the school District, including (a) policy manual, (b) copies of key reports prepared during the previous year by school Board committees and/or the administration, c) the School Law Handbook prepared by the New York State School Boards Association, (d) access to minutes of Board meetings of the previous year, (e) latest financial report of the District, (f) copies of pertinent materials developed by the New York State School Boards Association, and (g) any other materials which may be deemed helpful and informative;*

2. be invited to attend all Board meetings and functions, including executive sessions, and to participate in discussion. The Board President will explain to each new Board member-elect the need to ensure the confidentiality of all discussions and/or actions which occur in executive session;

3. be invited to meet with the Superintendent of Schools and other administrative personnel to discuss the services that they perform for the school Board and the school District; and

4. be invited and encouraged to attend the New York State School Boards Association's or Monroe County School Board Association's workshop for New School Board Members.

5. The Board will support and encourage the Student Representative to the Board to attend orientation offered by the National Student Leaders Association.

Notes: Policy added August 20, 1998; Amended October 28, 2021 pursuant to Resolution No. 2021-22: 243

rw

SCHOOL BOARD CONFERENCES, CONVENTIONS, WORKSHOPS

In recognition of the need for continuing in-service training and development for its members, the Board of Education encourages the participation of all members in meetings and activities of area, state, and national school Boards associations, as well as in the activities of other educational groups. Board members are encouraged to study and examine materials received from these organizations as well as publications and tapes available in the Board's own library.

In order to control both the investment of time and funds necessary to implement this policy, the Board establishes these principles and procedures for its guidance:

1. Board Staff will compile, maintain, and distribute to each Board member a calendar listing school Board conferences, conventions, and workshops, to help the Board decide which meetings appear to be most promising in terms of producing direct and indirect benefits to the District.

2. The Board will reimburse conference attendees (Board members) for reasonable and necessary expenses not paid for directly by the District (travel, hotel, meals, registration).

3. When any Board member attends a conference, convention, or workshop, the member will be requested to share information, recommendations, and materials acquired at the meeting.

Notes: Adopted April 27, 2023 pursuant to Resolution No. 2022-23: 628

ct

MEMBERSHIP IN SCHOOL BOARDS ASSOCIATIONS

The Board of Education shall maintain memberships in the Monroe County School Boards Association, the New York State School Boards Association, National School Boards Association, Council of Urban Boards of Education, the Conference of Big 5 School Districts, the Council of Great City Schools, and other organizations established for Boards of Education. Institutional memberships shall require initial Board approval and subsequent budget allocation.

Board members should take the responsibility to attend association meetings for the purpose of Board development and gathering new information. The materials and other benefits of institutional memberships will be distributed and used to the best advantage of the district.

Ref: Education Law §1618
General Municipal Law §77b

Notes: Prior policy, Policy Manual, BJ, revised; Amended March 23, 2017 pursuant to Resolution No. 2016-17: 633; Amended October 28, 2021 pursuant to Resolution No. 2021-22: 243

rw

3000 Series:
Superintendent

SUPERINTENDENT GOALS AND OBJECTIVES

The Superintendent's Goals and Objectives are driven by the Board Goals and Metrics (2000-E1), which were derived from the District's vision and mission statements in the Education Philosophy policy (0000). Given that these goals will vary somewhat from year to year, the Superintendent Performance Objectives for the School Year shall be annexed to this policy as Exhibit 1 (3000-E1).

Cross-ref: Educational Philosophy (0000)
Board Goals and Metrics (2000-E1)
Superintendent Performance Objectives for the School Year (3000-E1)

Notes: Adopted March 24, 2022 pursuant to Resolution No. 2021-22: 524; Amended August 25, 2022 pursuant to Resolution No. 2022-23: 78

ct

SUPERINTENDENT OF SCHOOLS

The Board of Education shall by a majority vote appoint a Superintendent of Schools for a term of not to exceed four years. The Superintendent shall serve as the Chief Executive Officer of the Board and as such shall carry out the policies established by the Board.

Cross-ref: Superintendent Goals and Objectives (3000)
Superintendent Performance Objectives for the School Year (3000-E1)

Ref: Education Law §§1711; 2508; 2565

Notes: Policy adopted August 20, 1998; Amended April 27, 2023 pursuant to Resolution No. 2022-23: 627

ct

RECRUITMENT OF THE SUPERINTENDENT

The Board of Education recognizes that the recruitment and appointment of the Superintendent of Schools is among the most important priorities of the Board.

Through its employment policies, the Board will attempt to attract, secure, and retain a qualified Superintendent. The selection program will be based upon finding an individual who will devote themselves to the education and welfare of the children attending the District's schools, and the efficient and responsible administration of the school system.

The Board may establish a search committee or hire a consultant to recruit and interview candidates for the position of Superintendent. The responsibilities of the search committee or consultant and the procedures to be followed will be clearly established by the Board prior to the commencement of the recruitment process. A committee, if chosen, should undergo training so that the process may be conducted in an efficient manner. The Board may choose to establish itself as the committee. The Board may also seek the advice and counsel of interested individuals with regard to the appointment of a Superintendent. However, the final selection shall rest with the Board after a thorough consideration of qualified candidates.

Recruiting procedures shall enable the District to seek qualified candidates from a variety of sources. The Board adheres to the practice of recruiting and hiring personnel without regard to religion, race, creed, color, national origin, gender, sex, marital status, or disability. It will be the responsibility of the committee or consultant to determine that the candidates meet certification and other requirements established by the Education Law and the Regulations of the Commissioner of Education for the position of Superintendent.

The Board will negotiate a contract with the successful candidate.

Ref: Education Law §§1711(1), (2), (3)
8 NYCRR §80.4

Notes: Prior policy, Policy Manual, CBB; Revised August 20, 1998; Amended April 27, 2023 pursuant to Resolution No. 2022-23: 627

ct

DUTIES OF THE SUPERINTENDENT

The Superintendent of Schools, as Chief Executive Officer for the Board of Education, will have the following specific powers and duties:

Relationship with the Board

1. to serve as the Chief Executive Officer for the Board and be charged with the responsibility for implementing the policies of the Board. The Superintendent shall work with the Board President in planning the agenda for each meeting, attend all meetings, participate in all Board regular and special meetings, and Board executive meetings at the Board's request;

2. to develop a harmonious and close working relationship with the Board. The Superintendent shall treat all Board members impartially and alike, refraining from criticism of individual or group members of the Board. The Superintendent shall go to the Board when serious differences of opinion arise in an earnest effort to resolve such differences immediately;

3. to serve as a resource person and advisor to the Board. The Superintendent shall keep the Board informed on issues, needs, and operations of the school system. The Superintendent shall offer advice to the Board, based on thorough study and analysis, on items requiring Board action;

4. to provide a continuous appraisal of all school policies originating with the Board. The Superintendent shall advise the Board on the need for new and/or revised policies, and suggest draft policies to satisfy those needs;

Educational Direction and Leadership

5. to develop administrative principles and procedures for implementing Board policy. The Superintendent shall ensure the enforcement of all provisions of law, rules and regulations, and Board policy relating to the management of the schools and other educational, social and recreational activities. The Superintendent shall interpret for the staff all Board policies and applicable laws, rules and regulations;

6. to understand and keep informed on all aspects of the instructional program at all levels. The Superintendent shall have responsibility for the supervision of instruction and shall bring to the school, in a leadership capacity, the best in educational thought and practice. The Superintendent shall, on a continuing basis, review and update the educational program of the school, and keep the Board informed of all changes in curriculum;

7. to recommend to the Board, for its adoption, all courses of study, curriculum guides, textbooks and electronic devices to be used in the schools;

8. to encourage a positive approach to student behavior and discipline in accordance with the District Code of Conduct;

9. develop a school calendar for the ensuing year and present to the Board of Education for approval in the spring of each year. The number of days scheduled for students will meet or exceed the

requirements of state law, and include the days schools will be in session, holidays and vacation periods, days of reports to parents and other such designations as the Superintendent or Board deems appropriate;

Personnel

10. to develop and implement sound personnel practices, consistent with law, Board policy and collective bargaining agreements, including recruitment, hiring, assignment, supervision, evaluation, promotion, and discipline of all personnel. The Superintendent shall develop procedures for the selection of staff members. The Superintendent shall establish standards for teacher selection, and shall provide a framework for continuing professional learning of all professional staff members;

11. to recruit qualified professional and support staff. The Superintendent may authorize the payment of part or all of the expenses of candidates for teaching positions if the candidates are asked to come to the district for visits or interviews;

12. to nominate employees for appointment, promotion, transfer or dismissal in accordance with the policies of the Board and the procedures outlined by the law. The Superintendent shall make recommendations to the Board regarding salary and tenure of all employees. The Superintendent may temporarily suspend any employee for cause and shall report such suspension to the members of the Board. Unless otherwise determined by the Board, the Superintendent is authorized to reemploy all employees for the following year;

13. to hire cabinet level personnel to appointments designated by New York State law to be exempt from Board appointment;

14. to supervise and evaluate all staff members. The Superintendent shall work for good morale and be impartial, firm and fair in dealing with staff;

15. to encourage the professional growth of staff through conferences, workshops, group discussions, committee/individual studies and use of consultants in accordance with District priorities and initiatives;

16. to advise the Board in all collective bargaining matters;

Financial Management

17. to prepare and present to the Board a preliminary annual budget in accordance with a schedule established with the Board. The Superintendent is responsible for ensuring that the budget is properly administered. The Superintendent shall ensure that regular reports are made to the Board on the status of the budget;

18. to establish efficient procedures to maximize income, safeguard investments and provide effective controls for all expenditures of school funds in accordance with the budget. The Superintendent shall ensure that all necessary bookkeeping and accounting records are maintained by the district;

Facilities Management/Safety and Security

19. to supervise operations, maintenance, alterations and repair to buildings and grounds, insisting on competent and efficient performance;

20. to evaluate plant needs and recommend to the Board improvements, alterations and changes in the buildings and equipment of the District;

21. to supervise and monitor measures to ensure safety and security for all students and staff, and to recommend ongoing measures as needed;

Community Relations

22. to supervise the public relations activities of the District. The Superintendent shall keep the public informed about the policies, practices, and problems in the District and its schools, and provide leadership in introducing practices to improve learning conditions and outcomes for students. The Superintendent shall develop friendly and cooperative relationships with the news media;

23. to establish and maintain an effective working relationship with all segments of the community: parent-teacher organizations, local and state government, other school systems, institutions, agencies, civic organizations, and the general public. The Superintendent shall solicit and give attention to problems and opinions of all groups and individuals;

Personal Qualities and Growth

24. to demonstrate commitment to instructional excellence and support systems with a focus on equity;

25. to demonstrate outstanding qualities of leadership with ability to delegate authority and responsibility effectively and to hold subordinates accountable;

26. to exhibit good judgment, common sense and positive professional relations with District employees and community members;

27. to exhibit the ability to face controversy, remain true to convictions and thrive within a high-pressure job;

28. to speak well before large and small groups, expressing ideas in a logical and forthright manner;

29. to maintain professional development by reading and course work, attending conferences, working on professional committees, visiting other districts, and meeting with other Superintendents;

Management Functions

30. to coordinate and manage the District so that the school organization operates smoothly and efficiently. The Superintendent must be able to coordinate the processes essential to achieving a smooth operation in all areas of the school district organization:

a. Planning: determining needs, objectives and goals;

b. Organization: assigning roles, responsibilities and establishing lines of communication;

c. Control: ensuring that progress is being made toward priorities, making necessary staff reallocations and changes and evaluations;

d. Decision-making: data-collecting, analyzing data and choosing appropriately from a variety of decision-making techniques;

e. Problem-solving: sensitivity to problems, formulating problem statements, and using a variety of problem-solving techniques;

f. Communication: giving and receiving information effectively both orally and in writing, facilitating the exchange of information, views and opinions;

31. to have the authority (or their designee to have the authority) to sign contracts, leases, payroll vouchers, and any other documents authorized by the Board on behalf of the Board; and

32. to perform such other duties as the majority of the Board may determine.

Cross-ref: Code of Conduct (1400)

Ref: Education Law §§1604(8); 1711; 1804
Education Law §§3015(2); 3101(3); 3204(4); 3604(7-8)
8 NYCRR Part 175

Notes: Prior regulation, Rules and Regulations of the Board of Education (Article II), Revised August 20, 1998; Amended July 27, 2023 pursuant to Resolution No. 2023-24: 137

ct

ADMINISTRATIVE COUNCILS, CABINETS, COMMITTEES

The Board of Education authorizes the Superintendent of Schools to establish such permanent or temporary councils, cabinets and committees as they deem necessary for the proper administration of Board policies and for the improvement of the total educational program.

All councils, cabinets and committees created by the Superintendent will be for the purpose of obtaining the advice and counsel of District personnel and citizens, and to aid in District communication. Functioning in an advisory capacity, these groups may submit recommendations to the Board through the Superintendent. However, such groups will exercise no inherent authority. The authority for establishing policy shall remain with the Board and the authority for implementing policy shall remain with the Superintendent.

Cross-ref: Parent and Family Engagement Policy (1900)
Advisory Bodies (2260)

Notes: Prior policy, Policy Manual, CE, Revised August 20, 1998; Amended May 25, 2023 pursuant to Resolution No. 2022-23: 627

ct

ORGANIZATION CHART

The Superintendent of Schools shall maintain an administrative organization chart showing the relationship among the various administrators and staff.

Cross-ref: Organizational Charts (3230-E1)

Notes: Policy added August 20, 1998; Amended April 27, 2023 pursuant to Resolution No. 2022-23: 627

ct

DEVELOPMENT OF REGULATIONS

The Board of Education delegates to the Superintendent of Schools the function of specifying required actions and developing the detailed arrangements under which the schools will be operated. These rules and detailed arrangements shall constitute the administrative regulations governing the schools. They must be, in every respect, consistent with the policies adopted by the Board.

In developing regulations, the Superintendent shall, whenever feasible, seek the advice and opinions of any staff who will be affected by the proposed regulation, and establish procedures to ensure that such advice and opinion is received.

The Superintendent shall give due weight to the advice of staff, especially those offered by representatives of any groups or collective bargaining units. The Superintendent shall report to the Board any advice or opinions given by staff in presenting reports of administrative action or when presenting their recommendations for action by the Board.

There are many activities that are common to all departments and school levels, but procedures for conducting them may vary from unit to unit. Principals and department heads shall establish procedures for conducting activities within their individual units within the larger framework of administrative regulations and Board policies.

Each new Superintendent shall conduct a review of any pre-existing Superintendent's Regulation for any necessary updates or revocation.

Ref: Education Law §§1709; 1711

Notes: Prior policies, Policy Manual, CH, CHA, Revised August 20, 1998; Amended April 27, 2023 pursuant to Resolution No. 2022-23: 627

4000 Series: Schools

INSTRUCTIONAL GOALS

The development and maintenance of optimal educational programs are the primary functions of the Board of Education. The Board affirms its commitment to a system of instruction based on a common core of rigorous academic standards for all students that shall prepare them to be life-long learners, citizens in a democratic society and productive workers. The Board's instructional goals for district students include the following:

1. to provide each child with fundamental academic skills and knowledge required for his/her maximum educational advancement;

2. to nurture a spirit of inquiry which capitalizes on students' innate curiosity, and reveals to them the excitement found in the search for knowledge;

3. to develop in the students a sense of self-worth that will enable them, with the necessary guidance, to recognize and use their own capabilities;

4. to provide each student with the greatest possible opportunity to use his/her abilities and interests in order to find satisfaction and a sense of purpose in life;

5. to promote the ability to think critically and logically, to use knowledge constructively, and to attack problems intelligently, giving due respect to honest differences of opinion;

6. to nurture and develop basic attitudes, such as good work habits, self-discipline, sense of responsibility, cooperation, good sportsmanship, and self-confidence

7. to develop financial literacy and understanding in economic matters, and encourage responsible consumer judgment;

8. to provide special services which promote the physical, mental, and emotional well-being of every child;

9. to provide a well-balanced extracurricular program designed to promote the intellectual, physical and social growth of students;

10. to develop understanding of social structures and social processes; and

11. to prepare youth for acceptance of civil responsibilities.

The learning environment must be structured to reflect the diverse learning and cultural needs of all students.

Academic Standards and Assessment

The Board believes that accountability for student progress for all students is dependent on the investment of each member of the school community. The Board endorses an asset-based orientation that is focused on enriching, supporting, and including all students. The board believes that all educational partners should be included in planning for student success.

These partners include:

1. the Board of Education;
2. the Superintendent and Central Office Staff;
3. Building Principals;
4. School-Based Planning Teams;
5. teachers;
6. counselors;
7. students;
8. parents, families; and
9. the community.

The Board, in keeping with its commitment to collaboration and cooperation with the City of Rochester, the Monroe County and the large educational community, recommends mobilizing the entire community to support students and their families by:

1. encouraging and recognizing excellence;
2. marshaling resources for education;
3. engaging in substantive, supportive partnerships;
4. sharing similar goals to create and maintain high performance; and
5. enacting public policy and allocating sufficient resources to guarantee optimum conditions for children.

The District's Academic Standards and Assessment will be reviewed on an annual basis.

Notes: Prior policy, Policy Manual, Academic Standards and Assessment Policy (October 18, 1995); Revised August 20, 1998; Amended July 28, 2022 pursuant to Resolution No. 2022-23: 939

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EQUIVALENCE IN INSTRUCTIONAL STAFF AND MATERIALS

In accordance with the federal Every Student Succeed Act (ESSA), the Board of Education directs that services in Title I schools and programs, when taken as a whole, shall be substantially comparable to services in schools and programs that do not receive Title I funds. This includes curriculum materials, instructional supplies, and personnel (teachers, administrators, and other personnel).

The Superintendent of Schools shall follow the State Education Department guidelines in determining such equivalence on an annual basis, and report to the Board, upon request, on the status of District schools with regard to equivalence. The District shall maintain records, updated biannually, documenting this equivalence.

Complaints regarding the District's implementation of this equivalence requirement shall be addressed in accordance with Board policy 1900.

Cross-ref: Parent and Family Engagement Policy (1900)

Ref: 20 USC §6321(c); Section 1118(c)(2)(A) of the Elementary and Secondary Education Act (ESEA), as amended by Every Student Succeeds Act (ESSA)

Notes: Adopted August 20, 1998; Amended December 16, 2013 pursuant to Resolution No. 2013-14: 388; Amended January 26, 2023 pursuant to Resolution No. 2022-23: 438

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HIGH SCHOOL TO HIGHER EDUCATION INSTITUTIONS POLICY

Context and Purpose

The Board of Education acknowledges the importance of linking High School and Higher Education Institutions to fully develop a student's potential on their path of education. The Board recognizes the importance of improving our students' transition from high school into institutions of higher learning that will further their education and training in their desired fields. Therefore, this policy focuses on student transitions to colleges or universities. To provide students with a more individualized transition plan that is linked to the educational levels of achievement needed for different professions, the Board expects all students, regardless of socio-economic status or career choice, to complete a career and college guide plan.

This policy is an essential element of the District's mission and vision. By infusing its concepts and activities into the school counselors' duties, this policy is an integral part of creating a system that allows students to have a concrete plan to transition to a higher level of education after high school graduation. Essential to its success are system-wide enhancements to school counseling based on interdisciplinary research or knowledge, community partner collaboration efforts, infusion and communication of high school-to-higher education concepts of the value of transition planning as part of the educational process.

It is the intention of the Board to share District responsibility for helping all young people transition to higher learning opportunities. In addition to District personnel, the Board shall require the support and involvement of administration and school counselors. The Board will encourage the support and involvement of students, parents, higher education representatives, and a cross-section of the community to better prepare students to become productive, contributing members of society by assisting with creating a culture that promotes a higher level of education.

The High School-To-Higher Education Institutions Policy is designed to:

1. Prepare young people to select their desire of next steps beyond high school with efforts to expose them to various colleges and careers; and

2. Provide young people with the necessary knowledge of the college enrollment process for the purpose of creating a concrete plan to pursue higher level education required by their career choice.

Measures and Standards:

1. Per NYSED Commissioner's regulation 100.2(j), school counselors must complete an Annual Individual Progress Review with every student in grades six through twelve which will reflect educational progress, and college and career readiness with follow-up plans.

2. District administration will be required to make collaborative efforts with community partners in assisting with the changes covered in this policy.

3. The number of students completing a college application by the end of their senior year of high school will be tracked.

4. The number of students completing college scholarship award applications and the Free Application for Federal Student Aid (FAFSA) process will be tracked.

The key features of the system are as follows:

1. Utilization of Annual Individual Progress Review that outlines yearly steps for students and/or their guardian(s) and a follow-up plan;

2. Dissemination of college and career choice information;

3. Use of a college, career and life readiness platform to ensure students are completing activities geared toward increasing post-secondary readiness;

4. Structured exposure opportunities that provide all students with college and career information (this can include fairs, college/university campus visits, and other opportunities);

5. Creation by District administration of a coordinated effort for collaboration with community partners that is linked to schools and relies on students, parents, mentors, youth advocates and social service agencies to assist youth; and

6. Choice of a direction in which students would like to take their education by the end of their ninth-grade year, and annual check-ins thereafter in compliance with State Regulations.

Policy Monitoring and Evaluation

Several different constituencies will be involved in policy monitoring and evaluation. The monitoring and evaluation framework will be reviewed by the Superintendent of Schools and appropriate District staff, and the Board's Excellence in Student Achievement Committee. The Superintendent of Schools will prepare and present to the Board an annual formal progress report on implementation of this policy as it relates to the measures and standards of the policy.

Cross-ref:	District Policy Prohibiting Discrimination or Harassment of Students or Employees (0100)
Ref:	8 NYCRR 100.2(j)
Notes:	Adopted October 18, 2018 pursuant to Resolution No. 2018-19: 378; Amended August 24, 2023 pursuant to Resolution No. 2023-24: 234

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ORGANIZATION OF INSTRUCTION

The Board of Education believes that effective instruction is organized according to a plan which makes full use of District resources, including instructional time, materials, and personnel. These resources shall support a PreK-6 (early childhood and elementary schools), 7-8 (middle schools), 9-12 (high school) program of instruction (as well as early childhood centers), with the exception of special and magnet school programs. However, because of physical limitations of some school buildings, the organization plan of instruction may be varied, but only with the recommendation of the Superintendent of Schools and the approval of the Board. Every effort will be made to retrofit schools that currently do not fit this model over time.

To capitalize on these valuable District resources and increase student learning time, the Board encourages District administrators and personnel to observe the following guidelines:

1. limit announcements and other administrative interaction with students and teachers to "break" or preparation periods;

2. streamline non-instructional classroom procedures, such as attendance accounting;

3. show sensitivity to changing community needs and values;

4. seek input from District personnel in determining the length of the school day and formulation of the school calendar; and

5. review scheduling periodically to ensure that the maximum amount of school time is devoted to instruction.

The District shall discuss all proposed changes in instructional organization with appropriate members of the collective bargaining units, shared decision-making teams, parent-teacher organizations, community members and student representatives. Administrators are also encouraged to review and implement current research findings in these areas, and submit related recommendations to the Board periodically.

Notes: Prior policy, Policy Manual, IE, revised August 20, 1998; Amended August 25, 2022 pursuant to Resolution No. 2022-23: 79

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4200

SPECIAL EDUCATION: DISTRICT PLAN

A District plan shall be developed, implemented, monitored, updated and approved by the Board of Education every two (2) years describing the Special Education program in the Rochester City School District. The District plan shall include the following:

a) A description of the nature and scope of special education programs and services currently available to students (including preschool students) residing in the District, including but not limited to descriptions of the District's resource room programs and each special class program provided by the District in terms of group size and composition.

b) Identification of the number and age span of students (school age and preschool) to be served by type of disability and recommended setting.

c) The method to be used to evaluate the extent to which the objectives of the program have been achieved.

d) A description of the policies and practices of the Board of Education to ensure the allocation of appropriate space within the District for special education programs that meet the needs of students and preschool children with disabilities.

e) A description of the policies and practices of the Board of Education to ensure that appropriate space will be continually available to meet the needs of resident students and preschool students with disabilities who attend special education programs provided by Boards of Cooperative Educational Services.

f) A description of how the District intends to ensure that all instructional materials to be used in the schools of the District will be made available in a usable alternative format for each student with a disability at the same time as such instructional materials are available to non-disabled students. The alternative format must meet the National Instructional Materials Accessibility Standard defined in federal law.

g) The estimated budget to support such plan.

h) The date on which such plan was adopted by the Board of Education.

Any change to the allocation of space for special education programs must be made in consideration of the needs of participating students with disabilities for placement in the LRE and for the stability and continuity of their program placements.

The District plan, with personally identifiable student information deleted, shall be filed and available for public inspection and review by the Commissioner.

Ref: 20 United States Code (USC) Section 1474(e)(3)(B)

8 New York Code of Rules and Regulations (NYCRR) Part 155 and Section 200.2(c), 200.2(g)

Notes: Adopted February 16, 2012 pursuant to Resolution No. 2011-12: 559; Amended May 27, 2021 pursuant to Resolution No. 2020-21: 841

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PARENT INVOLVEMENT FOR PARENTS OF CHILDREN WITH DISABILITIES

The Board of Education recognizes and respects the rights of parents to be fully informed of all information relevant to the identification, or change in identification, evaluation and educational placement of a child with a disability, and also recognizes that parental involvement is critical to student achievement.

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

Definition of Parent

Parent means a birth or adoptive parent, a legally appointed guardian generally authorized to act as the child's parent or authorized to make educational decisions for the child, a person in parental relationship to the child as defined in Education Law Section 3212, an individual designated as a person in parental relation pursuant to General Obligations Law Title 15-A including an individual so designated who is acting in the place of a birth or adoptive parent (including a grandparent, stepparent or other relative with whom the child resides), or a surrogate parent who has been appointed in accordance with Section 200.5(n) of Commissioner's Regulations. The term does not include the State if the student is a ward of the State.

A foster parent may act as a parent unless State law, regulations or contractual obligations with a State or local entity prohibit the foster parent from acting as a parent.

Unless a judicial decree identifies a specific person(s) to act as the parent or make educational decisions for the student, if one or more parties are qualified to act as a parent, the birth or adoptive parent is presumed to be the parent unless they do not have the legal authority to do so.

Surrogate Parents

It is the duty of the School District to determine whether a child needs a surrogate parent and to assign a surrogate parent in the manner permitted under New York State law. This determination shall be completed within a reasonable time following the receipt of a referral for an initial evaluation or re-evaluation.

In the event that no parent or guardian for a child with a disability can be identified; or after reasonable efforts the whereabouts of the parent or guardian cannot be determined; or the student is an unaccompanied homeless youth; or the child with a disability is a ward of the State and does not have a "parent" as defined above; or the rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law; the Board shall assign an individual to act as a surrogate for the parents or guardians.

Alternatively, the surrogate parent may be appointed by a judge overseeing the child's case.

The person selected as a surrogate shall have no interest that conflicts with the interest of the child he/she represents, and shall have knowledge and skills that ensure adequate representation of the child.

Prior Written Notice (Notice of Recommendation)

Prior written notice (notice of recommendation) must be given to parents of a student with a disability a reasonable time before the District proposes to, or refuses to, initiate or change the identification, evaluation, educational placement of the student or the provision of a free appropriate public education to the student. Prior written notice must also be provided informing the parents when no additional data is required to

determine the student's educational needs, the reasons for this determination and their right to request an assessment.

If the Prior Written Notice relates to a proposed action that also requires parental consent, the District must give notice at the same time it requests parental consent. The prior written notice will contain all elements required by Commissioner's Regulations.

A parent may elect in writing or in an email to receive Prior Written Notice and other required notifications by electronic mail (e-mail) communication if the District makes this option available.

Parent Participation in Meetings

The School District must take steps to ensure that one or both of the parents of a child with a disability are present at each Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE) meeting or are afforded the opportunity to participate in a mutually agreed upon time and place. The School District must document its attempts to involve parents, such as:

a) Detailed records of telephone calls made or attempted and the results of these calls;

b) Copies of correspondence sent to the parents and any responses received; and

c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

A meeting may be conducted without a parent in attendance if the School District is unable to convince the parents that they should attend.

Additionally, the School District must take whatever action is necessary to ensure the parent understands the proceedings of this meeting including arranging for an interpreter for parents with deafness or whose native language is other than English.

Parental Consent

In accordance with due process, a parent (as defined in Commissioner's Regulations Section 200.1(ii) (1) of a special education student or a student suspected of having a disability must provide informed consent before the School District can take certain actions. The District will make reasonable efforts to obtain written informed consent and will maintain a detailed record of its attempts and the results of the attempts.

<u>Consent for Evaluations</u>

The parent or guardian must provide informed written consent to the initial evaluation, or reevaluations in accordance with law and/or regulations. If a parent does not provide written consent for an initial evaluation, the School District *may* pursue the evaluation by commencing a due process hearing to override the refusal to provide consent.

Parental written consent for a reevaluation is not needed if the District can demonstrate that it has taken reasonable measures to obtain consent, but the parents or guardians have failed to respond.

Consent for the Initial Provision of Services

Parental written consent is also required for the initial provision of special education services. Written consent for an initial evaluation does not constitute consent for the initial provision of services. If a parent does not provide consent for the initial provision of services, the School District shall not provide the special education program and services to the student and shall not use the due process procedures to challenge the parent's refusal to consent. The School District shall not be considered to be in violation of the requirements to provide a free appropriate public education (FAPE), shall not be required to convene a meeting of the committee on special education or develop an individualized education program (IEP).

Consent for Other Actions

Prior written consent must also be provided:

a) Prior to releasing any personally identifiable information; and

b) Prior to the District accessing a parent's private or public insurance, the District must obtain a one-time written parental consent to request Medicaid reimbursement. A Medicaid application does not meet the IDEA parent consent requirements.

Consent for an Unaccompanied Homeless Youth

Consent may be provided by a surrogate parent. However, until a surrogate parent is appointed, consent may be provided on a temporary basis by an employee of a temporary housing facility operated or approved by a local social services district or a residential facility for runaway and homeless youth.

Consent for a Ward of the State

A ward of the State means a child or youth under the age of twenty-one (21):

a) Who has been placed or remanded pursuant to Social Services Law or the Family Court Act or freed for adoption pursuant to Social Services Law; or

b) Who is in the custody of the Commissioner of Social Services or the Office of Children and Family Services; or

c) Who is a destitute child under Social Services Law.

In the event that a child is a ward of the State, the School District shall make reasonable efforts to obtain the informed consent from the parent of the child for an initial evaluation to determine whether the child is a child with a disability.

The School District is not required to obtain informed consent if:

a) Despite reasonable efforts to do so, the School District cannot discover the whereabouts of the parent of the student, including consulting with the agency responsible for the care of the student; or

b) The rights of the parents of the student have been terminated in accordance with State law; or

c) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the student

Consent for a Student Who is Home Instructed or Parentally Placed in a Private School at the Parent's Expense

If a parent of a student who is home instructed or placed in a private school by their parents at their own expense does not provide written consent for an initial evaluation or reevaluation, or the parent fails to respond to a request to provide consent, the District may not continue to pursue those evaluations by using the due process procedures and the District is not required to consider the student as eligible for special education services.

Parental Revocation of Consent

Parental revocation of consent for continued provision of special education and related services must be in writing. When the parent revokes such consent, the District still must provide the parent with the usual prior written notice of its intentions with respect to the child.

If the parent of a student with a disability revokes their consent in writing for the continued provision of special education and related services to the student at any time subsequent to the initial provision of special education and related services, the District:

a) May not continue to provide special education and related services to the student, but must provide prior written notice to the parent before ceasing the provisions of special education and related services;

b) May not use due process procedures (i.e., mediation, resolution meeting, and/or impartial due process hearing) in order to obtain agreement or a ruling that the services may be provided to the student without parental consent;

c) Will not be considered to be in violation of the requirement to make a free and appropriate public education (FAPE) available to the student because of the failure to provide the student with further special education and related services; and

d) Is not required to convene an individualized education program (IEP) meeting or develop an IEP for the student for the further provision of special education and related services.

If the parent revokes consent in writing for their child's receipt of special education and related services after the child is initially provided special education and related services, the District is not required to amend the student's education records to remove any references to the student's receipt of such services because of the revocation of consent.

Procedural Safeguards Notice

The School District will provide a copy of the procedural safeguards notice prescribed by the Commissioner of Education to the parents of a student with a disability, translated in the parent’s dominant language, (unless clearly not feasible to do so) at a minimum of one time per year and also:

a) Upon initial referral or parental request for evaluation;

b) Upon the first filing of a due process complaint notice to request mediation or an impartial due process hearing;

c) Upon request by a parent;

d) Upon a decision to impose a suspension or removal that constitutes a disciplinary change in placement; and

e) Upon first receipt of a State complaint.

The district may place a current copy of the procedural safeguards notice on its Internet website if such website exists.

A parent of a student with a disability may elect to receive the procedural safeguards notice by an electronic mail (e-mail) communication if the RCSD makes such an option available.

Ref: Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446) Section 614(a)
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 207, 3212, 4005, 4202, 4401 and 4402
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1(ccc) 200.1 (ii)(1), 200.4(b)(6), and 200.5(a)(7). 200.5(b), 200.5 f (2), (4), (5)

Notes: Adopted February 16, 2012 pursuant to Resolution No. 2011-12: 560; Amended May 27, 2021 pursuant to Resolution No. 2020-21: 841; Modified pursuant to Resolution No. 2021-22: 253 November 2, 2021

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4202

STUDENTS WITH DISABILITIES

A child with a disability means a student under the age of twenty-one who is entitled to attend public schools and who, because of mental, physical or emotional reasons can only receive appropriate educational opportunities from a program of special education. A child is not considered as having a disability if their educational needs are due primarily to unfamiliarity with the English language; environmental, cultural or economic factors; or lack of appropriate instruction in reading or mathematics.

The Board of Education is committed to providing all students with disabilities a free appropriate public education. The Board shall appoint a Committee on Special Education (CSE) to identify, evaluate and recommend the classification, program and placement of each student with a disability as defined under the Individuals with Disabilities Education Act. The Board shall also appoint subcommittees, if necessary, to ensure the timely evaluation and placement of students.

If the State Education Department finds that the District has inappropriate policies, procedures or practices resulting in a significant disproportionality by race/ethnicity in the suspension, identification, classification and/or placement of students with disabilities, the District will ensure that it publicly reports on the subsequent revisions to those policies, procedures or practices.

The Board of Education recognizes the existence of individual differences in the intellectual, social, emotional and physical development of children attending school in the District. In recognizing these differences, the Board supports a system of services offered in the least restrictive environment for children with disabilities which includes:

a) Not requiring any student to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving services.

b) Education in regular classes with or without support services, education in a resource room, education for part of the day in a special class, full time education in a special class, home instruction and education in a residential setting.

c) Ensuring each student with a disability has the opportunity to participate in the programs and services of the School District, to the maximum extent appropriate to the needs of the student including extracurricular programs and activities, which are available to all other students enrolled in the District's public schools.

d) Ensuring that students with disabilities are provided with appropriate special education in the least restrictive environment and, to the maximum extent appropriate, participate and progress in the general education curriculum with their non-disabled peers.

e) Identifying and maintaining data on and information about students with disabilities residing in the District, including students who are homeless or wards of the State, and for reporting to the State Education Department the number of children with disabilities that are being served, as well as those not served.

f) Ensuring the confidentiality and non-disclosure of personally identifiable information or records, including IEPs and amendments thereto, pertaining to a student with a disability except in accordance with federal and state laws.

g) Implementing school-wide approaches and pre-referral interventions in order to remediate a student's performance prior to referral for special education.

h) Ensuring that all instructional materials used by the District are available in a useable alternative format in accordance with the needs of a classified student who is blind or print disabled and in compliance with the National Instructional Materials Accessibility Standard.

i) Ensuring that measurable efforts are made to recruit, hire, train and retain highly qualified personnel to provide special education programs and services.

j) Establishing the following guidelines for the provision of appropriate accommodations necessary to measure the academic achievement and functional performance of the student in the administration of District-wide assessments:

1. Ensure that necessary accommodations are specified on individualized education program (IEP) and implemented in accordance with the IEP;

2. Review the need for accommodations at Committee on Special Education (CSE) evaluations/re-evaluations;

k) To the extent feasible, using universal design principles (defined as a concept or philosophy for designing and delivering products and services that are usable by people with the widest range of functional capabilities, which include products and services that are directly usable without requiring assistive technologies and products and services that are made usable with assistive technologies) in developing and administering District-wide assessment programs by:

1. Addressing appropriate universal design principles in IEP;

2. Ensuring the Library Media Specialist and/or Deputy Superintendent for Teaching and Learning keep Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE) apprised of available products and services utilizing universal design principles;

3. Ensuring that instructional materials and activities allow learning goals to be achievable by individuals with wide differences in abilities;

4. Ensuring that flexible curricular materials and activities are built into the instructional design and operating systems;

5. Ensuring that instruction is diversified to deliver the general education curriculum to every student and diversify ways students may respond to that curriculum.

l) Consideration of the location of a school program(s) to a student's residence, before placement into an educational program. All rights under School Choice pertain to the extent that the District is able to deliver the student's program within the student's zone.

m) Adoption of written policies and procedures ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with Commissioner's Regulations.

n) Selection and appointment of Impartial Hearing Officers.

o) Provision of Special Education services and programs for preschool children with a disability.

Provision of Special Education Services to Nonpublic School Students with Disabilities who are Parentally Placed

The **district wherein the nonpublic school is located** (district of location) is responsible for child find, including individual evaluations, Committee on Special Education (CSE) meetings, provision of special education services, and due process to parentally placed nonpublic school students attending nonpublic schools located in the geographic region of the public school district.

These requirements only pertain to students with disabilities parentally placed in elementary and secondary nonpublic schools, not to parental placements of preschool children with disabilities in private day care or preschool programs; or to CSE placements of students with disabilities in approved private schools, Special Act School Districts, State-supported or State-operated schools or to Charter schools.

Parental consent must be obtained by the school district of location before any personally identifiable information about the student is shared between officials in the public school district of residence and officials in the public school district of location.

The school district of location must consult with nonpublic school representatives and representatives of parents of parentally placed nonpublic school students with disabilities enrolled in nonpublic elementary and secondary schools located within the boundaries of the school district. The school district must engage in consultation regarding the child find process and services generally; consultation is not specific to individual students. Individual services are determined by the CSE.

The consultation process must be timely and meaningful and include discussion of:

1) Child Find;

2) Provision of Special Education Services; and

3) Use of Federal Funds.

The school district of location must provide, as appropriate, special education services to an eligible student who legally resides in another state and who is parentally placed in a nonpublic school located in New York State. The services to be provided to out of state students must be documented on a services plan that is developed by the CSE of the district of location. The services plan is the written plan that describes the specific special education and related service that the district of location will provide to the student consistent with the services that the school district of location has determined through the consultation process and in relation to the proportionate shares of federal IDEA Part B dollars, to be provided to the student.

Ref: Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Sections 612 and 614
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
20 United States Code (USC) Section 9101(23)
21 United States Code (USC) Section 812(c)

34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 3004(4), 3004(5), 3208, 3242, 3602-c, 4401-4407 and 4410-6
8 New York Code of Rules and Regulations (NYCRR) Sections 52.21, 57-3, 100.5, 100.9, 177.2, 200.2(b), 200.2(c)(2)(v), 200.4(e)(9) and 200.6(a)(1)

Notes: Adopted August 20, 1998; Amended April 13, 2006 pursuant to Resolution No. 2005-06: 736; February 16, 2012 pursuant to Resolution No. 2011-12: 555; Amended May 27, 2021 pursuant to Resolution No. 2020-21: 841; Modified pursuant to Resolution No. 2021-22: 253 November 2, 2021

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PRESCHOOL SPECIAL EDUCATION PROGRAM

The Board of Education is committed to providing all students with disabilities a free appropriate public education. The Board shall appoint a Committee on Preschool Special Education (CPSE) to identify, evaluate and recommend the classification, program and placement of each preschool student with a disability as defined under the Individuals with Disabilities Education Act. The Board shall also appoint subcommittees, if necessary, to ensure the timely evaluation and placement of students.

It is the responsibility of the Board to arrange for the appropriate services based on the CPSE's recommendations, and to ensure that services are initiated within the time periods required by law. Should the Board disagree with the recommendation of the CPSE, the Board will send the recommendation back to the CPSE so that it may schedule a timely meeting to review the Board's concerns.

The Board authorizes and directs the Superintendent of Schools to establish and maintain administrative practices and procedures consistent with State policies:

a) To conduct a census for the identification all students with disabilities who reside in the district, to establish and maintain an annual register of those who are entitled to attend a preschool program during the next school year, including students with disabilities who are homeless or who are wards of the State, and to report census data by October 1st to the committee on preschool special education.

b) To ensure that each preschool student with a disability residing in the District has the opportunity to participate in preschool programs;

c) To ensure that students with disabilities are provided with appropriate special education in the least restrictive environment and, to the maximum extent appropriate, participate in a program with their non-disabled peers;

d) To identify and maintain data on and information about students with disabilities residing in the District, including preschool students who are homeless or wards of the State, and for reporting to the State Education Department the number of preschool children with disabilities that are being served, as well as those not served;

e) For the purpose of ensuring the confidentiality and non-disclosure of personally identifiable information or records, including IEPs and amendments thereto, pertaining to a student with a disability except in accordance with federal and state laws;

f) For the purpose of ensuring that parents have received and understand the request for consent for evaluation of a preschool student;

g) For the appropriate declassification of preschool students with disabilities;

h) To ensure that all instructional materials used by the District are available in a useable alternative format in accordance with the needs of a classified student who is blind or

print disabled and in compliance with the National Instructional Materials Accessibility Standard;

i) For appointing and training appropriate qualified personnel including the members of the CPSE; and

j) For the selection and appointment of impartial hearing officers.

Evaluations for Preschool Children with Disabilities

Eligibility for preschool special education programs and services shall be based on the results of an individual evaluation which is provided in the student's native language, not dependent on a single procedure, and administered by a multidisciplinary team and in accordance with all other requirements of the state regulations..

The District is required to collect entry assessment data in the three (3) outcome areas (positive social emotional skills, acquisition of knowledge and skills and use of appropriate behaviors to meet their needs) on all preschool children who receive an initial evaluation. As currently required by Commissioner's Regulation Section 200.5, a parent must be fully informed about the proposed initial evaluation and must provide consent for an initial evaluation. This would include a description of the proposed evaluation.

The CPSE will receive entry-level assessment results in the three (3) outcome areas from approved preschool evaluators conducting initial evaluations on all preschool children suspected of having disabilities. The CPSE will then meet to determine the child's eligibility for preschool education programs and/or services and complete the Child Outcomes Summary Form to determine the child's entry level of functioning in the three (3) outcome areas for all preschool children evaluated and found to be eligible. The form is be kept in the student's record until the exit assessment information is due as a way to summarize complex assessment information in a format so that the data can be aggregated and reported to the State Education Department (SED).

Ref: Individuals with Disabilities Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
Education Law Section 4410
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(a), 200.1(mm),200.2(b)(2), 200.2(b)(5) and 200.5 , 200.4 (b) (1) through (5).
Education Law, sections 3240, 3241 and 3242

Notes: Adopted August 20, 1998; Amended April 13, 2006 pursuant to Resolution No. 2005-06: 735; February 16, 2012 pursuant to Resolution No. 2011-12: 557; Amended May 27, 2021 pursuant to Resolution NO. 2020-21: 841

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4204

ALLOCATION OF SPACE FOR SPECIAL EDUCATION PROGRAMS AND SERVICES

To ensure that adequate and appropriate space is made available for special education classes provided by the district, as well as in programs provided by the Board of Cooperative Education Services (BOCES), the Board of Education will allocate an appropriate amount of space in district facilities to meet the needs of students in such programs. This allocation will be part of the biennial district plan for the provision of special education programs and services, as mandated by the Commissioner.

Any change to the allocation of space for special education programs must be made in consideration of the needs of participating students with disabilities for placement in the Least Restricted Environment (LRE) and for the stability and continuity of their program placements.

Cross-ref: Special Education: District Plan (Policy 4200)

Ref: 8 NYCRR §200.2(c)(iv) and (v); 200.2(g)

Note: The Regulations of the Commissioner (§200.2(c)) require that each Board of Education which receives an apportionment for eligible students with disabilities prepare biennial plans for appropriate space for special education programs and services, and adopt a written policy to this effect.

Adopted August 20, 1998; Amended February 16, 2012 pursuant to Resolution No. 2011-12: 556; Amended May 27, 2021 pursuant to Resolution No. 2020-21: 841.

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PRE-REFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION (PRIOR TO A REFERRAL FOR SPECIAL EDUCATION)

The School District shall establish a data-based problem-solving system for implementing school wide approaches and pre-referral interventions in order to remediate a student's performance *prior to referral* for special education. This plan should include a Response to Intervention (RtI) process and Academic Intervention Services (AIS).

The provision of programs and/or services for students starts with consideration/implementation of instruction in the general education curriculum, with appropriate supports and/or modifications that may be necessary. In implementing pre-referral intervention strategies, the District may utilize resources/strategies already in place for qualified students including, but not limited to, services available through Section 504 of the Rehabilitation Act of 1973, and Educationally Related Support Services and Academic Intervention Services as defined in Education Law and/or Commissioner's Regulations. All of these programs may be considered as possible components of Pre-referral/Intervention Instructional Support Plans. The District will ensure they have a system in place, with appropriate personnel, for developing, implementing and evaluating pre-referral intervention strategies.

The District will provide general education support services, alternative instructional approaches, or alternative program options to address a student's performance prior to a referral to a Committee on Special Education (CSE). Data-Based Problem-Solving Teams will be formed in accordance with law and/or regulations as may be applicable, as well as District guidelines. The Data-Based Problem-Solving Team will include representatives from general and special education, administration, as well as other disciplines and include individuals with classroom experience. Parents/persons in parental relation to students will be involved in developing pre-referral strategies to address the educational needs of their child.

When appropriate, the District will seek collaboration between outside agencies and the school prior to a referral of the student to the CSE in order to address necessary student support services. Administration shall ensure that appropriate opportunities exist for collaboration between general educators, special educators, and/or other related service providers. Consultation and support are available to teachers and other school personnel to assist parents/persons in parental relation to students and teachers in exploring alternative approaches for meeting the individual needs of any student prior to formal referral for special education.

The determination of prevention and pre-referral intervention strategies/services shall consider the student's strengths, classroom environment, social history, language and cultural diversity, in addition to the teacher's concerns. The building administrator will further ensure that all staff are familiar with intervention procedures and protocols for operating a data-based problem-solving team.

The Rochester City School District has developed a procedure that considers multiple measures of student performance to be used for deciding which students shall receive AIS. The process should be applied uniformly and equitably at each grade level. There is state, district and building based required measurements to consider. These multiple measures can be found in the RtI Multiple Measures exhibit (policy 4205-E1). Pre-referral/Academic Intervention Support (AIS) Plans shall be proactive including strategies to meet the broad range of student needs and to improve student performance. Pre-referral/Intervention strategies and/or Academic Intervention Support (AIS) Plans are to be reviewed and evaluated to determine their effectiveness, and modified as may be appropriate. Appropriate documentation of the prevention and/or intervention strategies implemented shall be maintained.

However, should a referral be made to the CSE during the course of implementing pre-referral/intervention instructional support services, the CSE is obligated in accordance with law to continue its duties and

functions, and must meet mandatory timelines in evaluating the student for special education services and implementation of an individualized education program, if applicable.

Educational Related Support Services

Educational related support services (ERSS) means curriculum and instructional modification services; direct student support team services; assessment and non-career counseling services; special instruction to eligible students with disabilities as defined in Education Law Section 4401, which does not generate excess cost aid including related services but excluding transportation and transition services; and to eligible, qualified students pursuant to Section 504 of the Rehabilitation Act of 1973. These services are provided to eligible students, individually, or in groups, and may include those related consultation services provided to their families and related school personnel to enhance the academic achievement and attendance of such students. Educational related support services shall also mean speech and language improvement services as defined in Commissioner's Regulations.

ERSS may be utilized as a component of any Pre-referral/Academic Intervention Support Plan.

Section 504 of the Rehabilitation Act of 1973

For students who are qualified for services pursuant to Section 504 of the Rehabilitation Act, but are not classified as students with disabilities as defined in Education Law Section 4401, Section 504 Accommodation Plans may address instructional support services that can be utilized as components of any pre-referral/intervention strategies as deemed necessary and/or appropriate.

Academic Intervention Services

Academic intervention services involve additional instruction which supplements the core instruction provided in the general education curriculum and assists students in meeting the State learning standards as defined in Commissioner's Regulations and/or student support services which may include guidance, counseling, attendance, and study skills which are needed to support improved academic performance.

However, such services may include services provided to students with limited English proficiency pursuant to Commissioner's Regulations or special education services and programs as defined in Education Law Section 4401. Academic intervention services are intended to assist students who are at risk of not achieving the State learning standards in English language arts, mathematics, social studies and/or science, or who are at risk of not gaining the knowledge and skills needed to meet or exceed designated performance levels on State assessments. Consideration of students' linguistic profiles and ELL programming (BE or ENL only) is essential in determining which assessments best measure the reading level of ELLs. Additional assessment is often needed to determine the level of support for students who are sequential or simultaneous bilinguals. Students with strong native language literacy skills may require different instructional supports than students with the same English instructional profile and developing native language literacy skills. Students with lower language proficiency in English are likely to need substantial language support in their home language(s) and/or new language. For students in bilingual programs whose primary language of instruction is Spanish, the language support should be in Spanish until such time that the student demonstrates high levels of proficiency in their home language. At which time, students should be provided support in English if it is deemed necessary. For students not in a bilingual program, the language support must be in a combination of English with home language support, in addition to strong reading instruction to achieve reading comprehension at expected levels. Collecting language proficiency data in addition to using the reading screening measures will help to determine the extent and kind of reading and language support students will need to meet important reading goals (NCRTI, 2010).

RTI/Multi-Tiered Systems of Support (MTSS) as Related to Students with Suspected Disabilities

According to NYS Guidance: NYS has established criteria for the CSE to use when determining if a student has a learning disability: These criteria include consideration of data and instructional information obtained through a data-based problem-solving process, which provides important information to determine if a student needs to be referred for an individual evaluation to determine if the student has a learning disability.

Effective on and after July 1, 2012, a school district must have an RtI process in place as it may no longer use the severe discrepancy between achievement and intellectual ability to determine that a student in kindergarten through grade four has a learning disability in reading. In deciding eligibility for special education, the CSE must determine that underachievement of the student is not due to lack of appropriate instruction in reading (including the five essential components – phonological awareness, decoding, vocabulary, fluency and comprehension), mathematics or limited English proficiency.

The data from RtI can help to document that the reason for a student's poor performance or underachievement is not due to lack of appropriate instruction or limited English proficiency. Along with other individual evaluation information, RtI data can yield important descriptive information about how children learn and why they may be having difficulties. When determining if a student has a learning disability, the data from multiple sources indicates that the student, when provided appropriate instruction:

1. Does not adequately achieve grade level standards in the areas of reading and/or mathematics; and
    a. is not making sufficient progress toward meeting those standards when provided with appropriate instruction consistent with an RtI model or
    b. exhibits a pattern of strengths and weaknesses in performance and/or achievement relative to age or grade level standards as found relevant by the CSE; and

2. Has learning difficulties that are not primarily the result of a visual, hearing or motor disability; intellectual disability; emotional disability; cultural factors; environmental or economic disadvantage; or English Language Learners.

While the data collected through an RtI process may be used as part of a student's individual evaluation to determine if a student has a learning disability, it may not be the sole source of information used to make this determination. A student suspected of having a learning disability must receive a comprehensive multidisciplinary evaluation. Consistent with section 200.4(b) of the Regulations of the Commissioner of Education, the individual evaluation must include a variety of assessment tools and strategies including a psychological evaluation, classroom observation, physical examination, social history, and other appropriate assessments as necessary.

Even without RtI/MTSS data, if a member of the student's team suspects a disability they may submit a "request for referral" for special education. Only a district CSE Chairperson or Special Education Administrator, and/or parent/guardian may submit a direct referral for initial evaluation for special education. Requests for referral by other school staff will be reviewed with the parent in accordance with part 200 regulations.

While RtI data can be an essential part of the decision-making process in regards to eligibility for Special Education, lack of that data cannot be a sole determinant of ineligibility regardless of possible disability classification. CSE decisions must be made based on the totality of evidence, and no one piece of information (or missing information) can be the sole determinant for eligibility including for learning disabilities (200.4(j)(1)).

Examples of other suspected disabilities include the following: speech or language impairments (particularly articulation, fluency, and voice disorders); visual impairments, hearing impairments, specific autism diagnosis, suspected intellectual disability, orthopedic impairment, traumatic brain injury, or a student with who is suspected to have multiple disabilities (concomitant impairments such as intellectual disability-blindness, intellectual disability orthopedic impairment). While RtI, MTSS, and/or 504 plan supports may address areas of need related to these potential classifications, the use of RtI, and/or 504 plan supports should not delay the request for referral or referral for initial evaluation for special education services if there is a suspected educational disability under IDEA. RtI supports can and should be used in conjunction with any IEP supports developed for a student classified with an educational disability.

Because classification of a student with an emotional disability requires exhibiting characteristics "over a long period of time" (200.4), the student's individual response to behavioral/social/emotional intervention may require interventions prior to referral to the committee on special education. However, as stated above, there may be no delay in referring or requesting a referral to CSE for initial evaluation of an educational disability if one is suspected. With emotional disturbance, the lack of RtI and/or 504 supports may not be used as the sole determinant for eligibility for special education services.

All eligibility determinations under IDEA are made consistent with the New York State Part 200 regulations and section 4401 of New York law which specifies that a student is eligible for special education when they meet one of the identified classifications and require specially designed instruction.

Parental notification of students who have been determined to need academic intervention services will be provided as per the Commissioner's Regulations.

In implementing prevention and/or pre-referral intervention support strategies in order to remediate a student's performance prior to referral for special education, the utilization of academic intervention services, as enumerated in Commissioner's Regulations, may be included as a component of any such Pre-referral/Academic Intervention Support Plan.

Annual Review

In alignment with the New York State Education Department requirements, the Board directs the Superintendent to annually review this policy at the beginning of each school year.

Cross-ref: Multiple Measures (4205-E1)

Ref: Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
Education Law Sections 3602(32), 4401 and 4401-a
8 New York Code of Rules and Regulations (NYCRR) Sections 100.1(g), 100.1(p), 100.1(r), 100.1(s), 100.1(t), 100.2(v), 100.2(dd)(4), 100.2(ee), 200.2(b)(7), 200.4(a)(2), 200.4(a)(9); 200.4(c) and Part 154
Academic Intervention Services for the 2022-23 School Year Based on Spring 2022 Grades 3-8 English Language Arts and Mathematics Assessment Scores

Notes: Adopted February 16, 2012 pursuant to Resolution No. 2011-12: 561; Amended January 26, 2023 pursuant to Resolution No. 2022-23: 438; Amended November 30, 2023 pursuant to Resolution No. 2023-24: 469

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RESPONSE TO INTERVENTION (RTI) PROCESS

Falling under the umbrella of a Multi-Tiered System of Support Framework (MTSS), is RtI and AIS.

"Response to Intervention (RtI) is the process of providing high quality instruction/intervention matched to student needs and using learning rate over time and level of performance to make important educational decisions about an individual student (NASDE, 2006)." New York State Regulations define RtI as a school district's process to determine if a student responds to scientific, research-based instruction. RtI represent an important educational strategy to close achievement gaps for all students, including students at-risk, students with disabilities, and English Language Learners (ELL), by preventing smaller learning problems from becoming insurmountable gaps.

Academic Intervention Services (AIS) is a process that includes two components: additional instruction and support services. Additional instruction supplements the instruction beyond the general curriculum and assists students who are at risk of not achieving the state learning standards. Support services address barriers to improve academic, social, and emotional performance. The goal of AIS is to provide supplemental instruction and/or student support services intended to assist students in meeting the expectations of the NYS Next Generation Learning Standards. This additional support or instruction is intended to address barriers to improve academic progress. Academic Intervention/Enrichment Services shall be made available to all students, including ELLs and students with disabilities.

Reading in the early grades is a primary focus of the Response to Intervention process. Reading is the area in which most of the research is available, and the curricular area in which many students are identified with learning difficulties. However, the process of data-based decision making and the principles of RtI, can apply to other content areas, as well as to behavioral issues, which impact learning.

For academics, the RtI process begins with universal screening of all students, which currently in the Rochester City School District (RCSD) is grades K-8 (reading and math). The purpose is to determine which students need help with instruction and provide information about a student's foundational learning. The universal screening is recommended to take place in the beginning of the year and is repeated in the winter and spring.

To determine if an intervention is effective, the students' progress needs to be continuously monitored. Progress monitoring involves using research-based and locally designed assessments to determine the effectiveness of the interventions. Progress monitoring assesses specific skills that are found in State standards that are therefore part of the academic content. Progress monitoring needs to be applicable to the instructional strategies that are being used to correct deficits and should be administered repeatedly and efficiently to students over a period of time. Students should be regularly monitored by the Problem-Solving Team (PST) in 4-6-week data cycles. After Tier 2 and Tier 3 interventions have been implemented with fidelity, an AIS plan is up-to-date, and a student has not made progress, they may be referred to CSE.

In the Rochester City School District, each student's responsiveness to quality core instruction and strategically targeted interventions in the areas of academics, behavior and social-emotional learning should be monitored. Another component of an MTSS framework is data-based problem-solving processes and should be applicable to students in all grade-levels, PreK-12. The data-based problem-solving process allows problem solving teams to assess the effectiveness of core instruction and individual student's responsiveness to well-matched interventions.

The benefits of RtI are as follows:

1. Ensures a data-based problem-solving approach is used in addressing students' diverse needs.
2. Includes parents as part of the process.
3. Eliminates the "wait to fail" situation, because students get help promptly within the general education setting.
4. Helps to reduce the number of students referred for special education services while increasing the number of students who are successful within general education.
5. Identifies the root cause of achievement problems.
6. Progress monitoring provides more instructionally relevant information than traditional assessments.

After a diagnostic and/or universal screening measure is administered, lessons should happen during the specified intervention/enrichment time (preferably in small groups), or any other formation that schools might have in place to provide additional support to students such as intervention/enrichment sections. This should be in addition to Tier 1 instruction/grade level instruction.

Once assessments are administered and data is collected, building based problem-solving teams and grade level team shall review the data on 4-6-week data cycles. When evaluating the data, teams shall be cognizant of the gaps that may exist due to the pandemic. In collaboration with classroom teachers, there should be a focus on Tier 1 strategies and support, with Tier 2 supplemental interventions before intensive remediation is considered. When the data indicates that 80% or more of the class has not met a benchmark goal, then the Tier 1 support continues with an additional support.

After data-based problem-solving teams consider a student's score on multiple measures of student performance, it will be determined whether the student should receive AIS.

The District's RtI process shall include the following minimum requirements:

1. Scientific, research-based instruction in reading and mathematics provided to all students in the general education class by qualified personnel. Instruction in reading, per Commissioner's Regulations, shall mean scientific, research-based reading programs that include explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills) and reading comprehension strategies;

2. Screenings shall be provided to all students in the class to identify those students who are not making academic progress at the expected rates;

3. Scientific, research-based instruction matched to student need with increasingly intensive levels of targeted interventions for those students who do not make satisfactory progress in their levels of performance and/or in their rate of learning to meet age or grade level standards;

4. Repeated assessments of student achievement which should include curriculum-based measures to determine if interventions are resulting in student progress toward age or grade level standards;

5. The application of information about the student's response to intervention to make educational decisions about changes in goals (i.e., goals for all students, not just Individualized Education Program (IEP) goals), instruction and/or services and the decision to make a referral for special education programs and/or services; and

6. Written notification to the parents when the student requires an intervention beyond that provided to all students in the general education classroom that provides information about:

a. The amount and nature of student performance data that will be collected and the general education services that will be provided as enumerated in Commissioner's Regulations;
b. Strategies for increasing the student's rate of learning; and
c. The parents' right to request an evaluation for special education programs and/or services.

Staff Development

All staff members involved in the development, provision and/or assessment of the District's RtI program, including both general education and special education instructional personnel, shall receive appropriate training necessary to implement the District's MTSS Framework (which includes RtI and AIS). Staff development will include the criteria for determining the levels of intervention provided to students, the types of interventions, collection of student performance data, and the manner and frequency for monitoring progress.

Parent Notification

Regular written progress reports of District students shall be made to their parents. Effort shall be made to assure the parents that the staff is available to discuss a student's progress. All parent notifications should be in the parent's preferred language. Translated notification letters can be found on the MTSS website.

Annual Review

In alignment with the New York State Education Department requirements, the Board directs the Superintendent to annually review this policy at the beginning of each school year.

Cross-ref: Multiple Measures (4205-E1)

Ref: 34 Code of Federal Regulations (CFR) Sections 300.309 and 300.311
Education Law Sections 3208, 4002, 4401, 4401-a, 4402, 4402, and 4410
8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(ii), 200.2(b)(7), 200.4(a), 200.4(j)(3)(i), and 200.4(j)(5)(i)(g)
Academic Intervention Services for the 2022-23 School Year Based on Spring 2022 Grades 3-8 English Language Arts and Mathematics Assessment Scores

Notes: Adopted February 16, 2012 pursuant to Resolution No. 2011-12: 562; Amended January 26, 2023 pursuant to Resolution No. 2022-23: 438; Amended November 30, 2023 pursuant to Resolution No. 2023-24: 469

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4207

APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS

Committee on Special Education (CSE) Membership

The Board of Education shall appoint a Committee on Special Education (CSE) whose membership shall include, but not be limited to, the following members:

a) The parent(s) or persons in parental relationship of the student. To ensure that one or both parents are present at each CSE meeting, the District and the parent(s) may agree to use alternative means of participation such as videoconferences or conference phone calls.

b) Not less than one (1) regular education teacher of such student (if the student is, or may be, participating in the regular education environment);

c) Not less than one (1) special education teacher of the student, or, where appropriate, not less than one (1) special education provider (i.e., related service provider) of such student;

d) A representative of the School District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general education curriculum and about the availability of resources of the District. An individual who meets these qualifications may be the same individual appointed as the special education teacher or provider in c) above or the school psychologist in i) below. The representative of the District will serve as the chairperson of the Committee;

e) An individual who can interpret the instructional implications of evaluation results, who may be a CSE member selected from the regular education teacher, the special education teacher or provider, the school psychologist, or the School District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;

f) A member as described in letters b) through e) of this subheading is not required to attend the CSE meeting, in whole or in part, if the parent/person in parental relation to the student with a disability and the School District agree, in writing not less than five (5) calendar days prior to the meeting date, that the attendance of the member is not necessary because:

    1. The member's area of the curriculum or related services <u>is not</u> being modified or discussed in the meeting; or

    2. The member's area of the curriculum or related services <u>is</u> being modified or discussed in the meeting but, not less than five (5) calendar days prior to the meeting, the excused member has submitted to the parents/persons in parental relation and the CSE written input into the development of the IEP, particularly with respect to their area of curriculum or related services; or

    3. The committee member is unable to attend due to an emergency or unavoidable scheduling conflict and the District submits the written input listed in 2. above to the parents/persons in parental relation within a reasonable time prior to the

meeting and prior to obtaining written consent to the excusal by the parents/persons in parental relation;

g) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the committee;

h) Whenever appropriate, the student with a disability. The District must invite a child with a disability to attend the child's CSE meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals. If the child does not attend the CSE meeting, the District must take other steps to ensure that the child's preference and interests are considered. To the extent appropriate, with the consent of the parent or a student eighteen (18) years or older, the District must also invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services;

i) A school psychologist;

j) A school physician, if requested in writing at least seventy-two (72) hours prior to the meeting by the parents of the student or the School District; and

k) An additional parent member of a student with a disability residing in the school district or a neighboring school district, provided that the additional parent member may be the parent of a student who has been declassified within a period not to exceed five years or the parent of a student who has graduated within a period not to exceed five years if specifically requested in writing by the parent of the student, the student or by a member of the committee at least 72 hours prior to the meeting.

Subcommittee on Special Education Membership

The Board of Education shall appoint, as necessary, a Subcommittee on Special Education whose membership shall include, but not be limited to, the following members:

a) The parent(s) of the student;

b) Not less than one (1) regular education teacher of such student (if the student is, or may be, participating in the regular education environment);

c) Not less than one (1) special education teacher, of the student, or where appropriate, not less than one (1) special education provider (i.e., related service provider) of such student;

d) A representative of the School District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general education curriculum and about the availability of resources of the District. This individual may also fulfill the requirements of c) or e) of this section. The representative of the District will serve as the chairperson of the Subcommittee;

e) A school psychologist, whenever a new psychological evaluation is reviewed or a change to a program option with a more intensive staff/student ratio, as set forth in Section 200.6(f)(4) of the Regulations of the Commissioner, is considered;

f) A member as described in letters b) through e) of this subheading is not required to attend the subcommittee meeting, in whole or in part, if the parent/person in parental relation to the student with a disability and the School District agree, in writing not less than five (5) calendar days prior to the meeting date, that the attendance of the member is not necessary because:

1. The member's area of the curriculum or related services is not being modified or discussed in the meeting; or

2. The member's area of the curriculum or related services is being modified or discussed in the meeting but, not less than five (5) calendar days prior to the meeting, the excused member has submitted to the parents/persons in parental relation and the CSE written input into the development of the IEP, particularly with respect to their area of curriculum or related services; or

3. The committee member is unable to attend due to an emergency or unavoidable scheduling conflict and the District submits the written input listed in 2. above to the parents/persons in parental relation within a reasonable time prior to the meeting and prior to obtaining written consent to the excusal by the parents/persons in parental relation;

g) At the discretion of the parent or the Committee, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the subcommittee;

h) An individual who can interpret the instructional implications of evaluation results, who may be a member described in letters "b" through "g" of this subheading; and

i) Whenever appropriate, the student with a disability.

Training

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

The Chief and or Executive Director of Special Education shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Part 200 of the Commissioner's Regulations as well as members of the Committee on Special Education.

Alternative Means of Meeting

When conducting a meeting of the Committee on Special Education (CSE), the parent and the representative of the District appointed to the CSE may agree to use alternative means of meeting participation, such as videoconferences and conference calls.

Ref: Individuals with Disabilities Education Act (IDEA) 20 United States Code (USC) Section 1400 et seq. 34 Code of Federal Regulations (CFR) Part 300 and Section 300.321
Education Law Section 4402
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b)(3), 200.3, and 200.4(d)(4)(i)(d)

Notes: Adopted February 16, 2012 pursuant to Resolution No. 2011-12: 563; Amended May 27, 2021 pursuant to Resolution NO. 2020-21: 841

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APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS

Committee on Preschool Special Education (CPSE) Membership

The Board of Education shall appoint a Committee on Preschool Special Education (CPSE) whose membership shall include, but not be limited to, the following members:

a) The parent(s) of the preschool child. To ensure that one or both parents are present at each CPSE meeting, the District and the parent(s) may agree to use alternative means of participation such as video conferences or conference phone calls;

b) Not less than one (1) regular education teacher of such child (if the child is, or may be, participating in the regular education environment); a regular education teacher qualified to provide regular education services to nondisabled preschool or elementary-level students who is providing regular education instruction to the student. If the student is not receiving instruction from one or more regular education teachers, a teacher qualified to provide regular education in the type of program in which the student may be placed may serve as the preschool student's regular education teacher.

c) Not less than one (1) special education teacher of the child or, where appropriate, not less than one (1) special education provider (i.e., related service provider) of such child;

d) A representative of the School District who is qualified to provide, or supervise the provision of, special education and who is knowledgeable about the general education curriculum and about the availability of preschool special education programs and services and other resources of the District and the municipality (who shall serve as Chairperson of the CPSE);

e) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the regular education teacher, the special education teacher or provider, the school psychologist, the School District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;

f) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the committee;

g) An additional parent member of a child with a disability residing in the school district or a neighboring school district and whose child is enrolled in a preschool or elementary level education program, if specifically requested in writing by the parent of the student or by a member of the committee at least 72 hours prior to the meeting.

h) For a child's smooth transition from early intervention programs and services (Infant and Toddler Programs), at the request of the parent/person in parental relation, the appropriate professional designated by the agency that has been charged with the responsibility for the preschool child; and

i) A representative from the municipality of the preschool child's residence. Attendance of the appointee of the municipality is not required for a quorum.

However, except for the parents/persons in parental relation and the appointee from the municipality (a) and i) above) a member of the CPSE is not required to attend a meeting of the team in whole or in part if the parent/person in parental relation and the District agree in writing that the attendance is not necessary

because the member's area of the curriculum or related services is not being modified or discussed at that meeting.

Additionally, a member as described in letters b) through h) of this subheading may be excused from attending the CPSE meeting, in whole or in part, if the parent/person in parental relation to the student with a disability and the School District agree, in writing to the excusal not less than five (5) calendar days prior to the meeting date, that the attendance of the member is not necessary because:

a) The member's area of the curriculum or related services is being modified or discussed in the meeting but, not less than five (5) calendar days prior to the meeting, the excused member has submitted to the parents/persons in parental relation and the CSE written input into the development of the IEP, particularly with respect to their area of curriculum or related services; or

b) The committee member is unable to attend due to an emergency or unavoidable scheduling conflict and the District submits the written input listed in a) above to the parents/persons in parental relation within a reasonable time prior to the meeting and prior to obtaining written consent to the excusal by the parents/persons in parental relation.

Training

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

The Superintendent’s designee shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Part 200 of the Commissioner's Regulations as well as members of the Committee on Preschool Special Education.

Ref: Individuals with Disabilities Education Act (IDEA) 20 United States Code (USC) Section 1400 et seq. 34 Code of Federal Regulations (CFR) Part 300
Education Law Section 4410
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b)(3) and 200.3

Notes: Adopted February 16, 2012 pursuant to Resolution No. 2011-12: 564; Amended May 27, 2021 pursuant to Resolution No. 2020-21: 842

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STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP): DEVELOPMENT AND PROVISION

Development of Individualized Education Program

The Board of Education directs that the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) shall have prepared a written statement (program) for each child with a disability.

Such an Individualized Education Program (IEP) will be developed by the CSE or CPSE upon referral, and reviewed or revised, whichever is appropriate, for every child with a disability at least annually or in the event that the program no longer appears to be appropriate to meet the student's needs and ability level.

The District shall ensure that each student with a disability has an IEP in effect at the beginning of each school year.

Individual Evaluation

No student shall be required to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving an evaluation.

The individual evaluation will include a variety of assessment tools and strategies, including information provided by the parent. The purpose of the evaluation is to gather relevant functional, behavioral, developmental and academic information that may assist in determining whether the student is a student with a disability and the content of the student's IEP. This shall include information relating to enabling the student (when appropriate) to participate and progress in the general education curriculum in the least restrictive environment with general education peers (or for a preschool child, to participate in appropriate activities.)

As part of any evaluation, a group that includes the CSE/CPSE and other qualified professionals, as appropriate, shall review existing evaluation data on the student including evaluations and information provided by the parents of the student, current classroom-based assessments, local or state assessments, classroom-based observations, and observations by teachers and related services providers. In addition, the group will consider information about the student's physical condition, social or cultural background, and adaptive behavior.

On the basis of that review, and input from the student's parents, the group shall identify what additional data, if any, are needed to determine:

a) Whether the student has or continues to have a disability;

b) The present levels of academic achievement and related developmental needs of the student, including:

   1. Academic achievement, functional performance, and learning characteristics;

   2. Social development;

   3. Behavioral needs;

   4. Physical development; and

5. Management needs.

c) In the case of a reevaluation of a student, whether the student continues to need special education; and

d) Whether any additions or modifications to the special education services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general education curriculum.

If additional data are not needed, the District must notify the parents of that determination and the reasons for it and of the right of the parents to request an assessment to determine whether, for purposes of services provided in accordance with law and Commissioner's Regulations, the student continues to be a student with a disability and to determine the student's educational needs. The District is not required to conduct the assessment unless requested to do so by the student's parents.

The determination that a student has a learning disability will be made in accordance with the procedures outlined in Section 200.4(j) of Commissioner's Regulations.

Individual Re-evaluations

A CSE/CPSE shall arrange for an appropriate re-evaluation of each student with a disability:

a) If the District determines that the educational or related service needs, including improved academic achievement and functional performance of the student, warrant re-evaluation;

b) If the student's parent or teacher request a re-evaluation;

c) At least once every three (3) years, unless the District and the parent/person in parental relation agree in writing that such re-evaluation is unnecessary.

A re-evaluation shall not be conducted more frequently than once a year unless the parent and the District representative appointed to the CSE/CPSE agree otherwise.

The re-evaluation will be conducted by a multi-disciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the student's disability. The re-evaluation shall be sufficient to determine the student's individual needs, educational progress and achievement, the student's ability to participate in instructional programs in regular education and the student's continuing eligibility for special education. The results of any re-evaluations must be addressed by the CSE/CPSE in reviewing, and as appropriate, revising the student's IEP.

To the extent possible, the District shall encourage the consolidation of re-evaluation meetings for the student and other CSE/CPSE meetings for the student (i.e. annual reviews, program reviews).

Amendments to the IEP

Amendments to the IEP made after the annual review by the CSE/CPSE may be made by reconvening the CSE/CPSE and rewriting the IEP or by developing a written document to amend or modify the student's current IEP, provided that:

a) The parents/persons in parental relation request an amendment to the IEP and the District and parents/persons in parental relation agree to the amendment in writing; or

b) The District provides the parents/persons in parental relation a written proposal to amend Prior Written Notice (PWN to "amend without a meeting") a provision (s) of the IEP conveyed in the dominant language of the parents/persons in parental relation , specifying the proposed changes, and allowing the parents/persons in parental relation the time and opportunity to consult with the appropriate personnel concerning the proposed changes. The parents/persons in parental relation must agree in writing to the amendments described in the written proposal.

c) If the parents/persons in parental relation agree to amend the IEP without a meeting, they shall be provided prior written notice of the recommendation (PWN) of the changes to the IEP and the Committee notified of the changes. If the changes are made by rewriting the entire IEP, the District shall provide the parents/persons in parental relation a copy of the rewritten IEP. If the amendment is made without rewriting the entire document, the District shall provide a copy of the document that amends the IEP or, upon request, a revised copy of the entire IEP with the amendments incorporated.

Use of Recording Equipment at IEP Meetings

The Board of Education shall allow recording equipment to be used at meetings regarding individualized education programs for students with disabilities.

Provision of Individualized Education Program

The Board of Education directs that the Superintendent/designee(s) establish administrative practices and procedures to ensure that each regular education teacher, special education teacher, related service provider and/or other service provider who is responsible for the implementation of a student's IEP is provided a paper or electronic copy of such student's IEP (including amendments to the IEP) prior to the implementation of such program. For purposes of this policy, "other service provider" means a representative of another public school district, charter school, Board of Cooperative Educational Services (BOCES) or school enumerated in Education Law Articles 81, 85 or 89 where the student receives or will receive IEP services. Further, the District will designate at least one school official who shall be responsible for maintaining a record of the personnel who have received IEP copies for each student.

Any copy of a student's IEP shall remain confidential in compliance with the Individuals with Disabilities Education Act, the Family Educational Rights and Privacy Act, and District policy regarding confidentiality of student records; and shall not be disclosed to any other person other than the parent of such student, except in accordance with federal and state laws and/or regulations. Appropriate training and information will be provided to designated school personnel, as applicable, to ensure the confidentiality of such information. Procedures will be established to ensure that copies of students' IEPs are stored in secure locations and retrieved or destroyed when such professionals are no longer responsible for implementing a student's IEP.

The Chairperson of the CSE, CSE subcommittee, or CPSE shall designate for each student one or, as appropriate, more than one professional employee of the School District with knowledge of the student's disability and education program who will be responsible to, prior to the implementation of the IEP, inform each regular education teacher, special education teacher, related service provider, other service provider, supplementary school personnel (i.e., a teaching assistant or a teacher aide as defined in Commissioner's Regulations), and other provider and support staff person of responsibility to implement the

recommendations on a student's IEP, including the responsibility to provide specific accommodations, program modifications, supports and/or services for the student in accordance with the IEP. In selecting the professional staff person(s), the Chairperson could select their self for this responsibility, another administrator, or a teacher, related service provider or other professional based on the particular circumstances of the student's disability and education program.

The School District shall also ensure that each teaching assistant, teacher aide and each other provider responsible for assisting in the implementation of a student's IEP has the opportunity to review a copy of the student's IEP (including amendments) prior to the implementation of such program. Further, each teaching assistant, teacher aide and such other provider responsible for assisting in the implementation of a student's IEP shall have ongoing access to a copy of the IEP, which may be the copy provided to the student's special education teacher or the teacher or related service provider under whose direction the supplementary school personnel or other provider works. However, the District may, at its discretion, provide a copy of the IEP to teaching assistants and/or teacher aides.

A copy of a student's IEP shall be provided to the student's parents at no cost to the student's parents.

Ref: Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Section 615(k)(l) Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
21 United States Code (USC) Section 812(c)
Education Law Articles 81, 85 and 89 and Sections 207, 3208 and 4402(7)
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1(hh), 200.2(b)(11), 200.4(b)(4), 200.4(d)(3)(i), 200.4(e)(3), 200.4(f), 200.4(j), 200.16(e)(6) and 200.22

Notes: Adopted February 16, 2012 pursuant to Resolution No. 2011-12: 565; Amended May 27, 2021 pursuant to Resolution No. 2020-21: 842; Modified pursuant to Resolution No. 2021-22: 253 November 2, 2021

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IMPLEMENTATION OF INDIVIDUALIZED EDUCATION PROGRAMS

The Board of Education shall establish at least one Committee on Special Education (CSE) and one Committee on Preschool Special Education (CPSE). The Board shall also establish, as necessary, Subcommittees on Special Education to ensure timely evaluation and placement of students with disabilities. The school district must provide special education and related services to a student with a disability in accordance with the student's IEP and must make a good faith effort to assist the student to achieve the annual goals and, if appropriate, short-term instructional objectives or benchmarks listed in the student's IEP. There may be no delay in implementing a student's IEP, including any case in which the payment source for providing or paying for special education to the student is being determined. The school district shall ensure that each student with a disability has an IEP in effect at the beginning of each school year.

Committee on Special Education

The Board of Education shall, pursuant to recommendations of the CSE, arrange for the appropriate special education programs and services to be provided to a student with a disability. The Board shall notify the parent/guardian of its action in accordance with federal and state law and regulations.

For a student not previously identified as having a disability, the CSE shall provide a recommendation to the Board which shall arrange for the appropriate special education programs and services to be provided within sixty (60) school days of the date of receipt of consent to evaluate and upon signed consent to provide special education supports and/or services. For a student with a disability referred for a program review, a recommendation shall be provided to the Board which shall arrange for the appropriate special education programs and services to be provided within sixty (60) school days of the referral for review. However, if such recommendation of the CSE is for placement in an approved in-state or out-of-state private school, the Board shall arrange for such special education programs and services for students with disabilities within thirty (30) school days of the Board's receipt of the recommendation of the CSE.

Committee on Preschool Special Education

Upon receipt of the recommendation of the Committee on Preschool Special Education (CPSE), the Board of Education shall arrange for the preschool student with a disability to receive such appropriate programs and services in accordance with the student's IEP, commencing with the July, September or January starting date for the approved program, unless such services are recommended by the CPSE less than thirty (30) school days prior to, or after, the appropriate starting date selected for the preschool student with a disability; in that case, such services shall be provided no later than thirty (30) days from the recommendation of the CPSE.

Subcommittee on Special Education

The number of Subcommittees on Special Education will be determined by the CSE and the CSE will be responsible for the oversight and monitoring of the activities of each subcommittee to assure compliance with the requirements of applicable state and federal laws and regulations.

Each Subcommittee may perform the functions for which the CSE is responsible, except:

a) When a student is considered for initial placement in a special class; or

b) When a student is considered for initial placement in a special class outside of the student's school of attendance; or

c) When a student is considered for placement in a school primarily serving students with disabilities or a school outside the District.

Subcommittees shall report annually to the CSE regarding the status of each student with a disability within its jurisdiction. Upon receipt of a written request from the parent or person in parental relation to a student, the Subcommittee shall refer to the CSE any matter in which the parent disagrees with the Subcommittee's recommendation concerning a modification or change in the identification, evaluation, educational placement or provision of a free appropriate education to the student.

Ref: Education Law Sections 4402 and 4410
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(d)(1), 200.4(c), 200.4(d),(e) 200.5 and 200.16(e)

Notes: Adopted February 16, 2012 pursuant to Resolution No. 2011-12: 566; Amended May 27, 2021 pursuant to Resolution No. 2020-21: 841

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LEAST RESTRICTIVE ENVIRONMENT

The District has an obligation, pursuant to law and regulation, to educate students with disabilities in the least restrictive environment. *Least restrictive environment* means that placement of students with disabilities in special classes, separate schools or other removal from the regular educational environment occurs only when the nature or severity of the disability is such that even with use of supplementary aids and services, education in regular classes cannot be satisfactorily achieved. The placement of an individual student with a disability in the least restrictive environment shall:

a) Provide the special education and related services, as well as supplementary aids and services, needed by the student. The term "related services" does not include a medical device that is surgically implanted, the optimization of the device's functioning (e.g., mapping), maintenance of, or the replacement of such device;

b) Provide for education of the student to the maximum extent appropriate to the needs of the student with other students who do not have disabilities; and

c) Be as close as possible to the student's home, or at the parent's election in accordance with Managed Choice Policy 5130.

The School District shall ensure that:

a) Placement is based on the student's individualized education program and determined at least annually;

b) Placement is as close as possible to the student's home, and unless the student's individualized education program requires some other arrangement, the student shall be educated in the school he/she would have attended if not disabled;

c) In selecting the least restrictive environment, consideration will be given to any potential harmful effect on the student or on the quality of services that he/she needs; and

d) A student with a disability will not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

The District shall ensure that a continuum of alternative placements, in accordance with law and/or regulation, will be available to meet the needs of students with disabilities. To enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate, specially designed instruction and supplementary services may be provided in the regular class, including, as appropriate, related services, consultant teacher services, paraprofessional support, resource room services, integrated co-teaching, and special class programs within the general education classroom.

Ref: Individuals with Disabilities Education Act (IDEA) 20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 4401-4410-a
8 New York Code of Rules and Regulations (NYCRR) Sections 100.5, 100.9, 200.1(cc), 200.1(qq), 200.2(b), 200.4 and 200.6

Notes: Adopted February 16, 2012 pursuant to Resolution No. 2011-12: 567; Amended May 27, 2021 pursuant to Resolution No. 2020-21: 842

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GROUPING BY SIMILARITY OF NEEDS

The Board of Education will provide appropriate special education and related services to students with disabilities. For those students for whom an appropriate education requires that they be placed together for purposes of special education, the following guidelines shall apply:

a) That each student with a disability shall be identified, evaluated and placed as determined by the Committee on Special Education (CSE).

b) The CSE shall determine written goals, including academic and functional goals, for each student with a disability by considering the special and individual needs of each student with a disability. Short-term instructional objectives and/or benchmarks will be created for each preschool student with a disability and for students who take New York State alternate assessments.

c) The CSE shall recommend to the Board of Education appropriate educational programs and services for each student with a disability based upon the CSE evaluation.

d) The CSE shall provide information to those teachers and professionals who arrange instructional groups for students with disabilities. Information shall include physical, psychological and social information as well as achievement test results.

e) The curriculum and instruction provided to students with disabilities who are grouped by similarity of needs shall be consistent with the individual needs of each student in the group.

f) Students with disabilities may be grouped according to:

1. Academic achievement, functional performance and learning characteristics;
2. Social development;
3. Physical development; and
4. Management needs.

g) When grouping students by similarity of needs, the social needs or physical development of a student shall not be the sole determinant for placement of a student in a special education program.

h) The management needs of such students may vary, provided that environmental modifications, adaptations, or human or material resources required to meet the needs of any one student in the group are provided and do not consistently detract from the opportunities of other students in the group to benefit from instruction.

Ref: 8 New York Code of Rules and Regulations (NYCRR) Sections 200.1(ww), 200.2(b)(3), 200.4(d) and 200.6(a)(3)

Notes: Adopted February 16, 2012 pursuant to Resolution No. 2011-12: 568; Amended May 27, 2021 pursuant to Resolution No. 2020-21: 842

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**EXTENDED SCHOOL YEAR (JULY/AUGUST)
SERVICES AND/OR PROGRAMS**

The School District shall provide, directly or by contract, special services and/or programs during July and August (i.e., extended school year) to those students whose disabilities are severe enough to exhibit the need for a structured learning environment of twelve (12) months duration in order to prevent substantial regression as determined by the Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE). A special service and/or program shall operate for at least 30 school days during the months of July and August, inclusive of legal holidays, except that a program consisting solely of related service(s) shall be provided with the frequency and duration specified in the student's individualized education program. Written consent of the parent is required prior to initial provision of special education services in a twelve (12) month special service and/or program.

The CSE/CPSE must determine whether a student requires extended school year special education services and/or programs in order to prevent substantial regression. Substantial regression would be indicated by a student's inability to maintain developmental levels due to a loss of skill, set of skill competencies or knowledge during the months of July and August. In accordance with Commissioner's Regulations, students must be considered for twelve (12) month special services and/or programs to prevent substantial regression if they are:

a) Students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention and who are placed in special classes; or,

Preschool students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention;

b) Students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment and are placed in special classes; or

c) Preschool students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment;

d) Students who are recommended for home and/or hospital instruction whose special education needs are determined to be highly intensive and require a high degree of individualized attention and intervention or who have severe multiple disabilities and require primarily habilitation and treatment; or

e) .Preschool students whose special education needs are determined to be highly intensive and require a high degree of individualized attention and intervention or who have severe multiple disabilities and require primarily habilitation and treatment in the home; or

f) Students, including preschool students, whose needs are so severe that they can be met only in a seven (7) day residential program; or

g) Students who are not in programs as described in subparagraphs (a) through (d) above during the period from September through June and who, because of their disabilities, exhibit the need for a twelve (12) month special service and/or program provided in a structured learning environment of up to twelve (12) months duration in order to prevent substantial regression as determined by the CSE; or

h) Preschool students who are not described in subparagraphs (a) through (d) above whose disabilities are severe enough to exhibit the need for a structured learning environment of

twelve (12) months duration to prevent substantial regression as determined by the Preschool Committee on Special Education (CPSE).

For students eligible for twelve (12) month service and/or program, per Commissioner's Regulations Section 200.4(d)(2)(x), the student's Individualized Education Program (IEP) shall indicate the identity of the provider of services during the months of July and August, and, for preschool students determined by the CPSE to require a structured learning environment of twelve (12) months duration to prevent substantial regression, a statement of the reasons for such recommendation.

The IEP shall indicate the projected date of the review of the student's need for such services and shall indicate the recommended placement. If the committee determines that a child requires a structured learning environment of 12 months duration to prevent substantial regression, the committee shall include in its recommendation a statement of the reasons for such recommendation as part of the IEP document

The State Education Department (SED) is authorized to approve programs and to establish State Aid reimbursement rates for all special services and programs provided during July and August, both public and private. Therefore, if the School District plans to operate a July/August program, the District must first apply to SED for approval in accordance with SED guidelines/procedures.

Ref: Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Section 614(a)
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
Education Law Section 4408
8 New York Code of Rules and Regulations (NYCRR) Part 110 and Sections 200.1(qq), 200.1(eee), 200.4(d)(2)(x), 200.5(b)(1)(iii), 200.6(j), and 200.16(i)(3)(v), 200.16(e)(4)

Notes: Adopted February 16, 2012 pursuant to Resolution No. 2011-12: 569; Amended May 27, 2021 pursuant to Resolution No. 2020-21: 842

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DECLASSIFICATION OF STUDENTS WITH DISABILITIES

The School District shall establish and implement a plan for the appropriate declassification of students with disabilities which must include:

a) The regular consideration for declassifying students when appropriate;

b) A reevaluation of the student prior to declassification; and

c) The provision of educational and support services to the student upon declassification.

Eligibility Determinations

The School District must evaluate a student with a disability prior to determining that a student is no longer a student with a disability as defined in accordance with Commissioner's Regulations, and the District shall provide a copy of the evaluation report and the documentation of eligibility to the student's parent at no cost to the parent. The results of any reevaluations must be addressed by the Committee on Special Education (CSE) in a meeting to review and, as appropriate, revise the student's individualized education program (IEP).

Prior to the reevaluation, the School District shall obtain informed written parental consent unless otherwise authorized pursuant to law and/or regulation. Parental consent need not be obtained if the District can demonstrate that it has taken reasonable measures to obtain that consent, and the student's parents fail to respond. The District must keep a record of its attempts to obtain parental consent. Should the student's parents refuse consent for the reevaluation, the District may continue to pursue the reevaluation by using mediation and/or due process procedures.

The District shall take whatever action is necessary to ensure that the parent understands the proceedings at the meeting of the CSE, including arranging for an interpreter for parents with deafness or whose native language is other than English.

Graduation/Aging Out

The District is not required to conduct a reevaluation of a student before the termination of a student's eligibility due to graduation with a local high school or Regents diploma or exceeding the age eligibility for a free appropriate public education. However, the District must provide the student with a summary (Student Exit Summary) of the student's academic achievement and functional performance, including recommendations on how to assist the student in meeting the student's post-secondary goals. Although not required to do so, the District will also provide this Student Exit Summary (see website: http://www.vesid.nysed.gov/specialed/idea/studentexit.htm) to students exiting with a High School Equivalency Diploma.

In addition, the parent must receive Prior Written Notice, in accordance with Commissioner's Regulations, before the student's graduation from high school with a local or Regents diploma. For students not graduating with a local or Regents diploma, parents/guardians must receive a Prior Written Notice that must indicate that the student continues to be eligible for a free appropriate public education until the receipt of a regular high school diploma or the end of the school year in which the student turns twenty-one (21), whichever occurs first.

Recommendation for Declassification

If the student has been receiving special education services, but it is determined by CSE that the student no longer needs special education services and can be placed in a regular educational program on a full-time basis, the recommendation shall:

a) Identify the declassification support services, if any, to be provided to the student; and/or the student's teachers; and

b) Indicate the projected date of initiation of such services, the frequency of provision of such services, and the duration of these services, provided that such services shall not continue for more than one (1) year after the student enters the full-time regular education program.

Declassification Support Services

When appropriate, the District shall provide declassification support services to students who have moved from special education to a full-time regular educational program in accordance with the recommendation of the CSE.

Declassification support services means those services provided by persons appropriately certified pursuant to Part 80 of Commissioner's Regulations, or holding a valid teaching license in the appropriate area of service, to a student or the student's teacher to aid in the student's move from special education to full-time regular education, including:

a) For the student, psychological services, social work services, speech and language improvement services, non-career counseling, and other appropriate support services; and

b) For the student's teacher, the assistance of a teacher aide or a teaching assistant, and consultation with appropriate personnel.

Procedural Safeguards Notice

The District shall use the procedural safeguards notice prescribed by the Commissioner of Education. The District will further ensure that the procedural safeguards notice is provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the District shall take steps to ensure that the notice is translated orally or by other means to the parent in the parent's native language or other mode of communication; that the parent understands the content of the notice; and that there is written evidence that all due process procedures, pursuant to law and/or regulation, have been met.

Ref: Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 614(a)] Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 4401-4410-a
8 New York Code of Rules and Regulations (NYCRR) Sections 100.1(q), 100.2(u), 200.2(b)(8), 200.4(b)(4), 200.4(b)(5), 200.4(c)(3), 200.4(c)(4), 200.4(d)(1) and 200.5(a)

Notes: Adopted February 16, 2012 pursuant to Resolution No. 2011-12: 570; Amended May 27, 2021

pursuant to Resolution No. 2020-21: 842; Modified pursuant to Resolution No. 2021-22: 253
November 2, 2021

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TRANSITION SERVICES

Beginning not later than the first IEP to be in effect when the student is age fifteen (15) (and at a younger age, if determined appropriate), and updated annually, the student's IEP must include:

a) A statement of the student's needs, taking into account the student's strengths, preferences and interests as they relate to transition from school to post-school activities;

b) Appropriate measurable postsecondary goals based upon age appropriate transition assessments relating to training, education, employment and, where appropriate, independent living skills;

c) A statement of transition service needs that focuses on the student's courses of study, such as participation in advanced-placement courses or a vocational educational program;

d) Needed activities to facilitate the student's movement from school to post-school activities, including instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation; and

e) A statement of the responsibilities of the District and participating agencies, when applicable, for the provision of such services and activities, before the student leaves the school setting, that promote movement from school to post-school opportunities.

In accordance with the Code of Federal Regulations, the District will invite a child with a disability to attend the child's CSE meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals. If the child does not attend the CSE meeting, the District will take other steps to ensure that the child's preference and interests are considered. To the extent appropriate, with the consent of the parent or a child who has reached the age of majority, the District will also invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

As defined by the Commissioner's Regulations, transition services means a coordinated set of activities for a student with a disability, designed within a results-oriented process that is focused on improving the academic and functional achievement of the student with a disability to facilitate movement from school to post-school activities. Post-school activities include, but are not limited to, post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based on the student's strengths, preferences and interests and shall include needed activities in the following areas:

a) Instruction;

b) Related services (the term "related services" does not include a medical device that is surgically implanted, the optimization of the device's functioning (e.g., mapping), maintenance of, or the replacement of such device);

c) Community experiences;

d) The development of employment and other post-school adult living objectives; and

e) When appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

Ref: Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Section 614(a)
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Sections 1400 et seq. 34 Code of Federal Regulations (CFR) Sections 300.321, 300.343, 300.347 and 300.348
Education Law Section 4401
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1(qq), 200.1(fff) 2004.(d)(2)(ix), and 200.5(c)(2)(vii)

Notes: Adopted February 16, 2012 pursuant to Resolution No. 2011-12: 571; Amended May 27, 2021 pursuant to Resolution No. 2020-21: 842

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TRANSFER STUDENTS WITH DISABILITIES

To facilitate the transition of students with disabilities transferring into or out of the District the District shall:

a) Take reasonable steps to promptly respond to all requests from the new school district.

b) Take reasonable steps to promptly obtain the student's records from the previous school, including the Individualized Education Program (IEP), supporting documents and any other records relating to the student's disability, and the provision of special education services.

c) Provide to a student with a disability (as defined in Section 200.1(zz) of Commissioner's Regulations) who transfers school districts within the same school year a free appropriate education including services comparable to those described in the student's previous IEP.

1. For transfers within New York State, the District shall provide such student with a free appropriate public education, including services comparable to those described in the previously held IEP, in consultation with the parents, until such time as the school district adopts the previously held IEP or develops, and implements a new IEP that is consistent with Federal and State law and regulations.

2. For transfers from outside New York State the school district shall provide such student with a free appropriate public education, including services comparable to those described in the previously held IEP, in consultation with the parents, until such time as the school district conducts an evaluation pursuant to this section, if determined to be necessary by such school district, and develops a new IEP, if appropriate, that is consistent with Federal and State law and regulation.

Ref: Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 614(a)] Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1(zz) and 200.4(e)(8)

Notes: Adopted February 16, 2012 pursuant to Resolution No. 2011-12: 572; Amended June 24, 2021 pursuant to Resolution No. 2020-21: 930

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IDENTIFICATION AND REGISTRATION OF CHILDREN WITH DISABILITIES (CHILD FIND)

The school district where the student resides (district of residence) is required to locate and identify, and evaluate, all students with disabilities or suspected of having a disability, who reside in the district and who might qualify for special education services, including students who do not attend public school (with the exception of students with disabilities who are parentally placed in nonpublic schools outside the district of residence). Therefore, it is the policy of the Board of Education to have all children with disabilities within its jurisdiction under the age of twenty-one (21) identified, located and evaluated, including children of preschool age, homeless children, children who are wards of the State as defined in Commissioner's Regulations and children in all public and private agencies and institutions.

The school district shall consult with representatives of private schools and representatives of parents of parentally placed private school students with disabilities on the child find process. If a student is parentally-placed, or is going to be parentally-placed in a private elementary or secondary school that is not located in the student's school district of residence, parental consent, or consent of a student 18 years of age or older, must be obtained before any personally identifiable information about the student is released between officials in the district where the private school is located and officials in the parent's district of residence.

Any student suspected of having a disability is to be referred to the applicable Committee on Special Education (CSE)/Committee or Preschool Special Education (CPSE) for evaluation and possible identification as a student with disability.

The CSE/CPSE will maintain and annually revise a register and related summary reports containing the data requirements indicated in the Commissioner's Regulations.

The school district shall maintain in its records and report to the commissioner, in a manner prescribed by the commissioner, on the number of students enrolled in such private schools by their parents who are evaluated to determine if they are students with disabilities, the number of such students who are determined to have a disability and the number of such students who received special education services under this Part.

Ref: Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Section 612
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300.111
Education Law Sections 3240-3242, 3602-c(2)(a), 4401-a, 4402(1)(a), 4404, 4405 and 4410-6 8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(a), 200.4 and 200.6(m)(3) 200.2(a)(7)

Notes: Adopted February 16, 2012 pursuant to Resolution No. 2011-12: 573; Amended June 24, 2021 pursuant to Resolution No. 2020-21: 930

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SECTION 504 OF THE REHABILITATION ACT OF 1973

The Board of Education affirms its compliance with those sections of the Rehabilitation Act of 1973 dealing with program accessibility.

Section 504 of the Rehabilitation Act prohibits discrimination against qualified individuals with disabilities in federally assisted programs or activities solely on the basis of disability. The District shall make its program and facilities accessible to all its students with disabilities.

The District shall also identify, evaluate and extend to every qualified student with a disability under Section 504 a free, appropriate public education, including modifications, accommodations, specialized instruction or related aids and services, as deemed necessary to meet their educational needs as adequately as the needs of non-disabled students are met.

The Superintendent shall designate an official responsible for the coordination of activities relating to compliance with Section 504. This official shall provide information, including complaint procedures, to any person who feels their rights under Section 504 have been violated by the District or its officials.

Prohibition Against Disability-Based Discrimination in Accelerated Programs

The practice of denying, on the basis of disability, a qualified student with a disability the opportunity to participate in an accelerated program violates both Section 504 and Title II. A school district may not impose or apply eligibility criteria that screens out or tends to screen out a student with a disability from fully and equally enjoying any service, program, or activity unless such criteria can be shown to be necessary.

It is also unlawful to deny a student with a disability admission to an accelerated class or program solely because of a need for special education or related aids or services (i.e., related services, supplementary aids and services, program modification and supports for school personnel) or because the student has an Individualized Education Program (IEP) or a plan under Section 504.

Schools may employ appropriate eligibility requirements or criteria in determining whether to admit students, including students with disabilities, into accelerated classes or programs. Additionally, nothing in Section 504 or Title II requires schools to admit into accelerated classes or programs students with disabilities who would not otherwise be qualified for these classes or programs.

Ref: Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
28 Code of Federal Regulations (CFR) Part 35
34 Code of Federal Regulations (CFR) Parts 104 and 300

Notes: Adopted August 20, 1998; Amended February 16, 2012 pursuant to Resolution No. 2011-12: 554; Amended June 24, 2021 pursuant to Resolution No. 2020-21: 930

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INDEPENDENT EDUCATIONAL EVALUATIONS ("IEE")

An independent educational evaluation means a comprehensive educational evaluation conducted by a qualified examiner(s), as defined in 34 CFR 300.12 who is not employed by the school district responsible for the education of the disabled child or child who is thought to be educationally disabled.

Parents of disabled children who disagree with the evaluation conducted by the school district have the right under federal and state regulations to obtain an Independent Educational Evaluation (IEE) at public expense, under certain conditions and according to district criteria.

The purpose of an IEE is to assess the child to determine whether the student has a disability under NYS law such that special education and related services are required, and/or the nature and extent of the special education and related services the student needs. Public expense means that the public agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent. A parent is entitled to only one IEE at public expense each time the District conducts a comprehensive evaluation with which the parent disagrees.

Administrative regulations on independent evaluations will be developed in order to explain the rights of parents and the responsibilities of school districts with regard to independent evaluations, and also to avoid any misunderstandings. These implementing regulations are located in Independent Educational Evaluations Regulation (4219R).

Parents of disabled children who disagree with the comprehensive evaluation conducted by the school district have the right under federal and state regulations to obtain an Independent Educational Evaluation (IEE) at public expense, under certain conditions and according to district criteria. An Independent Educational Evaluation means an evaluation conducted by a qualified examiner(s) who is not employed by the school district responsible for the education of the disabled child or child who is thought to be educationally disabled. The purpose of an IEE is to assess the child to determine whether the student has an educational disability under NY law and the nature and extent of the special education and related services the student needs.

The District may ask the parent to specify the areas of disagreement with the District's evaluation. The school district may initiate an impartial hearing to show that its evaluation is appropriate, and if the Hearing Officer determines that the school's evaluation is appropriate, the parent would not have the right to a publicly funded IEE or the right to reimbursement for an IEE they may have already obtained.

Cross-Ref: Independent Educational Evaluations Regulation (4219R)

Ref: 34 Code of Federal Regulations (CFR) Sections 300.12 and 300.502, 300.304(b), (c)
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1(z), 200.4(d)(2) and 200.5(g)

Notes: Adopted February 16, 2012 pursuant to Resolution No. 2011-12: 574; Amended June 24, 2021 pursuant to Resolution No. 2020-21: 930

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SPECIAL EDUCATION MEDIATION

The District will offer mediation to resolve any disputes involving any matter for which an impartial due process hearing may be brought, including matters arising prior to the filing of a due process complaint notice.

Such mediation shall be conducted by mediators furnished by a Community Dispute Resolution Center who are not employees of any school district or State agency that is involved in the education or care of the student who is the subject of the mediation process. Mediators may not have a personal or professional interest which would conflict with their objectivity in the mediation process and should be knowledgeable in laws and regulations relating to the provision of special education services.

Parents or persons in parental relation to students suspected of or having disabilities will receive written notice of the availability of the mediation program each time they receive notice of their entitlement to the impartial due process hearing procedures in accordance with Federal and State law and regulations. If the parent and District agree, alternative means of meeting participation may be utilized, such as video conferences and conference calls.

Discussions during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearing or civil proceedings.

If resolution to the complaint is reached through mediation, the parent and the representative of the District who has the authority to bind the District will execute a legally binding written agreement specifying the resolution and stating that all discussions occurring during the mediation process are confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding of any Federal or State court. If the written agreement is inconsistent with the student's current individualized education programs (IEP), the IEP must be immediately amended to reflect the mediation agreement.

The mediation process is voluntary and will not operate to diminish or limit any rights provided for in law, including the right of the parent or person in parental relation to request an impartial due process hearing subsequent to mediation. Parents or persons in parental relation to students suspected of or having disabilities continue to have full access to all rights, including due process procedures, provided for in federal and state laws and regulations. Similarly, mediation shall not be construed to limit a parent or person in parental relation from requesting an impartial due process hearing without having first utilized mediation procedures set forth in Education Law.

Ref: Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446)
Section 614(a) Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 4005, 4202 and 4404-a
Judiciary Law Section 849a
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1 and 200.5

Notes: Adopted February 16, 2012 pursuant to Resolution No. 2011-12: 575; Amended June 24, 2021 pursuant to Resolution No. 2020-21: 930

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IMPARTIAL HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS

The School District is committed to making every effort to amicably resolve differences involving the educational programs for students with disabilities. When outside assistance is needed to aid in resolving a disagreement about the identification, evaluation, educational placement or provision of a free appropriate education for a student with a disability, mediation is encouraged. For those exceptional circumstances where a more formal method is required, the impartial hearing process will be utilized. The impartial hearing officer (IHO) renders a written decision after the parties present and refute evidence before them. The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

Impartial Hearing Process

The following is an overview of the Impartial Hearing process:

a) Either the parent or the School District may request an impartial hearing for any matter relating to the identification, evaluation, or educational placement of a child with a disability. If a parent makes the request, it must be in writing and hand-delivered to the General Counsel, Department of Law (or their representative), and the President of the Board of Education (or their representative) at the RCSD Central Offices, 131 West Broad Street, Rochester, New York, 14614 describing the nature of the dispute and a proposed resolution of the problem, as required by the IDEA and the Commissioner's Regulations. Alternatively, the request and description of the dispute and resolution sought may be delivered via email to Legal@rcsdk12.org.

If the District is the party initiating an impartial hearing, the District will serve the parent with a copy of the due process complaint, including a statement of the action proposed and an explanation of why the District proposes to take such action.

b) Upon receipt of or initiation of a request for an impartial hearing, the District will inform the parent of the availability of mediation, of any free or low-cost legal and other relevant services available in the area, and provide them with a copy of the District's Procedural Safeguards Notice.

c) The District must immediately [but not later than two (2) business days after receipt of the written request] initiate the process to select an IHO. The District selects the IHO through a rotational selection process in accordance with regulatory timelines. The Department of Law will be responsible for contacting IHOs and maintaining appropriate records.

d) The IHO must be certified by the Commissioner of Education, be independent and have access to the support and equipment necessary to perform the duties of an IHO. When the selected IHO indicates availability, the Board of Education or its designee must immediately appoint the IHO.

e) The impartial hearing will be conducted at a location that is reasonable and convenient to the parent and the student involved. The hearing shall be closed to the public unless the parent requests an open hearing.

f) The IHO presides over the hearing at which the parties have an opportunity to present evidence and testimony.

g) The student remains in the current placement during the pendency of the impartial hearing unless both parties agree and except as otherwise provided for expedited impartial hearings for certain disciplinary suspensions or removals of a student.

h) The IHO renders and forwards the finding of fact and decision to the parties and to the State Education Department in accordance with regulatory timelines.

i) The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

Withdrawals of requests for due process hearings

When a party wishes to withdraw a request for a due process hearing as follows:

- Prior to the commencement of the hearing, a voluntary withdrawal by the party requesting the hearing shall be deemed by the IHO to be without prejudice unless the parties otherwise agree. The commencement of the hearing means the first date the hearing is held after a prehearing conference (if a prehearing conference was conducted).

- Except for withdrawals made prior to the commencement of the hearing, a party seeking to withdraw a due process complaint must immediately notify the IHO and the other party. The IHO must issue a written order of termination.

- A withdrawal shall be presumed to be without prejudice except that the IHO may, at the request of the other party and upon notice and an opportunity for the parties to be heard, issue a written decision that the withdrawal shall be with prejudice.

- The decision of an IHO in the order of termination that a withdrawal shall be with or without prejudice is binding upon the parties unless appealed to the Office of State Review.

- If the party subsequently files a due process complaint notice within one year of the withdrawal of a complaint that is based on or includes the same or substantially similar claims as made in a prior due process complaint notice that was previously withdrawn by the party, the school district shall appoint the same IHO appointed to the prior complaint unless that IHO is no longer available to hear the new due process complaint notice.

Recordkeeping and Reporting

The District will maintain an alphabetical list of the names of each IHO who is certified in New York State and available to serve in the District. The District will record and report to the State Education

Department required information relating to the selection of IHOs and the conduct of impartial hearings according to the manner and schedule specified by the department.

Compensation of Impartial Hearing Officers

The District will be responsible for compensating the IHO for pre-hearing, hearing and post-hearing activities at the rate agreed upon at the time of the IHO's appointment.

Guardians ad Litem at Impartial Hearings

Unless a surrogate parent has been previously appointed, the IHO must appoint a guardian ad litem when the IHO determines that the interests of the parent(s) are opposed to or inconsistent with those of the student or whenever the interests of the student would be best protected by such appointment.

Confidentiality

All issues relating to a request for and conduct of an Impartial Hearing must be kept confidential by all District staff.

Ref: Education Law Sections 4404(1) and 4410(7)
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1, 200.2, 200.5, 200.16, 200.21 and 201.11

Notes: Adopted February 16, 2012 pursuant to Resolution No. 2011-12: 576; Amended June 24, 2021 pursuant to Resoultion No. 2020-21: 930

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CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES

The Board of Education is committed to ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with the provisions of Commissioner's Regulations Section 100.5. Students pursuing either a Regents or a local high school diploma must acquire a certain number of units of credit in specified courses and also meet subject sequence requirements. It is critical that students with disabilities be provided access to the required courses and testing programs needed for graduation with these awards.

Beginning on July 1, 2013 and thereafter, pursuant to Commissioner's Regulation Section 100.6, a Skills and Achievement Commencement Credential will be available for students with severe disabilities who have been designated to take the New York State Alternative Assessment. Pursuant to Commissioner's Regulation Section 100.5, the Local Diploma Compensatory Option will be available for those students with disabilities who are pursuing a Local Diploma.

Regents Diploma Requirements

To earn a high school Regents diploma, all students, including students with disabilities, need to take and pass five (5) specific Regents examinations with a score of 65 or higher and earn twenty-two (22) units of credit. The required Regents Examinations are English, Mathematics, Science, Global History and Geography, and U.S. History and Government.

Local Diploma Safety Net Options for Students with Disabilities

Students with disabilities have three safety net options available to support acquisition of the local diploma. Safety net options include:

The Low Pass Safety Net Option allows a student with a disability to meet the testing requirements for a local diploma by achieving a score between 55 and 64 on one or more of the required Regents examinations (i.e., English language arts (ELA), mathematics, science, social studies (i.e., United States history and government and/or global history and geography)).

- Non-Regents examinations (e.g., State Education Department (NYSED)-approved alternative assessments or Regents Competency Tests (RCTs)) are not subject to the Low Pass Rate Safety Net Option.
- A student with a disability who makes use of the Low Pass Safety Net Option may also use the Compensatory Safety Net Option or, if eligible, the RCT Safety Net Option to meet graduation requirements for a local diploma.

The Low Pass Safety Net Option with Appeal allows a student with a disability who has taken and passed a course in preparation to take a Regents examination, has a 65-course average, and scores between 52-54 on up to two Regents examinations, to appeal to graduate with a local diploma using this lower score. An appeal may be initiated by a student or by the student's parent/guardian or teacher and must be submitted to the student's school principal. Through this appeal, the student seeks a waiver of the graduation assessment requirement in the subject area under appeal. Approval of the appeal will not change the student's score on the Regents examination under appeal.

To be eligible to appeal a score of 52-54, a student with a disability must meet all other conditions of appeal as follows:

1. Have taken the Regents examination under appeal at least two times;

2. Have at least one score on the Regents examination under appeal within the 52-54 score band;

3. Present evidence that the student has taken advantage of academic help provided by the school in the subject tested by the Regents examination under appeal;

4. Have a course average in the subject under appeal that meets or exceeds the required passing grade by the school (as evidenced in the official transcript that records grades achieved by the student); and

5. Be recommended for an exemption to the graduation requirement by the student's teacher or Department chairperson in the subject of the Regents examination under appeal.

The decision to grant or deny an appeal is made at the district level and is not subject to State Education Department approval.

Non-Regents examinations are not subject to the appeals process.

A student with a disability who makes use of the Low Pass Safety Net Option with Appeal may also use the Compensatory Safety Net Option to meet graduation requirements for a local diploma.

The Compensatory Safety Net Option allows a student with a disability who scores between 45-54 on one or more of the required Regents examinations (except for ELA or mathematics) to compensate the low score with a score of 65 or higher on another required Regents examination to graduate with a local diploma.

To be eligible for the Compensatory Safety Net Option, a student with a disability must meet all conditions as follows:

1. Obtain a score of at least 55 (or an approved appeal of 52-54) on both the ELA and Mathematics Regents examinations.

2. Obtain a passing grade that meets or exceeds the required passing grade by the school for the course in the subject area of the Regents examination in which the student received a score of 45-54.

3. Have a satisfactory attendance rate, in accordance with the district's or school's attendance policy, for the school year during which the student took the examination in which the student received a score of 45-54, exclusive of excused absences.

A score of 65 or higher on a single examination may not be used to compensate for more than one examination for which a score of 45- 54 is earned.

A student with a disability who makes use of the Compensatory Safety Net Option may also use the Low Pass Appeal Option (i.e., appeal scores of 52-54) to meet graduation requirements for a local diploma.

A student with a disability may not use the Compensatory Safety Net Option if the student is using a passing score on one or more RCTs to graduate with a local diploma.

The Superintendent Determination Option allows a superintendent to make a local determination that a student with a disability has otherwise met the standards for graduation with a local high school diploma when such student has not been successful, because of the student's disability, at demonstrating their proficiency on one or more of the Regents examinations required for graduation. The superintendent may only consider an eligible student for a local diploma through the Superintendent Determination Option upon receipt of a written request from the student's parent or guardian to the student's school principal or CSE chairperson.

To be eligible for the Superintendent Determination Option, a student with a disability must meet all conditions as follows:

1. The parent/guardian submitted a written request that their child be considered for a superintendent determination;

2. The student has a current IEP and is receiving special education programs and/or related services;

3. The student did not meet the graduation requirements through the existing appeal options, the low pass (55-64) safety net option and/or the compensatory option;

4. The student has earned the required course credits and has passed, in accordance with district policy, all courses required for graduation, including the Regents courses to prepare for the corresponding required Regents examination areas (ELA, mathematics, social studies, and science);

5. The student:
    a. earned a minimum score of 55 on the ELA and Mathematics Regents examinations; and/or
    b. successfully appealed a score between 52 and 54 on ELA and Mathematics Regents examinations; and/or
    c. was unable to achieve a minimum score of 55 or did not initiate an appeal of a score of between 52 and 54 on the ELA and/or Mathematics Regents examinations, but the student completed the requirements for the New York State Career Development and Occupational Studies (CDOS) Commencement Credential.

6. The student has participated in all Regents examinations required for graduation but has not passed one or more of these examinations; and

7. The student has otherwise demonstrated competency in the subject area(s) where the student was not able to demonstrate proficiency of the State's learning standards through the Regents examination.

In making the determination, the superintendent, in consultation with the principal, must review, document, and provide a written certification/assurance that there is evidence that the student has otherwise met the standards for graduation with a local high school diploma.

The student and the parent of the student must receive written notice of the determination with a copy of the completed Superintendent Determination of Graduation with a Local Diploma (Updated January 2018) form:

- Where the superintendent determines that the student has met the requirements for graduation, the district must provide prior written notice that the student is not eligible to receive a free appropriate public education after graduation with a local diploma.
- Where the superintendent determines that the student has not met the requirements for graduation, the written notice shall inform the student and parent/guardian that the student has the right to attend school until receipt of a local or Regents diploma or until the end of the school year in which the student turns age 21, whichever shall occur first.

CDOS Commencement Credential (Standalone)
All New York State students may exit high school with the CDOS Commencement Credential if they're unable to meet the diploma requirements. At no point should a decision be made that a student stops working toward a high school diploma in order to concentrate only on earning this credential.

Skills and Achievement Commencement Credential

Beginning with the 2013-14 school year and thereafter, the Board of Education shall issue a Skills and Achievement Commencement Credential to a student who has taken the New York State Alternative Assessment for students with severe disabilities.

The Board of Education must issue a Skills and Achievement Commencement Credential to each student with a severe disability in accordance with the following rules:

1. Only students with disabilities who have been instructed and assessed on the alternate performance level for the State learning standards are eligible for this credential award.

2. The credential may be awarded any time after such student has attended school for at least 12 years, excluding kindergarten or received a substantially equivalent education elsewhere, or at the end of the school year in which a student attains the age of 21.

3. The credential would not be considered a regular high school diploma in accordance with State standards or for federal accountability purposes.

4. The credential must be similar in form to the diploma issued by the school district or nonpublic school, except that there shall appear on the credential a clear annotation to indicate the credential is based on achievement of alternate academic achievement standards.

5. The credential must be issued together with a summary of the student's academic achievement and functional performance and must include documentation of the student's:
    a. achievement against the Career Development and Occupational Studies (CDOS) learning standards http://www.p12.nysed.gov/cte/cdlearn/;
    b. level of academic achievement and independence as measured by NYSAA;
    c. skills, strengths, interests; and
    d. as appropriate, other achievements and accomplishments.

6. For students less than 21 years old, the credential must be provided with a written assurance that the student continues to be eligible to attend the public schools of the school district in which the student resides without payment of tuition until the student has earned a regular high school diploma or until the end of the school year in which the student turns age 21, whichever occurs first.

Ref: Education Law Sections 3202 and 4402(5)
8 NYCRR Sections 100.5(a-f), 100.6, 100.9 and 200.5
http://www.nysed.gov/curriculum-instruction/general-education-and-diploma-requirements

Note: Adopted July 29, 2013 pursuant to Resolution No. 2013-14: 80; Amended June 24, 2021 pursuant to Resolution No. 2020-21: 930; Modified pursuant to Resolution No. 2021-22: 253 November 2, 2021

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WANDERING AND ELOPEMENT POLICY

It is the policy of the Board of Education to require all schools to incorporate wandering and elopement procedures into each school building safety plan.

DEFINITIONS: For purposes of this policy, the following items are defined as indicated.

A. Elopement: A student intentionally leaving an assigned area without permission from or the knowledge of responsible staff.

B. Wandering: A student meandering or straying, which leads to leaving a safe environment, intruding into inappropriate places or becoming lost and is often related to a physical or mental distraction.

The procedures required by this policy shall be separate and distinct from students' Individualized Educational Plans (IEPs), Behavior Intervention Plans and/or Crisis Management Plans, the consideration and/or review of which shall be required when a student demonstrates wandering and/or elopement behaviors on more than a single occasion within the current or prior school year. For students exhibiting wandering or elopement tendencies, each CSE/CPSE must determine whether the student has behaviors that impede their learning or that of others. This should include consideration of whether the student has a tendency to wander or elope, and if so, to ensure that a functional behavior assessment (FBA) of the behavior is conducted and that it is addressed through proper supervision and an individualized Behavior Intervention Plan (BIP) based on the FBA.

In addition, all building-based staff must be provided annual training on the building's wandering and elopement procedures as set forth in the building safety plan prior to the first day that students arrive at school each school year.

Each building's wandering and elopement procedure as set forth in the building safety plan must contain the following components:

1. An explanation of any physical modifications to the building that may discourage wandering and/or elopement, or facilitate notification of staff when an incident occurs, such as door alarms;

2. A protocol for notifying staff, including security staff, custodians, clerical staff and School Resource Officers, of specific students with a history of wandering/elopement (two or more incidents within the current or prior school year), which shall include recent photographs and a description of any triggers that may cause of physical reaction or further flight by the student;

3. Procedures and staff assignments for immediately notifying:

    a. 911, and
    b. Parent/Family; and
    c. Central Office

    when an incident of wandering and/or elopement occurs.

4. Protocols for communicating with responding police, including practices and procedures for accessing and disseminating any available video footage, floor plans, and maps of the school grounds and immediate surrounding areas;

5. A school-wide communication and alert system.

6. Explicit staff assignments for building and ground searches, with a focus on areas of highest threat, such as nearby water and major intersections;

7. A protocol for assuring the availability of recent photos of all students who have a history of wandering or elopement behavior;

8. A protocol for ensuring that students with a history of wandering or elopement incidents carry basic identification at all times, which shall include their name, school, and any triggers that may cause physical reaction or further flight.

General School-Based Practices for Preventing Occurrences of Wandering and/or Elopement:

It is the expectation that all staff will intervene when a student appears to be unsupervised and take appropriate action to ensure that the student is redirected to a supervised activity/location.

School Administrators are expected to strategically and specifically assign staff around the school building during arrival, dismissal, recess, lunch, and transition times in order to minimize the chance of wandering and/or elopement. Such staffing assignments shall be designed in order to account for staff absences, meetings, etc.

Student-specific considerations should be made when determining how much direct supervision a student requires during individual transitions, such as using the restroom, attending a related service, or performing a classroom job.

Cross-ref: 8135 Safe Schools Policy
4202 Students with Disabilities Policy
4209 Student Individualized Education Program: Development and Provision
4210 Implementation of Individualized Education Programs (IEP)
1400 Code of Conduct
8200 Policy Regarding Deescalation of Crisis Situations

Ref: James P. D. Lorenzo Field Advisory, Health and Safety Precaution for Students with Disabilities NYSED P12 Publications (November 2013)
James P. D. Lorenzo Field Advisory, Health and Safety for Students with Disabilities with Precaution Elopement Behaviors (April 2014)

Note: Adopted September 25, 2018 pursuant to Resolution No. 2018-19: 311; Amended June 24, 2021 pursuant to Resolution No. 2020-21: 930

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DISPLAY OF THE FLAG

The Board of Education believes that the flag of the United States is a symbol of the values of our nation, the ideals embedded in our Constitution and the spirit that should animate our District.

The District shall purchase a United States flag, flag staff and the necessary appliances for its display upon or near every school building. There shall be a flag on display in every assembly room of every school.

The flag shall be flown at full- or half-staff pursuant to law. In addition, the flag may be flown at half-staff to commemorate the death of a present or former board member, present employee or student. Upon the death of an individual so commemorated, the flag of the United States will be flown at half-staff on the day of the employee's or student's funeral at the school or District facility to which that individual was assigned and at the Central Office.

Consistent with national and state law, regulations, and this policy, the Superintendent of Schools shall develop rules and regulations for the proper custody, care and display of the flag.

Cross-ref: Display of Flag Regulation (4311.1-R)

Ref: 4 U.S.C. §§5-9 (display of the flag)
Education Law §§418; 419; 420 (requirement for the school to purchase, display and develop rules and regulations for the care and custody of the flag)
Executive Law §§400-403 (rules for display of the flag)
8 NYCRR Part 108 (flag regulations)

Notes: Prior policy, Policy Manual, Lowering of the Flag Upon the Death of an Employee (October 18, 1991), Revised August 20, 1998; Amended January 26, 2023 pursuant to Resolution No. 2022-23: 438

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CIVIC EDUCATION

Preamble

The Board of Education has found that:

1. Numerous national and state studies find that Americans and New Yorkers today demonstrate low levels of civic knowledge and engagement.
2. Public schools have been central in educating Americans to be active and engaged citizens since the beginning of the American republic.
3. Section 801 of New York's education law requires the Regents to prescribe courses of instruction in (1) "patriotism, citizenship, and human rights issues" and (2) "the history, meaning, significance, and effect of the provisions of the constitution of the United States, the amendments thereto, the declaration of independence, the constitution of thestate of New York and the amendments thereto…"
4. Section 801-a of New York's education law requires the Regents to "ensure that the course of instruction in grades kindergarten through twelve includes a component on civility, citizenship and character education. Such component shall instruct students onthe principles of honesty, tolerance, personal responsibility, respect for others, observation of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community."
5. The New York State Learning Standards expect students to be able to "use a variety of intellectual skills to demonstrate their understanding of the necessity for establishing governments; the governmental system of the United States and other nations; the United States Constitution; the basic civic values of American constitutional democracy; and theroles, rights, and responsibilities of citizenship, including avenues of participation."

The Board believes that a core purpose of public education is to prepare students to be active and engaged citizens in a democratic and global society.

The Board recognizes that schools are not the only venues for civic education. Parents and families must share in helping young people learn about and understand civic values and principles and develop civic knowledge, skills, and habits.

The Board also recognizes that schools are uniquely situated for particular aspects of civic learning in several ways:

1. Public schools are the only institutions with the capacity and mandate to reach virtuallyevery young person in the country; and they are the most systematically and directly responsible for imparting citizen norms.
2. Public schools are best equipped to address the cognitive aspects of good citizenship— civic and political knowledge and related skills such as critical thinking and deliberation.
3. Public schools are communities in which young people learn to interact, argue, and work together with others, important conditions for future citizenship.

The Board understands that high-quality civic learning includes more than classroom instruction;it also includes a range of dynamic learning opportunities, engaging discussions and activities such as simulations that put a real life perspective on what is learned in class.

The Board also understands that, when properly implemented, not only does high-quality civic education improve civic knowledge and political engagement, it also can reduce the civic

achievement gap or promote civic equality; help create a positive school climate; and lower dropout rates.

A High-Quality Civic Education Program

The Board directs the Superintendent of Schools to develop a high-quality civic education program for grades K-12.

Said program will:

1. Conform to state education law and be aligned with state academic standards and curriculum frameworks.

2. Achieve the following:

    a. Students who have the knowledge and understanding of and are able to thinkcritically about American history and democracy.
    b. Students who are empowered to: critically examine the positive and negativeaspects of our civic and democratic values (including those principles enumerated in New York's education law), explore the different meanings ofthese values across history and cultures, and make a conscious choice to commit to these values.
    c. Students with the skills to have meaningful, inclusive and respectful dialoguesabout difficult political and social issues and who are willing to work collaboratively to address them.
    d. Students who are engaged on civic issues and have the skills and willingnessto participate in politics and in the community.

3. Identify specific courses within the K-12 curriculum in which civic education and government will be explicitly and systematically taught and encourage the integration ofcivic education into other subjects as appropriate.

4. In addition to classroom instruction, incorporate several of the following learning opportunities and activities:

    a. Discussion of current local, national and international issues and events, particularly those that young people view as important to their lives.
    b. Programs that provide students with the opportunity to apply what they learn through performing community service that is linked to the formal curriculumand classroom instruction.
    c. Extracurricular activities that provide opportunities for young people to getinvolved in their schools or communities.
    d. Student participation in student government and school governance.
    e. Simulations of democratic processes and procedures.

5. Be implemented in an environment characterized by respect for human dignity, trust, hope, joy and the belief that each of us can learn; and in a climate that is conducive tohelping each person reach his or her full potential.

6. Take into account the work of the District's original Civic Values Policy Committee and subsequent research, as summarized here. The proposal for creation of the policy and the efforts of the original committee were based on the work of Dr. R. Freeman Butts (1980).Dr. Butts is

the former President of Teachers College at Columbia University. Dr. Butts (in agreement with John Dewey) proposed that the basic purpose of public education is toprepare students to be responsible citizens in a democratic society.

Subsequently, the 22 values specified in the original policy have been reformatted within the Polarities of Democracy model (Benet, 2006, 2013). The model was developed by Dr.Bill Benet, who first proposed that the district adopt the policy and served as a member ofthe original committee. The framework used for the model is based on the polarity management concepts developed by Dr. Barry Johnson (1996). In the Polarities of Democracy model each polarity element has both positive and negative aspects, and successful management of the polarities requires maximizing the positive aspects while minimizing the negative aspects.

The Polarities of Democracy model incorporates all 22 of the committee's original valuesas either explicit elements of the polarity pairs or implicit commitments, behaviors, or attitudes necessary for the effective management of the specified pairs within the model. The original values that are implicit within the Polarities of Democracy model are included below under specific pairs of the model, with some of the original values found under more than one of the polarity pairs.

The Polarities of Democracy Model

Freedom – Authority

Patriotism, Giving Your Best Effort, Responsibility for One's Self, Respect for Self,Imagination, Personal Empowerment

Justice – Due Process

Respect for the Rule of Law, Patriotism, Honesty, Imagination, Inquiry

Diversity – Equality

Respect for the Rule of Law, Patriotism, Honesty, Imagination, Inquiry

Diversity – Equality

Respect for Others, Kindness and Caring, Cooperation, Patriotism, Respect for Self,Inquiry, Personal Empowerment

Human Rights – Communal Obligations

Respect for Others, Patriotism, Responsibility for One's Self, Inquiry, PersonalEmpowerment

Participation – Representation

Respect for Others, Kindness and Caring, Cooperation, Reasoned Discourse, Advocacy,Patriotism, Giving Your Best Effort, Responsibility for One's Self, Respect for Self, Honesty, Inquiry, Personal Empowerment

Policy Implementation and Evaluation

Guidelines

The Superintendent will develop regulations for the implementation of this policy. The regulations will reflect the objectives of the civic education program. The regulations will develop standards to evaluate the success of the program and this policy. The District will provide adequate resources, including appropriate professional development, for the successfulimplementation of the program.

Accountability

The Superintendent will develop and implement an accountability system for the civic education program, with measurable goals and benchmarks for schools, staff and student.

Evaluation

To ensure that said program is implemented with fidelity, annually in July, the Superintendent shall provide to the Board of Education a consolidated Building-level and District-level evaluation on the effectiveness of the civics education program and of the implementation of thispolicy. Such evaluation will include a review of the resources used to implement the program.

The Superintendent will meet with District-level and Building-level staff to review the evaluation's findings and to recommend changes needed to the program, or its implementation,to improve student civic knowledge and engagement.

The evaluation report will be made available to district staff, families and students.

The report will be included as part of the Superintendent's accountability system.

Notes: Prior policies, Policy Manual, Values Policy (November 7, 1991), revised; Policy Manual,Values Education Policy (August 20, 1998), revised. Adopted July 24, 2014 pursuant to Resolution No. 2014-15: 80; Reviewed with no amendments December 12, 2023 pursuant to Resolution No. 2023-24: 512

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SCHOOL-TO-CAREER OR POST-SECONDARY EDUCATION TRANSITION INITIATIVE

Context and Purpose

Terms Defined
Career: An occupation is undertaken for a significant period of a person's life and with opportunities for progress.
Post-secondary Education: College, on-the-job training, trade school, or enlisting in the military.

The Board of Education acknowledges the importance of linking career or post-secondary education plans develop a student's potential fully. The Board recognizes the importance of improving our students' transition from school into their career or post-secondary plans to further education and training. To provide students more relevant learning experience that is linked to the world of work, the Board expects all students, regardless of socioeconomic status or career choice, to master academic and work standards that are benchmarked to the best in the world.

SCHOOL-TO-CAREER or POST-SECONDARY EDUCATION TRANSITION INITIATIVE POLICY is an essential element of the District's strategic plan (mission and vision) and its Values policy. SCHOOL-TO-CAREER or POST-SECONDARY EDUCATION TRANSITION INITIATIVE POLICY, by infusing its concepts and activities*[TCC1] into the total school program, is an integral part of creating a system that allows scholars to be productive citizens with good character who contribute to the world. Essential to its success are system-wide change, interdisciplinary collaboration, infusion of school-to-career concepts, and communication and recognition of the value of work as part of the educational process.

The Board intends to share District responsibility for helping all scholars meet new performance levels. In addition to District personnel, the Board shall require the support and involvement of parents, higher education representatives, employers, and a cross-section of the community to better prepare scholars to become productive, contributing members of society and to demonstrate to scholars the relationship between the worlds of school, family, and work.

All of these partners are important. However, without the commitment of the employer community, SCHOOL-TO-CAREER or POST-SECONDARY EDUCATION TRANSITION INITIATIVE POLICY cannot proceed successfully. Hence, this policy requires District personnel to develop collaborations with the business community as a priority. In addition, the success of this initiative hinges on staff development and in-service programs that involve teachers and administrators.

The SCHOOL-TO-CAREER or POST-SECONDARY EDUCATION TRANSITION INITIATIVE is designed to:

1. Prepare scholars to select the course work and training required for various careers

2. Provide all scholars with the necessary knowledge to pursue meaningful careers and/or post-secondary education;

3. Create links, where they do not already exist, to concrete career options

4. Establish clear career pathways - including work, technical training and two- or four-year college - that do not close off other educational or training options;

5. Some examples include: critical and creative thinking, problem-solving, decision-making, planning, managing change, teamwork, continuous improvement, effective communication, and quality work.

6. Develop training and job opportunities where they do not currently exist; and

7. Require collaboration with community members to carry the changes forward.

The key features of the system are as follows:

1. A Pre-K to adult curriculum that develops academic and work skills based on standards defined by schools and industry;

2. Consistent delivery of career development information;

3. Structured career-based experiences that provide all scholars with career information, transferable skills, and technical skills;

4. A coordinated support network that is linked to schools and relies on parents, mentors, employers, scholars, advocates, and social service agencies to assist scholars;

5. Choice of a direction in which scholars would like to take their education by tenth grade; and

6. The development of industry- or trade-focused technical training with employer groups that are linked to in-demand careers determined by the Department of Labor for all eleventh and twelfth graders choosing this educational path.

Policy Monitoring and Evaluation

Several different constituencies will be involved in policy monitoring and evaluation. The monitoring and evaluation framework will be reviewed by the Superintendent of Schools and appropriate District staff, the Board's Quality Assurance Committee and the School-To-Work Transition Advisory Board. After determining the criteria that will be used for evaluation, the project manager, through the Superintendent, will prepare and present to the Board an annual formal progress report on implementation of School-To-Work Transition as it relates to the Goals Initiative. The Office of Parent Engagement will be responsible for annually updating parents on the progress of the initiative. Human Capital will be responsible for updating District employees.

Notes: Prior policy, Policy Manual, School-To-Work Transition (April 26, 1993); Revised August 20, 1998; Amended January 26, 2023 pursuant to Resolution No. 2022-23: 438 (Formerly the School to Work Transition Initiative Policy)

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SERVICE LEARNING (CIVIC ENGAGEMENT)

The Board of Education recognizes that service learning is the most powerful school-based community service model, with the potential to improve academic outcomes and civic values for students. Through participation in service learning, students gain the skills and demonstrate the competence they need to function as productive citizens and future leaders.

In order to promote civic engagement through Service Learning in all schools, the Board authorizes the Superintendent of Schools and their designee to develop Service Learning programs that will:

1. help foster the development of a sense of caring for others;

2. connect citizenship experiences with academic learning to promote and encourage lifelong habits of learning and public service;

3. be integrated into the student's academic curricula and provide structured time for student reflection, i.e., to think, read, talk, or write about what the students experienced during the actual service activity;

4. require students to identify, plan, and participate in the development and implementation of programs to ensure the emergence of youth responsibility and leadership;

5. enhance what is taught in schools by extending student learning beyond the classroom and into the school, neighborhood, and the community-at-large;

6. provide students with opportunities to use newly acquired skills and knowledge in real-life situations in their own communities; and

7. meet actual community needs through the collaboration of schools and the community as partners.

This policy shall be annually reviewed by the Superintendent. The Superintendent's review shall be publicly reported to the Board so that the policy's effectiveness and implementation throughout the District may be assessed.

Notes: Prior policy, Policy Manual, Policy for Service Learning (September 21, 1995); Revised August 20, 1998; Amended January 26, 2023 pursuant to Resolution No. 2022-23: 438

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ARTS EDUCATION

The Board of Education affirms that all children can learn and reaffirms its collective responsibility to help each child achieve success. Because of its role in the development of the "whole child", the Board believes that learning standards for Arts Education are essential in carrying out this mission.

The Board believes that arts education builds self-esteem, fosters imagination and creativity, allows for the expression of talent and feelings, develops aesthetic awareness and brings success and joy to a student's school day. The arts provide students with a means to observe and perceive, as well as an outlet to describe, analyze, and communicate their observations, thoughts, and feelings.

The arts also provide the ideal environment for the development of critical thinking, decision-making, and team-building skills. The study of the arts enhances success in mastering academics of all subject areas.

The Board also recognizes and adopts the four learning standards for arts education set forth by the New York State Education Department:

Artistic Processes *Shared by all disciplines*		Anchor Standards *Shared by all disciplines*
Cr	**Creating**	1. Generate and conceptualize artistic ideas and work. 2. Organize and develop artistic ideas and work. 3. Refine and complete artistic work.
Pr	**Performing** (Dance, Music, Theater) **Presenting** (Visual Arts) **Producing** (Media Arts)	4. Select, analyze, and interpret artistic work for presentation. 5. Develop and refine artistic techniques and work for presentation. 6. Convey meaning through the presentation of artistic work.
Re	**Responding**	7. Perceive and analyze artistic work. 8. Interpret meaning in artistic work. 9. Apply criteria to evaluate artistic work.
Cn	**Connecting**	10. Relate and synthesize knowledge and personal experiences to inspire and inform artistic work. 11. Investigate ways that artistic work is influenced by societal, cultural, and historical context and, in turn, how artistic ideas shape cultures past, present, and future.

The Board promotes the establishment of equitable arts programming based on minimum standards for all students established by the district. The Board, therefore, sets forth a framework to provide our schools with the direction and basic structure for the development of curricula that will address the needs of students at the elementary, middle and high school level and endorse the following values for the delivery of arts education:

1. The arts are considered a basic component of the core of learning for all elementary, middle and high school students.

2. The arts shall be recognized as curricular Pre-K to 12 and shall align with the learning standards set forth by the New York State Education Department as well as national standards and will be assessed by authentic measures including, but not limited to, projects, portfolios and performance.

3. Minimum standards will be established for all students and implemented for a continuum of study from Pre-K to 12.

4. Equitable resources will be available for all elementary, middle and high school students to create and develop content knowledge, skills and proficiencies and aesthetic appreciation of the arts in accordance with the State standards.

5. The district will continue with the current partnerships, seek others and make every effort to maintain these partnerships to ensure that students and teachers interact with artists and representatives of arts organizations and higher education through a range of arts in education forums, such as residencies, workshops, lecture/demonstrations, performances, and visits to cultural organizations.

6. Arts curricular leadership is recognized as important to program improvement and coordination.

7. The study of arts will provide students with extended opportunities to explore related careers.

The Board and the Superintendent will establish a benchmark for arts education for students at all levels.

The Board will continue to serve as advocates for comprehensive programs and community partnerships that enable all students to meet high standards of achievement in the arts.

Notes: Prior policy, Policy Manual, Fine Arts In Education (May 18, 1995), Arts Education (December 18, 1997); Revised August 20, 1998; Amended July 28, 2022 pursuant to Resolution No. 2022-23: 939

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PRESCHOOL EDUCATION PROGRAMS

General

The Board recognizes the many positive, long-term benefits of quality pre-kindergarten programs, including reduced early school failure and special education placement, early identification of students' needs, successful transition to the school environment, and increased academic achievement of students throughout elementary and high school. The Board and the Superintendent of Schools recognize the value of pre-kindergarten programs as demonstrated by the success of students participating in existing District preschool programs.

The Board of Education supports preschool/early childhood education programs that incorporate the following:

1. A family's informed commitment to and active partnership in the educational experiences of their children;

2. Resources directed to preschool and child care as essential services required by low-income, disadvantaged families with children ages 4 and under;

3. Preschool programs that give priority to low-income families, but are also capable of encouraging the participation of the whole community, including families of English Language Learners (ELL); Multi-Lingual Learners (MLL); and students with special needs who have been classified with a disability and have an Individual Education Plan (IEP);

4. Quality preschool/child care education programs that maintain high standards through the certification of personnel, state licensing of programs and low staff – student ratios;

5. Governmental agencies and community-based organizations that cooperatively coordinate and support the health, welfare and emotional needs of high-risk families with preschool children;

6. Continued government support for all elementary students, including those with identified educational deficiencies, by ensuring successful transition to kindergarten and reinforcing the gains achieved in preschool;

7. Preschool/child care education programs that reflect the community's cultural diversity (e.g. African American, Hispanic and Asian);

8. A variety of program options with respect to length of day, staffing and parent involvement; and

9. Programs and partners that support the District's values as stated in the Civic Education policy (Policy 4311.2).

Annual Evaluation Report

The Superintendent (or designee) shall provide the annual evaluation report of the Rochester Early Childhood Assessment Partnership (RECAP) to the Board to enable monitoring of program quality and continuous improvement. RECAP shall remain available to the Superintendent (or designee) to provide supplemental reports, as needed.

Pre-Kindergarten Programs

The Board reaffirms its commitment to educate all students to their highest levels of performance by seeking to provide quality programs for all 4-year-old preschoolers and for 3-year-old children, as funding allows. The

Board encourages legislators at all levels of government to maintain the funding of preschool programs as a priority.

The Board approves the Universal Pre-K Program Plan dated February 5, 1998, submitted by the Universal Pre-Kindergarten Policy Advisory Board and recommended by the Superintendent. This plan calls for maximizing efficiency and minimizing capital outlay by outsourcing some services, with oversight by the District.

The Board also approves the plan for Expanded Pre-Kindergarten for Three- and Four-Year-Old Students in High Needs Districts dated August 10, 2015, submitted to the New York State Education Department.

This policy shall be reviewed by the Board of Education whenever revisions have been proposed to either the Universal Pre-K Program Plan or the Expanded Pre-Kindergarten Plan for Three- and Four-Year-Old Students in High Needs Districts, prior to submission to the New York State Education Department.

Community service providers' applications to provide pre-kindergarten education programs to children in the Rochester City School District will be evaluated on the basis of the following criteria:

1. Program Quality [including accommodations for English Language Learners (ELL); Multiple Language Learners (MLL); and students with special needs who have been classified with a disability and have an Individual Education Plan (IEP)];

2. Student Attendance and Achievement;

3. Family Engagement (i.e. a plan for family participation that is responsive to the diverse cultures of families and children in the District);

4. Compliance with all federal and state regulations, including those of the New York State Commissioner of Education and the Office of Child and Family Services;

5. Adherence to state and fiscal guidelines for grant budgets, including proof of fiscal responsibility; and

6. Adherence to Learning Standard Guidelines: the *New York State Foundation for Prekindergarten Common Core Standards* (for four-year-old children); the *New York State Early Learning Guidelines* (for three-year-old children).

All pre-kindergarten programs must comply with the following New York State standards:

1. Each school or community organization operating a pre-kindergarten program shall adopt and implement the curriculum developed by the Rochester City School District.

   Each pre-kindergarten program shall provide early literacy and emergent reading, based on effective, evidence-based practices, including:

   a. Background knowledge;
   b. Phonological awareness;
   c. Expressive and receptive language;
   d. Vocabulary development;
   e. Phonemic awareness;
   f. Fluency; and
   g. Comprehension.

2. All pre-kindergarten programs must be based on the ages, interests, strengths and needs of children, and must include:

    a. Differentiated instruction to support the acquisition of new concepts and skills;
    b. Materials and equipment that allow for active and quiet play in indoor and outdoor environments;
    c. Instruction in English language arts, mathematics, science, social studies, and the arts – including dance, music, theater, and visual arts;
    d. Opportunities for inquiry-based activities and projects;
    e. Opportunities to use a wide variety of information in print and electronic media;
    f. Fine and gross motor activities;
    g. Instruction in health and nutrition; and
    h. Instruction in the development of social-emotional skills.

3. Each school or community-based organization operating a pre-kindergarten program shall develop procedures to ensure the active involvement of parents and/or guardians in their children's education. These procedures must include support for families and children for a successful transition into pre-kindergarten and kindergarten.

The Board and Superintendent are also mindful of their responsibility to practice fiscal prudence and recognize the need to remain vigilant to ensure that the District is not unduly harmed by the uncertainties of future program funding, reserving the right to modify program offerings through the budget process to reflect changes in levels of funding.

Cross-ref: Civic Education (Policy 4311.2)

Notes: Prior Policy, Policy Manual, Pre-School Programs (November 3, 1988); Universal Prekindergarten (February 5, 1998); Amended December 21, 2017 pursuant to Resolution No. 2017-18: 482; Amended July 28, 2022 pursuant to Resolution No. 2022-23: 939

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TIMEOUT AND PHYSICAL RESTRAINT (CRISIS DE-ESCALATION)

The Board of Education recognizes the need to ensure that student participation in learning is free from unreasonable and unnecessary physical restraint and that such an intervention is used only in emergency situations. It is the Board's intention that positive, preventive behavioral supports be proactively employed as a means to significantly limit the need for the use of emergency interventions.

This policy is intended to promote student and staff safety and prevent student violence, self- injuries or injuries to others by emphasizing de-escalation of potentially dangerous behavior that may occur with an individual student or among groups of students in an effort to avoid the need for use of emergency interventions. This policy is also intended to ensure that, when emergency interventions are necessary, they are administered in the least intrusive manner possible.

This policy applies to all students, whether or not they are students with disabilities. The Board of Education recognizes that sometimes students exhibit challenging behaviors that impede learning and pose concern for the physical safety of themselves or others. The Board is required by state law and state regulations to adopt a policy that establishes administrative practices and procedures on the use of timeout and physical restraint to address such challenging behaviors.

As required by state regulations, the District will utilize positive, proactive, evidence- and researched-based strategies through a multi-tiered system of supports, to reduce the occurrence of challenging behaviors, eliminate the need for the use of timeout and physical restraint, and improve school climate and the safety of all students. Such strategies will include intervention and prevention procedures and de-escalation techniques. However, these strategies may not always be effective in keeping the school environment safe.

Pursuant to state regulations 8 NYCRR §19.5, timeout and physical restraint will not be used as discipline or punishment, retaliation, or as a substitute for positive, proactive intervention strategies that are designed to change, replace, modify, or eliminate a targeted behavior. Timeout and physical restraint may only be used when:

1. Other less restrictive and intrusive interventions and de-escalation techniques would not prevent imminent danger of serious physical harm to the student or others;
2. There is no known medical contraindication to its use on the student; and
3. School staff using such interventions have been trained in its safe and appropriate application, as required by state regulations.

For purposes of this policy and regulation, the term “parent” refers to parents and persons in parental relations.

The Superintendent is directed to establish administrative regulations to implement this policy.

1. Precipitating Factors and Time Limitations

Generally, timeout and physical restraint will be used when students exhibit behavior that puts themselves or others at risk of physical injury. Timeout and physical restraint will be used for the least amount of time necessary, generally only until the student has de-escalated, can return to their educational program, and no longer poses a risk of injury to themselves or others.

2. Timeout for Students with Disabilities Pursuant to a Behavioral Intervention Plan

   In addition to situations posing an immediate concern for the physical safety of a student or others as described in this policy and administrative regulation, timeout may be used for students with disabilities in

conjunction with a behavioral intervention plan (BIP), as part of the student's individualized education program (IEP), as permitted by state regulations 8 NYCRR §200.22.

3. Staff Training

   The District will provide annual training to staff on the use of timeout and physical restraint as required by state regulations and outlined further in the accompanying administrative regulation.

4. Information Provided to Parents

   As required by state regulations, the District will provide this policy and accompanying administrative regulation to the parents of students for whom timeout and physical restraint have been used.

5. Parent Notification of Timeout or Restraint

   The Building Principal or designee will notify parents on the same day that timeout or physical restraint is used on a student, including a timeout used in conjunction with a student's BIP. The notification will offer the parent the opportunity to meet regarding the incident. Parents will also be provided with a copy of the documentation of the incident within three school days of the use of timeout or physical restraint.

   If the parent cannot be contacted after making reasonable attempts, the Principal will record the attempts made to contact the parent. In the case of students with disabilities, the Principal will report such attempts to the student's committee on preschool special education or committee on special education.

6. Data Collection to Monitor Patterns

   As required by state regulations, the district will document each incident of the use of timeout (including those used in conjunction with a BIP) and physical restraint, debrief following each incident of timeout and physical restraint, and review its documentation to monitor patterns of timeout and physical restraint.

7. Prohibited Actions

   Students may not be placed in a locked room or space in a room where the student cannot be continuously observed and supervised by school staff. Students may not be placed in a prone restraint (a physical or mechanical restraint while the student is in a face-down position).

   Additionally, District teachers, administrators, officers, employees, contractors, volunteers, or agents may not use corporal punishment, mechanical restraint and other aversive interventions, or seclusion (which differs from timeout) against a student, as defined in state regulations. State regulations include school resource officers in the term "agent" except when a student is under arrest and handcuffs are necessary for the safety of the student and others.

8. Annual Reporting

   District staff must report all allegations of corporal punishment, mechanical restraint and other aversive interventions, prone physical restraint, or seclusion to the Superintendent. The Superintendent or designee will investigate the allegations, and determine whether they are substantiated or unsubstantiated, and will compile the reports annually.

   The District will submit a report to the State Education Department, on a form and at a time prescribed by the Commissioner of Education, on the use of timeout and physical restraint, as well as substantiated and

unsubstantiated allegations of the use of corporal punishment, mechanical restraint and other aversive interventions, prone physical restraint and seclusion.

9. Public Availability and Posting of Policy

   This policy and accompanying administrative regulation will be made publicly available for review at the District administrative offices, at each school building, and posted on the district's website.

Cross-ref: Code of Conduct (1400)

Ref: Education Law §4402(9)
8 NYCRR §§19.5; 200.22

Notes: Adopted August 24, 2017 pursuant to Resolution No. 2017-18: 190; Amended November 30, 2023 pursuant to Resolution No. 2023-24: 469 (Formerly Policy Regarding De-Escalation of Crisis Situations and policy 8200)

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INSTRUCTION OF MULTILINGUAL LEARNERS (ML) & ENGLISH LANGUAGE LEARNERS (ELL)

Our Commitment to Multilingual Learners

The Rochester City School District serves multilingual learners that speak over sixty languages and are from various ethnic backgrounds. Our multilingual students may be:

1. Born in the United States
2. Immigrants
3. Refugees
4. Unaccompanied Minors
5. English Language Learners
6. Students with Interrupted or Inconsistent Formal Education
7. Heritage Speakers (not ELLs, but Culturally and Linguistically Diverse – CALD)
8. World Language students (inclusive of first, second, & multiple languages)
9. English speaking Dual Language participants

The Board embraces all multilingual learners as emergent bilingual students. Affirming their cultural and linguistic diversity is an essential practice of a high-quality education. We commit to culturally responsive academic and social practices that support graduating each Multilingual Learner as a productive member of a democratic and global society.

The Board of Education, in accordance with New York State Commissioner's Regulations (CR) Part 154 recognizes an English Language Learner (ELL) as one who:

1. Is of foreign birth or ancestry; and

2. Speaks a language other than English, including

    a. Either understand and speaks little or no English; or

    b. Scores at or below the state designated level of proficiency in four language modalities or its equivalent on an English Language Proficiency instrument approved by the New York State Commissioner of Education.

Stance on Educating Multilingual Learners

The Board believes that Multilingual Learners learn more effectively if they receive instruction in both a world language(s) and English. Furthermore, the Board embraces multiculturalism and supports the idea of developing proficiency in at least two languages, one of which must be English. The Board acknowledges that the linguistic and cultural diversity of Multilingual Learners is valued as an asset.

Language & Literacy Development Approach

The Board believes in students employing their full linguistic repertoire to develop language and literacy skills in multiple languages. Through our RCSD Language and Literacy Development Approach (LLDA), teachers design instruction that:

1. Embraces and leverages students' funds of knowledge;

2. Develops student autonomy in using their full linguistic repertoire across disciplines in a variety of settings; and

3. Creates opportunities to engage in discipline specific practices and build content knowledge while acquiring language.

The RCSD LLDA approach requires alignment to the Instructional Learning Framework, Hallmarks of Advanced Literacy and the Scaffolding of Language and Content Standards.

Culturally Responsive & Integrated Spaces

Grounded in the NYSED Culturally Responsive Sustaining Framework, the Board believes in the creation of culturally responsive spaces where students see themselves in the children and adults with whom they attend school. Culturally responsive spaces are not only places where we see the students' cultures represented, but also places where students feel their culture is represented and embraced. It is marked by the everyday anti-racist practices of leaders, teachers, and students.

In accordance with Lau v. Nichols, the Board believes that in an American school system, students have the right to be integrated with students from diverse backgrounds including native English Speakers. English Language Learners benefit from authentic interaction with native English Speakers both linguistically and culturally. These interactions prepare students for a global community and economy. Conversely, we believe that monolingual students and staff benefit from the richness in language and culture of our diverse Rochester community.

The Board uplifts culturally responsive **and** integrated spaces for our Multilingual Learners.

Programming for MLs identified as English Language Learners

The Board will ensure that English Language Learners are properly assessed and identified accordingly to the procedures mandated by CR Part 154 and as outlined in the Language Assessment and Placement Center Handbook. English Language learners will be provided the appropriate programs which will allow them to meet the same benchmarks (district and state) as the general student population and to meet all graduation requirements. The students participating in these programs will be afforded equal access to all initiatives, resources and programs provided by the District. The Board recognizes and supports the following models as P\programs for English Language Learners:

1. **Required for all English Language Learners**

   English as a New Language
   The District shall provide English as a New Language instruction (ENL) to all ELL students based on the student's English language proficiency level, as identified by the statewide English language proficiency identification assessment or the annual English language proficiency assessment. The ENL program shall include Stand-alone English instruction and/or Integrated ENL instruction in English language arts or another content area according to the student's English level of proficiency and state mandates through CR Part 154. In addition, following the school year in which a student exits from English Language Learner status, the District is required to continue to support the student's language development and academic progress for at least two school years.

2. Bilingual Program Models

Should twenty (20) or more English Language Learner students with the same home language all at the same grade level, all attend the same district, such students shall be provided with a bilingual education program. Such programs shall be composed of:

a. English as a New Language (ENL) instruction which emphasizes listening, speaking, reading, writing, and communication skills in English;
b. Instruction in the student's home language, including all home language art skills, knowledge of the history and culture associated with the student's home language;
c. Content area instruction in the home language and English.

One Way & Two-Way Dual Language Programs:
The District will provide opportunities for students to participate in programs that will foster bilingualism, biliteracy and biculturalism. These programs include ELLs, former ELLs, Ever ELLs, and English-proficient students. English-proficient students may enter a two-way dual language in grades K-2.

Transitional Bilingual Education Program: transitional bilingual educational program refers to a program of instruction for English Language Learner students designed to help the students acquire proficiency in English while learning the subject areas in the native language and English. There is a gradual decrease in home language instruction, and the goal is English proficiency. Staff may recommend students for general education programs using District identified exit criteria.

English Language Learners (K-6) & Multilingual Learners (Intermediate-Secondary)

Home Language Arts Courses:
The District also provides opportunities for Hispanic students both ELL, former ELL, and Ever ELL students to enroll in Home Language Arts courses in Spanish for the purpose of continuing the development of their own language, fostering bilingualism and biliteracy and learning the culture, history and literature of their own language group.

The Seal of Biliteracy
The New York State Seal of Biliteracy (NYSSB) recognizes high school graduates who have attained a high level of proficiency in listening, speaking, reading, and writing in one or more languages, in addition to English. The intent of the NYSSB is to encourage the study of languages; identify high school graduates with language and biliteracy skills for employers; provide universities with additional information about applicants seeking admission; prepare students with twenty-first century skills; recognize the value of foreign and native language instruction in schools; and affirm the value of diversity in a multilingual society.

English Language Learners who are dually classified as Students with Educational Disabilities

1. Assess students in home language, whenever practicable.
2. Fidelity and fairness in CSE process to consider home language, developments of present levels of performance, development of measurable annual goals, determining programs and related services and other accommodations as outlined in IEP, SDI.
3. Adherence to testing accommodations.
4. The CSE shall consider language needs of the student as such is related to IEP.
5. Parental participation – culturally responsive engagement; communications in home language.

English Language Learners with 504 plans

1. Assess students in home language, whenever practicable.
2. Parental participation – culturally responsive engagement; communications in home language.
3. Adherence to testing accommodations.
4. Fidelity and fairness in 504 process in identifying accommodations and modifications to students' educational program.

The Superintendent shall develop appropriate administrative regulations to ensure that all English Language Learners be identified and placed in appropriate educational programs. These regulations will be in accordance with the laws of the State of New York and the regulations of the New York State Commissioner of Education and the NYSED Office of Bilingual Education and World Languages.

An annual report on the instructional programs for ELL students will be prepared and submitted to the Board of Education by the Superintendent every October. The programs will be reviewed and evaluated with reference to students' progress, effectiveness of the program and the attainment of the District's benchmarks.

Cross-ref: Limited English Proficiency Instruction Regulation (4326-R)

Ref: Education Law §3204
Bilingual Education Act of 1974, §§701 et seq., 20 USC §§880b et seq.
Equal Educational Opportunities Act of 1974, §§201 et seq.,
20 USC §§1701 et seq.
8 NYCRR §§80.9; 80.10; 117; 154 et seq.
Lau v. Nichols, 414 U.S. 563 (1974)
Rios v. Read, 480 F. Supp. 14 (1978)
Cintron v. Brentwood UFSD, 455 F. Supp 57 (1978)
Aspira of New York v. Board of Educ. (City of New York), 394 F. Supp. 1161 (1974)
Every Student Succeed Act (ESSA) http://www.p12.nysed.gov/accountability/essa.html
NYSED ELL Parent Orientation Video http://www.nysed.gov/bilingual-ed/parent-orientation-video-english-language-learner-ell-programs-new-york-state

Notes: Adopted August 20, 1998; Amended January 26, 2023 pursuant to Resolution No. 2022-23: 438 (Formerly Instruction of Limited English Proficient Students (LEP))

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ALTERNATIVE AND HOMEBOUND INSTRUCTION

The Board of Education emphasizes the importance of students attending school every day for learning and to realize academic progress and success. Absenteeism jeopardizes a student's ability to build upon previous lessons, integrate course material, and attain crucial educational milestones, such as reading on grade level by third grade and graduating on time.

At the same time, the Board of Education recognizes that certain circumstances may impede a student from attending school, such as medical, emotional, or disciplinary problems. Providing alternative instruction to students under these circumstances is imperative to prevent problems from jeopardizing their education. Numerous research studies have shown that disruptions in the educational process lead to an increased risk of students falling behind academically, becoming disengaged, and ultimately dropping out of school.

The Board believes that a child's educational opportunities should not be compromised because of their medical condition or the problems they have experienced. Continuity of instruction is essential to prevent and mitigate the impact of medical, emotional, or disciplinary problems on a student's education and future opportunities. To this end, the District will provide alternative means of instruction to students who have been removed from class, suspended from school, or who are homebound due to medical, emotional, or behavioral problems. The District makes provisions for homebound instruction upon referral from the School Health Coordinator following the guidelines established by the Superintendent of Schools for placing a student on homebound instruction.

School principals and program administrators will make every effort to arrange alternative instruction for students at the earliest possible time and within 48 hours of referral for homebound instruction, removal of a student from the classroom, or referral for suspension. The District will provide at least the minimum instruction required per week in accordance with applicable regulations. Alternative instruction will be provided regardless of the length of time that the student is anticipated to be absent from school. The method of alternative instruction will be based on the student's circumstances (i.e. homebound, removal from classroom, in-school suspension, short-term or long-term suspension). School staff are required to ensure that the student has the course assignments for the period of removal, suspension, homebound instruction, or alternative instruction. In addition, school staff shall ensure that students receive timely credit for assignments completed satisfactorily.

The Board expects students, administrators, teachers and parents to make every effort to maintain student academic progress while receiving alternative instruction, and to support the student's reentry into the school and classroom upon their return. Every effort should be made to have a restorative conference prior to reentry.

The Superintendent shall promulgate regulations to establish procedures for placing a student on homebound instruction for medical, emotional, or behavioral reasons and for provision of alternative instruction to students who are homebound, removed from class, or suspended from school (for in-school and out of school suspension).

To monitor the provision of alternate instruction to students, the Superintendent will provide a quarterly report to the Board that includes the following data:

1. Number of students referred for alternative instruction as a result of suspensions;

2. Disaggregated data of the reasons for alternative instruction referrals;

3. Disaggregated data of the number of students placed in each alternative instruction program;

4. Length of time between referral and placement in alternative instruction; and

5. Student outcomes from alternative instruction.

Cross-Ref: Code of Conduct (1400)
Instructional Goals (4000)
Student Attendance and Withdrawal Policy (5100)

Ref: NYS Education Law §3214
NYS Education Law §§1709(24); 4401 et seq.
8 NYCRR §175.21
Turner v. Kowalski, 49 A.D.2d 943 (1975)
Appeal of *Bridges*, 34 EDR 232 (1994)
Child Suspected of Having a Handicapping Condition, 31 EDR 42 (1991)
Appeal of *Ackert*, 30 EDR 31 (1990)
Matter of *Malpica*, 20 EDR 365 (1981)

Notes: Adopted December 20, 2018; Amended August 24, 2023 pursuant to Resolution No. 2023-24: 234

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MULTICULTURAL/GLOBAL EDUCATION[1]

4350.10 Statement of Purpose

The Board of Education believes that the learning environment in district schools must reflect diverse cultural traditions and contributions. Such an environment allows students to develop a broader knowledge base, as well as sense of respect for and understanding of culturally diverse peoples, their customs and historic legacy. Every child should be provided well rounded PK-12 instruction that incorporates the history, perspectives, and culture of diverse populations including but not limited to Black/African Americans, Latinos, Native Americans, and Asian Americans. These experiences should be trans-disciplinary and integrated into a comprehensive educational experience for all students.

A multicultural perspective in curriculum development reflects the creation and dissemination of instructional materials which are accurate, comprehensive, and inclusive of both indigenous perspectives and diverse racial, ethnic, linguistic, and cultural community experiences. The information includes relevant facts, issues, values and viewpoints for all cultures, including those that have been historically omitted or misrepresented in the standard development of curriculum and instructional materials. This curriculum will be implemented via culturally relevant instructional strategies that are student-centered and create the conditions for students to be engaged in learning environments that incorporate an equity and inclusion lens consistently. As a result of the multicultural curricular and instructional environments in the RCSD, students will develop a positive sense of identity, strong academic skills and critical analytical competencies so as to address problems found in their community and an expanding global society.

4350.20 Charge to the Superintendent

1. Develop a process to include a multicultural perspective that reflects multiple racial, ethnic, linguistic, and cultural perspectives into standard curriculum development for all subjects across all Rochester City School District PreK to 12 classrooms. This includes a mandate to implement content regarding African American Studies, African American literature, Latino Studies, and Latino Literature in schools. Also, schools will offer courses in the areas of African American Studies, African American literature, Latino Studies, and Latino Literature.

2. Develop procedures and guidelines for textbook selection that include multicultural criteria to ensure that multiple racial, ethnic, linguistic, and cultural perspectives are both included and accurate.

3. Develop supplementary and/or text materials when commercially available material does not fully meet expressed district guidelines for comprehensive, relevant and accurate instructional materials.

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[1] The use of the term multicultural in this document reflects the experiences of diverse racial, ethnic, linguistic, and cultural communities served by the Rochester City School District including students of African, Hispanic/Latino, Native American, and Asian descent. The definition acknowledges the complex social identities of student and teacher communities that intersect with various characteristics including social class, gender, immigration status, and transnational standing.

4. Provide training and in-service to in the areas of culturally relevant pedagogy and best practices to expand the knowledge and skills of district staff in the use of instructional materials that contain multiple racial, ethnic, linguistic, and cultural perspectives.

5. Determine the impact of curricular materials with a multicultural perspective on student knowledge, appreciation, and respect for their own and others' culture.

4350.30 Administrative Guidelines

1. Direct the development of a multi-cultural perspective that reflects a range of racial, ethnic, linguistic, and cultural viewpoints in the district's instructional programs.

2. Ensure that literature from diverse perspectives and authors are integrated into the core curriculum and made available to all students.

3. Monitor and assess the implementation and impact of curricular materials and courses regarding African American Studies, African American literature, Latino Studies, and Latino Literature on students' engagement, academic growth, and cultural awareness. This includes the development of evaluation tools with implementation indicators and outcome measures to inform formative assessment and impact analysis.

4. Assess the impact of in-service training on staff development and instructional delivery.

Cross Ref: Service Learning (4314.3)

Ref: Education Law §§ 801; 801-a; 2554 (11)-(12); and 2566

Notes: Prior policy, Policy Manual, Multicultural Perspective in Curriculum Development (December 17, 1987); Revised & Readopted Res. 1998-1999: 136 (Aug. 20, 1998); Revised & Readopted Res. 2007-2008:154 (Aug. 16, 2007); Revised & Readopted Res. 201-16: 855 (June 16, 2016); Amended July 28, 2022 pursuant to Resolution No. 2022-23: 939

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Appendix A

1. New York State Amistad Commission: https://dos.ny.gov/amistad-commission

2. New York State ELA K-5 Standards: http://www.nysed.gov/curriculum-instruction/new-york-state-next-generation-english-language-arts-learning-standards

3. New York State P-12 Common Core Learning Standards for English Language Arts and Literacy: https://www.engageny.org/resource/new-york-state-p-12-common-core-learning-standards-for-english-language-arts-and-literacy

4. New York State K-12 Social Studies: https://www.engageny.org/resource/new-york-state-k-12-social-studies-framework

5. Next Generation Science Standards: https://www.nextgenscience.org/

6. New York State Culturally Responsive-Sustaining Education Framework: http://www.nysed.gov/crs/framework

TEACHING OF CONTROVERSIAL ISSUES

1. Policy Statement

The Board of Education recognizes the role of public education in preparing students for effective citizenship. Consequently, the instructional program developed to achieve this purpose must appropriately emphasize cultural heritage, and the rights, privileges, and responsibilities of citizenship. The Board also recognizes that as students prepare for effective citizenship, they often encounter issues that may be considered controversial. The Board of Education encourages the examination of controversial issues related to Board approved curriculum in an impartial and objective manner.

2. Purpose

The purpose of this policy is to establish guidelines for the teaching of controversial issues.

3. Definitions

a. Controversial Issue – a point or matter about which there exist significant opposing viewpoints and/or multiple perspectives.

b. Curriculum – the prescribed elements of programs and courses that state clearly and specifically what students are to know and be able to do, how well they will be able to do it, how they will meet the learning objectives, and by what means they will be assessed.

4. Standards

a. A controversial issue may be considered when the following conditions are met:

   i. The issue has political, economic, or social significance and is presented within appropriate curricular guidelines.
   ii. Students are provided access to relevant and credible information pertaining to the issue under study.
   iii. The issue is presented in an atmosphere free from bias and prejudice.
   iv. Students are able to form and express their own opinions on the issue without jeopardizing their relationship with teachers or the school.

b. Controversial issues must be presented in an impartial and objective manner.

c. The use of resource speakers in teaching controversial issues is permitted if coordinated with the immediate supervisor of the individual arranging for the speaker.

5. Compliance

a. Teachers are responsible for ensuring that information from all views on a controversial issue is presented in an appropriate manner.

b. Teachers are responsible for ensuring that their personal views, when appropriate, are presented as opinion rather than fact.

c. Principals are responsible for developing and implementing school-based procedures for approving controversial issues to be considered in the classroom.

d. Central Office Teaching and Learning staff, particularly those with curricular responsibilities, are responsible for providing assistance and advice with regard to the teaching of controversial issues.

6. Delegation of Authority

The Superintendent is authorized to develop procedures for the implementation of this policy.

Cross-ref: Equity and Educational Excellence (0201)

Ref: U.S. Constitution, Amendment I
NYS Education Law §1709.3
Malverne UFSD v. Sobol
181 AD 2d 371, *appeal withdrawn*
80 N.Y. 2d 972 (1992)

Notes: Adopted November 15, 2018 pursuant to Resolution No. 2018-19: 471; Amended December 22, 2022 pursuant to Resolution No. 2022-23: 336

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FIELD TRIPS AND EXCURSIONS

The Board of Education recognizes the desirability of providing off-campus experiences which will enhance the educational program of the school system. The Superintendent of Schools or their designee will determine the frequency and content of class field trips. Each student must secure the permission of their parent or guardian before participating in such activity.

Factors relevant in consideration of approval of such field trips may include the relationship to the curriculum, the distance of the trip, availability of transportation, the cost involved, weather conditions, and full utilization of transportation.

Transportation

When the District provides transportation to students on a school-sponsored field trip, extracurricular activity or any other similar event, it shall provide transportation back to either the point of departure or to the appropriate school in the District unless:

1. the parent or legal guardian of a student participating in such event has provided the District with a written notice authorizing an alternative form of return transportation for the student; or
2. intervening circumstances make such transportation impractical.

Where intervening circumstances have made transportation back to the point of departure or to the appropriate school in the District impractical, a representative of the District shall remain with the student until such student's parent or legal guardian has been contacted and the student has been delivered to their parent or legal guardian.

Day Trips

Prior to making any commitments or arrangements, requests for out-of-county trips should be made at least 15 school days in advance and in-county field trips should be made at least 7 school days in advance of the planned event for approval by both the appropriate Building Principal and School Chief.

Overnight Field Trips

Prior to making any commitments or arrangements, requests for overnight trips should be made no less than 60 calendar days in advance of the planned event for approval by both the appropriate Building Principal and School Chief. The Board will be notified.

Sporting & Competition Field Trips

Prior to making any commitments or arrangements, requests for trips for the purposes of sports and competitions should be made as soon as notice of qualification is received of the planned event for approval by the Department of Athletics with final approval by the Superintendent or designee. The Board will be notified.

Out of State and Foreign Country Trips

Any request for trips to foreign countries must be approved by the Building Principal and submitted to the appropriate School Chief at least 180 calendar days before the trip. Upon approval of the School Chief, the request shall be submitted to the Superintendent and, upon their approval, to the Board of Education for final approval at least 120 calendar days before the trip.

No planning, discussion, or announcements, except those required in the approval process, concerning a proposed foreign trip shall occur within the school or during the normal school day prior to approval of the trip by the Board of Education. This restriction shall not apply to one-day trips to Canada approved by the Superintendent or designee.

Foreign Travel Related to Academic Studies

The Administration may develop plans for foreign travel by students and staff in support of academic studies that are supplemental to the curriculum offered at the District. This approval will follow the guidelines outlined in the previous section for proper approval. The plan must be presented to the Board for approval.

Volunteer Chaperones

The Board directs that volunteer (non-employee) chaperones, be vetted in accordance with the guidelines and protocols as specified in the Superintendent's Regulation 4400-R. If such protocols are not already specified in the Superintendent's Regulation 4400-R, the Board directs the Superintendent to develop and incorporate such protocols.

Medications

The District shall accommodate the needs of students who must take medications during a field trip. Depending on the student's needs and abilities to administer and carry their own medications, District staff or other appropriate adults (e.g., the voluntary participation of the student's parents/guardians or a designee appointed by them) may need to be available during the trip for assistance.

To the extent that the Superintendent's Regulation 4400-R may be inconsistent with this policy, it will be revised accordingly.

Cross-ref:	School Field Trips (4400-R) Student Health Services (5420)
Ref:	Education Law §§1604; 1709; 1804; 1903; 2503; 2554; 2590-e Guidelines for Medication Management in Schools (Sept. 2015)
Notes:	Adopted December 21, 2017 pursuant to Resolution No. 2017-18: 483; Amended September 5, 2023 pursuant to Resolution No. 2023-24: 239

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LIBRARY MATERIALS SELECTION

The Board of Education supports the establishment and maintenance in each building of library-media centers that provide services to students and staff. The Board delegates the responsibility to the Superintendent or their designee for selecting and purchasing materials and equipment.

The library media specialist(s) will work closely with students, staff and administrative personnel in the selection and evaluation of materials for purchase.

In order to provide the Superintendent and their staff with guidance in the acquisition of instructional resource material, such as library books, references, audiovisuals, maps, etc., the Board endorses the following guidelines that such resources:

1. provide information that will enrich and support the curriculum, taking into consideration the varied interests, abilities, and maturity levels of the students served;
2. provide information that will stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards;
3. provide information that will enable students to make intelligent judgments in their daily lives;
4. provide information on opposing sides of controversial issues so that young citizens may develop under guidance the practice of critical reading and thinking;
5. provide information representative of the many religious, ethnic, and cultural groups and their contributions to our American heritage;
6. include, in the body of works as a whole, characters and settings which reflect the racial, ethnic, cultural and religious makeup of the student body and the country as a whole;
7. promote the understanding and appreciation of culture, class, language, race, ethnicity, gender, gender identity, sexual orientation, and other differences that contribute to the diversity of American culture; and
8. place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive collection appropriate for the users of the library.

The Superintendent shall be responsible for the selection of resource materials within the aforesaid guidelines and for the determination of factual accuracy, readability, authoritativeness, overall purpose, curricular alignment, student needs and interests, importance of subject matter, and integrity and quality of format. In selecting materials for purchase, the library media specialist evaluates the existing collection and consults with department and grade level experts, students, and other school community members. To assist in the selection process, reputable, unbiased professionally prepared aids (such as the Horn Book, School Library Journal, etc.) shall be consulted as guides.

These guidelines shall be followed when determining the suitability of donated materials.

In order to respond to any complaints about, or challenges to, the selection of library materials, the District has adopted regulations establishing a complaint procedure and providing for a committee to review such complaints or challenges.

If any person wishes to permanently remove materials from a school district library, they must seek the formal approval of the Board. The Board may determine that such materials should be removed. Such determination must not be based upon official suppression of ideas, but rather upon the educational suitability of the materials in question. Only the Board and/or the Superintendent may authorize said permanent removal of instructional materials, pursuant to the decision of the Board.

Ref: Education Law §§1709(15); 1711(5)(f)
Board of Educ., Island Trees UFSD v. Pico, 457 US 853 (1982)

Notes: Adopted June 29, 2023 pursuant to Resolution No. 2022-23: 919a

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INTERNET POLICY

The Board encourages the use of computers and computer-related technologies as an integral part of the curriculum to support learning and enhance instruction and considers a computer network to be a valuable tool for education.

The Internet offers a diverse, vast, and unique resource for staff, students and other users for communicating, learning and instructing; is an excellent tool for retrieving information, for teaching searching strategies, sharpening research skills, promoting critical thinking and facilitating resource sharing. The skills used in accessing the Internet promote life-long learning.

The Board seeks to enable its members, administration, faculty, staff, students and community partners to use the Internet in ways that foster appropriate instructional activities. Therefore, the Board issues the following standards of acceptable District use of the Internet and directs the Superintendent to issue suitable guidelines for its implementation:

Internet Acceptable Use

Because the Internet provides access to computer systems world-wide, faculty and staff cannot exhaustively monitor the contents of all data, or control user access to all controversial material. However, access to valuable information far outweighs the possibility that users may find and access inappropriate material.

As in all phases of instruction in the district, it is the responsibility of all adults to make every effort to ensure the safety and security of all students. It is the obligation of those charged with managing education to make every effort to assure the Rochester educational community that the settings in which Internet access are provided are adequately resourced in terms of staff, technology, and instructional guidance. This responsibility should extend to the design of the instructional task, the allocation of faculty and support staff, the level of staff development provided, user familiarity which Internet interfaces and resources, and technical support of the hardware and software. Ultimately, however, it is the user's responsibility not to access inappropriate material. All District Internet users must employ the Internet in a responsible manner. All use must be consistent with the values and policies of the District in support of education and research.

Parents and guardians of district students need to be aware that while the District uses available technology designed to filter inappropriate content and the effectiveness of such filters and monitoring cannot be guaranteed, every effort will be made to focus access on material appropriate to a given curriculum and assignment, and continued oversight of Internet activity will remain a priority of the educational community, users/students may be exposed to controversial and/or offensive material.

The Board, administration, faculty, staff, students and community partners are responsible for being aware of the District's *Acceptable Use of District Network (1950), Student Network Acceptable Use (1950-R), and Acceptable Use of the District Network Regulation (1950-R).* All Internet users are required to have the District's Internet Use Agreement Form signed by appropriate parties.

Cross-ref: Acceptable Use of District Network (1950)
Student Network Acceptable Use (1950-R)
Acceptable Use of the District Network Regulation (4526-R)

Notes: Prior policy, Policy Manual Internet Acceptable Use Policy (September 18, 1997); Amended June 22, 2011 pursuant to Resolution No. 2010-11: 908; Amended October 20, 2022 pursuant to Resolution No. 2022-23: 206

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October 20, 2022

SCHOOL VOLUNTEERS

The Board of Education recognizes that the use of volunteers strengthens school/community relations through positive participation, builds an understanding of school programs among interested citizens, and can assist District employees in providing more individualized and enriched opportunities in instruction. The Board encourages volunteers from all backgrounds and age groups who are willing to share their time, training, experience or personal characteristics to benefit the students of the District.

Volunteers may be involved in many facets of school operations, from mentor/tutor relationships to clerical tasks. Volunteers shall not be used to provide transportation for school-sponsored activities.

No volunteer shall be permitted to have unsupervised direct contact with students.

School personnel who are responsible for tasks or projects that involve the use of volunteers shall identify appropriate tasks and time schedules for such volunteer activities, as well as make provisions for adequate supervision and evaluation.

Persons wishing to volunteer must contact the Superintendent or Building Principal or other individual designated by the Superintendent or Building Principal and must complete a volunteer application form. The application form shall require the volunteer applicant to disclose any criminal convictions. The application form shall also require the applicant to identify two non-family member personal references. The Superintendent or Building Principal shall be responsible for ensuring that both references are contacted before the volunteer begins rendering volunteer services to verify that the individual is of good moral character.

The District shall retain a complete record of all information obtained through the application process for the same period of time it retains information regarding District employees.

All volunteers are required to act in accordance with District policies, regulations and school rules. Any staff member who supervises volunteers may ask any volunteer who violates District policies, regulations or school rules to leave school grounds.

School volunteers may not access student personally identifiable information, except if permitted under policy 5500, Student Records and Privacy.

Each Building Principal shall be responsible for maintaining a current and complete list of all active volunteers and their assignments.

Cross-ref: Field Trips and Excursions (4400)
School Field Trips (4400-R)
Student Records and Privacy (5500)

Ref: Family Educational Rights and Privacy Act, as amended, 20 USC §1232g
34 CFR §99.31(a)(1)(i)(B)

Notes: Adopted November 30, 2023 pursuant to Resolution No. 2023-24: 470b

GRADING SYSTEMS

Grading provides the opportunity for students and their parents and/or caregivers opportunities to obtain information about the student's academic and social-emotional progress. The Board of Education recognizes that the classroom teacher has the primary responsibility to support student progress, monitor student progress, and determine student grades.

Uniform Grading System, Classroom Teacher Responsibility, Student Participation Expectations

The District shall use a uniform grading system that is aligned with the school and program initiatives. Classroom teachers shall support and monitor student progress and assign grades according to the established grading system. Teachers will maintain up-to-date student grades (no more than two weeks) in the District's selected Student Information System. This will allow parents to monitor and support their child's progress. School Principals and/or their designee will monitor the maintenance of up-to-date grades in the District's electronic grading system.

Teachers shall follow uniform grading practices across the District, to be developed by the Superintendent or their designee. Grading shall be based on student improvement, achievement, and participation in classroom activities.

Families shall be provided a written report card four (4) times a year regarding their child's progress in coordination with marking period end dates. In addition, parents and/or caregivers will be provided guidance on how to monitor their child's grades on the electronic grading system. Two sources of this guidance will be their child's school and the Office of Parent Engagement. The District will specify its grading practices to families at the beginning of the school year and include it with the report card for the first marking period. The use of marks and symbols will be explained to provide clarity for families.

Grading shall not be used for disciplinary purposes, (i.e. reducing grade for an unexcused absence), although a lower grade can result from failure to complete assigned work or for lack of class participation.

General education courses from grades 6th through 12th will use a numerical scale up to 100%. Dual credit, Advanced Placement, and International Baccalaureate courses may have increased weight at the Superintendent's and/ or their designee's discretion.

Homework

All students are expected to complete the assigned classwork and homework as directed. Homework cannot be the sole factor for a student to earn a failing grade. It is encouraged for schools to provide extended opportunities before or during school, and/or during extended day opportunities.

Absences and Missed Work

Regular and punctual school attendance is essential for school success. Student learning at all grade levels is increased through classroom activities that involve group discussions, group analysis, or enhancements that can only be carried out in the classroom. If work is missed due to absence, the student is expected to make up the work. The student and/or the student's family should discuss an appropriate means of making up the missed work with the student's teacher. Every effort will be made to provide students with the opportunity and assistance to make up all work missed as a result of absence from class.

Regents Examinations and District Diagnostic Examinations

Regents examinations and District-created diagnostic examinations (such as common formative assessments and iReady or its successor program) will not be used as a part of a student's final course average.

Processing and Changing Student Grades and Audit Trails

Grades are expected to be submitted in a timely fashion to be reported to parents and/or caregivers. Submission of grades will be open until a date set by the District, at which point the grading system will be closed and locked. Any submissions after that date must be accompanied by a written request to the Superintendent or their designee, and Executive Director of Accountability and Student Registration. Grading systems will only be unlocked for enough time to allow the modification.

While the professional judgment of the teacher will be respected, it is understood that occasionally there may need to be an adjustment in grades after the term. Examples include but are not limited to, reflecting on additional assignments, correcting mistakes, or accommodating student illnesses. Once a grade is assigned to a student by a teacher and grades close, the grade may only be changed by the School Principal or their designee after notification to the teacher of the reason for such change, or upon request of the teacher. All grade changes require supporting documentation, to be maintained in the Student Information System and in the student's record, including the name and title of the person making the request, the date of the request, and the specific reason(s) for the change.

The District's Student Information System will serve as a historic and official representation of the grades and credits earned. Grade changes and documentation will be filed with the Office of Accountability.

Should an administrator enforce a grade change contrary to the teacher's assigned grade, they shall be prepared to report to the teacher of record, Superintendent of Schools, and/or the Board.

All re-opening of the grading system and grade changes will be reviewed quarterly, by the Office of Accountability, to ensure the process is being followed and that there is no unusual or inappropriate activity. A quarterly report articulating the extent to which the grade change process is being followed and any unusual or inappropriate activity shall be shared with the Office of School Chiefs, the Superintendent or their designee, and the Board of Education.

There will be a limited number of personnel other than teachers who have access or permission to enter or change grades in the system. Standard Operating Procedures (SOPs) will be created to ensure such changes are consistent and seamless.

The Office of Accountability in conjunction with the Department of Information Management and Technology will develop regulations and procedures for adding users, establishing user's access rights (including if applicable: override abilities); deactivating or modifying user accounts; granting user permissions; and monitoring user access and activity within the system.

Access and permission will be reviewed annually to ensure that appropriate individual users have the correct permissions to perform the tasks required of them. Access and permissions will be compatible with roles or job duties. The access and permissions of people no longer employed by the District, or no longer in positions requiring access and permissions, will be removed, modified or deactivated immediately.

Policy Review

District administration shall annually review this policy and present recommendations to the Board in sufficient time for the Board to act upon the recommendations to the policy before each school year.

Ref: Education Law §§3202; 3205 et seq.
Matter of Nathaniel D., 32 EDR 67 (1992)
Matter of Hegarty, 31 EDR 232 (1992)
Matter of Shepard, 31 EDR 315 (1992)
Matter of Handicapped Child, 32 EDR 83 (1992)
Matter of Ackert, 30 EDR 31 (1990)
Matter of Augustine, 30 EDR 13 (1990)
Matter of Boylan, 24 EDR 421 (1985)
Matter of Burns, 29 EDR 103 (1989)
Matter of Chipman, 10 EDR 224 (1971)
Matter of Dickershaid, 26 EDR 112 (1986)
Matter of Fitchett-Delk, 25 EDR 178 (1985)
Matter of Gibbons, 22 EDR 134 (1982)
Matter of LaViolette, 24 EDR 37 (1984)
Matter of MacWhinnie, 20 EDR 145 (1980)
Matter of McClurkin, 28 EDR 136 (1988)
Matter of Reid, 65 Misc. 2d 718 (1971)
Matter of Rivers, 27 EDR 73 (1987)
Matter of Shamon, 22 EDR 428 (1983)

Notes: Adopted August 24, 2023 pursuant to Resolution No. 2023-24: 235a; Amended November 7, 2023 pursuant to Resolution No. 2023-24: 235a

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HOMEWORK

Homework is recognized as an appropriate extension of classroom instruction. Homework provides additional for students to experience multiple opportunities for learning and encourage self-initiative on the part of the student.

Homework assignments should be planned to support the overall learning of a particular lesson. Careful consideration should be given to the depth and length of the assignments.

Homework shall be assigned according to these guidelines:

1. Homework should be a properly planned part of the curriculum extending and reinforcing the high-quality learning experience of the school.

2. Homework should support students learning outcomes by providing opportunities for students to demonstrate mastery, gather data and integrate knowledge. Homework can also be used to provide repeated engagement with grade-level content.

3. Homework should support a student to develop independence and self-management skills required for strong social emotional health.

4. The design of homework assignments should be focused on the supporting the students to achieve mastery of grade level content. The development of appropriate homework assignments should consider what a student should know and be able to do to meet the outlined expectations.

5. As a valid educational tool, homework should be clearly assigned and its product carefully and promptly evaluated.

Home and School Cooperation

The Board of Education believes that parental involvement in students learning is essential to making homework an integral part of the educational program.

The District welcomes and encourages parents/guardians to discuss homework assignments with school staff if there is a concern. Teachers and school staff will be in consistent contact with parents/guardians to discuss progress and attention to the extension of learning outside of the schools.

Cross-ref: Homework Regulation (4730-R)

Notes: Prior policy, Policy Manual, Homework (IKB-R) (1982) Adopted August 20, 1998; Amended July 28, 2022 pursuant to Resolution No. 2022-23: 939

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PROMOTION AND RETENTION OF STUDENTS

It is essential that each child experience both productive struggle and success from school activities. To this end, the District will make every effort to place each student in the most appropriate learning environment for a successful educational experience and will ensure the student has access to high-quality, grade-level appropriate, tier-one instruction.

District curriculum guides indicate goals for achievement by the "average" student at each grade level. However, academic growth, like physical growth, does not take place at the same pace or time for all individuals. Certain students may achieve mastery in a shorter period, while others need additional time. Early identification and intervention, promotion, acceleration and retention are methods of meeting the needs of such children.

The following guidelines shall govern student progression:

Early Identification/Intervention

Educators across the Rochester City School District are expected to provide students with high-quality, grade-level appropriate, tier-one instruction, and support. Classroom teachers are expected to make every effort, consistent with the District's implementation of Multi-Tiered Systems of Support (MTSS) through Response to Intervention (RTI), to identify early those students at risk of failing, with documentation of the support provided. The School Principal and the family must be notified by the start of marking period 3 if retention is anticipated, and a special support program shall be designed for each child identified as in danger of failing. Such support services may include, but are not limited to, individualized assistance before, during or after the school day; a change in instructional approach or remediation classes; and, where appropriate, referral to the school's problem-solving team, or ultimately the Committee on Special Education for evaluation. If the RTI process uncovers that a student needs acceleration, a special support plan shall also be designed.

Promotion/Retention

Elementary schools. At the elementary level, students who pass all subjects or have made one or more years of growth as identified by District-approved tools will be promoted. Students who do not make satisfactory progress in one or more core subjects – English Language Arts, Mathematics, Social Studies and Science -- shall have their cases considered on an individual basis and may be retained. The process for determining if a student is to be retained is outlined below. Retention shall be limited to those situations where the best interest of the child is reasonably assured. Diligent effort shall be made to use all available resources to determine the child's appropriate placement.

Middle schools. Students who pass all subjects, except one, shall have the failure evaluated and a determination made as to the reason for the failure. The student may be required to repeat the subject, but in typical cases shall be promoted with a recommendation for either summer school or assignment to a learning environment where additional support can be provided consistently. The decision shall be determined by consensus from a case conference approach involving the teacher, student, School Principal or designee, school counselor and parent or caregiver.

Students who fail two subjects shall have their cases considered on an individual basis through a case conference approach described above.

Students who fail more than two subjects should not be promoted for the year without a viable plan that shows the student can access and show they can meet grade-level standards.

High School. In general, promotion from one grade level to the next shall be contingent upon the passing of all required subjects and the accumulation of 4 or 5 units of credit at each grade level. Students that do not receive a passing score of 65% for a course shall be required to repeat the course or its equivalent, where appropriate. A student may not be considered for graduation until they have met the requirements that are identified in the Academic Standards and Assessment Procedures.

Academic standards. Teaching and Learning Content Directors shall be responsible for ensuring that written standards for student progress at each grade level, in each content area are available to families and others upon request. Such academic standards are to be maintained in the Academic Standards and Assessment Procedures.

Retention. A decision to retain shall be arrived at by consensus from a case conference approach involving the teacher, student School Principal, school psychologist, Associate Director of Special Education (when appropriate) and parents or caregivers. Factors to be considered include compiled artifacts of student performance (report card grades, student writing samples, projects, portfolios assessments, assignments, and other work chosen by the school); teacher recommendation, with data- driven rationale,; classroom achievement; standardized test scores; social and emotional development; results of the family conference; and, for students with Individualized Education Plans (IEPs) recommendations by the Committee on Special Education, with rationale. Standardized test scores will not be the sole or primary factor in the decision. For any student considered for retention, effective intervention strategies must be in place and evidence must be obtained to demonstrate the efficacy of those interventions. If a consensus cannot be reached, the decision of the School Principal, with rationale with support by a School Chief shall be final.

No student will be retained without an appropriate educational plan defining what will occur that is instructionally sound and different for the student than what was provided during the school year. This education plan must identify interventions to be provided to the student to best ensure grade-level success. Once the educational plan has been implemented, the student will be monitored regularly. The educational plan will be revised until the student demonstrates acceptable performance. If a student successfully completes summer school programming (grades K-5) or successfully completes summer school coursework in the course they previously failed, then the student must be promoted.

In order to inform parents or caregivers about the District's approach to promotion and retention, this policy will be posted on the District website and included in student and/or family handbooks.

Promotion Process and Timeline for K-12

September: Using a triage of diagnostic information, students performing below benchmarks for their grade will be considered for interventions by the school's problem-solving team.

November - December: Schools identify students that are not on track to meeting promotion benchmarks or need acceleration based on quarter one grades. A promotion portfolio will begin. The portfolio will be a compilation of student work and assessments throughout the school year. Families of students whose promotion is in doubt after one marking period will receive notification through electronic and/or physical mail, and are offered an opportunity to meet with the teacher and other appropriate school staff]

Late January - February: Schools identify students who as of the second marking period are not on track to meeting promotion benchmarks, or are in need of acceleration at the end of the school year. Families of students whose promotion is in doubt, or those who are in need of acceleration will receive notification through electronic and/ or physical mail, and are offered an opportunity to meet with the teacher, School Principals or their designee, and other appropriate school staff.

May - June: Schools review promotion portfolios for students who may not be ready for the next grade level and/or students who are in need of acceleration. The portfolio is a compilation of student work and assessments from throughout the school year. A meeting is held with the school staff and family to review the portfolio and decide regarding promotion. Families of students are notified by their schools in writing.

July: Students who were not promoted in June must participate in summer learning. Families may appeal promotion decisions by submitting a written appeal to their student's School Principal. The appeal will be reviewed by the School Principal along with District level staff. Families will be notified of the review by the 15th of July

August: At the end of summer, School Principals make final promotion decisions based on students' portfolios and summer work. Families of students not promoted, and/or accelerated in June are notified.

Grade Acceleration

District curriculum guides indicate goals for achievement by the "average" student at each grade level. However, academic growth, like physical growth, does not take place at the same pace or time for all individuals. Certain students may achieve mastery in a shorter period, while others need additional time. The Superintendent, or their designee, shall create a process by which families can apply for students to be considered for grade promotion.

Cross-ref: Promotional Guidelines and Grade Designation Criteria (4000-R)
Pre-Referral Intervention Strategies in General Education (Prior to a Referral for Special Education (4205)
Response to Intervention (RTI) Process (4206)

Ref: Education Law §§305(47); 1709; 2503(4); 3202
8 NYCRR §§ 100.2(ll); 100.3(b)(2); 100.4(b)(2),(e)
Isqwith v. Levitt, 285 App. Div. 833; 137 N.Y.S.2d 497 (1955)
Matter of Eckert, 13 EDR 270 (1979)
Op. Counsel, 1 EDR 775 (1952)

Notes: Adopted August 24, 2023 pursuant to Resolution No. 2023-24: 235a

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Policy 4765

ONLINE LEARNING AND COURSE CREDIT

The Board of Education recognizes that new technologies are changing the way instructional material can be delivered to students. These technologies may permit the district to more effectively reach all students and provide expanded and enriched curriculum opportunities. Therefore, the Board encourages teachers and administrators to utilize online instructional opportunities for students. The use of distance learning opportunities (e.g., through BOCES), where students attend class in the district with instruction provided remotely by a teacher at another location, may be utilized but is not covered by this policy.

In accordance with Commissioner's regulations, the Board authorizes the use of district-approved online courses which enable students to earn course credit toward a Regent's Diploma, in accordance with this policy. Such online course instruction may be used to supplement a class offered by the district ("blended course") or it may be the sole mechanism for delivering the subject matter ("online course"). Online courses may be provided either with district instructional staff, through a BOCES contract, or through a shared services contract with another school district.

The Superintendent is directed to develop the following:

1. a mechanism for reviewing and approving online educational programming that can be used to enable students to earn course credit as either part of a blended or online course in accordance with Commissioner's Regulations;
2. criteria and procedures for admitting students to online courses; and
3. methods for monitoring the efficacy of online courses. In developing the procedures above, the Superintendent, with the assistance of appropriate staff, will consider:

- the equitable access of students to blended and/or online courses;
- the adequacy of instructional support for students utilizing blended and/or online courses;
- the budgetary impact of use of blended and/or online courses; and
- the fit of online education resources to New York State learning standards.

Emergency Utilization During School Closures

During emergency situations such as extended school closures, the district may utilize online learning platforms and other electronic technology to deliver instruction to students at all grade levels in an age-appropriate manner, in order to maintain continuity of the instructional program. The district will consider the technological capacity of students and staff to access online learning with respect to devices and internet access. The district may take steps to increase technological capacity during the emergency school closures, such as providing computing devices and temporary internet access devices.

Ref: 8 NYCRR §100.5(d)(10)
Matter of Boyd, Decision No. 16364, June 28, 2012

Adoption date: December 17, 2020

GRADUATION CEREMONIES

The graduation or commencement ceremony is a time to celebrate the honors and achievements of the graduating class. The Board of Education will establish the date for graduation ceremonies, while the administration will determine the place and program details, including attire. Academic and other awards and scholarships may be presented along with diplomas. Speakers may be selected from among the graduating class or others.

Participation in the graduation ceremony and related activities will be predicated on satisfactory completion of all graduation requirements, or as otherwise described in this policy. Exceptions may be made under extraordinary circumstances with the permission of the Superintendent of Schools. Students who have earned either a Career Development and Occupational Studies Commencement Credential (CDOS) or Skills and Achievement Commencement Credential (SACC) without meeting the requirements for a high school diploma by the time their ninth-grade cohort reaches graduation may, but are not required to, participate in that graduation ceremony and related activities.

However, students may be denied participation in the graduation ceremony and related activities as a consequence of violations of the Code of Conduct. The Superintendent or specific designee may set other rules and conditions for participation in the graduation ceremony and related activities. All such rules will be provided to students and parents/guardians in advance. Students who have met the requirements for a diploma but are barred from participating in the graduation ceremony will be given their diplomas separately.

Students who participate in the graduation ceremony by earning only a CDOS or SACC, who subsequently meet the requirements for either a Regents or local high school diploma, may participate in the graduation ceremony of that graduating class as well.

Students with disabilities who participate in graduation ceremonies without receiving a diploma are entitled to continue their educational programs until their 22nd birthday, or until receipt of a Regents or local high school diploma, whichever comes first.

Schools will make every attempt to honor the cultures of others, specifically language (i.e. schools with bilingual programs, schools with predominately bilingual students).

The Superintendent shall develop regulations to implement this policy. The District shall provide annual written notice to all students and their parents/guardians of the requirements of this policy and associated regulations.

Cross-ref: Code of Conduct (1400)
Student Individualized Education Program (IEP): Development and Provision (4209)
Declassification of Students with Disabilities (4214)
Credential Options for Students with Disabilities (4222)

Ref: Education Law §3204(4-b)
8 NYCRR §§100.2(oo); 100.5; 100.6
A.R. v. Connecticut State Board of Education, 5 F.4th 155 (2021)
Formal Opinion of Counsel No. 242 (7/6/2023), NYSED

Notes: Adopted August 24, 2023 pursuant to Resolution No. 2023-24: 235b

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DISTRICT/COMMUNITY COLLABORATIVE PRESENTATIONS, PROGRAMS, AND SERVICES

The Board of Education sees the education of all children as a joint endeavor between the home, school, and community. The Board recognizes that our students' social, health and human service needs to impact their ability to learn.

Partnerships with agencies, organizations, representatives, and private consultants can help to address those needs. The Board values and welcomes the expertise and assistance that can be provided by parents/guardians as individuals or as members of parent organizations, and by community agencies, organizations, or representatives.

The District's presentations, programs, and support services should reflect ethnic and cultural sensitivity, and accuracy and appropriateness of information. The Board believes that the District's goal can be achieved by engaging in partnerships with high-quality community resources. The collaboration of schools, home, and the community are essential for student success.

In supporting the integration of the educators' rights to academic freedom, the student's active involvement in their own educational process, and the District's responsibility to exercise control over its curriculum, the Board endorses and supports the collaboration of outside agencies and individuals with the District in order to provide enriching, high-quality experiences, and services to the students in this District.

Notes: Adopted May 18, 1995; Amended August 20, 1998; Amended September 27, 2012 pursuant to Resolution No. 2012-13: 226; Amended December 22, 2022 pursuant to Resolution No. 2022-23: 336

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USE OF ANIMALS IN SCIENCE INSTRUCTION

The Board of Education recognizes that the study of living things is essential to effective instruction in the life sciences. The primary goals for demonstrations and investigations involving animals are to achieve an interest in and an understanding of the life processes, to demonstrate biological principles, and to teach proper care and handling of animals. Therefore, the Board requires that any such instructional activities, investigations, and projects be well-planned and adequately supervised, and be conducted with a respect for life and an appreciation of the health and safety of both animals and students.

The Board also recognizes that some students have a moral or religious objection to dissection or otherwise harming or destroying animals. In accordance with state law, students shall have the right to opt out of dissection activities, provided that the student performs an alternative project approved by the student's teacher. The objection must be substantiated in writing by the student's parent or guardian.

At the start of the school year, teachers of courses that include animal dissection shall give notice to the students in those classes of their opt-out rights and responsibilities under the law and this policy. Such notice shall be shared with parents of those students, and also be available upon request. This information must also be included in the District's course catalog and in the teacher's course syllabus. Parents will have the option to opt their child out of animal dissection electrically, hard copy form and through written notification.

Ref: Education Law §809(4)
Responsible Use of Live Animals and Dissection in the Science Classroom, National Science Teachers Association Position Statement, revised March 2008 (www.nsta.org/about/positions/animals.aspx)

Notes: Adopted August 24, 2023 pursuant to Resolution No. 2023-24: 235a

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5000 Series: Students

STUDENT POLICIES GOALS

Students are the focal point of all District operations and must receive the primary attention of the Board of Education and all staff members. Consequently, the Board will spend most of its time in study, deliberation and policy formulation on matters directly related to student welfare.

The Board recognizes the individual worth of each student. The Board and staff accept the responsibility of helping each student to develop their capacity for intellectual, physical, emotional, and social growth. The Board acknowledges that a student's growth is influenced by their environment, both at home and in school. Therefore, the school district shall strive to create an environment in which the student may learn to live and adapt successfully in an ever-changing world in order to become a responsible and productive member of society.

The Board and District staff shall work together to achieve the following goals:

1. Create flexible learning opportunities that suit students' learning styles, interests, and aspirations, establishing equity for all students across the District while supporting academic excellence in all classrooms.
2. Protect and monitor the legal rights and safety of students while promoting social-emotional wellness and physical health inclusive of all genders and identities.
3. Enhance student self-image by making them feel respected and heard, through a proactive, culturally responsive learning environment with positive encouragement and meaningful relationships.
4. Provide meaningful practical experiences where students are engaged in personal, local and global responsibilities to develop students' roles as productive citizens in their communities.
5. Embrace and celebrate the diversity of the student body while encouraging further diversity in all District staff.
6. Prioritize relationships between families/caregivers, the community and our District schools by creating clear pathways of communication and participation.

The Board, Superintendent and student representatives should annually revisit these goals as it begins considering new Board and District goals and objectives for the upcoming school year.

Cross-ref: Board of Education Goals and Metrics (2000)
Superintendent Goals and Objectives (3000)

Notes: Adopted June 29, 2023 pursuant to Resolution No. 2022-23: 919a

ct

STUDENT ATTENDANCE AND WITHDRAWAL POLICY

The Board of Education believes that in order for students to be successful in school, the workplace and beyond, students must attend school every day. The Board also recognizes truancy and chronic absenteeism, defined as missing 10% or more of the school year for any reason, are symptoms of a larger problem and not the problem itself.

The Board recognizes that chronic absenteeism jeopardizes students' ability to reach critical milestones such as reading on grade level by the end of third grade and graduating on time.

The Board acknowledges the need to maintain accurate attendance records. This Attendance/Participation Policy is aligned with the Goals and Objectives from the Rochester City School District's Strategic Framework and will be consistent with established policies and regulations to accomplish the following goals:

1. Ensure that each of our students are academically prepared to succeed in college, life, and the global economy;

2. Create safe, engaging, and nurturing school environments that enable student success;

3. Recruit, develop, and retain highly effective, diverse people dedicated to student success;

4. Use operational and best practices to continuously improve how we support student success; and

5. Create a culture in which we hold ourselves accountable for student success.

The Board directs the Superintendent to establish standards and guidelines for attendance, absences, including chronic absenteeism, excuses and withdrawal from the District. The expectation is that all schools will continually strive toward 100% attendance with students coming to school every day. The District will be expected to identify and monitor students with chronic absenteeism and provide interventions to resolve the obstacles preventing students from attending school on a regular basis.

Procedures for providing make-up opportunities shall be developed and provided to students by the subject area teacher, following the administrative guidelines.

The District will focus on maximizing student attendance by clearly identifying responsibilities of staff, students, parents, and community, dedicating appropriate resources, and ensuring that students are successful academically, economically, and socially.

In July 2012, a law was enacted to authorize the Rochester City School District to require all children attaining five years of age on or before December 1st to attend kindergarten in the preceding September. However, parents may choose to wait to enroll their child in kindergarten until the following September. The law also exempts children enrolled in private schools or who are receiving home school instruction.

Once a child has enrolled in school at any grade level from kindergarten through 12th grade, the provisions of this policy take effect. All students at all grade levels from kindergarten through 12th grade, including those with disabilities, must maintain a satisfactory level of attendance in each marking period in order to be eligible to receive a passing grade. Class participation may be considered a factor for students to obtain passing grades in grades kindergarten through 12. All students in all grades are expected to strive for 100% attendance.

Parents and guardians have the primary responsibility for ensuring that students arrive to school on time for each school day, that the school is informed that their child will be absent from school or classes, and are responsible for encouraging students to stay in school. The Board also acknowledges the role and responsibility of principals, teachers and School-Based Planning Teams in the improvement of student academic achievement.

The District will focus on maximizing student attendance by clearly identifying the responsibilities of staff, students, parents, and community, identifying appropriate resources, and ensuring that students are successful academically, economically, and socially.

Online/Distance/Remote Learning

Students learning remotely will need to show daily school participation, which is to be recorded by teachers and reported under the provisions of this policy. Such participation will vary depending on the type of remote learning taking place. This can include documented participation in online or virtual classes, completion of assignments, documentation of daily school activities and learning, or correspondence via online platform, email, and telephone. Teachers are also expected to pay particular attention to the educational progress of students learning remotely, and initiate appropriate interventions with the student and their family if a student does not show adequate engagement or growth.

The Board recognizes that dropping out of school has serious long-term consequences for students. The Board is committed to doing everything within its power to provide a quality education that ensures our students graduate with the skills to be successful in this global economy. To that end, the Board adopts the policy that, except for students that are employed full time, all students must complete (at a minimum) the school year in which they turn 17 years of age before initiating the paperwork required to officially drop out of school. Students that are employed full time must complete (at a minimum) the school year in which they turn 16 years of age before initiating the paperwork required to officially drop out of school.

The Board established the following guidelines for the withdrawal of students from the District:

1. Students shall be counseled on their educational program prior to leaving the District. This includes graduates, dropouts, and students who withdraw for other reasons, such as those who intend to transfer to another school district, charter school, private school, or home school;

2. All students leaving the District shall be properly coded and accounted for in the Student Management System (SMS).

3. All required documentation shall be collected and filed in the student's cumulative folder.

4. Formal processes and procedures for withdrawal shall be developed, maintained and followed by the District consistent with the law.

Cross-ref: Student Absences, Excuses and Withdrawal Regulations (5100-R)
Eligibility for Extracurricular Activities Regulation (5305-R)

Ref: Education Law §§3202(1-a); 3205-3213; 3225 8
NYCRR § 175.6

Notes: Student Attendance and Withdrawal Policy (August 28, 1997); Amended August 20, 1998; August 21, 2000; Amended May 22, 2008; Amended July 22, 2010 pursuant to Resolution No. 2010-11: 74; Amended April 25, 2013 pursuant to Resolution No. 2012-13: 619; Amended June 15, 2017 pursuant to Resolution No. 2016-17: 853; Amended June 24, 2021 pursuant to Resolution No. 2020-21: 931; Amended June 23, 2022 pursuant to Resolution No. 2021-22: 843

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CHILDREN & FAMILIES IN TRANSITION UNDER THE MCKINNEY-VENTO ACT

The Board of Education recognizes its responsibility under federal and state law to identify children in temporary housing within the District, encourage their enrollment and eliminate barriers that may exist in District practices in terms of the identification, enrollment, attendance or success of these children in school. The Board will provide children in temporary housing who are attending the District's schools with access to the same free and appropriate public education and other school programs and activities that are available to all other children, including publicly funded preschool education, magnet schools, summer school, career and technical education, advanced placement, online courses, programs for gifted and talented children, before- and afterschool programs, extracurricular activities, and charter schools. Children in temporary housing will also receive the same access to services as other students with disabilities and students who are English language learners, based on their need and eligibility for these services.

Children in temporary housing will have the same opportunity as other children to enroll in and succeed in the District's schools, and cannot be placed in separate schools or programs based on their housing status. The District shall eliminate barriers to identification, enrollment and retention of children in temporary housing, including barriers to enrollment and retention due to outstanding fees, fines or absences.

The District will administer the NYS Housing Questionnaire to all newly enrolled students to ascertain their current living arrangements and at such time as the District is made aware of a change in a student's living status or address. The District will also collaborate with local Fair Housing agencies and other community organizations to identify children in temporary housing in need of education under the McKinney-Vento Homeless Education Assistance Act and New York Education Law.

Definitions:

1. Child in temporary housing: A child who lacks a fixed, regular, and adequate nighttime residence or who has a primary nighttime location in:
    a. a public or private shelter designed to provide temporary living accommodations; or
    b. a place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

    This definition includes a child who:
    a. shares the housing of others due to loss of housing, economic hardship, or similar reason;
    c. lives in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
    d. lives in a car, park, public space, abandoned building, substandard housing, bus or train station or similar setting;
    e. has been abandoned in a hospital; or
    f. is a migratory child who qualifies as homeless.

    Children in foster care are not covered under the McKinney-Vento Act, but children who have been placed with relatives by Child Protective Services are covered under this Act.

2. Unaccompanied youth: a child in temporary housing who is not in the physical custody of a parent or guardian.

3. School of origin: a publicly funded preschool, or public preschool, kindergarten or school that is administered by the District and that the child in temporary housing:

a. attended before becoming homeless; or
b. was last enrolled; or
c. was eligible to apply, register, or enroll in when they became homeless; or
d. would have been eligible to attend based on their last permanent address, if the child has a school-aged sibling attending a school in the District; or
e. the designated receiving school for any feeder school in which the child has completed the final grade.

The definition of "school of origin" includes publicly-funded preschools administered by the District or the State Education Department.

Rights of Children in Temporary Housing:

A child in temporary housing has the right to attend: 1) the child's school of origin; or 2) any school in the attendance area in which the child is currently living that permanently housed students in that area are eligible to attend. This includes publicly funded preschools administered by the District or the State Education Department.

A child in temporary housing is entitled to attend the designated school on a tuition-free basis for the duration of the child's homelessness. If permanent housing is secured for the child, the child is entitled to continue attending the same school until the end of the school year. If the child will be entering the final grade in the school in the following school year, the child must be allowed to continue attending that school for that additional year. If a homeless child completes the final grade level in their school of origin, the child may also attend the designated receiving school at the next grade level for all feeder schools. These provisions include publicly funded preschools administered by the District or the State Education Department.

School District Selection for Children in Temporary Housing:

The parent/guardian or unaccompanied youth who is homeless have the right to choose to attend a school in the district in which they are temporarily housed, or in which the school of origin is located.

In the event of a dispute regarding enrollment in the school district that has been selected, the parent/guardian or unaccompanied youth has the right to appeal. Pending resolution of all appeals by the NYS Education Commissioner, children in temporary housing shall be enrolled in the selected school district and provided transportation and all other services for which they are eligible.

School Selection and Placement for Children in Temporary Housing:

The District shall immediately enroll children in temporary housing in their school of origin, unless their parent/guardian or an unaccompanied youth requests a different school. School selection for a child in temporary housing must be determined by considering the child's best interests, including the impact of mobility on the achievement, education, health and safety of the child. Placement in an RCSD school attended by the child's sibling shall also be considered in determining the child's best interests.

If neither the school of origin nor the school requested by the parent/guardian or unaccompanied youth are determined to be in the best interest of the child, the District must provide a written explanation of the reasons for this determination to the parent/guardian or unaccompanied youth in a manner and form that is understandable to them. The written explanation must include information regarding the right to appeal the District's decision.

In the event of a dispute regarding school selection and to the extent that seats are available, the child is entitled to attend the school in which enrollment is sought by their parent/guardian or by the unaccompanied youth and to receive transportation services to this school until final resolution of the dispute, including all available appeals.

The Superintendent shall establish procedures for resolving disputes regarding school selection for homeless students, including a process for the parent/guardian or unaccompanied youth to appeal the District's decision.

If a homeless child seeks enrollment in a charter school or PreK program for which the lottery application deadline has passed but the lottery has not yet been held, the child must be entered into the lottery. If the lottery has been held, the child is to be placed first on the wait list for the selected school or program.

Procedures to Expedite Admission to School and Coordination of Services:

The Superintendent of Schools shall develop procedures necessary to expedite the access of a child in temporary housing to the designated school, including resolution of disputes regarding school selection and coordination of services necessary to support the child's continued education. Such procedures shall include:

1. Admission: Upon designation, the District shall immediately admit the homeless child to school, even if application or enrollment deadlines have elapsed or the records normally required for enrollment cannot be obtained, such as previous academic records, medical or immunization records, proof of age or residency or other documentation and even if there is a dispute with the child's parents regarding school selection or enrollment. However, the District may temporarily exclude a child from attendance if there are actual symptoms of a communicable disease that pose a significant risk of transmission to others.

2. Educational Services: The District shall ensure that the child is provided with educational services for which they are eligible, including services provided under Title I of the Elementary and Secondary Education Act of 1965, services for students with disabilities, and programs for English-language learners.

3. School Counseling Services: The District will provide counseling services to students in temporary housing to provide guidance and improve their readiness for college.

4. School Nutrition Programs: Homeless students shall participate in the District Food Services program free of charge.

5. Transportation: The District shall provide transportation for students in temporary housing within three days of registering to attend a District school, as required by applicable law and described in the accompanying regulation (5110-R).

   In general, the District shall ensure that transportation is provided to students in temporary housing who are enrolled in the District and attend a school of origin, even if the student lives outside of the District's boundaries within a fifty-mile radius. Transportation shall be provided for the duration of homelessness, through the remainder of the school year in which the student becomes permanently housed, and one additional year if that will be the student's final year in the school. These provisions apply to children in temporary housing attending publicly funded preschool administered by the District or the State Education Department.

Transportation must also be provided to homeless students during any dispute regarding eligibility, school selection, or enrollment pending final resolution of the dispute, including all appeals.

6. School Records:

    a. For students in temporary housing who are attending school outside of the District: within five days of receipt of a request for records from such school, the District shall forward a complete copy of the homeless child's records, including proof of age, academic records, evaluation, immunization records and guardianship paper, if applicable.

    b. For students in temporary housing who are attending a school in the District: upon enrollment, the District shall request the student's records (academic, medical, etc.) from the school the student last attended.

    Information about a homeless child's living situation shall be treated as a student education record and shall **not be** deemed student directory information under the federal *Family Educational Rights and Privacy Act* (FERPA). (Please refer to *Student Records and Privacy* policy 5500 for further information).

7. Coordination: The District shall coordinate provision of services to children in temporary housing with local social service agencies and other entities serving these children and their families. In addition, the District will collaborate with other school districts regarding issues of prompt identification, transportation, transfer of records, and other inter-district activities. This shall include ensuring the provision and coordination of appropriate services to students in temporary housing who have disabilities and are eligible for services under either Section 504 or IDEA.

8. Review and Remediation of Barriers to Identification or School Enrollment of Children in Temporary Housing: The District shall establish a process for reviewing, addressing and ameliorating barriers to identifying homeless children and to their enrollment and attendance in school.

A portion of the District's Title I, Part A funds shall be set aside for children in temporary housing to provide educationally related support services and services not ordinarily provided to other students.

School District Liaison for Children in Temporary Housing:

The Superintendent shall also designate a liaison for homeless children and ensure that this person is aware of and able to carry out their responsibilities under the law. The Superintendent shall ensure that the liaison receives appropriate professional development in identifying and meeting the needs of homeless students, including the definitions of terms related to homelessness. The liaison's responsibilities shall include, but not be limited to, ensuring that:

1. Parents or guardians of children 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.
2. Parents and guardians and unaccompanied youth are fully informed of all transportation services available to them, and are assisted in accessing them.

3. Enrollment disputes involving children in temporary housing are promptly mediated and resolved.

4. Children in temporary housing are identified by school staff through outreach and coordination with shelters, social service agencies, and other community organizations – including preschool children in temporary housing.

5. Children in temporary housing have access to and receive educational services for which they are eligible, including Head Start, early intervention services through the Individuals with Disabilities Education Act (IDEA), and other preschool programs administered by the District.

6. Children in temporary housing and their families are referred to health care, dental care, mental health, substance abuse, housing services, homeless assistance programs funded by the federal Department of Housing and Urban Development, and other services to address their needs.

7. Public notice of the educational rights of children in temporary housing is disseminated in locations frequented by unaccompanied youth and by parents/guardians of these children, in a manner and form understandable to them.

8. School staff receive required professional development and support in identifying and meeting the needs of students in temporary housing.

9. Unaccompanied youth in temporary housing are informed of their rights, enrolled in school, and have opportunities to meet the same State standards set for all students, including receiving credit for full or partial coursework earned in a prior school, in accordance with the regulations established by the NYS Education Commissioner.

10. Unaccompanied youth in temporary housing are informed of their status as independent students under the federal Higher Education Act of 1965 and that assistance may be obtained from the liaison to verify their status for the Free Application for Federal Student Aid under this Act.

In accordance with law and regulation, the District will offer a prompt dispute resolution process (described in more detail in the accompanying administrative regulation 5110-R). A student shall be entitled to continued enrollment in the District's schools and transportation services, pending resolution of a dispute and all available appeals.

The District shall collect and transmit to the New York State Education Commissioner the information established by regulation as necessary to assess the educational needs of children in temporary housing in the State.

Cross-Ref: Education of Homeless Students (5110-R)
Wellness Policy (5405)
Student Records and Privacy Policy (5500)

Ref: 20 USC §6313(c)
20 USC §1087vv
20 USC §1090
42 USC §§11431 et seq.
42 USC §11432
42 USC §11434
McKinney-Vento Education for Homeless Children and Youth Program, 81 Fed. Reg.14432-14436 (3/17/16)
U.S. Department of Education, Education for Homeless Children and Youth Program, Non-Regulatory Guidance (7/27/16)

NYS Education Law §§207; 305; 3202; 3205; 3209
NYS Executive Law §§532-b; 532-e
NYS Social Services Law §§17; 62; 397
8 NYCRR §§100.2(x); 175.6

Notes: Adopted January 28, 2010 pursuant to Resolution No. 2009-10: 588; Amended November 17, 2016 pursuant to Resolution No. 2016-17: 369; Amended February 15, 2018 pursuant to Resolution No. 2017-18: 616; Amended June 23, 2022 pursuant to Resolution No. 2021-22: 843

ct

ADMISSION OF NON-RESIDENT STUDENTS

The Board of Education affirms that its primary responsibility is to provide the best possible educational opportunities for the children who are legal District residents and who are of legal age to attend school.

However, a non-resident student may be admitted to District schools upon payment to the District of the Board-adopted tuition charge, if and only if, in the judgment of the Superintendent of Schools:

1. there is sufficient space to accommodate the non-resident student;
2. no increase in the size of faculty or staff will be necessary to accommodate them;
3. the non-resident student meets the District's criteria for admission; and
4. the admission of such non-resident student is and continues during the enrollment period to be in the best interests of the District.

This policy is not applicable to homeless students entitled to attend District schools under federal and state law and regulations, who may not be currently residing in the District (see Policy 5110, Children & Families in Transition under the McKinney-Vento Act). Homeless students who are not entitled to attend District schools under federal and state laws may be considered for non-resident enrollment under this Policy. This Policy is also not intended to cover students who are placed in District programs by agreement with, and paid for by, another school district.

Future Residents

The children of families who have signed a contract to buy or build a residence in the School District may be enrolled during the semester in which they expect to become residents, without payment of tuition.

Former Residents

Students whose families have moved out of the District may continue to attend District schools until the end of the then current school year. However, students who are no longer District residents due to homelessness are addressed in Policy 5110, Children & Families in Transition under the McKinney-Vento Act.

Cross-ref: Policy Regarding Children & Families in Transition under the McKinney-Vento Act (Policy 5110)

Ref: Education Law §3202(2)

Notes: Adopted December 20, 2018 pursuant to Resolution No. 2018-19: 545; Amended June 23, 2022 pursuant to Resolution No. 2021-22: 843

ct

ADMISSION OF FOREIGN STUDENTS

The Board of Education recognizes the cultural enrichment derived from welcoming non-immigrant foreign (foreign exchange) students into the educational program. Thus, the Board encourages the attendance of non-immigrant foreign (foreign exchange) students in the District's high schools.

Only non-immigrant foreign (foreign exchange) students who possess a valid J-1 or F-1 visa to study in the United States will be admitted to the District's high schools. The Board retains the sole discretion to deny admission to any student not meeting all the requirements set forth in this Policy and the related Superintendent's Regulation.

Foreign Exchange Students (J-1 Visa)

The Board encourages District participation in a foreign exchange student program. Foreign exchange students will be admitted to District high schools for a one-year academic program.

1. The District recognizes only those organizations designated as "Exchange Visitor Programs" by the U.S. Department of State, pursuant to federal regulations, as sponsoring organizations for the exchange of students. Any such organization must supply proof of designation prior to recognition.

2. No foreign exchange students subject to this Policy and Regulation shall be brought into the District by a foreign exchange student program unless he or she has been accepted in writing as a student by a High School Building Principal or a designee.

3. Foreign exchange students will be allowed to attend school and will be provided bus transportation to and from school free of charge. When a foreign exchange student is accepted for admission pursuant to this Policy and Regulation, the letter of acceptance shall include a statement indicating the amount of tuition due the District.

4. The District will accept no more than five foreign exchange students per school from any single foreign exchange program.

The Board may terminate the approval of a foreign student program when it would be in the best interests of the District to do so.

Foreign Students with F-1 Visas

No F-1 students will be admitted into grades K-8. F-1 students may be admitted to a high school for one academic year upon the payment of tuition. The amount of tuition charged shall reflect the full, unsubsidized per capita cost of providing educational services to the student.

Immigrant Students

All school-aged immigrant children who have abandoned their residence in a foreign country and established residence in the District will be admitted to the District's schools without payment of tuition.

Cross-Ref: Non-Resident Tuition Payment Policy (6254)

Ref: 22 CFR Part 62 (Exchange Visitor Program) §62.25 (Secondary School Students) 8 CFR 214.2(j) (Special Requirements for Admission, Extension and Maintenance of Benefits for Exchange Aliens)
Education Law §1709(13*)*

Matter of Jones, 24 EDR 110 (1984)

Notes: Adopted December 20, 2018 pursuant to Resolution No. 2018-19: 546; Amended July 28, 2022 pursuant to Resolution No. 2022-23: 939

ct

PARENT PREFERENCE/MANAGED CHOICE POLICY

The Rochester City School District is legally and morally obligated to educate all the students who are legally enrolled in the school district and to educate students in a way that is equitable for all students. This policy provides for an orderly and equitable assignment of all students enrolled in public schools. The implementation of changes to this policy will be implemented for the school year 2024-25, in alignment with the District's reorganization plan.

1. The Board charges the Superintendent with implementing enrollment and assignment of students at all grade levels – while taking into consideration special focus schools that have entrance requirements based on academic or other criteria – using a variation of the *Parent Preference/Managed Choice Student Assignment Plan*.

2. The Superintendent:
    a. may alter the Attendance Zone boundaries once a year if needed after soliciting student and parent input;
    b. is encouraged to limit seating via lottery (kindergarten, 7th and 9th grades) to 85% of available seats to provide space for families moving into the City; and
    c. may adjust class capacity (override/waiver) up to bargaining agreement limits and any other state limitations.

3. This Board policy endorses and directs the implementation of a **three** Student Attendance Zone model that is predicated on the following:

    a. Proximity preference choices will be honored except where physical barriers such as railroad tracks and the Genesee River present hazards and where no pedestrian bridge or walkway is available to mitigate the hazard (refer to bullet 3cii);

    b. Parents/Guardians of students in grades PK-8 may choose the potential schools they want their children to attend by their own rank order of preference within their respective student attendance zone;

    c. Students will be matched to zone schools of choice by a computerized lottery, which requires the District to assign students to their first choice school in accordance with the following priorities: (a) Sibling Preference when there is one child enrolled at a school for the next school year living in the same household; (b) Pre-kindergarten preference where if a student attended a school for PreK and is within their zone, they would have a preference to a kindergarten seat (this preference does not apply in city-wide schools); and (c) 0.75-mile proximity preference for up to 60% of capacity;

        i. Proximity Preference is defined as:
        If a family does not have any school within 0.75 miles of their residence (as the car drives), then the school nearest that residence (without regard to zone boundaries except if there are significant hazards or barriers to walking, such as the river or railroad tracks) shall carry the walk zone preference, so that every family can benefit from walk zone preference;

        ii. If the closest school is beyond a 0.75-mile radius where traffic hazards exist as determined by applicable District transportation policies, then students may be eligible for transportation;

d. Students are assigned to schools based on the address of the custodial parent/guardian. Non-custodial parents, babysitters, or other address considerations shall not apply;

e. Students who cannot be accommodated in first-choice schools will be assigned to their second-choice schools, then to their third-choice schools, and so on;

f. Students who are enrolled at the *Welcome Center* (Office of Student Equity & Placement) walk-in will be assigned to schools based on available seats and adherence to contractual class limit sizes as set forth in the RTA contract;

g. Families who move before September 30th will be assigned to a school in their new Attendance Zone. Students may continue to attend the school of their original assignment until the end of that academic year if the move occurs after September 30th. Placement will coordinate with families to secure a seat within the school of their new attendance zone;

h. The *Parent Preference/Managed Choice Policy Transfer Option will* occur concurrent with the assignment lottery and no later than September 30;

i. Students are permitted only one voluntary school transfer during a school year. Voluntary transfer applications will be available May 1st for the following school year, and will be processed starting July 1st, granting no voluntary transfers after September 30;

j. Citywide schools are required to recruit students from each zone so that no student is denied access to a citywide school because of where they live and that all are given proportionate access;

k. Citywide special education classes that serve relatively few students with disabilities will be located centrally so that they are more accessible to students with disabilities residing in each zone;

l. Students with disabilities are provided choice as long as there is an appropriate program and services aligned with the student's Individualized Education Programs (IEPs) at the school of choice. Parents/guardians of students with disabilities have the opportunity to select the schools they believe are best suited for their children within their respective student attendance zone;

m. Each attendance zone should have sufficient capacity to accommodate the instructional needs of its special education students who are not enrolled in citywide special education classes; and

n. Parents/guardians of English Language Learners will have the opportunity to choose the schools they believe are most educationally appropriate for their children within their respective Student Attendance Zone.

Review & Reporting

District administration shall annually review this policy for amendment or recession, and present such recommendations to the Board in sufficient time for the Board to act upon the recommendations to the policy by October 31st. The administration will also report on this policy's implementation, outcomes, and impact through qualitative and quantitative data as mutually agreed upon by the Board and District

administration. This data shall include but is not limited to the percentage of students receiving their first and second choice of schools, the percentage of students who participated in the lottery and percent that utilized sibling or walk zone preference, and disaggregated by school.

Cross-ref: Transportation of Students & Others (8400)

Notes: Adopted October 17, 2002; Amended February 12, 2004; May 22, 2008; Amended July 27, 2023 pursuant to Resolution No. 2023-24: 137

ct

STUDENT ORGANIZATIONS & PROGRAMS

The Board of Education recognizes the educational values inherent in student participation in the extracurricular life of the school, and encourages such participation. It is committed to the assignment of faculty for the formation of student groups for such purposes as building social relationships; developing interests in an academic area; stimulating student growth and development; and gaining an understanding of the elements and responsibilities of good citizenship.

The Superintendent of Schools, with the aid of students, faculty and administration, is charged with developing procedures for registering and regulating student programs, groups or clubs. Such procedures shall ensure that the district will register any group organized for a purpose not prohibited by Board policy or by law, if such group submits a list of its members designated as contacts, a copy of its constitution and/or bylaws, and the constitution and bylaws of any off-campus organization with which it may be affiliated. Student groups and programs may not restrict membership on the basis of race, sex, national origin or other arbitrary criteria, and be understood to be a voluntary engagement by students that do not carry credit toward promotion or graduation.

Every student organization and program must have a set of bylaws approved by the student government in consultation with the Building Principal. These bylaws will not be in conflict with any established guidelines of the Board or the constitution of the student government.

Student organizations and programs will have equitable access to designated school facilities. Student organizations and programs must have educational value for students; be managed in a professional manner; have written guidelines and procedures regulating the creation, organization, administration and dissolution of student activity programs at the specific school; and a set budget each school year to prohibit a financial strain on students.

All authorized school activities must be adequately supervised. The organization and programs will be entitled to faculty advisors of their own selection. However, the faculty advisor(s) selected must agree to serve and must have the approval of the Building Principal. Faculty advisors will be appointed by the Principal after consultation with the student organization or program. Additionally, these assignments will be made according to the contractual agreements in force between the Board and the organizations representing the teachers and administrators.

Student organizations and programs will be encouraged to plan and carry out forums, seminars and other activities. These activities, if part of the school program during the school day, are subject to the approval of the Building Principal. When conducted after school hours, such activities shall have the same rights and responsibilities as any group using school facilities, including responsibility for providing appropriate arrangements for supervision.

The Building Principal will have the authority to suspend the operation of any student organization or program if its activities are deemed to be detrimental to the welfare or safety of the school or if it operates in violation of established rules or bylaws.

Student groups have the responsibility to make clear that their programs do not necessarily reflect the view of the district.

Administrative regulations governing the use of school facilities shall abide by the Equal Access Act in the creation of a "limited open forum." All non-curricular related student activities, regardless of religious or political content, shall have the same opportunities as any other such activity to operate on school grounds.

Ref: Education Law §§207; 1709-a; 2503-a; 2554-a
Equal Access Act, 20 U.S.C. §§4071-4074
8 NYCRR Part 172
Board of Education of the Westside Community Schools v. Mergens, 496 U.S. 226 (1990)
Garnett By Smith v. Renton School Dist. No. 403, 865 F.2d 1121 (9th Cir., 1989)
Thompson v. Waynesboro Area School Dist., 673 F.Supp. 1379 (M.D. Pa. 1987)
Student Coalition v. Lower Merion School Dist. Bd., 633 F.Supp. 1040 (E.D. Pa. 1986)
Tinker v. Des Moines Independent Community School Dist., 393 U.S. 503, 89 S.Ct. 733 (1969)
Healy v. James, 408 U.S. 169, 92 S.Ct. 2338 (1972)

Notes: Prior policies, Policy Manual, JFCE, JFCE-R, IGDA Adopted August 20, 1998; Revised Please select whether the district is a "limited open" forum (as it appears to be) or a "closed forum." Further information on this subject is available in *LAMPS*, SECTION 5210; Policy combined with and replaced Cocurricular and Extracurricular Programs (5200), Amended June 23, 2022 pursuant to Resolution No. 2021-22: 843

ct

STUDENT PUBLICATIONS

Students shall enjoy the constitutional right of freedom of expression. They shall have the right to express their views in speech, writing, or through any other medium or form, limited solely by those restrictions imposed on all citizens generally and those specifically applicable to children and youth in a school setting.

The Board of Education encourages student publications not only because they offer an educational activity through which students gain experience in reporting, writing, editing, and understanding responsible journalism, but also because they provide an opportunity for students to express their views and a means of communicating both within and beyond the school community.

The Building Principal of each secondary school, in consultation with the student government, shall appoint a committee of students, faculty and administrators to establish guidelines for student publications. All student publications will comply with the rules for responsible journalism. The Board encourages the dissemination of diverse viewpoints that supports diversity, equity and inclusion, and the discussion of all political, social and cultural issues. However, libelous statements, unfounded charges and accusations, obscenity, false statements, materials advocating racial or religious prejudice, hatred, violence, the breaking of laws and school policies and/or regulations, or materials designed to disrupt the educational process will not be permitted. Expressions of personal opinion must be clearly identified as such, and bear the name of the author. Students shall refrain from using any expression (verbal, written or through social media) while representing the District that does not align with the District's Code of Conduct. Opportunity for the expression of opinions differing from those of the student publishers must be provided.

In addition, student newspapers and/or publications which are paid for by the school district and/or produced under the direction of a teacher as part of the school curriculum are not considered a public forum. In such cases, the club advisor and/or directing teacher are directed to assure the publication conforms to the Code of Conduct (policy 1400). The Board retains the final approving authority over policies and the District's educational mission.

Unofficial Student Publications

Unofficial student publications, questionnaires, leaflets and other literature may be distributed by currently enrolled students at specified locations on or within school property and at times designated by the Principal or the administrator in charge of the building.

The Building Principal and a student-faculty-administration committee may establish guidelines governing distribution. A copy of any such material must be left with the Principal within a reasonable period of time prior to distribution for approval by the Principal.

The contents of such publications are subject only to the same provisions as those stated above for the student press.

The Principal or the designated administrator shall designate certain areas to be used for bulletins, posters of student organizations and student campaign posters. Other areas shall be designated for notices relating to out-of-school activities or matters of general interest to students which a student or student group wishes to post. The posting of student campaign posters shall be governed by rules adopted by individual schools and shall not be covered by this policy.

All posted material shall contain identification of the student or student group posting the material. All posted material shall also be officially dated before posting. The student or student group posting the

material is responsible for removing the material after a reasonable period of time, in order to ensure full access for other material.

The Superintendent shall establish guidelines that are in keeping with the above and shall provide for the review of the content of all student publications prior to their distribution.

Cross-ref: District Policy Prohibiting Discrimination or Harassment of Students or Employees (Policy 0100)
Student Harassment and Bullying Prevention and Intervention Policy (Policy 0115)
Code of Conduct (Policy 1400)

Ref: Education Law Article 2, §§10-18 (Dignity for All Students Act)
Morse v. Frederick, 127 S. Ct. 2618 (2007)
Hazelwood School District v. Kuhlmeier, 484 US 260, 108 S Ct 562 (1988) (limits on student free speech rights in school-sponsored student publications)
Bethel School District v. Fraser, 478 US 675 (1986)
Tinker v. DesMoines Independent Community School Dist., 393 US 503, (1969) (limits on student free speech rights in school setting)
Thomas v. Board of Education, Granville Central School Dist., 607 F 2d 1043 (1979)
Trachtman v. Anker, et al., 563 F 2d 512 (1977)
Frasca v. Andrew et al., 463 F Supp 1043 (1979)
Matter of Beil and Scariati, 26 EDR 109 (1986)

Notes: Prior policy, Policy Manual, IGDB; Amended August 20, 1998; Amended July 27, 2023 pursuant to Resolution No. 2023-24: 137

ct

SCHOOL UNIFORMS

The Rochester City School District does not encourage or discourage school uniforms; however, school communities may adopt policies on school uniforms at the school level, consistent with the law.

Guidelines for Site Uniform Policies

The intent of a school uniform policy is to help avoid the disruption of the classroom atmosphere and decorum and prevent disturbances among students.

A policy may be developed by the principal or parent group at each individual school.

The purchase of the school uniform is the financial responsibility of the parent. The Rochester City School District cannot pay for school uniforms as it would be considered a gift of public funds and would be against the State Education Department Regulations.

The Board notes that State law limits the authority of schools to require uniforms for students, thus parents can apply for exemptions. For example, the parent of any student who may not be able to comply with a school's uniform policy for financial reasons or for religious reasons should advise the principal that obtaining the required uniform will present a financial burden or an infringement on religious freedom. No student will be denied an education due to the inability of such student to obtain clothing that complies with a school's uniform policy. The Education Law prohibits suspension or other removal from class for violations of a uniform policy.

The principal, if able but not with public funds, may assist the student in obtaining clothes that comply with the uniform policy.

Ref: *Lipsman v New York City Bd of Educ*., 1999 U.S. Dist. LEXIS 3574 (S.D.N.Y. Mar. 23, 1999) (re: prohibiting suspension or removal from class for violating a school uniform policy)
Appeal of LaLonde, 31 Ed Dept Rep 408 (1992) (prohibits using public funds for the benefit of private groups or individuals)

Notes: Adopted April 25, 2013 pursuant to Resolution No. 2012-13: 617; Amended June 23, 2022 pursuant to Resolution No. 2021-22: 843

ct

ELIGIBILITY FOR EXTRACURRICULAR ACTIVITIES

The Board of Education has the authority to establish reasonable standards as prerequisites for eligibility for co-curricular, extracurricular and interscholastic athletic activities. These standards apply to entry qualifications as well as to continued participation in such activities. Advisors/Coaches must disseminate a copy of the expected standards of conduct to all students and parents at the start of each school year, and participating students should be individually informed of the application and scope of such standards.

The Board is committed to promoting academic achievement for all students and seeks to motivate students to achieve their highest potential. Eligibility requirements should include academic standards, behavioral standards, and training standards. These standards should be applied equally to all student participants. All student participants, including athletes, shall be informed that they have the obligation to act in a responsible manner because of the leadership roles they play in the school environment.

Advisors/Coaches must specify minimum school attendance requirements, and the minimum grade point average (GPA) they expect student participants to maintain. All such standards must be reasonable. The relationship between a student's GPA and their eligibility must be clearly explained to all student participants.

Behavioral standards must include a ban on consumption/use of alcoholic beverages, drugs and/or tobacco products. These standards also extend to student conduct off school grounds, including student attendance at parties off school grounds where alcohol and/or illegal drugs are present.

"Training rules" are generally accepted as a condition of participation in student athletics, and may include attendance at practices, individual training programs, etc.

Although suspension from participation in an extracurricular activity does not require a full hearing pursuant to Section 3214 of the Education Law, a student must be given the opportunity to appear informally before the disciplinarian and/or disciplinary committee, and present their side of the story as part of a general discussion of the conduct under review.

Cross-ref: Student Attendance and Withdrawal Policy (5100)
Eligibility for Extracurricular Activities Regulation (5305-R)

Ref: Education Law §§1709(3); 2801
Bush v. Dassel-Cokato Board of Ed., 745 F.Supp. 562 (D. Minn. 1990)
Mazzotte v. Moriah Central School Board, N.Y. Supreme Court (Special Term 1984)
Matter of O'Conner v. Bd. of Ed., 65 Misc.2d 40, 316 NY2d 799 (1970)
Matter of Wilson, 28 EDR 254 (1988)
Matter of Keily, 24 EDR 138 (1984)
Matter of Miller, 23 EDR 23 (1983)
Matter of Moore, 22 EDR 180 (1982)
Matter of Clark, 21 EDR 542 (1982)
Matter of Vetter, 20 EDR 547 (1981)

Notes: Prior policy, Policy Manual, Athletic Eligibility (November 18, 1982), Attendance/Participation Policy (August 28, 1997); Revised August 20, 1998; Amended December 22, 2022 pursuant to Resolution No. 2022-23: 336

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DRUG FREE SCHOOLS

The Board of Education recognizes the grave threat posed to the students of the district by the actual or threatened illegal sale or distribution of controlled substances to the students. The Board supports programs which educate young people about the dangers of illegal drugs and seek to prevent substance abuse. The Board acknowledges the critical role which the Rochester schools play in ensuring the safety and well-being of all students and staff, and recognizes that the establishment of an effective Drug Free School Zone program requires the shared commitment and involvement of local governments, neighborhood association, youth groups, law enforcement agencies and schools working together with the residents of neighborhoods surrounding school buildings. The Board supports the efforts of local governments, neighborhood associations, youth groups, and law enforcement agencies to protect students by eradicating the sale or distribution of controlled and illegal drugs on school grounds.

The Board is, therefore, implacably opposed to the illegal sale or distribution of any controlled substance on or near school grounds and supports severe penalties for such acts. The Board has authorized the establishment of Drug Free School Zones around any and all of the Rochester City School District buildings which demonstrate mutual commitment and support of school-based management teams, neighboring residents, neighborhood associations, youth groups and law enforcement agencies.

Drug Free School Zones will consist of any Rochester City School District building, athletic playing field, playground or land within the real property boundary line of any school building, together with 1,000 feet beyond said real property boundary line.

Any school or community which plans for the implementation of a Drug Free School Zone program for any Rochester City School site shall submit to the Superintendent of Schools the written implementation plan which articulates, at a minimum, the following assurances:

1. The safety of students, staff and school property are of the highest priority.

2. Staff and students shall not be used as active agents in law enforcement activity.

3. The program will include preparation and placement of signs, informational presentations and distribution of informational brochures to students and neighborhood residents regarding the program meaning and expectations.

4. The roles of the schools, neighborhood associations, residents, and law enforcement agencies shall be clearly articulated and agreed to by all parties.

The Board declares its support for full and strict law enforcement of all laws designed to prevent the illegal sale or distribution of controlled substances within the district's Drug Free School Zones and its support for amendments to laws which increase criminal penalties for the sale or distribution of controlled substances and which enhance the enforcement of the Drug Free School Zone program.

Notes: Prior policy, Policy Manual, Drug Free Schools (December 5, 1991), Revised; Amended August 25, 2022 pursuant to Resolution No. 2022-23: 78

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WELLNESS POLICY

Statement of Purpose

The Board of Education considers student and staff wellness to be essential to the ability to realize individual potential and to contribute to the larger community. Wellness is affected by many different factors, which also influence the nature and extent of individual development: nutrition, physical exercise and activity, preventive health care, factual and accurate health information, health education and contextual decision-making in making healthy choices. The most critical aspect of wellness is having factual information, an understanding of the choices available, the consequences of each option, and the impact on oneself and others. Currently, almost half of students in Rochester live in poverty; many students rely on school meals as their only time for healthy nutrition.

This policy is written to ensure that inclusion and the needs of all students are considered in all aspects of wellness. The policy reflects the NYSED Culturally Responsive and Sustaining Framework and connects to the current Code of Conduct.

Consequently, this Wellness policy has been designed and structured to address many different aspects of healthy development:

5405.10: Wellness Task Force
5405.20: Safe & Healthy Learning Environment
5405.30: Nutritional Standards for All School Meals
5405.35 Adequacy of Time for School Meals
5405.40: Guidelines for Sale of Food Items Outside of School Meal Program
5405.50: Physical Education and Physical Activity
5405.60: Health Education
5405.65: Family Life/Sexual Health
5405.70: Health Services
5405.80: Counseling, Psychological and Social Services
5405.90: Student, Family and Community Involvement
5405.100: Health Promotion for Staff
5405.110: Administrative Regulations, Guidelines and Implementation

5405.10: Wellness Task Force

A Wellness Task Force shall convene a meeting at least semi-annually and will be comprised of representatives of the Administration, students, parents, community representatives, teachers, and school principals. Every three years, the Wellness Task Force will review the implementation of this policy and make recommendations to the Administration and the Board with regard to issues impacting student and employee health, nutrition, physical education and wellness. The review process, including who was involved and what changes were made, will be communicated to all families in the District. To support increased transparency of Wellness Task Force meetings, the District will create a page on their website where families can view the District's Wellness Policy, as well as the Wellness Task Force meeting agendas and minutes.

5405.20: Safe & Healthy Learning Environment

The District and its schools are committed to make their best efforts to ensure that:

1. All schools in the District provide physical surroundings that meet the current accepted federal and state standards for healthy school buildings.

2. Each school community will ensure that reasonable security procedures and protocols are in place to promote a safe and secure environment.

3. The school climate reflects the District Values Policy (4311.2) by fostering self- esteem and positive interpersonal relationships among both students and staff.

4. Students and staff utilize good hygiene habits (such as hand-washing) to reduce disease transmission.

5. Marketing in school buildings promote healthy foods, beverages and lifestyles. This includes food marketing on school property and equipment (i.e. signs, scoreboards, sports equipment); on educational materials (i.e. curricula, textbooks or other printed/electronic education materials); where food is purchased (i.e. exteriors of vending machines, food and beverage cups and containers, food display racks, coolers, trash and recycling containers); in school publications and media (i.e. ads in school publications, on school radio stations, in-school TV, computer screen savers, school sponsored internet sites, and announcements on school PA systems); and through fundraisers and corporate incentive programs (includingPTA/PTO fundraisers). When allowable, schools will seek out opportunities to support local healthy institutions (i.e. the public market), including farm to school initiatives. School building personnel will be mindful of food marketing and logos when consuming food or beverages in the presence of children. See Superintendent Regulation 5405-R for more information about food marketing.

IMPORTANCE OF NUTRITION & PHYSICAL EXERCISE

Nutrition and physical exercise play essential roles in the health and development of every child and employee, and are vital to the academic and personal development of our students and staff. Numerous studies have established the correlation between good nutrition and exercise, and academic performance as measured by test scores, attendance rates and school behavior. Given that our students attend school for a substantial portion of their young lives, the Rochester City School District ("District") must play a critical role in helping students to learn healthy eating habits and to engage in physical exercise on a daily basis. Healthy nutritional standards will help our students to make healthy choices in their selection of foods both in and outside of school. The promotion of regular physical exercise will enhance the overall health and academic performance of our students.

The maintenance of a healthy weight, starting in childhood, is a strong factor in avoiding health risks associated with obesity. Obesity increases the risks of Type 2 diabetes, cardiovascular disease, cancer, and high blood pressure and cholesterol. Obesity can trigger mental health problems such as low self-esteem and depression, impact attendance, and interfere with academic performance.

The District promotes the development and implementation of healthy food standards and expects that it will serve its students food of high nutritional quality through its breakfast and lunch school meals program ("School Meals Program"). In order to meet these objectives, this policy outlines the nutritional standards of its School Meals Program, imposes restrictions on the sale of snack foods made available to students, and promotes increased physical activity for all students.

Finally, the District recognizes that food is part of the cultural fabric and used to celebrate holidays, birthdays and other memorable events in the lives of children and the school community. This policy seeks to honor and balance the different, and at times competing, roles of food in our society.

405.30: Nutritional Standards for All School Meals

The Superintendent of Schools shall develop regulations to establish nutritional standards that promote the consumption of fresh fruits and vegetables, foods low in fat and sodium, and the preparation of school meals that reflect the current science in public health and progressive thinking among national experts in the development of healthy and successful school meal programs. These regulations will meet or exceed current USDA Standards and USDA Smart Snack Standards.

School buildings will collaborate with food service staff to ensure lunch menus are available to students and their families. Food service staff will work alongside the RCSD Meals Advisory Council and students to develop menus that are culturally responsive and sustaining to students. Spices and flavorings will be made available (within USDA guidelines - low sodium/no salt added) to allow school foods to be similar to the foods that students eat at home.

All students in the District will have access to the USDA School Breakfast Program. Throughout each year, the District will communicate to families about the program, and provide support to anyone who wishes to access the program.

Water will be made available to students during meals. Supervisory staff must allow students access to free drinking water throughout the meal period. Students should be provided consistent access to high-quality water throughout the school day.

Where possible, the RCSD Department of Nutrition Services shall seek out opportunities for implementing farm to school strategies to ensure that all students have access to fresh, close to home, produce and products.

5405.35: Adequacy of Time for School Meals

School principals shall ensure that students are provided an adequate amount of time to eat meals, after obtaining their food.

5405.40: Guidelines for Sale of Food Items Outside of School Meal Program

The Superintendent of Schools shall develop regulations to establish specific guidelines for the sale or offering of foods, snacks and beverages in vending machines, school stores and elsewhere on school property. These regulations will meet or exceed the guidelines put forth in the USDA Smart Snack standards.

All District contracts with supplemental educational service ("SES") providers shall contain provisions such that the nutritional requirements of the Federal Department of Education for schools, as well as the terms of this policy and the corresponding Superintendent's regulation, shall apply to such SES contracts.

All agencies, organizations, and vendors on school property are to adhere to the provisions of this policy and the accompanying Superintendent regulation regarding the food sold or provided to students, including for fundraising purposes. For ideas about non-food fundraising, see Superintendent Regulation 5405-R.

School principals will ensure that food is not be used as a reward or taken away as aform of punishment for students.

Schools are strongly encouraged to work with families to provide healthy classroom celebrations, including providing healthy food choices, and non-food celebration activities.

5405.50: Physical Education and Physical Activity

1. **Daily Physical Education for Students K-12**

   The District shall comply with the physical education requirements set forth in the State Education Law and Chapter 11 of the Regulations of the Commissioner of Education, including but not limited to Section 135.4, as the same may be amended by the State from time to time. The Commissioner's Regulations require that elementary students in grades kindergarten through six receive at least 120 minutes of physical education in each calendar week. Students in kindergarten through 3rd grade are required to participate in physical education on a daily basis, and students in 4th through 6th grade are to participate at least three times per week.

   The Commissioner's Regulations require that students in grades seven through twelve receive physical education at least three periods per week in one semester and two periods per week in the other semester of each school year.

   The District strongly encourages all school principals to provide appropriate physical education to all students on a daily basis, including students with disabilities, special health care needs, and in alternative educational settings. Consistent with the Commissioner's Regulations, the District shall employ a director of physical education who must be certified in both physical education and in administration. Elementary physical education instruction may be provided by elementary classroom teachers as long as they are under the direction and supervision of a certified physical education teacher. Certified physical education teachers are required for secondary school physical education classes. If feasible, and to the extent appropriate to the individual needs of students, students should spend at least 80 percent of physical education class time participating in moderate to vigorous physical activity.

   Physical activity and recess shall be made available to all students, including those with disabilities, special health care needs, and in alternative educational settings. Systems shall be put in place to ensure that support will be offered to students with disabilities or special health care needs to ensure that no child is left out. Understanding that physical activity is critical for learning and development, school principals shall enforce the prohibition against opportunities for play and physical activity from any student as a form of punishment.

   Students who are temporarily or permanently unable to participate in the regular physical education program for their grade level will be provided with adapted activities. Short-term or temporary adaptations will be developed in consultation with appropriate medical personnel. Long-term or permanent adaptations will be based on the recommendations of the family physician.

   Students with disabilities who are unable to participate safely or successfully in the regular physical education program for their grade level will be provided adaptive physical education.

The Individualized Education Program (IEP) shall include this adaptive physical education program, and the physical education teacher shall be involved in developing the IEP.

2. Physical Activity

a. Research shows that play and physical activity are foundational to whole child health.

Kids who play every day are healthier, do better in school and have reduced feelings of anxiety. They also learn important social emotional skills (i.e. building blocks to help them later in life) like teamwork, problem solving, cooperation and conflict resolution. The District will encourage and support initiatives to integrate physical activity into the regular classroom settings of their students. This will be achieved by the following:

i. Require the teaching of health education in the classroom that complements physical education by reinforcing the knowledge and self-management skills needed to maintain an active lifestyle and reduce time spent on sedentary activities, such as watching television and playing videogames.

ii. Provide professional development on ways to build physical activity into curriculum. The District may partner with community organizations to supportprofessional development opportunities for staff and educators.

iii. Require opportunities for physical activity as part of other subject lessons. For example, classroom teachers may provide short physical activity breaks between lessons or classes, as appropriate.

iv. Foster collaboration between physical education staff, teachers and paraprofessionals in school buildings through school wellness teams.

v. Identify inclusive opportunities for play for children of all abilities, sharing resources, and if needed, partner with community organizations.

b. Daily Recess

Given the strong connection between physical exercise and academic achievement, in addition to physical education classroom time, the District requires that all elementary school principals provide students with at least 20 minutes a day of supervised recess during which staff should promote moderate to vigorous physical exercise as appropriate to individual student needs. Outdoor play is encouraged when weather conditions are appropriate. In the event that an elementary school principal believes that the school is unable to provide daily, supervised recess to all school students, the school principal shall provide a written statement to the Chief of Schools no later than the end of the first full week of classes in September, describing the reasons why daily recess cannot be provided to all school students. As a pre-condition of the waiver, the school principal shall confirm to the Chief of Schools that the school is complying with the Regulations of the Commissioner of Education with regard to the minimum amount of physical education required for elementary school students (currently 120 minutes of physical education in each calendar week). The Chief of Schools shall determine whether to grant the school principal's request to waive the recess requirement for the school year. The Superintendent or designee shall report to the Board of Education and to the Wellness

Task Force annually the schools receiving such waivers and shall post notice of such waivers on the District website.

c. Physical Activity Opportunities Before and After School

All schools are encouraged to offer extracurricular physical activity programs, such as physical activity clubs and intramural programs. All high schools, and middle schools, are encouraged to offer interscholastic sports programs. Schools are encouraged to offer a range of activities that meet the needs, interests, and abilities of students, including students with disabilities and those with special health care needs.

All schools are encouraged to implement strategies to promote active transportation and safe routes to school for all K through 12 students who live within the 1.5 mile walkable/bikeable distance from the school. Safe routes to school are an approach that promotes walking and cycling through infrastructure improvements, enforcement, tools, safety education and incentives that encourage walking and biking. School buildings may implement safe routes to school strategies including: ensuring proper traffic calming infrastructure surrounding the school building, implementing walking school buses, and/or employing bus monitors and crossing guards.

3. Use of School Facilities Outside of School Hours

Wherever practicable, school principals should allow school spaces and facilities to be available for school-sponsored activities that promote fitness for its students during non-school hours.

5405.60: Health Education

The District shall comply with the health education requirements set forth in the State Education Law and Chapter 11 of the Regulations of the Commissioner of Education, including but not limited to Section 135.3, as the same may be amended by the State from time to time.

The District and its schools shall ensure that:

1. Health education in the elementary schools.

The elementary school curriculum shall include health education as a constant for all pupils in grades K through 6 to meet NYSED Learning Standards for health, physical education, and family at all three levels, and NYSED Learning Standards for physical education. In the kindergarten and primary grades, the teacher shall provide for pupil participation in planned activities for developing attitudes, knowledge and behavior that contribute to their own sense of self-worth, respect for their bodies and ability to make constructive decisions regarding their social and emotional, as well as physical, health. Personal health guidance shall also be provided according to the individual needs of pupils. This guidance shall include the development of specific habits necessary to maintain good individual and community health. In addition to continued health guidance, provision shall be made in the school program of grades 4-6 for planned units of teaching which shall include health instruction through which pupils may become increasingly self-reliant in solving their own health problems and those of the group. Health education in the elementary school grades shall be taught by the regular classroom teachers.

2. Health education in the secondary schools.

The secondary school curriculum shall include health education as a constant for all pupils in grades 7 to 12 to meet NYSED health standards. In addition to continued health guidance in the junior high school grades, provision shall also be made for a separate one-half year course. In addition to continued health guidance in the senior high school, provision shall also be made for an approved one-half unit course. Health education shall be required for all pupils in the junior and senior high school grades and shall be taught by teachers holding a certificate to teach health. A member of each faculty with approved preparation shall be designated as health coordinator, in order that the entire faculty may cooperate in realizing the potential health teaching values of the school programs. The health coordinator shall insure that related school courses are conducted in a manner supportive of health education, and provide for cooperation with community agencies and use of community resources necessary for achieving a complete school-community health education program.

The curriculum shall focus on health promotion to enhance each student's independent thinking skills and decision-making. Each student is empowered to enhance personal responsibility for healthy living.

All staff will receive professional development to support in embedding nutrition, physical activity, social emotional health, and health education within lesson plans and current curriculum within a culturally responsive and sustaining framework to meet the needs of the District's student population (i.e. ways to build physical activity into curriculum). Professional development will occur every year to keep up with current trends and educational strategies that are related to health and wellness. The District may partner with community organizations to support professional development opportunities for staff and educators. School staff will apply these learnings when developing their curriculum each year, integrate nutrition education into classes outside of health education (i.e. science, social studies, etc.), and seek out participatory learning opportunities for students and their families.

5405.65: Family Life/Sexual Health

The Board of Education believes that in order for students to develop the knowledge, skills and beliefs to be safe, healthy and achieve academically, grades K-12 comprehensive health education must include family life/sexual health education. The goal of family life/sexual health education is to provide students with the knowledge, skills and resources needed to make responsible and well- informed decisions about their health.[1] The Board recognizes that parents and families have primary responsibility in supporting their children's sexual development, values and beliefs.

Education must respect, reinforce and support the role of parents.[2] The school's role is to educate and supplement parent's efforts in this area by providing medically accurate, age-appropriate, sequential family life/sexual health education. Education shall encourage positive communication between students and families about sexual health.

Grades K-12 family life/sexual health education shall follow the best practices recommended in the NYSED Guidance Document for Achieving the NYS Standards in Health Education and the National

[1] RCSD letter to families of students in grades K-6, 2015

[2] Previous *Family Life Education* policy (4312.1)

Sexuality Education Standards to enable students to achieve the NYS and National Health Education Standards.[3]

1. The following requirements shall apply to family life/sexual health education offered by the District:

    a. All curricula and instructional materials will be available for review by parents and guardians prior to the beginning of the school year and during school hours throughout the school year.

    b. Education and programming shall aim to encourage and improve family communications related to sexual health.

    c. Family life/sexual health education must respect and be inclusive of the diversity of values and beliefs represented in the community and meet the educational needs of all students. Educational programs shall promote civility, interpersonal and inter-group respect among students and between students and staff and families, creating an inclusive school community, being bias-free, and sensitive to the experience of specific student populations, including, but not limited to, LGBTQ and pregnant and parenting students. Education and programs shall also prevent and prohibit conduct which is inconsistent with the District's mission, the Dignity for All Students Act, and other state and Federal legislation.[4]

    d. Human sexuality education shall be accompanied by identification of and sensitivity to values and responsibilities from cultural and religious perspectives and opportunities for values clarification.

    e. Family life/sexual health education shall be strength-based and focus on the physical, intellectual, social and emotional dimensions of health.[5]

    f. Family life/sexual health education shall be evidence-based, medically accurate and age appropriate and include the functional knowledge and skills students need to be healthy and safe.[6]

    g. Research-based best practices and programs shall be included in the curriculum and related programs at the highest level possible to enhance youth health and safety and decrease unhealthy and risky behaviors, such as STD's including HIV/AIDS, unintended adolescent pregnancy, sexual dating violence, child abuse.

    h. Teachers who provide family life/sexual health education will have ongoing, quality professional development.

[3] The NYS Education Department Guidance Document for Achieving the NYS Standards in Health Education (2005); National Sexuality Education Standards: Core Content and Skills (2011)

[4] NYS Dignity for All Students Act: A Resource and Promising Practices Guide for School Administrators and Faculty (2012)

[5] I'm WISE; the Guidance Document for Achieving the NYS Standards in Health Education

[6] National Sexuality Education Standards; Guidance Document for Achieving NYS Standards in Health Education

i. Teachers who provide instruction in family life education will have professional preparation in the subject area.

j. All students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information.[7]

k. Staff who are mandated reporters in incidents of child abuse and neglect shall report any information that meets the requirements for reporting according to NYS and District guidelines.[8]

l. The District shall ensure that all personally identifiable and medical information relating to transgender and gender nonconforming students shall be kept confidential in accordance with applicable state, local, and federal privacy laws.

m. Outside (resource people) individuals may be used to supplement District personnel with prior approval of the administration. Programs may take a multifaceted approach by using a wide variety of agencies and resources which represent the range of philosophies and values within our community.

n. Adolescents shall have the right to follow through on an informed choice, without coercion or influence by community agencies.

In recognition of the religious tenets of certain students, the Board, subject to the regulations of the State Board of Regents, shall excuse a student from those aspects of the required study of health, hygiene, or other areas which conflict with the religious beliefs of the student.

2. AIDS Instruction

In compliance with the Regulations of the Commissioner of Education, the District will provide classroom instruction concerning Acquired Immune Deficiency Syndrome (AIDS) as part of a sequential and comprehensive health program for all students, K-12. Instruction must be offered during regularly scheduled classes. Such instruction will be age-appropriate, and include the following information:

a. The nature of the disease;
b. Methods of transmission of the disease; and
c. Methods of prevention of the disease (stressing abstinence as the most effective and appropriate protection against AIDS).

A student may be excused from that segment of AIDS instruction regarding methods of prevention of the disease if his/her parent/guardian files a request with the Superintendent of Schools. The request must give assurance that such instruction will be given at home.

The Board shall establish an advisory council which shall be responsible for making recommendations on content, implementation, and evaluation of the AIDS instructional program.

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[7] Model District policy on Transgender and Gender Non-Conforming Students, September 2015, GLSEN [8] NYS Office of Children and Family Services, Mandated Reporter Resource Center: http://www.nysmandatedreporter.org/SocialServiceLaw.aspx

The advisory council must consist of Board members, appropriate school personnel, parents and community representatives, including representatives from religious organizations.

AIDS instruction for students in grades 9-12 may include condom availability, as provided by §135.3(2)(ii) of the Commissioner's Regulations. Any such program must be reviewed by the advisory council, which shall make appropriate recommendations. No student shall be permitted to participate in such program if: (1) the student's parent(s) has submitted a written request to opt out; (2) the student has not participated in appropriate AIDS instruction; or (3) the student has not received accurate and complete personal health guidance by personnel trained and supervised by competent health professionals or health educators.

The Superintendent shall be responsible for developing regulations consistent with this policy. Additional information and details are provided in the Superintendent regulation 4315.1-R, which accompanies this policy.

5405.70: Health Services

The District and its schools shall make their best efforts to provide:

1. Services for students in a school setting to evaluate, protect, and promote health; and in collaboration with community partners, parents/guardians, and other constituencies. Each school has comprehensive health services that are provided by qualified community partners and qualified District and school staff who acknowledge health service mandates and N.Y.S. Education Department Regulations.

2. The Superintendent's designee is responsible for program development, consistency/standardization of service delivery, meeting current standards, and utilizing quality assurance methods.

3. Parents and guardians are informed of the availability and variety of health services for their children.

5405.80: Counseling, Psychological and Social Services

The District and its schools shall make their best efforts to provide:

1. Student support services include individual and group assessment, interventions and referrals that address the social, emotional, and mental health needs of students. Each school has comprehensive student support services that are provided by qualified community partners and qualified District and school staff. Each member of the school community for whom the District bears responsibility to provide services has access to appropriate support services.

2. District staff and qualified community partners provide prevention education training and support to students that involve skills-based learning opportunities that address the physical, emotional, mental, behavioral, and social dimensions of health.

3. Educators can work with support services personnel, related services and community partners to address health within the classroom.

4. The District will use early identification and intervention to ensure all children are prepared for success.

5405.90: Student, Family and Community Involvement

The District and its schools are committed to making their best efforts to ensure that:

1. The District and schools will work with parents, students, staff and community members to establish and support a collaborative partnership to enhance the health and well-being of the school community.

2. Parents and guardians have the opportunity for training in key areas of health education.

3. The District will encourage and support, through tools and resources, equitable communication to parents and guardians to better inform students of health opportunities, availability of student supports and effective access to care (i.e. newsletters Parent Portal, backpack flyers, District's social media pages, etc.).

4. The District and schools will promote and encourage ongoing community partnerships to support initiatives for health improvement at the school and District- wide level.

5. The District's Food Services Department will establish a RCSD Meals Advisory Council, comprised of students from across the District in grades 4-12, which will meet on a regular schedule throughout the school year to obtain student input on the RCSD food service program.

6. Family engagement activities will consider incorporating healthy food options and physical activities.

5405.100: Health Promotion for Staff

The District and its component schools shall make their best efforts, consistent with legal limitations and requirements relating to collective bargaining, to ensure that:

1. The District will support and encourage health promotion activities for District employees including, but not limited to heath assessments, health education (including health education intervention training and programs), health-related fitness activities, counseling and psychological services through the Employee Assistance Program, and other programs, such as university and college partnerships, hospital and health care provider partnerships.

2. The District and schools will encourage and motivate staff to live healthier lives and model their individual commitments to health lifestyles in both a physical and mental capacity. The ultimate goal shall be to establish a culture that promotes health and wellness. Programs and resources that are available within the District as well as within the community and the region shall be promoted.

3. District staff will promote ongoing education and training opportunities to create and maintain safe learning and workplace environments.

4. The District will provide a supportive environment to staff and students who wish to continue breastfeeding/nursing upon return to school/work. This includes providing milk

expression breaks, a private and comfortable space with a locking door to express milk (that is not the bathroom), and support from staff and peers for mothers aiming to meet breastfeeding goals.

5405.110: Administrative Regulations, Guidelines and Implementation

Implementation of Policy. The Superintendent shall implement this policy and establish such regulations and guidelines to carry out the requirements and standards set forth in this policy.

The Superintendent shall designate a District level staff member and/or an advisory team to monitor compliance; and such designee shall report semi-annually, and at such other times as the Superintendent specifies, regarding compliance with this policy and related procedures.

School buildings shall list on their website who their wellness policy liaison is, so families know whom to contact with any questions or concerns.

Superintendent Regulations. Consistent with the policy guidelines set forth above, the Superintendent of Schools is authorized to promulgate, revise, maintain and enforce throughout the District administrative guidelines and regulations consistent with constitutional requirements that address particular issues of administration, interpretation and enforcement of any section of this policy. In preparing any such regulations or guidelines, the Superintendent or their designee will engage in the collaborative process outlined by federal law for wellness policies to assure appropriate input and comment from interested constituencies. The Superintendent may implement the guidelines and standards with regard to the sale of food items outside of the school meals program on a pilot or incremental basis in order to facilitate the acceptance of such new guidelines or standards.

External Regulations. Any regulation relating to the subject matter of this Policy adopted by the United States Department of Education and published in the *Federal Register* or in the *Code of Federal Regulations*; and any regulation relating to the subject matter of this Policy adopted by the New York State Commissioner of Education and published in the *New York Code of Rules and Regulations* shall be deemed to be incorporated by reference into this Policy and the Superintendent's Regulations, and be given full force and effect without the need for formal adoption or incorporation by the Superintendent.

Conflict of Laws. Nothing in this Policy shall be deemed to supersede any inconsistent requirement of federal or State law or regulation, including but not limited to requirements of the General Municipal Law; the Education Law; the Labor Law; or the Civil Service Law.

Cross-ref: Code of Conduct (1400)
Advisory Bodies (2260)
Civic Education (4311.2)
Reproductive Health Education Program Regulation (4315.1-R)
Students with HIV-Related Illness (5191)
Wellness Regulation (5405-R)

Ref: 20 USC §§1681 et seq.; 34 CFR §106.34€
Rules of the Board of Regents §16.2
8 NYCRR §135
Mozert v. Hawkins County Public Schools, 827 F.2d 1058 (6th Circuit, 1987)
Smith v. Ricci, 89 N.J. 514, 446 A.2d 501 (1982), app. Dism. 459 U.S. 962103 S. Ct. 286 (1982)

Medeiros v. Kiyosaki, 52 Haw. 436, 478 P.2d 314 (1970)
Education Law §3204(5) 8
NYCRR §§16.2; 135.3
Ware v. Valley Stream High School District, 75 NY2d 114 (1989)
New York State School Boards Association v. Sobol, 168 AD2 188 (1991)
Matter of Ware, 28 EDR 415 (1989)
Public law 108-265 – June 30, 2004, *Child Nutrition and WIC Reauthorization Act of 2004*
Education Law § 2801-a "School Safety Plans"

Notes: Policy replaces *Family Life Education* policy (4312.1), *Health Education* policy (4315), *AIDS Instruction* policy (4315.1). *Physical Education* policy (4316); Family Life/Sexual Health policy (5405.65-1) was Former Family Life Education policy (4312.1); Adopted August 20, 1998 pursuant to Resolution No. 1998-99: 136; Family Life/Sexual Health policy (5405.65-2) was Former AIDS Instruction policy (4315.1) Adopted August 20, 1998; Amended January 26, 2012 pursuant to Resolution No. 2011-12: 483; Adopted Resolution No. 2006-2007: 78A (July 20, 2006); Amended pursuant to Resolution No. 2010-11: 750 on April 28, 2011; Amended September 26, 2013 pursuant to Resolution No. 2013-14: 245; Amended November 16, 2017 pursuant to Resolution No. 2017-18: 353; Amended June 23, 2022 pursuant to Resolution No. 2021-22: 844

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STUDENT HEALTH SERVICES

The Board of Education recognizes that student health is vital to successful learning and achievement. The District, parent(s) and guardian(s) are responsible for fostering a safe and healthful environment for students.

Schools shall work closely with students' families to provide detection and preventive health services. In accordance with law, the school will provide vision, hearing, dental inspection and scoliosis screening. Problems are to be referred to the parent(s) or guardian(s), who shall be encouraged to have their family physician/dentist provide appropriate care.

Health Screening Required for Enrollment in School

The following documents are required to enroll a student in school:

1. A health certificate documenting that the student has had a physical examination in conformance with state requirements. The health certificate must be submitted within 30 calendar days after a student enters school, and upon their entry into Prekindergarten, or Kindergarten and first, third, fifth, seventh, ninth and eleventh grades.

   The physical examination must be conducted no more than 12 months before the first day of the school year in question. School staff will offer to assist parents who are struggling with obtaining a physical examination for their child, or with obtaining or completing the paperwork necessary to provide a health certificate to the District. If a student is unable to furnish the health certificate, the school will provide a physical examination upon receiving consent from the student's parent or guardian.

   A request for an exemption from the physical examination or from the requirement to provide a health certificate must be made in writing to the school principal (or their designee). The only basis for an exemption is a claim that the physical examination is in conflict with the parent or guardian's genuine and sincere religious belief, and documents supporting the request for an exemption may be required.

2. Documentation that the student has received immunizations against certain communicable diseases, as set forth in state law and regulations. An exemption to the immunization requirement may be granted for medical or religious reasons, as permitted by state law and regulation.

3. A dental health certificate is ***requested*** for the student on the same time schedule as the health certificate, but is not required for enrollment.

4. Children in temporary housing who are covered under the McKinney-Vento Act will be admitted to school, even if the required health or immunization records are not available. However, any student may be temporarily excluded from admission to school if actual symptoms of a communicable disease are present that would present a significant risk of transmission to others (please refer to the section below on Communicable Diseases).

   The District Liaison for Children in Temporary Housing will assist students covered under the McKinney-Vento Act in accessing health services described in this policy and the accompanying regulation.

The Board recognizes that the State of New York may authorize and require the collection of data from health certificates to monitor and understand health care issues affecting children. The Board supports these efforts

and expects administrators to cooperate and to observe the appropriate laws and regulations in carrying out those responsibilities, including those that relate to student privacy.

A permanent student health record shall be part of a student's cumulative school record and should follow the student from grade to grade and school to school, along with his/her academic record. Student health records shall be maintained by the school nurse.

Communicable Diseases

To protect students and ensure a safe and healthy environment for all, students with contagious and infectious diseases may be excluded from attending school, as outlined in the Public Health Law. If ordered by the NYS Commissioner of Health (or designee) during an outbreak of these communicable diseases, the District will exclude students from school who have an exemption from immunization or who are in the process of obtaining immunization.

It is the responsibility of the Superintendent of Schools, working through district health personnel, to enforce this policy and to contact the county or local health department when a reportable case of a communicable disease is identified in the student or staff population.

Administering Medication to or by Students

Neither the Board nor District staff members shall be responsible for the diagnosis or treatment of student illness. The administration of prescribed medication to a student shall be permitted **only** when:

- Failure to take such medicine would jeopardize the health of the student; or
- The student would not be able to attend school if the medicine were not made available to them during school hours; or
- Required to accommodate a student's special medical needs, as outlined by law (e.g., Section 504 of the Rehabilitation Act of 1973).

"Medication" includes all medicines prescribed by a physician.

Before any medication may be administered to or by a student during school hours, the Board requires:

1. A written request from the parent(s) or guardian(s), which gives permission to administer the medication to the student, or allows the student to carry and self-administer the medication (i.e. albuterol inhaler or epinephrine auto injector); and
2. A written order from the prescribing physician that includes:
    a. the purpose of the medication;
    b. dosage;
    c. the time or the special circumstances for administering the medication;
    d. the period for which medication is prescribed;
    e. possible side effects of the medication; and
    f. the student's ability to self-administer the medication (albuterol inhaler or epinephrine auto injector), as applicable.

Permission slips and medical orders shall be kept on file in the office of the school nurse.

Students with Serious and/or Life-Threatening Medical Conditions
(Previously Policy 5420)

The Board of Education recognizes the need to provide all students with appropriate educational programs in the least restrictive setting and with reasonably adequate accommodations of their medical needs, including those with significant or even life-threatening medical conditions. This policy encompasses any physician-documented serious and/or life-threatening medical condition such as life-threatening food, latex, or insect sting allergies; acute medical conditions, such as substance overdose; or chronic serious diseases or medical conditions such as anaphylaxis, diabetes, seizures or severe asthma.

Parents/guardians will be notified of any emergency medical situation as soon as possible. Parents/guardians will be notified of non-emergency medical situations that have been reported to the school nurse in a timely manner.

The Rochester City School District will adhere to all state and federal laws governing the rights of students with special medical needs and will take reasonable measures to work with the health care provider and the family regarding the health and safety of all students, including children with significant or life-threatening conditions. This may include, but is not limited to:

a. providing necessary precautions and general training for staff in transportation, classrooms, the cafeteria or the gymnasium;

b. providing initial and periodic update training by individuals with significant nursing or medical knowledge, for all adults in a supervisory role in the recognition and emergency management of a specific medical condition for specific students;

c. creating Individual Health Care Plans (IHP), Emergency Care Plans (ECP), 504 Plans, or Individualized Educational Plans (IEP) as indicated for a specific student to adjust, accommodate or modify programming to meet essential medical needs;

d. having standing emergency medical protocols, or non-patient specific medical orders, for nursing staff or other staff so designated by the administration and allowed under federal and NYS laws and Commissioner regulations;

e. maintaining stock supplies of life-saving emergency medications and/or devices in all health offices as allowed by the laws of NYS, such as epinephrine auto-injectors, naloxone, or albuterol/nebulizers, particularly for use in first-time emergencies;

f. following specific physician-generated medical-legal documents duly executed in accordance with the laws of NYS, with specific medical orders regarding the care of specific students with severe life-threatening conditions;

g. allowing students as assessed by the school nurse and principal to carry life-saving medication with prior approval by the principal and according to District health practice and procedures, as long as duplicate life-saving medication is also maintained in the health office in the event the self-carrying student misplaces their medicine(s); and

h. providing appropriate and reasonable building accommodations and supports within a reasonable degree of medical certainty.

The Superintendent shall develop comprehensive regulations governing student health services, including the provision of all health services required by law, procedures for maintaining health records, procedures for administering medication to students, and staff training necessary to ensure the health and safety of students. In consultation with District medical staff, the Superintendent shall also develop protocols for management of injury, particularly head injury and possible concussion.

Cross-ref: Student Individualized Education Program (IEP): Development and Provision (4209)
Implementation of Individualized Education Programs (4210)
Section 504 of the Rehabilitation Act of 1973 (4218)
Children & Families in Transition Under the McKinney-Vento Act (5110)
Wellness Policy (5405)
Concussion Management Policy (5430)
Student Records and Privacy Policy (5500)
Health and Safety Program Policy (8100)

Ref: Education Law Article 19, Sections 901, 902a, 902b, 906, 916a, 916b, 917, 919, 921, and 922
Commissioner's Regulations Sections 136.4, 136.6, 136.7, and 136.8
Public Health Law Section 3309
Education Law §§310 (provisions for appeal of child denied school entrance for failure to comply with immunization requirements); 901 et seq. (medical, dental and health services, BMI reporting); 919 (provide and maintain nebulizers); 6909 (emergency treatment of anaphylaxis)
Public Health Law §§613 (annual survey); 2164 (immunization requirements)
8 NYCRR § 64.7 (administration of agents to treat anaphylaxis); § 135.4 (Physical Education); Part 136 (school health services program)
10 NYCRR Part 66-1 (immunization requirements)
Administration of Medication in the School Setting Guidelines, State Education Department, revised April 2002
Immunization Guidelines: Vaccine Preventable Communicable Disease Control, State Education Department, revised August 2000
Making the Difference: Caring for Students with Life-Threatening Allergies, New York State Department of Health, New York State Education Department, New York Statewide School Health Service Center, June 2008
Concussion Management Guidelines and Procedures, New Policy for Stocking Albuterol Metered Dose Inhalers (MDIs), State Education Department, August 2011

Notes: Adopted April 28, 2016 pursuant to Resolution No. 2015-16: 695; Amended September 25, 2018 pursuant to Resolution No. 2018-19: 310 (Policy renamed from Students with Serious and/or Life Threatening Medical Conditions to Student Health Services); Amended August 25, 2022 pursuant to Resolution No. 2022-23: 78

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CONCUSSION MANAGEMENT POLICY

The Board of Education recognizes the seriousness of head trauma of any sort, in and out of school, and the potentially progressive nature of an impact to the head especially during the first week following injury where re-injury can result in more severe injury and long-term disability.

The Board further recognizes the evolving research that has demonstrated the importance to provide all students with any degree of concussion appropriate safeguards and educational accommodations during the healing phase of their recovery.

The Board finally recognizes that well-informed parents, athletes and staff are the greatest prevention measures to avoid those instances of preventable head injury and to minimize risks with unavoidable injury through early recognition and management. Therefore, the District adopts the following policy to support the proper evaluation and management of head injuries.

1. The physical education teachers, athletic trainers, coaches, nurses and other appropriate staff will receive training to recognize the signs, symptoms and behaviors consistent with a concussion. Any student exhibiting those signs, symptoms or behaviors while participating in a school sponsored class, extracurricular activity, or interscholastic athletic activity shall be removed from the game or activity and be evaluated as soon as possible by an appropriate health care professional.

2. The physical education teachers, athletic trainers, coaches, nurses and other appropriate staff will notify the student's parents or guardians and recommend appropriate monitoring to parents or guardians. If a student sustains a concussion at a time other than when engaged in a school sponsored activity, the District expects the parent or guardian to report the condition to the physical education teachers, athletic trainers, coaches, nurses and other appropriate staff so that the District can support the appropriate management of the condition.

3. Assuring appropriate and reasonable building accommodations are in place within a reasonable degree of medical certainty as a student is healing, which may include testing accommodations not previously specified; homework and project extensions; incomplete grades without typical penalties; and other short-term academic accommodations up to four weeks that will not last long enough to warrant an IEP or 504 Plan.

4. Implementing in its concussion management protocol standardized measures of assessment of injured students and adherence to a return to mental and physical exertion on a progressive program consistent with guidelines from the New York State Public High School Athletic Association and in accordance with any laws governing the State of New York.

5. The school's Chief Medical Officer will make the final decision on return to activity, including physical education class and after-school sports.

6. Any student who continues to have signs or symptoms upon return to activity must be removed from play and reevaluated by their health care provider.

7. Maintaining a concussion management team in the District as selected by the Superintendent (or designee) to include key personnel in academics, administration, physical education, athletics, and health services to oversee and implement concussion management protocols at each building level.

8. The Superintendent, in consultation with appropriate District staff, including the Chief School Medical Officer, will develop regulations and protocols to guide the return to activity.

Cross-ref: Wellness Policy (5405)

Ref: 8 NYCRR § 135.4 (Physical Education)
Part 136 (school health services program) *NYSSBA Sample Policy 5420 Concussion Management Guidelines and Procedures*

Notes: Adopted on February 26, 2015 pursuant to Resolution No. 2014-15: 509 as Policy No. 5460; Technical Amendment to change the policy number only adopted on September 22, 2016 pursuant to Resolution No. 2016-17: 231; Amended August 25, 2022 pursuant to Resolution No. 2022-23: 78

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SUSPECTED CHILD ABUSE AND NEGLECT: GENERAL REPORTING REQUIREMENTS AND REQUIREMENTS SPECIFIC TO EDUCATIONAL SETTINGS

(Formerly entitled, "*Employee Obligations Surrounding Reporting of Suspected Child Abuse or Neglect")*

This policy includes both the reporting requirements pertaining to suspected child abuse or neglect in general, as well as the requirements pertaining to reporting allegations of child abuse committed by a school employee or volunteer in an educational setting.

While the processes established for reporting suspected child abuse and neglect and for reporting suspected child abuse in an educational setting are separate and distinct, the objective of both of those reporting requirements is the same: protecting our children from harm. Consistent with the District's goal of ensuring that our children are protected from harm, all employees are required to report suspected child abuse or neglect in accordance with this policy and are required to fully cooperate with any internal, law enforcement, or other governmental agency investigation into allegations that a Rochester City School District student may have been abused or neglected. Any employee who is found to be in violation of this policy is subject to disciplinary action.

The Superintendent will prepare and implement regulations which accomplish the intent of this policy and specify the procedures employees are to follow in order to comply with both the law and Board Policy. The contents of this policy and the accompanying Superintendent's Regulation shall be distributed to all District staff. The District shall maintain an ongoing training program which will address employees' legal obligation to report suspected Child Abuse and Child Abuse in an Educational Setting. The Superintendent will annually provide the Board of Education with a summary report which describes the training that was offered, the number of employees that received the training, and the dates the training occurred.

1. REQUIREMENTS FOR REPORTING ALLEGED ABUSE OR NEGLECT TO CHILD PROTECTIVE SERVICES (i.e. by a parent, guardian, or person regularly found in the child's home)

The Board believes the purpose of mandatory reporting is to identify suspected abused and maltreated children as soon as possible, so that such children can be protected from further harm and, where appropriate, can be offered services to assist their families.

The Board recognizes that because of their sustained contact with school-aged children, employees are in an excellent position to identify abused or maltreated children and refer them for treatment and protection.

Pursuant to applicable law, any school official or employee who has reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment will immediately report, or cause to report, the case to the New York State Child Abuse and Maltreatment Register, as required by law.

As required by State law and regulation, the District shall publicize the toll-free number for reporting child abuse and neglect to the Central Register (1-800-342-3720) and the directions for accessing the NYS Office of Children and Family Services website (http://ocfs.ny.gov/main/cps/) in English and Spanish.

The following procedures will be followed in making a report of suspected abuse or maltreatment of a child by a parent, guardian, or person regularly found in the child's home:

a. The report shall be made by telephone to the appropriate local child protective services and/or to the statewide Central Register for Child Abuse and Maltreatment, and a written report shall be made within 48 hours. Written reports and any related materials are confidential and may only be given to the building administrator and the Superintendent.

b. School employees and officials will not contact the child's family or any other person during the investigative period to determine the cause of the suspected abuse or maltreatment. It is not the responsibility of the school official or employee to prove whether or not the child has been abused or maltreated.

c. Any school official or employee who has cause to suspect that the death of any child is a result of child abuse or maltreatment must report that fact to the appropriate medical examiner or coroner.

d. In accordance with the law, any employee who fails to report an instance of suspected child abuse or maltreatment may be guilty of a Class A misdemeanor and may be held liable for the damages caused by the failure to report. The law grants employees and other persons who report instances of child abuse immunity in good faith from any liability that might otherwise be incurred.

The school district shall maintain an ongoing training program which will address the identification and reporting of child abuse and maltreatment. Attendance at sessions of this training program shall be required of all district employees who come in contact with students. Attendance records shall be kept, and notations will be made in personnel files as to the dates of attendance.

The District shall develop, with input from appropriate personnel, a plan for implementation of such a training program, to be approved by the Board. In addition, the policy and regulations will be included in all employee handbooks and distributed annually to all personnel who are not covered under existing handbooks. The Superintendent will prepare and implement all regulations as are necessary to accomplish the intent of this policy.

A copy of this policy, along with the administrative regulations explaining the reporting requirements, shall be distributed to all staff members.

The District will cooperate to the extent possible with authorized Child Protective Services workers in investigations of alleged child abuse. When requesting verification of the identity of Child Protective Services personnel, District staff may request photographic employment identification or other government issued photographic identification, but cannot request a driver's license.

2. REQUIREMENTS FOR REPORTING ALLEGED CHILD ABUSE IN AN EDUCATIONAL SETTING (i.e. by a District Employee or Volunteer)

Consistent with the District's responsibility to maintain a safe environment for our students, the Board of Education directs that all staff comply with the requirements of New York State Education Law 23-B, which mandates that any Rochester City School District staff who shall be in receipt of any allegation that child abuse has been committed by an employee or volunteer in an educational setting must promptly report receipt of that allegation. This includes:

a. any staff whose duties involve direct student contact and who is paid either by a school district or contracted to provide transportation services to children; or

b. who is an employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the social services law.

Definitions

a. "Child Abuse" shall mean any of the following acts committed in an educational setting by an employee or volunteer against a child: (a) intentionally or recklessly inflicting physical injury, serious physical injury or death, or (b) intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury or death, or (c) any child sexual abuse or (d) the commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Article 235 of the Penal Law.

b. "Educational Setting" shall mean the building and grounds of a public-school district, the vehicles provided by the school district for the transportation of students to and from school buildings, field trips, co-curricular and extra-curricular activities both on and off school district grounds, all cocurricular and extra-curricular activity sites, and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

Penalty Provisions

The requirements set forth above are mandatory. Willful failure of an employee to prepare and submit a report form as required by the law is a Class A misdemeanor. The law also provides that a willful failure of a school building administrator or superintendent to forward a copy of the report form to the appropriate law enforcement authority is a Class A misdemeanor. In addition, the Commissioner of Education can also fine a school building administrator or a superintendent up to $5,000 for failure to forward a copy of the completed report form to the appropriate law enforcement authorities.

Immunity Provisions

The law provides immunity from civil liability for employees, volunteers, school building administrators and superintendents who reasonably and in good faith make a report of child abuse in an educational setting in the manner described in the law. The law also provides immunity from civil liability to school building administrators and superintendents who reasonably and in good faith forward a copy of the report form to a person or agency as required by law and in the manner described in the law.

Confidentiality of Records

In general, the only persons authorized to receive the written report form and any related materials are the school building administrator and the superintendent. The law requires that all reports, records, photographs and other material submitted remain confidential and may not be disclosed except to law enforcement authorities involved in the criminal investigation of child abuse in an educational setting or as expressly authorized by law or pursuant to a court–ordered subpoena. Willful disclosure of a written record required to be confidential, to a person not authorized to receive or review such record is a class A misdemeanor. The law requires that school building administrators and superintendents exercise reasonable care to prevent unauthorized disclosure.

Unreported Resignations or Voluntary Suspensions

The law prohibits school building administrators or superintendents from agreeing to withhold from the appropriate law enforcement authorities, a superintendent or the Commissioner of Education, where appropriate, an allegation of child abuse in an educational setting on the part of any employee or volunteer as required by law, in return for the resignation or voluntary suspension of the alleged perpetrator. Violation of this prohibition can result in a class E felony charge and a civil penalty of up to $20,000.

District Cooperation with Investigations of Reported Allegations of Abuse

The District will cooperate fully with law enforcement and any other governmental agencies that investigate reported allegations of Child Abuse in an Educational Setting.

Expungement

When the District learns that a report has not ultimately resulted in a criminal conviction, all copies of the report shall be expunged from any record kept by the District regarding the subject of the report. The report and all copies shall be expunged after a period of five years from the date the report was made, or at such earlier time as the superintendent determines.

Cross-ref: Student Records and Privacy (5500)
Suspected Child Abuse and Maltreatment Regulation (5460-R)

Ref: New York State Education Law, Article 23-B
Family Educational Rights and Privacy Act [20 USC §1232g; 45 CFR §99.36]
Child Protective Services Act
of 1973 Social Services Law
§§1411 et seq.
Family Court Act §1012
Education Law §3209-a
Education Law §§1125-1133
Penal Law §§130, 235, 263
8 NYCRR §100.2 (hh) (Reporting of Child Abuse in an Educational Setting)
Appeal of S.S., 42 EDR 273 (2003)

Notes: Suspected Child Abuse and Maltreatment Reporting Requirements and Procedures (December 18, 1997); Adopted August 20, 1998; Amended July 29, 2013 pursuant to Resolution No. 2013-14: 82; Amended June 19, 2014 pursuant to Resolution No. 2013-14: 779; Amended November 16, 2017 pursuant to Resolution No. 2017-18: 354; Amended August 25, 2022 pursuant to Resolution No. 2022-23: 78; Amended November 30, 2023 pursuant to Resolution No. 2023-24: 469

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STUDENT RECORDS AND PRIVACY

In compliance with the Family Educational Rights and Privacy Act (FERPA) and the Protection of Pupil Rights Amendment (PPRA), the Board of Education is committed to protecting the rights and privacy interests of parents/guardians and students.

Confidentiality

The Board recognizes its legal responsibility to maintain the confidentiality of student records. As part of this responsibility, the Board will ensure that eligible students and parents/guardians have the right to inspect and review education records, the right to seek to amend education records, and the right to have some control over the disclosure of information from the education record. The procedures for the confidentiality of student records shall be consistent with federal statutes, including FERPA and its implementing regulations, and New York State law and the Regulations of the Commissioner of Education.

The District shall not provide any personally identifiable information to any shared learning infrastructure service provider (SLISP) or data dashboard operator outside of the District, provided that the term SLISP shall not include Boards of Cooperative Educational Services (BOCES) operated by Regional Information Services (RICS).

The District will use reasonable methods to provide access to student educational records only to those authorized under the law and to authenticate the identity of the requestor. The District will document requests for and release of records, and retain the documentation in accordance with the law.

The Superintendent shall be responsible for ensuring that all requirements under the law and the Commissioner's regulations are carried out by the District.

Definitions

Authorized Representative: an authorized representative is any individual or entity designated by a state or local educational authority or federal agency headed by the Secretary, Comptroller General, or Attorney General to carry out audits, evaluations, or enforcement or compliance activities relating to education programs.

Education Record: records in any format that are directly related to the student and maintained by the District or by a party acting on behalf of the District, except:

1. Records in the sole possession of the individual who created them and not accessible or revealed to any other person, except a substitute (e.g., memory joggers);
2. Records of the District's law enforcement unit;
3. Grades on peer-graded papers before they are collected and recorded by a teacher.

Eligible student: a student who has reached the age of 18 or is attending postsecondary school.

Legitimate educational interest: a school official has a legitimate educational interest if they need to review a student's record in order to fulfill their professional responsibilities.

Personally identifiable information: information that would allow a reasonable person in the school or its community to identify the student with reasonable certainty, without personal knowledge of the relevant

circumstances. Such information might include Social Security number, student identification number, parent's name and/or address.

School official: a person who has a legitimate educational interest in a student record who is employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a member of the Board of Education; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant or therapist); a parent or student serving on an official committee or assisting another school official in performing their tasks. The district prohibits volunteers from accessing student information. The district expects that if volunteers discover any information about students in the course of their volunteer duties, they will not redisclose such information to anyone other than a school official with a legitimate educational interest.

Third Party Contractor: is any person or entity, other than an educational agency, that receives student data or teacher or principal data from an educational agency pursuant to a contract or other written agreement for purposes of providing services to such educational agency, including data management or storage services, conducting studies or audit or evaluation of publicly funded programs.

Annual Notification

At the beginning of each school year, the District shall publish a notice to parent(s) or guardian(s) and eligible students currently in attendance of their rights under FERPA and the procedures for pursuing them. A Parents' Bill of Rights for Data Privacy and Security will be posted on the District website and included in any agreements with third-party contractors. The notice and Parents' Bill of Rights may be published in a newspaper, handbook or other school bulletin or publication. The notice and Parents' Bill of Rights will also be provided to parents, guardians, and students who enroll during the school year.

The notice shall include a statement of the parent or eligible students' rights as required by FERPA and the PPRA, including but not limited to the District's ability to release, without consent, directory information. Directory information includes, but is not limited to, the student's:

1. Name;
2. Address, except for a homeless student's living situation;
3. Telephone number;
4. Date and place of birth;
5. Major field of study;
6. Participation in school activities or sports;
7. Weight and height, if a member of an athletic team;
8. Dates of attendance;
9. Degrees and awards received;
10. Most recent educational institution attended;
11. Grade level;
12. Enrollment status; and
13. Photograph.

Parents and eligible students may choose not to allow the District to release directory information.

In addition, the notice will inform parents/guardians and students that:

1. upon request, the District will disclose education records without consent to officials of another school district in which a student seeks to or intends to enroll or is actually enrolled;

2. personally identifiable information will be released to third party authorized representatives for the purposes of educational program audit, evaluation, enforcement, or compliance purposes; and

3. the procedure for exercising the right to inspect, review and request amendment of student records.

The District shall arrange to provide translations of this notice, where necessary, to parents and eligible students in their native language or dominant mode of communication.

Information regarding Homeless Students

Information about a homeless student's living situation shall be treated as a student educational record, and shall not be deemed directory information. A parent, guardian, or eligible student may elect to consent to release of a student's address information in the same way as for release of other student education records, but they cannot be compelled to do so. The District's liaison for homeless students shall take reasonable measures to provide these students with information regarding educational, employment, or other postsecondary opportunities and beneficial activities.

Release of Information to Non-Custodial Parent

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

Student Surveys

The PPRA governs the administration to students of a survey, analysis, or evaluation, unless specifically excluded by law, which concerns one or more of the following eight protected areas:

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

PPRA also regulates marketing surveys and other areas of student privacy, parental access to information, and the administration of certain physical examinations to minors. PPRA does not supersede any of the requirements of the Family Educational Rights and Privacy Act (FERPA).

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

Parental Notification

The District shall provide for notice of the adoption or continued use of this policy directly to the parents/guardians of students enrolled in the District. The District shall provide such notice at least annually, at the beginning of the school year, and after any substantive change in this policy, and will include the approximate dates during the year when surveys are scheduled, or expected to be scheduled, for administration.

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

1. The administration of any survey containing one or more of the eight protected areas listed above; and

2. Any non-emergency, invasive physical examination or screening that is required as a condition of attendance; administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students. The term "invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision or scoliosis screening.

In the event that the District does not identify the specific or approximate dates of the activities or surveys to be administered in the general annual notification, it shall "directly" notify, such as through U.S. Mail or e-mail, the parents/guardians of students who are scheduled to participate in the specific activities or surveys prior to participation and provide an opportunity for the parent/guardian to opt his/her child out of participation and/or receive parental/guardian consent as enumerated above.

Surveys Funded by the U.S. Department of Education

The District shall make instructional materials available for inspection by parents/guardians if those materials will be used in connection with any DOE-funded survey, analysis, or evaluation in which their children participate. The term "instructional material" means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.

In addition, the District shall obtain express prior written parental/guardian consent before minor students are required to participate in any DOE-funded survey, analysis, or evaluation that reveals information concerning any of the eight protected areas.

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

The Board of Education directs the Superintendent to develop regulations consistent with this policy regarding the following:

1. The right of the parent/person in parental relation to inspect, upon request, a survey created by a third party (i.e., by a party other than the DOE) before the survey is administered or distributed by a school to a student any applicable procedures for granting a request by a parent for reasonable access to such survey within a reasonable period of time after the request is received.

2. Arrangements to protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of the eight protected areas, including the right of the parent/guardian of the student to inspect, upon request, any survey containing one or more of the eight protected areas.

3. The right of a parent of a student to inspect, upon the request of the parent, any instructional material used as part of the educational curriculum for the student any applicable procedures for granting a request by a parent for reasonable access to instructional material within a reasonable period of time after the request is received.

4. The administration of physical examinations or screenings that the District may administer to a student.

This policy does not apply to any physical examination or screening that is permitted or required by State law, including physical examinations or screenings that are permitted without parental notification. With respect to such permitted or required examinations or screenings, the District incorporates, by reference, applicable Board policies addressing student health services.

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

Marketing Surveys

Unless mandated/authorized in accordance with Federal or State law and/or regulation, this policy of the Board of Education prohibits the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), unless otherwise exempted pursuant to law as noted below. Questions regarding the collection, disclosure, or use of personal information collected from students for such marketing purposes may be referred to the General Counsel as deemed necessary by the Superintendent/designee.

This prohibition does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions as permitted by law.

Cross-ref:	School District Records (Policy 1120) Recruiting in Schools (Policy 1240.1) Education of Homeless Students (Policy 5110-R) Wellness Policy (Policy 5405)
Ref:	Family Educational Rights and Privacy Act of 1974, as amended 20 USC 1232g 34 CFR Part 99 No Child Left Behind Act, 20 USC §7908 (Military Recruiter Access) 10 USC §503 as amended by §544 of the National Defense Reauthorization Act for FY 2002 Education Law §§2-a; 2-b; 2-c; 2-d; 225 Public Officers Law §87(2)(a) Arts and Cultural Affairs Law, Article 57-A (Local Government Records Law) 8 NYCRR 185.12 (Appendix I) Records Retention and Disposition, Schedule

ED-1 for use by School Districts and BOCES "Guidance for Reasonable Methods and Written Agreements"
Parents' Bill of Rights for Data Privacy and Security, July 29, 2014
Family Policy Compliance Office

Notes: Adopted June 22, 2011 pursuant to Resolution No. 2010-11: 909; Amended April 23, 2015 pursuant to Resolution No. 2014-15: 626; Amended April 26, 2018 pursuant to Resolution No. 2017-18: 816; Amended August 25, 2022 pursuant to Resolution No. 2022-23: 78

ct

ACCESS TO EDUCATION, STUDENT PRIVACY, LAW AND IMMIGRATION ENFORCEMENT

To protect student privacy and provide an environment conducive to learning, school staff must not allow any third-party access to a school site without permission of the site administrator (e.g. building principal, project director, administrator in charge). Third parties consist of anyone who is not a student, staff member, parent or guardian of a student attending the school.

Any request for access to a school site or for information regarding a student or student's family by law enforcement personnel (e.g. local or state police, immigration law enforcement agents, customs and border patrol officials) should be referred to the Superintendent's Office and Office of the General Counsel immediately.

All school site administrators must process requests by law enforcement agents to enter a school site or obtain information about a student or the student's family in accordance with the procedures outlined in Superintendent's Regulation 5600-R, which accompanies this policy. Under no circumstances are school staff to provide information or grant access to school property without legal counsel present.

These precautions are essential to protect student and family rights and privacy, and to minimize disruption to the educational process.

Cross-ref: Access to Education, Student Privacy, Law and Immigration Enforcement Regulation (5600-R)

Ref: Family Educational Rights and Privacy Act (FERPA)

Notes: Adopted August 24, 2017 pursuant to Resolution No. 2017-18: 189; Amended August 25, 2022 pursuant to Resolution No. 2022-23: 78

ct

VOTER REGISTRATION FOR STUDENTS

The Board of Education believes that getting young people involved in the election process helps to secure the future of democracy by preparing young people to be educated, engaged voters who have formed the habit of voting and contributing to civic life early.

In an effort to promote student voter registration, the Board directs the Superintendent (or the Superintendent's designee) to offer all students who are at least 16 years old (but will not be 18 years old by the next election) the opportunity to register. These students must be otherwise qualified to register to vote. These pre-registrations will be automatically registered upon reaching the age of eligibility following verification of the person's qualifications and address.

The Superintendent (or the Superintendent's designee) is directed to develop administrative regulations in regard to the voter pre-registration of 16 and/or 17 year old students.

Students who do not wish to pre-register to vote do not have to do so. There will be no penalty (including participation grades or credits) for choosing not to do so.

Ref: Election Law § 5-507

Notes: Adopted February 25, 2021 pursuant to Resolution No. 2020-21: 687; Modified pursuant to Resolution No. 2021-22: 253 November 2, 2021

ct

6000 Series: Financial Management

Rochester City School District Board Policy

6000

FINANCIAL ACCOUNTABILITY

School districts must establish internal controls to ensure accomplishment of goals and objectives; adherence to laws, regulations, policies, and good business practices; the efficacy and efficiency of operations; protection of assets; and maintenance of accurate, timely and reliable data.

The Rochester City School District's governance and control environment will include the following:

1. The Code of Ethics/Conflict of Interest (2160) addresses appropriate behavior and the avoidance of conflicts of interest by all District employees.

2. Financial statements must be prepared in accordance with generally accepted accounting principles and other principles as may be applied by governmental accounting standards and audited in accordance with generally accepted auditing standards by a certified public accounting firm.

3. Establish required financial and operating policies and procedures as guidance for District operations with timely updates in response to additional mandates from all applicable State and Federal laws and regulations.

4. Review on a regular basis the financial reports specified in Financial Reports & Resolutions Policy (6630).

5. Review the District's Capital Improvement Plan for long-term (5 years) capital project planning.

6. Attend training programs required by New York State law for Board members, the Chief Financial Officer, treasurers, and others to ensure they better understand their duties and responsibilities and the data and other information provided to them.

7. The oversight and operation of an Audit Committee, Internal Audit, and Claims Audit as required by New York State law in support of the Board's fiscal oversight responsibilities.

8. Review and approval of internal audit reports submitted to the Board to understand the adequacy of District financial and information systems and the internal controls related to fiscal and programmatic systems and procedures.

9. The maintenance and accountability to all policies described within this document.

Cross-ref: Code of Ethics/Conflict of Interest (2160)
Reporting of Grant Awards (6256)
Financial Reports & Resolutions (6630)
Internal Audit Reports (6680)
Authorization of Contracts (6745)

Ref: 8 NYCRR Section 170.12

Notes: Adopted November 18, 2010 pursuant to Resolution No. 2010-11: 388.; Amended December 23, 2021 pursuant to Resolution 2021-22: 347; Amended November 30, 2023 pursuant to Resolution No. 2023-24: 467

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November 30, 2023

BUDGET POLICY

As the Rochester City School District receives a great deal of its revenue from New York State, the timely completion of its budget process is integral to the orderly operation of the District's budget process.

The Board of Education believes one of its greatest responsibilities is to exercise financial oversight to ensure fiscal responsibility of the school district.

The Board of Education will annually approve a specific budget calendar developed by the Chief Financial Officer and recommended by the Superintendent in accordance with the attached Exhibit A.

The Superintendent and the administrative staff shall solicit the views of persons concerned with the budget to assist in its development. The superintendent shall ensure the participation of the Board of Education, staff, students and the community prior to compiling data, organizing the budget and presenting the budget to the Board.

The budget shall be designed to reflect the Board-approved goals and objectives and the District's strategic plan for the education of our students. The recommended budget will be presented to the Board on or about the first week in April. Efforts to solicit input from parents, the Rochester community and staff shall be disclosed at the Superintendent's initial budget presentation to the Board.

To assist in long-range planning for District budgets, ongoing evaluations of the district's educational programs will be conducted and will include estimates of the fiscal implications of each program, and the effectiveness of these programs over time. The superintendent must include the most recent program evaluation results in an annual report to the Board before the end of each fiscal year. This report will determine continued funding for existing programs.

The superintendent, in conjunction with the Chief Financial Officer, will develop a multiyear long-range plan, including plans for budget presentation in both a program-based and school unit format. It will be reviewed annually with the Board of Education as part of the budget process.

The budget for the ensuing school year shall be thoroughly reviewed by the Board of Education in no less than two (2) Finance Committee Meetings of the Whole. Following this review, the Board will adopt a budget for the coming fiscal year in accordance with policy 6130 for subsequent submission to the City of Rochester for inclusion in their budget submission to City Council.

Adopted 12/19/2002; Amended 3/17/2005 pursuant to Resolution No. 2004-2005: 656; amended October 28, 2010 pursuant to Resolution No. 2010-11: 335.; amended February 25, 2021 pursuant to Resolution No. 2020-21: 689

Ref.: Section 1709 (2) of Education Law

BUDGET POLICY

Exhibit A – Budget Timeframe

Q2: Second Quarter

- Finance Staff submits calendar for budget process to Finance Committee
- Finalized by Board of Education at the October Business Meeting
- Board provides direction for developing initial revenue projection
- Superintendent Submits funding priorities to Board of Education
- Board of Education begins developing its funding priorities for the following fiscal year
- Initial Revenue projection provided to Finance Committee – updated throughout process

Q3: Third Quarter

- Board provides funding priorities to the Superintendent
- Budget Templates and Instructions sent out to Department Heads and Principals
- Budget Templates returned to Budget Office for consolidation and review
- Enrollment and Staffing Projections for following fiscal year
- Finance Committee Meeting
- Finance Committee of the Whole - Draft Budget Presentation

Q4: Fourth Quarter

- Superintendent's Budget Presentation
- Public Hearing – adjusted for school break if necessary
- Budget Deliberations – adjusted for school break if necessary
- Budget Adoption by the Board of Education
- Transmittal to City Hall

BUDGET HEARING

The Board of Education will hold a public hearing on the superintendent's proposed budget during the month of April. This hearing will be held at a facility designated by the Clerk to the Board. Those wishing to address the Board must sign up in advance with the Board office and will receive two (2) minutes to address the Board. Individuals will be subject to the District's Code of Conduct during the meeting. The purpose of this hearing is to provide the Community with an opportunity to express their interests and concerns on the superintendent's proposed budget to the Board prior to the Board's deliberations, final decisions, and subsequent adoption of the budget the district will operate under for the following fiscal year.

Note: Adopted December 19, 2002 pursuant to Resolution No: 2002-03: 488; Amended December 23, 2021 pursuant to Resolution No. 2021-22: 347

rw

BUDGET ADOPTION

The Board of Education will adopt the budget proposal for the coming fiscal year no less than ten days prior to the deadline for submission to the City of Rochester. Upon adoption, the Administration will transmit the approved budget document to City Hall for its inclusion in the City of Rochester's budget submission to City Council in accordance with statutory and regulatory requirements. The Board will participate in the City Council of Rochester's public hearing on the district's budget as set forth on the City Council calendar.

Notes: Adopted December 19, 2002 pursuant to Resolution No. 2002-03: 488; Amended October 28, 2010 pursuant to Resolution No. 2010-11: 336; Amended October 28, 2021 pursuant to Resolution No. 2021-22: 243

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6150

BUDGET TRANSFERS

The transfer of funds between and within functional unit appropriations of the General Fund is commonly required during the school year. The Superintendent of Schools (the Superintendent's designee) in accordance with the Regulations of the Commissioner of Education, is authorized to make budget transfers between line item accounts, so long as the transfer for any one item does not exceed $500,000**.** All transfers in excess of **$500, 000** require prior Board of Education approval. The Chief Financial Officer will report any other transfers to the Board as an information item at the next Finance Committee meeting following the transfer of funds. The policy on budget transfers will be reviewed annually with the Board of Education as part of the budget process and adjusted accordingly.

Ref: Education Law §1718
8 NYCRR §170.2(l)

Notes: Adopted February 25, 2021 pursuant to Resolution No. 2020-21: 690; Modified pursuant to Resolution No. 2021-22: 253 November 2, 2021

ct

LONG RANGE FINANCIAL PLANNING POLICY

The Board of Education recognizes the importance of long-range financial planning to the District's overall financial stability. Board oversight demands that large financial commitments be developed in accordance with a long-range plan. As such, the District should develop multi-year plans for key asset areas that will guide the annual budget development process for the efficient allocation of resources.

Scope

The most current Strategic Plan shall be the controlling document for all long-range financial commitments. The Strategic Plan must speak to both the activities that require multi-year commitment and the financial commitment needed to carry out those activities.

The Board of Education has identified the following functions which will almost certainly require on-going financial commitment:

1. Capital improvement and stewardship of District facilities
2. Technology infrastructure
3. Textbook Review and Adoption
4. Professional Development
5. Other Multi-year Initiatives

While this policy calls out the above four areas, the Board of Education expects the administration to follow similar patterns for assessing the financial needs of all multi-year projects.

1. Capital Improvement

The Facilities Development Goals (Policy 7000), calls for the establishment of a long-range planning and development program, which presents as a 5-year Capital Improvement Plan (CIP) within the annual budget. Capital projects are generally funded through a program of borrowing through the city and in accordance with City of Rochester charter and protocols.

The Board directs the Superintendent to promulgate regulations for the above policy, outlining project selection criteria and assessment protocols.

As of the drafting of this policy, the Facilities Modernization Program (FMP) invests many millions of dollars in District facilities, however the parameters for the FMP are set by the enabling state legislation and the responsibility for execution falls upon the Joint Schools Construction Board (JSCB), not the District directly. The CIP must be responsive to the recently completed FMP projects and projects slated for future FMP investment as well as other reimbursement considerations, such as the state awarding double maximum cost allowance (MCA) to an approved project.

2. Technology Infrastructure

Superintendent's Regulation IT Governance (8300-R) establishes a standing IT Governance Committee. It is incumbent upon this committee to faithfully advise the Superintendent on the needs of the District in an ever-changing technology climate. As the committee is charged by the Superintendent (not the Board of Education), the Board expects the Superintendent to advise the Board of the District's technology needs and to incorporate appropriate recommendations into each annual budget recommendation. Long-range planning may also dictate the commitment of fund balance to anticipated future needs.

The Board directs the Superintendent to specifically report on the District's technology needs in the course of the annual budget presentation and in future Strategic Plans.

3. Textbook Review and Adoption

Superintendent's Regulation Textbook Selection and Adoption (4511-R) establishes textbook adoption committees. These committees are responsible for assessing whether textbook series have become obsolete or out of compliance with New York State education standards. The committees are further charged with assessing the available alternatives and recommending District-wide textbook adoptions for Board of Education approval.

Because potential textbook adoption decisions can extend into future fiscal years, the Board directs the Superintendent to ensure that the committees provide input to the annual budget with estimates where contemplated adoptions will lead to purchases in upcoming fiscal years.

The frequency of District-wide adoption recommendation remains the purview of the Superintendent, however, to the extent that adoption schedules are impacted by financial forecasts and New York State textbook aid revenues, the Board directs the Superintendent to report out such considerations in the course of the annual budget presentation.

4. Professional Development

Professional Development (PD) is - and should be - a significant on-going financial investment in the District's workforce. Changes in Board policies and priorities (such as cultural competency and anti-racism; conflict resolution and restorative practices), New York State education standards, and District-wide textbook adoptions have direct impact on what PD will be needed. In many instances the drivers of PD will be phased in over multiple years, therefore the PD itself should be phased in (preferably) in advance of deployment of those drivers.

The Board directs the Superintendent to develop and maintain District-wide multi-year professional development plans. The Board further directs the Superintendent to report on the financial impact that rollout of policies, standards, and textbook adoptions have on PD in the course of annual budget presentations, even if the budget recommendation is to defer other PD options (rather than augment PD offerings in order to maintain constant PD opportunities within prior year's budget levels).

5. Other Multi-year Initiatives

The above are constant needs for multi-year investment. The Superintendent may, on occasion, contemplate new initiatives that may impact multiple budget years. Should this occur, the Board directs the Superintendent to conduct a thorough financial impact study on the initiative and the include the findings of said study to the Board when presenting proposed initiatives. Examples might include, but are not limited to:

1. educational organization and grade level configurations,
2. opening or phasing in new schools, programs, or feeder patterns
3. Introduction of non-mandated instruction or expansion of extra-curricular or intramural activities
4. New multi-year partnerships

Cross ref: Textbook Selection and Adoption (4511-R)
Budget Policy (6110)
Facilities Development Goals (7000)
Superintendent's Regulation IT Governance (8300-R)

Notes: Adopted August 25, 2022 pursuant to Resolution No. 2022-23: 77

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INVESTMENTS

As a city school district defined by NYS Education Law Article §52, the Rochester City School District is fiscally dependent upon the City of Rochester to manage investments on behalf of the District in accordance with the requirements established in NYS General Municipal Law Article §39, other applicable laws, and the Charter of the City of Rochester.

Ref: Education Law § 52
General Municipal Law Article §39
Charter of the City of Rochester, §6-3; 8-9.1

Notes: Adopted August 20, 1998; Amended October 28, 2010 pursuant to Resolution No. 2010-11: 337.; Amended October 28, 2021 pursuant Resolution No. 2021-22: 243

rw

NON-RESIDENT TUITION

The Board of Education will establish tuition rates for non-resident students each year. There are three primary types of non-resident students. The non-resident students in the Youth and Justice programs that receive daily tutoring, the non-resident English Language Learners and the foster care students. Rates charged for Tutoring and ELL are calculated based upon the Rochester City School District's cost structure. The Foster Care rates are calculated per the formula provided by the New York State Educational Department.

The administration shall advance a resolution setting the non-resident tuition rates as soon as practicable after the administration is notified of those rates by the New York State Education Department.

Cross-ref: Admission of Non-Resident Students (5152)
Admission of Foreign Students (5152.1)

Ref: Education Law §3203
8 NYCRR §174.2
Matter of Richards, 25 EDR 38 (1986)
Matter of Hill, 23 EDR 338 (1984)
Matter of Bunk, 22 EDR 38 (1983)
Matter of Schumer, 21 EDR 640 (1982)
Matter of Wadas, 21 EDR 577 (1982)
Letter to Counsel, NYS Education Department from the U.S. Dept. of Education, Office of Civil Rights, August 10, 1994

Notes: Adopted December 20, 2018 pursuant to Resolution No. 2018-19: 547; Amended December 23, 2021 pursuant to Resolution No. 2021-22: 347

rw

REPORTING OF GRANT AWARDS

The Board of Education, in order to ensure better fiscal oversight, directs the Superintendent to submit a written report to the Board of Education on a quarterly basis, commencing on April 1, 2021, of all newly awarded grants to the District.

The report should include the following information:

- Purpose
- Amount
- Duration
- Scope of Work
- Outcomes
- Alignment to District Priorities
- Responsible staff/department for oversight of program management

In addition, the Superintendent, or designee, shall present to the Finance Committee in October of each school year for the purpose of discussing the overall use of grants in the prior school year, as well as grants being pursued and/or utilized for the current school year.

Adopted May 27, 2021 pursuant to Resolution No. 2020-21: 843

rw

INDEMNIFICATION UNDER PUBLIC OFFICERS LAW

The Board hereby confers on Members of the Board of Education and School Officials (elected or appointed), the Superintendent of Schools, District Employees, and Volunteers who are expressly authorized to participate in a publicly-sponsored volunteer program, the benefits of Public Officers Law § 18. The Board agrees to be held liable for the costs incurred under the provisions of Public Officers Law § 18.

The duty to defend, indemnify, or hold harmless is conditioned on full compliance with the terms of Public Officers Law § 18 by the Board Member, Official, Superintendent, Employee, or Volunteer. These benefits supplement, and are available in addition to, defense or indemnification protection conferred by other statutes including, but not limited to the Education Law.

Cross-Ref: Code of Conduct (1400)
Code of Ethics (2160)

Ref: New York Public Officers Law§ 18
New York Education Law§§ 3023, 3028, and 3811

Notes: Adopted September 25, 2018 pursuant to Resolution No. 2018-19: 313; Amended October 28, 2021 pursuant to Resolution No. 2021-22: 243

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FUND BALANCE POLICY

1. PURPOSE

Fund balance measures the net financial resources available to finance expenditures of future periods. The District's General Fund Balance will be maintained to provide the District with sufficient working capital and a margin of safety to address current and future risks such as unanticipated emergency expenditures (i.e. health epidemic), unexpected cost increases (i.e. employee benefits and other budgetary expenses), and revenue shortfalls (i.e. reductions in state aid or City funding). Maintaining a reasonable general fund balance is also necessary to plan for future long-term employee liabilities (such as post-health insurance) and future capital project and equipment needs.

The Board of Education recognizes that the maintenance of a fund balance is essential to the financial integrity of the District insofar as it helps mitigate current and future risks such as revenue shortfalls and unanticipated expenditures while supporting the District's long-term financial planning. The Board of Education further recognizes the need to establish guidelines for fund balance to ensure the District complies with applicable laws, regulations and accounting standards.

2. DEFINITIONS

The District shall comply with the reporting requirements of Article 3 of General Municipal Law of the State of New York and the Governmental Accounting Standards Board (GASB) Statement Number 54, Fund Balance Reporting and Governmental Fund Type Definitions. The District's fund balance will be classified into the following categories at the end of each fiscal year to comply with the requirements of GASB 54:

a. Non-spendable – consists of assets that are inherently non-spendable in the current period either because of their form or because they must be maintained intact, including prepaid items, inventories, long-term portions of loans receivable, financial assets held for resale, and principal of endowments.

b. Restricted – consists of amounts that are subject to externally enforceable legal purpose restrictions imposed by creditors, grantors, contributors, or laws and regulations of other governments; or through constitutional provisions or enabling legislation.

The unrestricted general fund balance is the difference between the total fund balance less non-spendable and restricted fund balance. The unrestricted general fund balance is made up of three parts: the committed, assigned and unassigned components of fund balance.

c. Committed Fund Balance – the portion of fund balance that represents resources whose use is constrained by limitations that the government imposes on itself at the highest level of authority (i.e., resources accumulated due to stabilization agreements). The committed fund balance does not lapse at year-end. Formal action via resolution by the Board of Education is required to commit funds and to expend funds in the committed fund balance or to remove the constraint via resolution to rescind prior resolution.

d. Assigned Fund Balance – the portion of fund balance that reflects a government's intended use of resources by the government's highest level of decision-making authority, or by their designated body or official.

e. Unassigned Fund Balance – the portion of fund balance that reflects any net (residual) resources in excess of what can be properly be classified in any of the other categories of fund balance and reports deficit balance resulting from overspending for specific purposes for which amounts had been restricted, committed or assigned.

3. GUIDELINES

3.1 Minimum Unassigned Fund Balance – The Board of Education recognizes that good fiscal management comprises the foundational support of the entire District. To make that support as effective as possible, a minimum unassigned general fund balance of 5 percent of the District's general fund annual operating expenditures should be maintained, and a maximum not to exceed 15 percent. If the unassigned fund balance drops below 5 percent, it shall be recovered at a rate of 1 percent each year until the 5 percent level is attained.

3.2 Order of Expenditure – For purposes of fund balance classification, expenditures are to be spent from restricted fund balance first and then unrestricted. Expenditures incurred in the unrestricted fund balances shall be reduced first from the committed fund balance, then from the assigned fund balance and lastly, from the unassigned fund balance.

3.3 Unassigned Funds – Should unassigned fund balance of the general fund ever exceed the maximum 15 percent range, the District may consider such fund balance surpluses for one-time expenditures that are nonrecurring in nature and which will not require additional future expense outlays for maintenance, additional staffing or other recurring expenditures. The Board should also consider the virtues of increasing allocations to restricted, committed and assigned funds rather than spending down the unassigned fund balance.

3.4 Securing Explicit Board Approval

a. Explicit Board approval via resolution is necessary for all appropriations from committed, assigned and unassigned funds except funds encumbered at fiscal year-end for purchases and/or services incurred prior to fiscal year-end. Board approval may be obtained via stand-alone resolution or combined with other allocations, such as budget or budget amendment resolutions.

b. Should the Board be presented with and approve a budget that results in an unassigned fund balance of less than 5 percent of the District’s general fund annual operating expenditures, the budget approval resolution shall explicitly state that the Board is fully aware of that fact and that the Board is also approving a waiver to this Fund Balance Policy. In this way, the Board will be acknowledging that the proposed budget is not merely drawing down funds, but drawing down funds beyond recommended levels.

3.5 Committed and Assigned Funds – The following committed or assigned funds established by the Board of Education shall be evaluated for appropriate funding levels in the following manner. The administration shall use most currently available actuarial data to calculate appropriate funding levels upon Board of Education acceptance and approval of the Annual Comprehensive Financial Report, and shall submit a resolution to the Board of Education for authorization of new commitments/un-commitments or assignments/un-assignments, and shall use revised values throughout the budget process for the following year.

a. Insurance Claims – in an effort to mitigate current and future risks associated with any claims, including those in excess of the District’s self-insured retention of $500,000.

b. Workers Compensation – in order to mitigate current and future risks associated with the District's self-funded workers' compensation program. Commitment (or assignment) shall not exceed 50% of the independent actuarial estimate for Workers' Compensation long-term liability for the most recent valuation report.

c. Other Post-Employment Benefits (OPEB) – in an effort to plan for future liabilities and contingencies such as cost increases associated with the District's share of retiree health insurance expenditures in accordance with GASB 45 recommended practices. Commitment (or assignment) shall be no less than one and not more than two subsequent fiscal years' worth of actual retiree claims expenses.

d. Health Insurance Rate Stabilization Reserve Fund – for as long as the Memorandum of Agreement of November 2011 is in effect, commitment (or assignment) shall be informed by the most recent Joint Health Insurance Committee recommendations available prior to publication of annual financial statements.

e. Pension Stabilization (ERS/TRS) – in an effort to plan for the impacts of future contribution rate increases commitment (or assignment) shall not exceed 10% of the most recent years' amount of employer contributions.

f. Other commitments (assignments) – the Board reserves the right to establish/unestablish other commitments (assignments) due to unforeseen, future circumstances that may arise during the normal course of business.

3.6 Restricted Funds – The Office of the New York State Comptroller provides guidance on what funds can be established as restricted funds in the Local Government Management Guide (LGMG). This District opts the following allowable purposes as restricted funds:

a. Workers' Compensation – available for use by school districts in accordance with GML Section 6-j that are self-insurers under Section 50(4) of the Workers' Compensation Law.

b. Unemployment Insurance Fund – available for use by school districts in accordance with GML Section 6-m for those who have elected to reimburse the State Unemployment Insurance Fund for claim payments in lieu of making contributions.

c. Other Restricted Funds – other restricted funds include, but are not limited to, debt service obligations, student activity funds and other funds established as a result of year-end adjusting entries.

3.7 Timeline

a. The Board may direct the administration to add or dissolve restricted, committed or assigned funds from unassigned fund balances at any time throughout the year via resolution and may direct the increase or decrease of existing fund balances when financial circumstances justify such actions.

b. The Superintendent shall seek Board approval, through resolution, of fund balance changes that are driven by necessary year-end adjustments after fiscal year-end and before publication of the annual financial statements.

c. This policy should be reviewed annually by the Board with any required revisions in place in advance of the Board adoption of the annual budget.

Notes: Adopted August 25, 2011 pursuant to Resolution No. 2011-12: 170. Amended March 2, 2021 pursuant to Resolution 2020-21: 692; Amended May 25, 2023 pursuant to Resolution No. 2022-23: 722

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Audit Committee Policy

PURPOSE

The Audit Committee assists the Board of Education (Board) in fulfilling its oversight responsibilities for audit, internal control and financial reporting processes, as well as the District's processes for monitoring compliance with laws and regulations and Board policy.

AUTHORITY

The Audit Committee (Committee) is a requirement under New York State Education Law Section 2116-c and is granted authority by the Board to perform the following:

- Provide recommendations regarding the appointment of an independent public accounting firm to perform an audit of the District's Annual Financial Report.
- Appoint the Auditor General (AG) and oversee the work of the Board's Office of Auditor General (OAG).
- Ensures that recommendations from auditors to District Administration obtain corrective action plans to remediate control weaknesses, and ensure that disagreements between District administration and auditors are resolved.

Reports and recommendations of the Committee shall be subject to the approval of the entire Board. The Committee has no authority to act on, behalf of, or represent the Board and/or District in any manner. Neither the Committee nor individual members of the Committee have representative authority to act or speak on behalf of the Board.

The Committee shall be independent of other committees of the Board, and as such is not to be combined with any other committee of the Board.

ROLE

The role of the Committee shall be advisory in nature and the recommendations it provides to the Board shall not substitute for review or acceptance by the Board.

The Committee shall promote, maintain, and enhance the independence and objectivity of the Board's OAG by ensuring broad audit coverage, adequate consideration of audit reports, and appropriate and timely action on recommendations.

MEMBERSHIP REQUIREMENTS

- The Board will appoint Committee members annually at its Organizational Meeting.
- The Committee shall consist of at least three Board members, who shall serve without additional compensation. In addition, the Board President shall serve on the Committee as an ex-officio (non-voting) member.
- The Committee will make recommendations to the Board concerning the appointment of external (nonBoard) members. The Board may, in its discretion, accept such recommendations and appoint external members to the Committee. The Committee is empowered to perform all duties assigned to it, whether or not external members have been recommended and appointed; and irrespective of any vacancy in authorized position.
- Employees of the District are prohibited from serving on the Committee.

- At least one member should be a subject matter expert in the areas of internal controls or accounting or auditing.

MEETINGS

The Committee will meet at least annually, with authority to convene additional meetings, as circumstances require. The Committee shall not be considered a public body when conducting a meeting.

RESPONSIBILITIES

Due to the broad scope of the Committee's oversight and role, the Committee assigns most of these tasks to the Board OAG and provides oversight and direction to the Board OAG on execution of these tasks. Likewise, the Board OAG assists the Committee in carrying out its oversight responsibilities by providing objective opinions, information, support and other assistance as directed by the Committee.

Specific responsibilities are outlined in the Audit Committee Charter. The Audit Committee shall provide direct oversight in the following areas:

Office of Auditor General (OAG)

- Provide recommendations regarding the appointment of the AG and evaluate performance of the AG and provide recommendations to the Board.
- Review and approve the Charter for the OAG. Review and make recommendations to the Board regarding the framework under which the OAG operates, including its Charter and Policies.
- Meet separately with the AG to discuss matters that the Committee or AG believes should be discussed privately.

External Auditor

- Ensure, through OAG, that the District complies with Board policy and New York State law regarding utilization of the Request for Proposal process (RFP) in procuring the External Auditor.
- Provide recommendations regarding the appointment of the External Auditor and review the performance of the External Auditor.
- Meet with the External Auditor prior to commencement of the External audit, at the conclusion of the audit, and as warranted during the audit, in Executive Session concerning any matters that the Committee or External Auditor believes should be discussed.
- Review all "communication" issues related to the conduct of the audit that are required to be discussed with Management and the External Auditor consistent with auditing standards (as per AICPA Professional Standards, vol. 1, AU sec. 380).
- Make recommendations to the Board on accepting the External Audit.

Cross-Ref: Internal Audit Report Policy (6680)

References: Education Law 2116-c, and 3811-3813

Public Officers Law Section 105

Notes: Adopted May 22, 2012 pursuant to Resolution No. 2011-12: 787; Amended December 23, 2021 pursuant to Resolution No. 2021-22: 347

ct

Internal Auditor Policy

PURPOSE

The Internal Auditor assists the Board of Education with its oversight responsibilities by providing the Board of Education and management with an independent, objective assessment of financial and operating practices, ensuring that district operations promote and demonstrate fiscal accountability, improving or strengthening internal controls, safeguarding assets, maintaining transaction integrity, assessing compliance with regulations, and evaluating risks.

AUTHORITY

Education Law Section 2116-b and 2116-c requires all school districts to have an Internal Audit Function.

The Board of Education has established the Office of Auditor General as the Internal Audit Function for the District. The Office of Auditor General reports to the Board of Education through the Audit Committee, which is an advisory committee of the Board of Education.

ROLE AND RESPONSIBILITIES

The internal audit function's primary responsibility is to assist the board in ensuring that the District's risks are identified and that appropriate internal controls are in place to address those risks

The Audit Committee, established under school accountability legislation, is charged with assisting the Board with oversight of the Office of Auditor General.

The duties of the Office of Auditor General include:

1. Development of a risk assessment of district operations, financial policies, and procedures.

2. An annual review and update of such risk assessment.

3. Annual testing and evaluation of internal controls, taking into account risk factors, control weaknesses, size, and complexity of operations.

4. Reporting to the Board of Education.
    a. Internal auditors are required to analyze and report on significant risk findings and recommend changes to strengthen controls with timeframes for implementation.
    b. Reporting to the Board should occur at least annually.

Internal Audit Function personnel must have an inquisitive, professionally skeptical attitude.

Internal auditors are not responsible for the execution of District activities; they advise management and the Board regarding how to better execute their responsibilities.

Cross-ref: Financial Accountability (6000)

References: Education Law §§; 2116-b; 2116-c

Notes: Adopted May 22, 2012 pursuant to Resolution No. 2011-12: 788; Amended October 28, 2021 pursuant to Resolution No. 2021-22: 243

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CLAIMS AUDITOR POLICY

PURPOSE

New York State Education Law, Section 2580, subsection 4 provides that it shall be unlawful for a city treasurer or other officer having the custody of such city funds to permit their use for any purpose other than that for which they are lawfully authorized, and they shall be paid out only on audit of the board of education or as otherwise provided in Section 2580. The Board of Education established the Office of Claims Audit to act on their behalf and assume the powers and duties of the Board of Education in regard to approving or disapproving Claim invoices/vouchers against the District for payment.

AUTHORITY

The Board of Education appoints the Claims Auditor annually at the organizational meeting. The Claims Auditor assumes the powers and duties of the Board of Education for approving or disapproving claims against the District, and retains that authority unless the Board terminates the position.

Once a Claims Auditor is appointed, and until the position is abolished, the Board no longer has the authority to audit and approve District bills. This duty and responsibility has been delegated to the Claims Auditor. The Claims Auditor reports directly to the Board. Concerns are brought directly to the Board.

The Board should direct the Claims Auditor to provide reports in the format that the Board desires, as well as establish the frequency of such reports.

ROLE

Subject to Section 2580 of the Education Law and other applicable Federal and State law, and local procedures and requirements, the Claims Auditor is responsible for auditing claims, charges and demands against the District. As required by Education Law, this individual will review and approve claims brought against the District on behalf of the Board of Education.

The role of the Claims Auditor is not intended to transfer or assume district responsibilities of operating personnel associated with conformance to District policies and practices in support of proper payments.

MEMBERSHIP REQUIREMENTS

There are several individuals that are prohibited by Education Law from being a Claims Auditor. They include:

1. Board Member(s)
2. Clerk of the Board
3. Treasurer
4. Superintendent
5. Person responsible for business management
6. Purchasing agent
7. Clerical or professional personnel directly involved in accounting and purchasing

In addition to individuals prohibited by law from being appointed as a Claims Auditor, other classes of individuals should also not be appointed, including people with:

1. Any responsibility for business operations
2. A family member with responsibility for business operations
3. Contracts (other than employment contracts) with the District
4. A family member with contracts (other than employment contracts) with the District

RESPONSIBILITIES

The Claims Auditor is responsible for the examination and determination of allowance or rejection on all accounts, charges, claims, or demands against the District. The claims auditing process should determine:

1. That the proposed payments are for a valid and legal purpose;

2. That the obligation was incurred by an authorized District official;

3. That the items for which payment is claimed were, in fact, received or, in the case of services, they were actually rendered;

4. That the obligation does not exceed the available appropriation; and

5. That the submitted voucher is in proper form, mathematically correct, does not include previously paid charges, and is in agreement with the purchase order or contract upon which it is based.

Other Responsibilities

The Board of Education may, by resolution, authorize the payment in advance of audit of claims for public utility services, postage, freight and express charges, electric, gas, water, sewer, and telephone services. Such payments in advance are still subject to review by the Claims Auditor and claimant is liable for amounts disapproved.

The Claims Auditor reports to the Board, as required, for all issues concerning Claims Audit activities and related recommendations.

Confirm to the Board annually whether all responsibilities outlined in this policy have been carried out.

Perform other activities related to this policy as requested by the Board.

Cross-ref: Financial Accountability (6000)

Ref: Education Law §§ 1604 (35); 1709(20-a); 1724; 2509; 2526; 2527; 2580

Notes: Adopted May 22, 2012 pursuant to Resolution No. 2011-12: 789; Amended October 28, 2021 pursuant to Resolution No. 2021-22: 243

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External (Independent) Auditor Policy

PURPOSE

The Board of Education by law shall obtain an annual audit of its records by an independent Certified Public Accountant or an independent Public Accountant.

SELECTION OF INDEPENDENT ACCOUNTANT

In accordance with Laws of New York 2005 Chapter 263, the Board shall utilize a competitive request for proposal process when contracting for the independent accountant. No independent accountant shall be engaged for a term longer than five (5) consecutive years. However, the District may permit an independent accountant engaged under an existing contract to submit a proposal for such services in response to a request for competitive proposals and be awarded a contract to provide such services.

RESPONSIBILITIES

The independent accountant shall present the report of the annual audit to the Board of Education and provide a copy of the audit report to each Board of Education member. The District produces an Annual Financial Report which contains the independent auditor's report.

- The Board shall adopt a resolution accepting the independent auditors report and directs the District to file the report with the Commissioner by January 1st of the following school year.
- The Board Audit Committee is responsible for oversight of the external independent accountant with the assistance of the Office of Auditor General.
- The Audit Committee is responsible for making recommendations to the Board regarding the external independent accountant. Any recommendations made are not final until accepted by resolution of the Board of Education.

In addition to the independent accountant's audit, the District shall be subject to audits conducted by the State of New York and other regulatory agencies.

Ref: Laws of New York 2005 Chapter 263
Education Law 2116-c, and 3811-3813
Public Officers Law Sections 105(b), 105(c) and 105(d)

Notes: Adopted May 22, 2012 pursuant to Resolution No. 2011-12: 790; Amended December 23, 2021 pursuant to Resolution 2021-22: 348

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FINANCIAL REPORTS & RESOLUTIONS

The Board of Education shall require the Superintendent (or designee) to make monthly financial reports on the status of the budget for each fund at its monthly Business Meeting as part of their report. These financial reports shall be provided to Finance Committee members prior to their submission to the full Board. Reports to be provided include:

- Monthly Finance Reports, to include:
  - Cash flow;
  - Monthly available funds report
  - Forecast of budget provided in December, February and April, and at other times as needed;
- Student Activity Funds Reports; Quarterly
- Change Order Report; Quarterly
- Grants Report; Quarterly
- Contract Report; Quarterly
- Budget Transfer Report; Monthly
- Charter School Report; concurrent with charter school tuition payments

The Superintendent (or designee) shall provide other financial statements as requested by the Board.

The Board of Education shall require the Chief Legal Counsel to provide quarterly reports on any contracts for goods and services issued under $35,000. These reports shall include the name of the vendor, length of the contract, date contract was signed, amount of the contract, brief description of the services to be provided, and verification that the contract was reviewed by the Department of Law and executed by the Superintendent.

All budget, finance and information technology resolutions will go before the Finance Committee for their review and action before being submitted to the full Board of Education at a business or special meeting for its approval. This does not preclude the Finance Committee from reviewing other resolutions as deemed prudent and/or necessary.

Cross-ref: Financial Accountability Policy (6000)
Budget Transfer Policy (6150)
Reporting of Grant Awards (6256)

Notes: Policy added December 2002; Amended December 2003; Amended October 2004; Amended December 2004; Amended September 2010; and Amended March 24, 2011 pursuant to Resolution No. 2010-11: 568.; Amended December 23, 2021 pursuant to Resolution 2021-22: 348

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INTERNAL AUDIT REPORTS

A free society is maintained when government is responsive and responsible to the public, and when the public is aware of governmental actions. The Board of Education believes that the public release of information regarding School District internal audit reports will increase awareness of District operations, programming and practices, and allow for increased accountability and transparency to the Rochester community. Therefore, the Board of Education directs that henceforth, the Rochester City School District release and publicly post on the District's website the final audit reports performed by the Office of the Auditor General, except for information that is prohibited by law, privileged, or excluded under Sections 87 or 89 of the Public Officer's Law (e.g., matters constituting unwarranted invasions of personal privacy, impacting present or imminent collective bargaining agreements, or endangering the life or safety of any person).

Questions regarding this policy shall be resolved by the President of the Board of Education or designee, the Auditor General, and the General Counsel, after due collaboration and deliberation.

Notes: Adopted August 25, 2011 pursuant to Resolution No. 2011-12: 171.; Amended December 23, 2021 pursuant to Resolution No. 2021-22: 348

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PURCHASING

The Board of Education views purchasing as serving the educational program by providing necessary supplies, equipment and related services. Purchasing will be centralized in the business office under the general supervision of the Purchasing Agent designated by the Board. The Purchasing Agent is hereby authorized to be the "Appropriate Officer" for the award of purchase contracts and contracts for public work pursuant to General Municipal Law Article 5-A.

It is the goal of the Board to purchase competitively, without prejudice or favoritism, and to seek the maximum educational value for every dollar expended. In doing so, the Board is committed to complying with all applicable Federal, State, local laws, rules and regulations which prohibit unlawful discrimination because of race, creed, color, national origin, sex, sexual orientation, age, disability, or marital status, and encouraging the participation of Minority and Women owned Businesses (M/WBE) and contractors who have demonstrated a commitment to working with M/WBEs. Competitive bids or quotations shall be solicited in connection with purchases pursuant to law. The General Municipal Law requires that purchase contracts for materials, equipment and supplies involving an estimated annual expenditure exceeding $20,000 and public work contracts involving an expenditure of more than $35,000 will be awarded only after responsible bids have been received in response to a public advertisement soliciting formal bids. Similar procurements to be made in a fiscal year will be grouped together for the purpose of determining whether a particular item must be bid in the future.

Goods and services which are not required by law to be procured by the district through competitive bidding will be procured in a manner so as to ensure the prudent and economical use of public monies, in the best interests of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption. However, the Board authorizes that purchase contracts may be awarded on the basis of best value, as defined in State Finance Law §163.

Alternative proposals or quotations will be secured by requests for proposals, written or verbal quotations or any other appropriate method of procurement, except for procurements:

1. under a county contract;
2. under a state contract;
3. under a federal contract;
4. under a contract of another political subdivision;
5. from a NYS preferred source

The district's purchasing activity will strive to meet the following objectives:

1. to effectively supply all administrative units in the school system with needed materials, supplies, and contracted services;
2. to obtain materials, supplies and contracted services at the lowest prices possible consistent with the quality and standards needed as determined by the Purchasing Agent in cooperation with the requisitioning authority. The educational welfare of the students is the foremost consideration in making any purchase;
3. to ensure that all purchases fall within the framework of budgetary limitations and that they are consistent with the educational goals and programs of the district;

4. to maintain an appropriate and comprehensive accounting and reporting system to record and document all purchasing transactions; and
5. to ensure, through the use of proper internal controls, that loss and/or diversion of district property is prevented.

Opportunities shall be provided to all responsible suppliers to do business with the school district. Suppliers whose place of business is situated within the district may be given preferential consideration only when bids or quotations on an item or service are identical as to price, quality and other factors. Purchases will be made through available cooperative BOCES bids, state contracts of the Office of General Services, federal contracts, contract of another political subdivision or county contracts whenever such purchases are in the best interests of the district. In addition, the district will make purchases from correctional institutions and severely disabled persons through charitable or non-profit-making agencies, as provided by law.

All advertised bids shall include the following statement required by General Municipal Law §103-g: "By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the State Finance Law."

The district will provide justification and documentation of any contract awarded to an offer or other than the lowest responsible dollar offer or, setting forth the reasons why such award is in the best interests of the district and otherwise furthers the purposes of section 104-b of the General Municipal Law.

The Purchasing Agent will not be required to secure alternative proposals or quotations for:

1. emergencies where time is a crucial factor;
2. procurements for which there is no possibility of competition (sole source items); or
3. Single source vendors who in the opinion of the Purchasing agent determines that it is fair, reasonable and in the best interest of the district to secure. Example; if going to bid for alternative vendors at a cost of $1000 would void the warranties of previous owned equipment valued at 1 Million; or
4. very small procurements when solicitations of competition would not be cost-effective.

In addition, the Board authorizes the receipt of sealed bids for purchase contracts in electronic format, pursuant to the provisions of General Municipal Law §103(1) which addresses proper documentation, authentication, security, and confidentiality of electronic bids.

The Superintendent of Schools, with the assistance of the Purchasing Agent, shall be responsible for the establishment and implementation of the procedures and standard forms for use in all purchasing and related activities in the district. Such procedures shall comply with all applicable laws and regulations of the state and the Commissioner of Education.

No Board member, officer or employee of the school district shall have an interest in any contract entered into by the Board or the district, as provided in Article 18 of the General Municipal Law.

Comments will be solicited from those administrators involved in the procurement process before enactment of the district's policies regarding purchasing and from time to time thereafter. The policies

must then be adopted by Board resolution. This policy will be amended in response to changes in NYS law or regulation. At a minimum, this policy will be reviewed for relevance at that time.

The unintentional failure to fully comply with the provisions of section 104-b of the General Municipal Law or the district's policies regarding procurement will not be grounds to void action taken or give rise to a cause of action against the district or any officer or employee of the district.

Ref: Education Law §§305(14); 1709(9) (14) (22)
General Municipal Law §§102; 103; 104-b; 109-a; 800 et seq.

Notes: Adopted August 20, 1998; Amended September 23, 2010; Amended February 14, 2013 pursuant to Resolution No. 2012-13: 433.; Amended December 23, 2021 pursuant to Resolution 2021-22: 348

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RESPONSIBLE BIDDER

The Rochester City School District has developed the following guidelines for the determination of public works contract responsibility consistent with the duties of contracting agencies and the court interpretations of State law and regulations governing competitive bidding in the belief that the public interest will be served by the uniform application of these guidelines on District public works contracts:

1. In determining the responsibility of a bidder for a public works contract, the Director of Procurement and Supply may consider the following items:

    a. Lack of proper certification, adequate expertise, prior experience with comparable projects, or financial resources to perform the work of the contract in a timely competent, and acceptable manner. Evidence of such a lack of ability to perform may include, but shall not be limited to, evidence of suspension or revocation for cause of a professional license of any director or officer, or any holder of five percent (5%) or more of the bidder's stock or equity; one or more negative performance evaluations by the bidder or other evidence of poor performance on a District project; failure to submit satisfactory evidence of insurance, surety bonds or financial responsibility; the status of bankruptcy petitions; suspension or debarment by state or federal government; or a history of termination of prior contracts for cause.

    b. Bidder's non-discrimination policies, regulations and practices; and demographic information regarding a bidder's full time work force.

    c. Criminal conduct in connection with government contracts or business activities. Evidence of such conduct may include a judgment of conviction or information obtained as a result of a formal grant of immunity in connection with a criminal prosecution of the bidder, any director or officer, or holder of five percent (5%) or more of the shares or equity of the bidder, or any affiliate of the bidder.

    d. Violations of safety and/or training standards as evidenced by a pattern of OSHA violations or the existence of willful OSHA violations.

    e. Willful noncompliance with the prevailing wage and supplements payment requirements of the Labor Law by the bidder or any affiliate of the bidder.

    f. Any other significant Labor Law violations, including, but not limited to, child labor law violations, failure to pay wages, or unemployment insurance tax delinquencies.

    g. Any significant violation of the Workers' Compensation Law, including, but not limited to, the failure of a bidder to provide proof of workers' compensation or disability benefits coverage.

    h. Any criminal conduct involving violations of the Environmental Conservation Law or other federal or state environmental statutes or regulations.

    i. Any criminal conviction concerning formation of, or any business association with, an allegedly false or fraudulent Women's or Minority Business Enterprise (W/MBE), or any denial, decertification, revocation or forfeiture of W/MBE status by New York State.

j. Any determination in a final order of the Commissioner of the New York State Division of Human Rights, other State or Federal agency, or dispositive decision or order of a court of law that the bidder engaged in discriminatory or unlawful conduct under the Age Discrimination in Employment Act (the "ADEA"), Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 1981, 1983, 1985 and 1988, the Rehabilitation Act of 1973, the Americans With Disabilities Act, the Equal Pay Act, the New York Human Rights Law, Civil Service Law, Social Services Law or any other State or Federal statute or regulation intended to protect the civil rights of individuals.

k. Any other cause of so serious or compelling a nature that it raises questions about the responsibility of a bidder, including, but not limited to submission to the District of a false or misleading statement on a sworn statement of bidder qualifications, or in some other form, in connection with a bid for or award of a contract.

l. In addition to the factors specified above, the Director of Procurement and Supply may also give due consideration to any other factors considered to bear upon bidder responsibility, including, but not limited to, any mitigating factors brought to the District's attention by the bidder.

2. The District shall require that all bidders complete a sworn statement on all public works contracts. The sworn statement shall require that the bidder provide, among other things, information regarding its: ownership, management and affiliation; demographic information with regard to its full-time work force; prior judgments, violations and penalties; prior contracts and subcontracts; current construction projects and prior experience and skills.

3. If a bidder's sworn statement or credible information obtained from other sources available to the District causes the Director of Procurement and Supply to conclude that there is reasonable cause to believe that the bidder is not a responsible bidder, the Director of Procurement and Supply shall direct that a hearing be conducted to determine whether the bidder does not qualify as a responsible bidder under this Policy and the General Municipal Law, and shall so notify the bidder. The bidder shall be notified in writing of the date of the hearing and the bidder and the District shall be permitted to offer witnesses and other evidence. The hearing shall be conducted by a hearing officer or arbitrator ("Arbiter") selected by the District who shall issue a written decision after the completion of the hearing. In determining whether the bidder is not a responsible bidder, the Arbiter shall rely on the criteria set forth in this Policy and the requirements of the General Municipal Law. If the Arbiter determines that the bidder is not a responsible bidder, the Arbiter shall determine the period of time that the bidder shall be ineligible for work on public works projects of the District.

4. This policy is to take effect immediately.

Notes: Adopted June 5, 1997; Amended October 23, 2008 pursuant to Resolution No. 2008-2009: 364; Amended April 29, 2010 pursuant to Resolution 2009-2010: 820; Amended August 23, 2012 pursuant to Resolution No. 2012-13: 104; Amended October 28, 2021 pursuant to Resolution 2021-22: 243

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CONTRACTING FOR PROFESSIONAL SERVICES

All contacts executed by the District are subject to approval or oversight by the Board of Education. Although Requests for Proposals ("RFPs") are not required by law and are not subject to competitive bidding, the Board of Education shall ensure that professional services are secured by the District in a manner that protects the integrity of the procurement process and the prudent use of taxpayer dollars and provides high quality services to the District, in accordance with applicable law. Professional services include services requiring special skill, expertise, and/or training, including but not limited to legal, architectural, engineering, medical, and insurance services.

The Board directs the Superintendent of Schools or designee to take measures to ensure that highly qualified professionals are secured through the prudent and economical use of public monies from a variety of sources such as: trade journals, professional listings, electronic media such as Bid-Net, and other governmental entities or reliable sources.

Subject to the exceptions described below, professional service contracts between $35,000 and $100,000 shall require a solicitation for no less than three informal requests for information ("RFIs") prior to selection of a provider. Subject to the exceptions below, professional service contracts that are expected to reach or exceed $100,000 in any fiscal year, RFPs shall be required. RFIs and RFPs shall be required prior to the expiration of an existing contract's term. Additionally, RFIs and RFPs shall not be required in the following circumstances based on the determination of the Purchasing Agent selected by the Board of Education: providers specifically required pursuant to District grants, providers approved by the New York State Office of Governmental Services, exigent circumstances that require the immediate provision of professional services, and circumstances when the services required are unique or available from only one responsible entity. In all cases in which an RFP or RFI is not performed, professional services shall be secured through other documented methods of procurement which further the purposes of this policy. All RFPs and RFIs required under this policy for the securing of professional services shall contain a detailed scope of services, and solicit specific fees and other associated costs for such services, and other essential terms.

Among the various criteria to be considered, RFPs shall solicit information regarding the following:

1. the suitability of the individual/firm for the District's needs;
2. the special knowledge, experience and expertise of the individual/firm;
3. the credentials and applicable certifications of the individual/firm;
4. the quality of the service provided by the individual/firm;
5. the cost of the services; and
6. the individual/firm's commitment to workplace diversity, working with Minority and Women-owned Business Enterprises (M/WBEs), and compliance with applicable laws and regulations prohibiting unlawful discrimination because of race, creed, color, national origin, sex, sexual orientation, age, disability, or marital status.

RFIs shall solicit informal proposals using the six criteria above in an abbreviated format.

The District is committed to complying with all applicable Federal, State, local laws, rules and regulations which prohibit unlawful discrimination because of race, creed, color, national origin, sex, sexual orientation, age, disability or marital status, and encouraging the participation of contractors who have demonstrated a commitment to working with Minority and Women-owned Business Enterprises (M/WBEs). Contractors are encouraged to take all necessary and reasonable steps to ensure that M/WBE firms have the opportunity to compete for, and perform services on, contracts with the District. If the

contractor intends to subcontract a portion of the services on the project, the contractor is encouraged to seek out and consider M/WBE firms as potential subcontractors. The contractor is encouraged to contact M/WBE firms to solicit their interest, capability and qualifications.

RFP respondents shall submit their Equal Employment Opportunity Policy Statement and workforce and M/WBE participation data. Additionally, the Board directs that the Purchasing Agent for the Board utilize the applicable portions of Section 1, h. and i. of Responsible Bidder Policy 6725 for all RFPs issued by the District.

After a thorough review of the proposals, the Superintendent or designee will recommend to the Board of Education or Administration the professional service provider determined to be best suited for the District's needs. Professional service providers selected in this manner will not be considered employees of the District.

Ref: General Municipal Law § 104-b
2 NYCRR §§ 315.2, 315.3
Trane Co. v Broome County, 76 A.D.2d 1015
Appeal of Lombardo, 38 Educ. Dept. Rep. 730
Opn. St. Comp. 92-33

Notes: Adopted December 16, 2010 pursuant to Resolution No. 2010-11: 432; Amended February 26, 2015 pursuant to Resolution No. 2014-15: 508. **Effective date**: In order to allow sufficient time to implement this policy, it shall be effective for all professional service contracts executed by the District after September 15, 2011.; Amended October 28, 2021 pursuant to Resolution No. 2021-22: 243

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Authorization for Contracts

All contracts executed by the Rochester City School District are subject to approval or oversight by the Board of Education and subject to the requirements of Section 103 of the General Municipal Law and Section 2554 of the Education Law, et al. This policy is intended to identify those contracts which require the approval of the Board of Education and those which are delegated for approval to the Superintendent of Schools.

Prior to execution by the Superintendent or designee, the following classes of contracts are subject to authorization and approval by the Board of Education:

A. All professional service contracts with a consultant accumulating to $35,000 or more per fiscal year;
B. All professional service contracts with a consultant totaling $35,000 or more per fiscal year; except that the Superintendent may enter into a single additional contract with a consultant in the same fiscal year in an amount not to exceed $10,000 without additional Board approval if: (i) prior authorization from the Board has been obtained for a professional service contract with the consultant in the same fiscal year, and (ii) the Superintendent has provided prior written notice of the additional professional service contract to the Finance Committee;
C. All contracts for goods and services subject to competitive bidding under the General Municipal Law in amounts accumulating to $35,000 or more per fiscal year; and
D. Except for such contracts which are subject to sole source or providers approved by the New York State Office of Governmental Services, as determined by the Board's Purchasing Agent, all annual maintenance contracts in the amounts accumulating to $35,000 or more per fiscal year.

Subject to amounts budgeted therefor and the reporting requirements under Policy 6630, all other contracts may be approved by the Superintendent. For professional service contracts in amounts under $2,000, such services may be acquired through a purchase order rather than a formal contract.

Cross-ref: Financial Reporting and Resolutions (6630)

Ref: Section 103 of the General Municipal Law and Section 2554 of the Education Law, et al

Notes: Resolution 271 of 1998-1999 approved October 15, 1998; Superintendent Regulation 6745-R; Adopted as Board Authorization for Contracts policy (6745) on March 24, 2011 pursuant to Resolution No. 2010-11: 569.; Amended December 23, 2021 pursuant to Resolution 2021-22: 348

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VENDOR RELATIONS

Minority Vendors

The Board of Education shall not permit the unlawful discrimination against African-American, Hispanic-American and women business enterprises in relation to the procurement of goods and services by the district. The Board has established the Rochester City School District Minority/Women Business Enterprise Program for Public Works ("the Program") which is designed to end such discrimination and remedy its effects.

Definitions

For the purposes of the Program, the following words and phrases shall have the meanings indicated:

Minority: a person who is African-American or Hispanic-American

Minority/Women Business Enterprise (M/WBE): A private for-profit business enterprise of any type at least fifty-one percent (51%) owned and controlled by minorities or women, whose principals have a primary residence and which enterprise has an office within the Rochester Standard Metropolitan Statistical Area (RSMSA).

Public Works: The construction, reconstruction, rehabilitation, repair or maintenance (excluding janitorial or security services) of any physical facility owned or leased by the district including, but not limited to, buildings, systems within buildings (e.g., electrical, plumbing, and heating, ventilating and air conditioning), parking lots and sidewalks, recreation areas, conduits, and distribution lines. Public Works shall be subdivided into four categories, to be known as "construction: general," "construction: electrical," "construction: plumbing," and "construction: HVAC."

Office: A room or suite of rooms staffed during weekdays from 9:00 a.m. to 5:00 p.m., except holidays, by at least one person, and furnished and equipped in a manner suitable to the business of the enterprise, which room(s), person(s), furniture and equipment shall be devoted primarily to the conduct of the enterprise's business. A telephone answering service alone, however labeled or operated, shall not constitute an office.

The following percentages of all dollars spent by the district through contracts for the procurement of public works have been established for the amount of such work to be performed by M/WBE for each fiscal year of the Program, by subgroup.

	African-American	Hispanic	Women
Construction: General	8.8%	1.4%	1.8%
Construction: Electrical	6.7%	1.0%	1.0%
Construction: Plumbing	1.0%	0.2%	1.4%
Construction: HVAC	1.7%	0.0%	1.7%

The following percentages of dollars (including a ten percent (10%) allowance for losses attributable to waivers) in each district contract for the procurement of public works in an amount greater than twenty thousand dollars ($20,000) shall be allocated by prime contractors to the performance of work subcontracted to the M/WBE, subject to the waivers authorized below.

	African-American	Hispanic	Women
Construction: General	9.7%	1.5%	2.0%
Construction: Electrical	7.4%	1.1%	1.1%
Construction: Plumbing	1.1%	0.22%	1.5%
Construction: HVAC	1.7%	0.0%	1.9%

Administrative Waivers

The Chief Financial Officer shall be authorized to establish rules and regulations for the granting of administrative waivers (full or partial) of the M/WBE requirements for contracts greater than twenty thousand dollars ($20,000) if:

1. no M/WBE in the RSMSA is available to perform the work;
2. no M/WBE in the RSMSA is qualified to perform the work; or
3. no M/WBE in the RSMSA is willing to perform the work at a competitive price.

The burden of proof with respect to any application for a waiver shall be upon the prime contractor requesting the waiver. If a waiver is not justified, as determined by the Chief Financial Officer, a prime contractor who is low bidder shall be disqualified as non-responsive.

The Superintendent or designee will be responsible for contacting the appropriate entity (i.e. City of Rochester) at least every two years starting in 2024 to request an updated disparity study. This policy shall be reviewed upon transmittal of the revised disparity study submitted to the Board of Education.

Notes: Prior policy, Policy Manual, Minority Vendors (January 7, 1993); Revised August 20, 1998; Amended October 28, 2021 pursuant to Resolution No. 2021-22: 243; Amended November 30, 2023 pursuant to Resolution No. 2023-24: 468

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PURCHASE OF FOOD, MEALS, AND REFRESHMENTS

In general, the Rochester City School District does not purchase or reimburse for the cost of food, meals, and refreshments for employees, meetings and events; except in minimal amounts and under limited circumstances defined below. The purchase of water for meetings and events is allowed. This policy does not apply to food purchases made to operate the District's food service program, culinary arts programs for career and technical education (CTE), and culinary arts program of the Office of Adult and Career Education Services (OACES). Under no circumstances shall District funds be used to purchase entertainment or alcohol. The District will develop and maintain procedures for the purchase of food, meals, and refreshments.

Limited circumstances include:

1. Grant-funded food, meals and refreshments where the provision of such is specifically provided for in the grant agreement (i.e., parental engagement meetings, student events, professional development, etc.).

2. Board of Education and central administration recognition and cultural awareness programs/events for students, parents, employees and community.

3. Retreats and planning sessions of the Board of Education, administration, and/or instructional leadership that is at least three hours in length

4. Meals incurred by employees while on official District business outside of the Greater Rochester area. This expense is reimbursed at the District's per diem rate.

5. Food provided to District employees during emergency situations (i.e., major fire/water emergencies, natural disasters, etc.).

6. Limited instances necessitated by business circumstances for reasons other than those set forth above are subject to express advance written approval by the Superintendent, Chief Financial Officer, or their designee.

Food at school events is to be purchased with funds external to the District (such as PTO's or booster organizations), or as allowed in specific grants.

All expenses must be appropriately documented, including the date, purpose of the meeting or event, and those in attendance. The documentation is to be submitted to the Finance office for processing and approval.

Notes: Adopted November 30, 2023 pursuant to Resolution No. 2023-24: 470b

ct

7000 Series: Facilities

FACILITIES DEVELOPMENT GOALS

A quality educational program can best function in an environment that is conducive to learning, supports and encourages excellence in teaching, and provides a safe and comfortable place for students and staff.

Accordingly, the Board of Education establishes the following goals for facilities development:

1. maintain a long-range planning and evaluation program (see Exhibit 7000-E1);

2. provide appropriate code compliant and State Education Department (SED) conforming facilities and equipment that will best support and accommodate the needs of a quality educational program;

3. design and construct all facilities with particular attention to safety, security, and appropriate lighting, heating, ventilation, acoustics, spatial factors and aesthetic appearance;

4. plan for flexible and adaptable school spaces in order to best accommodate present and future needs for instructional areas; and considering the adaptability of school facilities to community use.

Cross-ref: Facilities Development Plan (Policy 7000-E1)
Capital Planning for Shared Building Use (Policy 7050)

Notes: Prior policy, Policy Manual, Community Use of Schools (January 19, 1989); Revised August 20, 1998; Amended on September 22, 2022 pursuant to Resolution No. 2022-23: 144

ct

LEAD-SAFE SCHOOLS POLICY

The Rochester Board of Education is committed to making all facilities lead safe. The safety of students, staff, and visitors is of the highest priority. The Board of Education recognizes the threat posed to children by lead poisoning and recognizes its responsibility to have District facilities free of the dangers of lead poisoning. Therefore, the Board declares that all of its school buildings must be lead-safe. The Board supports strict enforcement of all local, state and federal laws designed to prevent lead poisoning throughout facilities of the Rochester City School District. The Board supports development of a comprehensive community infrastructure that prevents children's exposure to lead through partnerships with government agencies, community-based organizations, and the private sector.

The Board directs the Superintendent of Schools to:

1. Ensure that the District adheres to Regulations of the Commissioner of Education Part 155 regarding the use and maintenance of lead-bearing building products and educational or maintenance procedures and products that may create lead exposures.

2. In conjunction with community partners, provide communication to parents and staff regarding the risks from lead exposure, the effects and visible symptoms of lead exposure, and recommendations to prevent exposure to lead based on the best scientific evidence available.

3. Provide annual reports to the Board regarding visual lead paint inspections, remediation, and resulting communication.

4. Develop clearly defined avenues for District staff, parents, and concerned citizens to report school environments suspected of being lead hazards.

5. Collaborate with community partners to seek supplemental funding and resources wherever possible in order to support the full implementation of this policy.

Cross-ref: Wellness Policy (5405)

Ref: Commissioners Regulations Part 155.5(c), (l)
HUD Guidelines
EPA Regulations (40 CFR Part 745)
OSHA Regulations (29 CFR 1926.62)

Notes: Prior policy; Amended April 28, 2022 pursuant to Resolution No. 2021-22: 576

ct

CAPITAL PLANNING FOR SHARED BUILDING USE

There shall be coordinated planning efforts in all capital projects between the Rochester City government, the district, and such other involved agencies. It is the intention of both the Board of Education and the City Council to maximize capital productivity through buildings which are flexible in their design and construction. The Board recognizes that such buildings can be appropriate for shared use between and among various public and not-for-profit organizations to the overall benefit of the taxpayers of Rochester.

It is the policy of the Board (and the City Council) that:

1. in the planning, design, and construction of new buildings, or the substantial rehabilitation of existing buildings, collaborative efforts will be undertaken to ensure that the City and the district are aware of the building needs and requirements of each party. At the commencement of the planning process the City and the district also will consider the building needs of the broader community;

2. a committee consisting of representatives of the City Council and the Board will be appointed by the presidents of each body to examine each site-specific proposal for new construction or substantial rehabilitation for potential shared use and make recommendations to the policy making bodies relative to such use; and

3. consideration for shared use potential will be given to each project on a site by-site basis and, insofar as possible, implemented. However, it is recognized that the principal purpose for which each facility is intended must be given priority in this process.

Notes: Prior policy, Policy Manual, Community Use of Schools (January 19, 1989), revised; Name Changed from Community Use of Schools and Amended April 28, 2022 pursuant to Resolution No. 2021-22: 576

ct

NAMING FACILITIES

It is the policy of the Board of Education to name city schools, wherever practicable, after worthy and well-known persons or to symbolize a cherished value or ideal. The Board of Education desires that the School District solicit input from the community in order to name a new school or other facility. The Board of Education recognizes that it is important that students and the public know the historical significance of their school's name and that this knowledge be conveyed to students through classroom discussions and projects related to the name of their school.

Schools may be named or re-named by the Board of Education for various reasons, including, but not limited to the following:

1. a new school has been constructed or developed;

2. schools previously named have been consolidated;

3. a significant programmatic change, such as the establishment of a magnet school program, has occurred; or

4. a petition has been presented to the Superintendent or Board of Education by Rochester city residents to change the existing name of school. The request for a name change shall be supported by at least 100 community members. The submission of a petition shall not serve to automatically change a school name, but will trigger the procedures established herein.

The procedures of the Board of Education to name or re-name a school or other facility are as follows:

1. The Superintendent of Schools, or designee, shall develop a timeline for recommending a name to the Board of Education. The Superintendent shall communicate the timeline to the Board of Education.

2. The Superintendent of Schools, or designee, shall hold one or more community forums to explain the purpose and mission of the new school or facility, consolidation, programmatic change or petition proposing the change in school name. The District shall inform the public and media about the community forum(s) to discuss the proposal to name or rename a school or facility. At the community forum(s), the Superintendent shall solicit names from the public for the new or renamed school or facility.

3. The Superintendent shall recommend to the Board of Education up to three (3) names for the new or renamed school or facility to be considered at a public meeting of the Board.

4. The Board of Education will act to name the school or facility.

5. The State Education Department shall be notified when a school name has been changed.

Notes: Adopted August 1998; Amended July 22, 2010 pursuant to Resolution No. 2010-11:75;
Amended April 28, 2022 pursuant to Resolution No. 2021-22: 576

ct

CLOSURE OF SCHOOL BUILDINGS

The Board of Education recognizes that the decision to close a school building impacts directly and profoundly the children, the teachers, administrators and staff, and the community. The Board also recognizes that the physical age and conditions of our school buildings, the number of students enrolled in our schools and the availability of alternative and newer schools that may better serve the needs of our students compels the Board to look critically at the District to ensure that resources are allocated in order that all students receive the highest quality of education possible to prepare them for a life of learning, work and active engagement in society.

Consequently, the Board establishes procedures, in the order enumerated below, that the District shall follow prior to submission to the Board of a resolution to propose the closure of a school building:

1. The Superintendent of Schools shall develop a preliminary plan for the proposed closure of any school of the District with an equity lens. The plan shall include the following elements:

    a. rationale for its closure;
    b. academic and social impact of closure on the students and school community;
    c. physical condition, historical significance, limitations of the building, and recent school renovations;
    d. financial impact of the school's closure on the District;
    e. the plan must look at the equitable distribution of the remaining facilities to which students would be assigned in alignment with the District's Parent Preference/Managed Choice policy (5153); and
    f. if the school building may be closed for academic reasons, the plan shall consider whether the school has had a new principal in place for two academic years or less; whether the school has served as a receiving school for students reassigned to the building due to a school closure or consolidation within the last two years; and whether there are higher performing schools in close proximity with space available to meet the students' educational needs.

2. The Board shall be made aware of the preliminary plan no less than three months prior to the date at which the Board will be asked to consider a resolution to close a school building.

3. After the Board has reviewed the plan, a public hearing will be properly noticed and conducted to gather input from the District's stakeholders.

4. After the Board has reviewed the plan, the Superintendent of Schools shall submit and present the preliminary plan to the following constituent groups at public meetings:

    a. District level parent and student organizations;
    b. Affected Zone Improvement Team;
    c. Affected School Based Planning Team;
    d. Affected parents, students, staff and community; and
    e. Board of Education Committee of the Whole.

5. Upon completion of the presentations, the District shall submit to the Board the preliminary plan with modifications as appropriate, together with a summary of the comments offered by the constituent groups.

6. Following public discussion of the preliminary plan, the Board may consider a resolution to approve, reject or modify the plan for the closure of the school building.

7. The steps identified above may be waived by the Board of Education in the event of an emergency or other exigent circumstance as determined and articulated by resolution of the Board of Education.

Cross-ref: Equity and Educational Excellence (0105)
Parent Preference/Managed Choice (5153)

Notes: Adopted January 24, 2013 pursuant to Resolution No. 2012-13: 434; Amended June 23, 2022 pursuant to Resolution No. 2021-22: 845

ct

8000 Series: Support Services

SUPPORT SERVICES GOALS

Support services, which include safety and maintenance programs, transportation, food services, insurance management and office services, are essential to the successful functioning of the school district. Education is the District's central function, and all support services shall be provided, guided, and evaluated by this function.

In order to provide services that are truly supportive of the educational program, the Board of Education establishes these goals for the District:

1. Provide a physical environment for teaching and learning that is safe, clean and engaging for students, staff and parents.

2. Provide efficient, reliable transportation, and nutritious and inviting student meals.

3. Provide clean and adequate facilities at all District schools and offices with regular maintenance and upgrades.

4. Provide social/emotional learning experiences to help all students develop healthy social habits and mindsets.

5. Provide effective counseling and/or mental health support for students who require it.

6. Coordinate and collaborate through community partnerships related to student support and physical/mental health.

7. Increase graduation rate through efforts of school counselors who know students and their desired pathways and guide them to successful graduation and college/career choices.

Notes: Adopted November 30, 2023 pursuant to Resolution No. 2023-24: 470b

ct

HEALTH AND SAFETY

The Board of Education recognizes that the safety of students, employees and the public is paramount in all school operations. It is the policy of the Board to provide a safe and secure environment for all students, staff and visitors who lawfully enter District property or travel for District purposes. This policy is intended to:

1. Help prevent accidents, illnesses and injuries;
2. Increase safety awareness and establish safety responsibilities for members of the school community;
3. Comply with environmental, occupational health, and safety laws and regulations; and
4. Reduce liability.

General Requirements for All District Facilities

Employees, students, and the public shall take responsibility for assisting with creating a safe working and learning environment. All shall comply with safety laws, ordinances, and regulations while on District property or engaging in District business or activities.

Employees are responsible for promptly reporting any unsafe conditions to the administration so that they may be corrected. All others are encouraged to report any conditions that they believe to be unsafe to a staff member or administration.

The Board authorizes the Superintendent and their designees to work collaboratively with various District departments to develop a program to remediate and proactively address actual and potential safety concerns.

The program shall incorporate District-wide accident prevention, fire prevention, property protection, boiler safety and employee safety. At a minimum, this program will include:

1. Procedures for ensuring completion of mandated State and Federal safety training;
2. Procedures for reporting observed safety concerns or hazards;
3. Methods for tracking incidents and accidents, including workers' compensation claims, that might occur;
4. Procedures and timelines for inspecting buildings and grounds;
5. Procedures and timelines for inspecting District vehicles;
6. Methods for assessing and implementing insurer recommendations;
7. Process for distributing and communicating safety information to employees; and
8. Recommendations for loss control procedures.

The Superintendent and their designees shall review the safety program annually and shall report findings to the Board.

Comprehensive Public School Safety Program

In accordance with state law and regulation, the Board will review the District's Comprehensive Public School Safety Program for compliance with state legal requirements. The Comprehensive Public School Safety Program must include at least the following components:

1. A Building Condition Survey to be conducted a minimum of every five years for each occupied school building;

2. Annual visual inspection of all occupied school buildings, as required by law; or

3. A monitoring system for tracking the safety and condition of all occupied school buildings.

The Superintendent will establish regulations regarding the Comprehensive Public School Safety Program for the District, including:

1. Establishing a District-wide Health and Safety Committee composed of representatives from the Administration, staff, bargaining units, and parents. The regulation shall describe the role and functions performed by the Health and Safety Committee, including:

    a. Consulting in developing the annual safety rating of District facilities; and
    b. Assisting in establishing procedures for investigating and resolving complaints related to the health and safety of District facilities;

2. Creating a five-year capital facilities plan, which is to be updated annually and based on the safety rating of each District facility;

3. Conducting annual building inspections as required by state law and performing Building Condition Surveys at least once every five years for each building in the District;

4. Using the safety rating system established in the Building Condition Survey to identify and monitor the safety and condition of District facilities annually in accordance with state law and regulation; and

5. Creating a process for investigating and resolving complaints related to health and safety. At a minimum, this process will include:

    a. Providing a written response to all written complaints;
    b. Describing the investigations, inspections or tests conducted to verify the complaint or provide an explanation of the reason that further investigation, inspection or testing is not necessary;
    c. Providing the results of any investigations, inspections or tests related to the complaint; and
    d. Describing the actions taken to resolve problems.

The Board of Education will take the following actions to monitor the condition of District facilities to ensure that they are safe and in a good state of repair:

1. Review annual building inspection reports and Building Condition Surveys, which will be subject to Board approval;
2. Take immediate action to remedy serious conditions affecting health and safety in school buildings, and report these actions to the New York State Education Commissioner;
3. Review the District's annual updates to the five-year capital facilities plan, which will be subject to Board approval; and
4. Examine the findings of the Superintendent's annual review of the District's safety program.

Cross-ref: Facilities Development Goals (7000)
Lead-Safe Schools Policy (7010)
Community Use of Schools (7050)

Ref: NYS Education Law §409-d (Comprehensive Public School Building Safety Program)
NYS Education Law §409-e (Uniform Code of Public School Buildings Inspection, Safety Rating, and Monitoring)
8 NYCRR Part 155 (Educational Facilities)
9 NYCRR Parts 600-1250 (Uniform Fire Prevention and Building Code)

Notes: Prior policy, Policy Manual, School Safety (August 20, 1998); Revised; Amended December 16, 2010 pursuant to Resolution No. 2010-11: 433; Amended October 27, 2016 pursuant to Resolution No. 2016-17: 298; Amended May 23, 2019 pursuant to Resolution No. 2018-19: 918; Amended March 23, 2023 pursuant to Resolution No. 2022-23: 555

ct

SAFE SCHOOLS

The Board of Education is committed to the prevention of violence against people or property in the schools or at school activities, whether by students, staff or others. A positive school climate supports school safety through the professional use of resources. Staff members who implement this or any other Board policy will receive the full support of the Board and the administration.

At the same time, the Board also recognizes the need to address emergencies, crisis situations, and violent incidents in an effective and expeditious manner. This Policy is intended to promote crisis and violence prevention, while establishing guidelines for emergency response and management.

The Board is responsible for adopting District-wide and building-level safety plans that create a comprehensive approach to violence prevention, response to a variety of emergency situations, minimize the impact of emergencies, and facilitate coordination with local and county resources. The District-wide and building-level safety plans will be reviewed annually by the appropriate team, and updated as needed within the timeframes designated in law and regulation.

Comprehensive District-Wide Safety Plan

1. District-Wide Safety Team

The District-wide Safety Plan will be developed by the District-wide Safety Team, which is appointed by the Board of Education. The Team is also responsible for reviewing the Plan annually and determining the need for updates or modifications.

The District-wide Safety Team will include:

a. Representatives of the Board of Education
b. Teacher, administrator, and parent organization representatives;
c. School safety personnel;
d. Mental health personnel; and
e. Other school personnel.

The Board may choose to have a student representative on the District-wide Safety Team, but confidential aspects of the District-wide Safety Plan and of the Building-Level Emergency Response Plans cannot be shared, presented or discussed in the presence of the student representative.

2. District-wide Safety Plan

The District-wide Safety Plan is intended to prevent or minimize the impact of emergencies and to coordinate communication and use of resources with city and county agencies, including law enforcement, fire protection officials, ambulance, and other emergency response agencies.

The Plan must include guidelines and procedures for:

a. Use of appropriate prevention and intervention strategies, including:

i. Use of restorative practices as a primary prevention and intervention strategy in accordance with the *Code of Conduct* (1400), including:

1) Plans for staff training in restorative practices on a regular basis; and

2) Guidelines for application of these practices;

ii. Non-violent conflict resolution training programs;

iii. Peer mediation programs and youth courts;

iv. Extended day and other school safety programs;

v. Collaboration with state and local law enforcement officials to ensure:

1) Effective recruitment and screening of school safety officers and other security personnel;

2) Adequate training of school safety officers and other security personnel, including methods for de-escalating potentially violent situations;

b. Responding to implied or direct threats of violence, or acts of violence by students, teachers, other school personnel, or visitors to the school - including threats by students against themselves;

c. Contacting appropriate law enforcement officials in the event of a violent incident or emergency;

d. Contacting parents, guardians, or persons in parental relation to a District student of:

i. A violent incident; and/or
ii. An implied or direct threat of violence by a student against themselves, including suicide.

The Superintendent or their designee is required to notify parents, guardians or persons in parental relation in a timely manner of situations that raise significant concerns for student safety. These situations include the arrest or conviction of staff members for legal offenses that represent a threat to children.

The method, content and timing of notification should reflect cooperation with legal authorities, protection of employee rights, and demonstration of good communications practice.

e. Coordinating District resources and staff during emergencies, including identifying the officials authorized to make decisions and the staff members assigned to provide assistance;

f. Enhancing school building security, including methods for deploying school safety officers and/or the use of security devices or procedures;

g. Disseminating information to teachers, administrators, school personnel, parents/guardians, and students regarding early detection of potentially violent behaviors, precursors, and risk factors;

h. Providing annual school safety training to staff and students in accordance with state law and regulation, which includes violence prevention and mental health;

i. Conducting drills and other exercises to test components of the safety plan, in coordination with local and county emergency responders;

j. Identifying appropriate responses to a variety of emergencies, including bomb threats, shootings, hostage-takings, intrusions and kidnapping;

k. Identifying strategies for facilitating and improving communication and reporting of potentially violent incidents, such as youth-run programs, peer mediation, conflict resolution, forums or mentors for students concerned with bullying or violence, and anonymous reporting mechanisms;

l. Describing the duties of all school safety and security personnel, including the hiring and screening process and training required; and

m. Notifying all schools within the District of a disaster, violent incident, or emergency.

The District-wide Safety Plan and any subsequent updates/amendments must be adopted by the Board of Education. To allow school staff, students, parents, and other interested parties to participate in developing the Plan, a minimum 30-day public comment period and one public hearing must be conducted prior to Board adoption. The Plan and any subsequent updates/amendments must be submitted to the NYS Education Commissioner within 30 days of adoption.

3. Chief Emergency Officer for the District

The Superintendent of Schools or their designee shall be the District's Chief Emergency Officer. The Chief Emergency Officer is responsible for:

a. Coordinating communication between school staff, law enforcement, and other first responders;

b. Ensuring that the District-wide Safety Team:

i. Completes the District-wide Safety Plan, conducts annual reviews, and updates the Plan as needed to allow time for public comment and a public hearing prior to the Board's consideration for adoption; and

ii. Coordinates the District-wide Plan with the Building-Level Emergency Response Plans.

c. Ensuring that all Building-Level Emergency Response Plans are completed, reviewed annually, and updated as needed;

d. Coordinating appropriate safety, security, and emergency training for District and school staff;

e. Assisting in selecting security-related technology and developing procedures for its use; and

f. Ensuring that evacuation, shelter, and lock-down drills are conducted in all District buildings, as required by New York State Education Law.

The Superintendent will ensure that written information of emergency procedures is provided to all students and staff at the beginning of each school year by the date designated in law and regulation.

Building-Level Emergency Response Plans

Building-Level Emergency Response Plans are confidential, and may only be disclosed to authorized department or school staff and to law enforcement officers.

1. Building-Level Emergency Response Teams

Each Building-Level Emergency Response Team is responsible for developing the Building-Level Emergency Response Plan, and reviewing the Plan annually to determine the need for updates or modifications. The Plan is to address crisis prevention and intervention and response to emergencies at the building level.

Members of the Building-Level Emergency Response Team are to be appointed by the building principal, and are to include:

a. Representatives of teacher, administrator, and parent organizations;
b. School safety personnel;
c. School Mental Health team;
d. Other school staff;
e. Community members; and
f. Local law enforcement, ambulance, fire protection officials, and other emergency response agencies

Each Building-Level Emergency Response Team is also responsible for designating:

a. An Emergency Response Team to assist the school community in responding to an incident or emergency that arises. This Team will include school staff and representatives from law enforcement, fire protection, and local, regional and/or state emergency response agencies; and

b. A Post-Incident Response Team to assist the school community in coping with the aftermath of an incident or emergency. This Team will include school staff, medical personnel, mental health counselors, and other associated personnel.

2. Building-Level Emergency Response Plans

Building-Level Emergency Response Plans are confidential, and may only be disclosed to authorized department or school staff and to law enforcement officers.

The Plans must include:

a. Procedures for responding to a variety of emergency situations, such as those requiring evacuation, sheltering and lockdown. These procedures must at least include:
    i. Evacuation routes and shelter sites; and

ii. Methods for addressing medical needs, transportation, and notifying parents and guardians

b. Floor plans, blueprints, schematics or other maps of the school interior, school grounds, and road maps of the surrounding area;

c. Description of the internal and external communication systems to be used in emergencies;

d. Definition of the chain of command, consistent with the National Interagency Incident Management System;

e. Coordination with the state-wide plan for disaster mental health services to assure that the school has access to federal, state and local mental health resources in the event of a violent incident;

f. Procedures for annual review and update of the Building-Level Emergency Response Plan;

g. Procedures for conducting drills and other exercises to test the Building-Level Emergency Response Plan and for reviewing the outcomes of these tests to determine the need to modify the procedures and/or the Emergency Response Plan;

h. Procedures for securing and restricting access to a crime scene to preserve evidence in the event of a law enforcement investigation; and

i. Information regarding the school population, number of staff, transportation needs, and the phone numbers to contact key officials.

Each Building-Level Emergency Response Plan and update is to be filed with the appropriate local law enforcement agency and with the state police within 30 days of adoption.

3. Drills to Test Emergency Response Procedures

The building principal or administrator is responsible for ensuring that staff and students receive instruction and training to be able to respond appropriately in an emergency in the shortest possible time and without confusion or panic.

At least once each school year, the District is required to conduct a test of procedures under the Building-Level Emergency Response Plans, including sheltering, lockdown, or early dismissal. The test is to be conducted no more than fifteen minutes prior to usual dismissal time. The purpose of this test is to examine the effectiveness of the communications and transportation system during emergencies. Parents and guardians are to be notified at least one week prior to this test.

Rochester City School District school buildings will conduct a minimum of 12 annual drills each year:

a. 8 of the 12 drills will be evacuation drills (2 of the 8 evacuation drills will be using an alternative egress);

b. 4 of the 12 annual drills are required to be lockdown drills;

c. 6 of the 12 drills must be completed by December 31st each year, with the remainder to be completed by April 1st.

Drills will be announced and unannounced and will be held at different times of the school day. Students are required to receive instruction on how to safely evacuate during their eating periods or assemblies.

Summer programs are required to complete two evacuation drills, one of which must be conducted during the first week of the program.

Individuals in charge of an afterschool program, event, or performance are required to notify those in attendance of the procedures to be followed in an emergency. This notice will be provided at the beginning of the program, performance, or event.

Cross-ref: District Policy Prohibiting Discrimination or Harassment of Students or Employees (0100)
Sexual Harassment (0110)
Student Harassment and Bullying Prevention and Intervention Policy (0115)
Visitors to Schools (1240)
Code of Conduct (1400)
Threat Assessment Regulation (1400-R)
Public Conduct on School Property (1520)
Wandering and Elopement Policy (4240)
Eligibility for Extracurricular Activities (5305)
Drug Free Schools (5312.1a)
Policy Regarding De-Escalation of Crisis Situations (8200)

Ref: New York State Education Law 2801-A
New York State Education Law Section § 807.1 and § 807.1.a
May 2016, New York State Department of Education, Field Memo from Assistant Commissioner, Office of Student Support Services, Renee Rider
August 2016, New York State Department of Education, Field Memo from Assistant Commissioner, Office of Student Support Services, Renee Rider

Notes: Prior policy, Policy Manual, Comprehensive School Safety Plan (December 7, 1995), revised; Amended December 16, 2010 pursuant to Resolution No. 2010-11: 434; Amended July 29, 2013 pursuant to Resolution No. 2013-14: 83; Amended November 17, 2016 pursuant to Resolution No. 2016-17: 370; Amended May 23, 2019 pursuant to Resolution No. 2018-19: 919; Amended March 23, 2023 pursuant to Resolution No. 2022-23: 555

ct

CELL PHONE POLICY

8332.00. Statement of Policy

The Board of Education recognizes that the District's purposes and needs are served by the ability to communicate immediately and efficiently with District employees and that use of a cell phone or similar telecommunication device may be efficient and effective, and may be necessary or critical in certain instances. Consistent with the Board's obligation to ensure that District resources are expended only for legitimate District needs, it is the policy of the Board that the District provide such devices at District expense to an employee when, in the judgment of the Superintendent or their designee, the use of a cell phone is required in order for the employee to perform assigned duties; or when communication through other, less costly means, is inefficient, unavailable or impracticable. It is the policy of the Board of Education, in addition, to require that the Superintendent or their designee develop and implement such procedures that will serve to adequately and accurately provide inventory and cost control; and to develop and enforce appropriate standards for the use of District cell phone and related equipment.

8332.10. Definitions

1. "Cell phone" for purposes of this policy shall mean any cellular telephone, walkie-talkie, or other telecommunication or multi-function device (including, by way of example and not limitation, such items as a smartphone or similar device), and related equipment, including power converters; chargers; wireless broadband access cards and MiFi devices for personal computers or laptops; and storage devices, for which service is provided through a vendor and paid by the District.

2. "Cell phone functionality" shall mean any capabilities available through the cell phone including, but not limited to, voicemail, text messaging, camera, picture messaging, video, internet browsing, games, ring tones and other "downloads."

3. "Services" for purposes of this policy shall mean furnishings provided by a vendor, including but not limited to: access/usage, voice, roaming, messaging, internet, and/or equipment included, leased or sold as part of the vendor's contract with the District.

4. "Vendor" for purposes of this Policy shall mean any supplier that provides cell phones, cell phone functionality or cell phone services to the District.

8332.20. Authorized Use of Cell Phones

1. A list of job titles requiring District-owned cell phones shall be maintained in the Business Office (IM&T) and is defined in District Regulation 8332-R.

2. Cell phones issued by the District pursuant to this policy shall be used for official District business only. No personal use of a District cell phone shall be allowed, except on an incidental and necessary basis. Such personal use shall be accounted for and paid for by the employee if it results in cost to the District.

3. Cell phones and cell phone functions shall be used solely in accordance with other District policies and/or regulations, including but not limited to, the following Board policies: Code of Conduct (policy 1400), Acceptable Use of the District Network (policy 1950), Code of Ethics (policy 2160), and Internet (policy 4526).

4. Camera cell phones shall not be used for personal purposes or in violation of District policies or in violation of any local, state or federal law.

8332.30. No Expectation of Privacy: Monitoring of Cell Phone Use

Employees who use District equipment, including cell phones shall have no expectation of privacy with regard to such use, even with regard to personal use. Cell phone/telecommunication use may be monitored and/documented or recorded, in any manner not prohibited by law, by the District at any time.

8332.40. Penalties for Improper Use

Violation of this policy, and any regulations promulgated under it, may result in revocation of cell phones, disciplinary action in accordance with applicable collective bargaining agreements or, where appropriate with the Rules and Regulations, and, where appropriate, referral to law enforcement. All records relating to the use of cost of such equipment shall be admissible in favor of the District in any disciplinary proceeding and may be shared with law enforcement officials.

8332.50. Promulgation of Regulations

The responsibility for developing, publishing and enforcing regulations to implement this policy rests with the Superintendent of Schools, as authorized by Board of Education policy 3310, Development of Regulations. Such regulations should adhere to all applicable federal or state laws and regulations. The Superintendent of Schools, with the advice and counsel of the District's Department of Law, is expressly authorized to prepare, update, maintain and implement administrative regulations. Such regulations shall cross-reference this policy, and shall be published in a manner reasonably designed to assure accessibility, such as inclusion with the Board Policy Manual on the District's website.

Cross-ref: Code of Conduct (1400)
Acceptable Use of the District Network (1950)
Code of Ethics (2160)
Internet (4526)
Development of Regulations (3310)
Mobile Communications Regulation (8332-R)

Ref: Fourth Amendment, U.S. Constitution
Fourteenth Amendment, U.S. Constitution
City of Ontario, California v. Quon 130 S. Ct. 2619 (2010)

Notes: Adopted August 16, 2007 pursuant to Resolution No. 2007-08: 153; Amended March 23, 2023 pursuant to Resolution No. 2022-23: 555

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TRANSPORTATION OF STUDENTS & OTHERS

8400.00 GENERAL POLICY OVERVIEW
.11----------District-Arranged Transportation
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.11 District-Arranged Transportation. While the Rochester City School District is not required by New York State law to provide transportation to and from school, it is the policy of the Board of Education to arrange such transportation once each day, in each direction during the District's regular school year to any resident pupil who attends a regular day school program in grades Kindergarten through 12th grade in a City School District program or an approved parochial, private or charter school, provided that their primary residence is at a distance equal to or further than the minimum distances set forth below as District policy, or the distances set forth in Education Law Section 3635, whichever is less.

.**12 Transportation in Private Vehicles.** This policy does not seek to prevent a parent or guardian, at their own expense, to transport their child to school in the family's personal vehicle. Children transported in this situation are in the exclusive custody and control of the parent or guardian, and are the exclusive responsibility of such parent or guardian. The District does not authorize the transportation of persons other than one's own children to and from school, and does not accept responsibility or liability for any such transportation arranged by individuals. Transportation of students by registered school volunteers to and from City School District sponsored events is prohibited.

8400.10 Eligibility for District-Arranged Transportation

.11 General Eligibility for District-Arranged Transportation. Provided that the distance criteria set forth below between the primary residence of a student enrolled in Kindergarten through 12th grade are met, and subject also to the distance limit set forth below, any pupil who lives within the City of Rochester, and is enrolled in a public school of this District, or in a private, parochial or charter school, is entitled to transportation provided by the District to and from the student's school once each day on which Rochester City Schools are open, for the regular school year. For purposes of this policy, irrespective of the marital relationships of parents or guardians, no student shall be deemed to have more than one "primary residence" and that "primary residence" shall determine all routing and transportation decisions. Transportation under this policy may be provided by a fleet vehicle of the District, by public carrier, or by a private or public contractor with which the District has contracted, or by another governmental entity pursuant to an intermunicipal agreement.

.12 Exceptional Circumstances Warranting Transportation.

1. It is the policy of the Board of Education to provide transportation services, in addition, for the following purposes:

    a. To comply with the Individualized Education Plan (IEP) of a student with special education needs;

    b. To provide transportation to students with documented medical/disability diagnoses that prevent walking to school, as specified in the District's Section 504 policy;

    c. To accommodate parents and guardians of K-2 students who are unable to walk their young children to school due to a medically documented disability;

    d. For non-English speaking students during their first year of study in the District;

    e. To address special conditions which might reasonably render the route of a particular student exceptionally hazardous or unsafe as determined by the Superintendent and/or their designee;

    f. To address any special transportation requirements arising from a "SURR" or "School Improvement" designation under federal or State law; and

    g. To accommodate the transportation requirement of any voluntary Inter-district program in which the Rochester City School District may from time to time participate.

2. As provided by Section 8400.50 of this policy, the District Chief of Operations, or that officer's designee, shall prepare, periodically update and maintain regulations to specifically address each such category of exception.

.**13 Transportation to a Child-Care Facility.** Upon the request of a parent or guardian of a student attending kindergarten through 8th grade who based upon primary residence or one of the exceptions above is otherwise eligible for District-provided transportation, the District will accommodate requests that the student's route to or from school, or both, accommodate the parent or guardian's before- or after-school child-care location (including facilities licensed under Section 390 of the Social Services Law). If transportation is provided to a child-care location, then the childcare location shall be used to calculate distance for eligibility purposes.

.14 Summer School. The District does not provide transportation to and from summer school programs, except in the case of special education students whose IEP requires a twelve-month program.

8400.20 Planning and Oversight

.21 One Round Trip Daily. When a student is eligible for District-supplied transportation, that transportation shall consist of one round trip daily, to and from the assigned school, from and to the pick-up or drop-off point assigned by the District's Transportation Department, on each day that the Rochester City Schools is open during the regular school year. Where a parent or guardian has requested that the student's route, whether one way or both, include a before- or after-school child care facility, such pick-up or delivery to the facility, or to the nearest designated pick-up/drop-off point, shall constitute completion of the District's transportation undertaking for that child.

.22 Custody and Authority. Pursuant to state law, the District is not liable for the supervision and safety of pupils before boarding or after disembarking from school busses, or when pupils are outside the physical custody and authority of the District.

.23 Distance and Routing. For purposes of qualifying for transportation, the minimum distance between a student's primary residence and their school shall be one-and-one-half (1.5) miles, as a matter of District policy. The District's Department of Transportation shall be responsible to (a) determine distances between the primary residence and the assigned school of each student seeking transportation, and to establish pick-up and drop-off points or fixed stops, in a manner consistent with the Education Law and with the regulations and opinions of the State Commissioner of Education; (b) to establish the routes to be served by chartered or contracted busses, District-owned busses, or by specialized vehicles, and to determine if RTS routes serve the needs of students; and to specify such areas such as dead ends and private roads which are not directly served; and (c) to inform parents and guardians of arrangements prior to the opening of school.

.24 Emergency and Safety Procedures. The District's Chief Operating Officer or, as designee, the District's Department of Transportation shall ensure that emergency drills are conducted each year on all school busses, in the manner and time provided by New York State Commissioner's regulations, and that the State regulations regarding standees is strictly enforced on all school busses. The Department shall also establish, publish and enforce such other safety regulations as it deems necessary to enhance student safety, and to provide guidance to employees and contractors as to procedures to be followed in the event of an emergency.

.25 Applications for Students in Private, Parochial or Charter Schools. No later than June 1st of each year, the parent or guardian of each student enrolled or enrolling in a private, parochial or charter school must apply to the District for transportation services for the following school year. Where a student moves into the City of Rochester after June 1st, the parent or guardian must apply for transportation services within thirty (30) days of enrollment. The State Commissioner of Education has ruled that the duty to apply is the responsibility of the parent or guardian, and it shall not be sufficient to rely upon submission of a transportation list from the non-District school.

.26 Field Trips, Athletic Events or Other Authorized Uses. The District's Chief Operating Officer or, as designee, the District's Department of Transportation shall establish, publish and administer regulations to facilitate transportation for field trips, athletic events, or other activities authorized by law, for schools of the Rochester City School District. The District shall not be obligated to provide such transportation for the students of private, parochial or charter schools, and shall in no event agree to provide transportation to non-District schools under circumstances or for any purposes which are not

State-aidable, or where any cost above and beyond State aid is not paid in full by such school to the District at the time of service.

.27 Weather or Public Emergency. When all Rochester City School District facilities are closed due to weather-related reasons, or due to a public emergency as declared by the federal, State, County or City government, transportation will not be provided to any student attending a non-public school. Where such emergency arises during the school day, the arrangements made for non-District schools shall be the same as for District schools.

8400.30 Conduct & Discipline

.31 District's Code of Conduct Applicable. The behavioral standards set forth in Board of Education Policy 1400, the Code of Conduct, shall be applicable to all persons riding any transportation arranged by the District, whether or not such transportation is owed or operated by the District.

.32 Additional Rules for Behavior & Discipline. The Chief Operating Officer, or the Director of Transportation, as the delegees of the Board of Education, may prepare, maintain and implement additional administrative regulations designed to enhance safety and civil behavior on school busses or other vehicles, and to set forth the discipline or consequences, which may include temporary or permanent suspension from District-provided transportation. Such regulations shall be made accessible through the District website or otherwise, and shall be appended to this policy. When a student is suspended from transportation, it shall be the exclusive responsibility of the parent or guardian to assure that the student arrives at their school when school is open.

.33 Additional Rules Imposed by Non-District Schools. While the District's Code of Conduct and such additional regulations as may be adopted by the Chief Operating Officer or the Director of Transportation shall apply to all students on District-provided transportation, nothing is this regulation shall be construed as limiting in any way the discretion of private, parochial, or charter schools to enforce upon their students such additional rules, or such additional discipline as such school deems appropriate.

.34 Monitoring Conditions on Busses. In addition to the video monitors provided by Policy 8414.4, the District reserves the right to use metal detectors, searches or pat-downs permissible under the Code of Conduct, safety monitors, sound devices or such additional human, mechanical, electronic or other means as it may from time to time determine of value in enhancing the safety of students as a whole. Evidence generated by such methods may be used for disciplinary purposes, if necessary.

8400.40 Vehicles & Drivers

.41 Vehicle Maintenance. The Chief Operating Officer, or the Director of Transportation, as delegee, shall prepare, maintain and implement administrative regulations designed to ensure that the inspection and maintenance (both preventive maintenance and repair) of District vehicles used to transport students meets or exceeds the standards required by New York State law, federal law, or the Regulations of the Commissioner of Education

.42 Driver Training, Testing & Other Requirements. The Chief Operating Officer, or the Director of Transportation, as delegee, shall prepare, maintain and implement examination requirements, and any other requirements mandated under the Education Law, the Vehicle & Traffic Law, the Regulations of the Commissioner of Education, the State Education Department's School Bus Driver Performance Test Guidelines substance testing under the Omnibus Transportation Employee Test Act and related regulations (49 CFR § 382, generally).

.**43 Liability Insurance.** Insurance consistent with the requirements of Vehicle & Traffic Law § 370 shall be maintained on all vehicles owned or controlled by the District and used to transport students. It is the policy of the District to require that all contracts with the District involving the transportation of students shall require that the contractor carry liability insurance in an amount acceptable to the District, that the District, and its officers and employees be named on such policies as additional named insureds; and that the contractor shall defend and indemnify the District, its officers and employees from liability for negligent acts or omissions arising from the performance of said contracts.

8400.50. Regulations and Administrative Policy

The responsibility for administering the transportation program rests with the Chief Operating Officer, and the administration should adhere to all applicable laws, regulations and policies established by Federal, State and local authorities. Specific functions may be delegated to the Director of Transportation. the Chief Operating Officer, of as delegee the Director of Transportation shall prepare, maintain and implement administrative regulations addressing the specific delivery of transportation services, including but not limited to those relating to eligibility, routing, safety, equipment inspection and maintenance, purchasing, contracting, and personnel management, cost control and budgeting. Such regulations shall be appended to this policy, and shall be disseminated in a manner reasonably designed to assure accessibility, which may include publication on the District website.

Cross-ref: Code of Conduct (1400)
Video Cameras on School Busses (8414.4)

Ref: Education Law Section 3635
49 CFR § 382
NYS Vehicle & Traffic Law Section 509-g
Vehicle & Traffic Law § 370

Notes: Adopted July 18, 2002; Amended August 24, 2023 pursuant to Resolution No. 2023-24: 234

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VIDEO CAMERAS ON SCHOOL BUSES

The Board of Education recognizes its responsibility to maintain and improve discipline, and to ensure the safety and welfare of its students and staff on school transportation vehicles.

After having carefully considered and balanced the rights of privacy with the district's duty to ensure discipline, health, welfare and safety of staff and students on school transportation vehicles, the Board supports the use of video cameras on its school buses.

Video cameras will be used to monitor behavior on school vehicles transporting students to and from school or extracurricular activities. This program is in accordance with the District's Values policy, which states that respect for others, kindness and caring and cooperation are essential to model and shape behaviors that affect the quality of one's life.

Students in violation of bus conduct rules shall be subject to disciplinary action in accordance with established board policy and regulations governing student conduct and discipline.

The District shall comply with all applicable state and federal laws related to student records when such recordings are considered for retention as part of the student's record.

The Superintendent of Schools has developed administrative regulations and procedures for the installation of video cameras on school buses as well as the film usage. Video recordings shall be used primarily for the purpose of evidence for disciplining students. However, the District may use such recordings for any other purpose it deems appropriate.

Cross-ref: School District Records (1120)
Civic Education (4311.2)

Ref: 20 USC §1232g (FERPA)
Arts & Cultural Affairs Law, Art. 57-A (Local Government Records Law)
Public Officers Law §87
8 NYCRR Part 156.9(d)
Records Retention & Disposition Schedules for Use by School Districts, Schedule ED-1 (1991)

Notes: Prior policy, Policy Manual, Video Policy (February 2, 1995); Revised August 20, 1998; Amended March 23, 2023 pursuant to Resolution No. 2022-23: 555

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"CHARGING" SCHOOL MEALS AND PROHIBITION AGAINST SHAMING

The Board of Education believes in maintaining the integrity and dignity of student households. The District's aim is to provide student access to nutritious meals and to ensure that no pupil is shamed or treated differently.

The Board recognizes that the Rochester City School District currently participates in Community Eligibility for student meals. With this in mind, student shaming is unlikely since no student can be singled out for not paying for their meal.

Cross-ref: Charge Regulation for the Food Service Program (8530-R)

Ref: 42 USC §1779 (Child Nutrition Act of 1966)
42 USC §§1758(f)(1); 1766(a) (National School Lunch Act)
2 CFR §200.426 (accounting for debt in federal programs)
7 CFR §§210.9 210.12; 210.19; 220.13; 245.5 (accounting in federal school meal programs)
Healthy, Hunger-Free Kids Act (Public Law 111-296), §143
15 USC §1692a (debt collector defined)
Education Law §908
8 NYCRR §114.5
USDA Report to Congress, *Review of Local Policies on Meal Charges and Provision of Alternate Meals*, June 2016, www.fns.usda.gov/sites/default/files/cn/unpaidmealcharges-report.pdf
Unpaid Meal Charges: Local Meal Charge Policies, USDA FNS Memo SP 46-2016 (07/08/16), www.fns.usda.gov/unpaid-meal-charges-local-meal-charge-policies
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Overcoming the Unpaid Meal Challenge - Proven Strategies from Our Nation's Schools, USDA FNS Guidance Document (May 2017), https://fns-prod.azureedge.net/sites/default/files/cn/SP29-2017a1.pdf
New York State Legislation - Prohibition Against Meal Shaming, NYSED Memo (5/1/18), http://www.cn.nysed.gov/content/prohibition-against-meal-shaming
Meal Charge Plan Template, NYSED (5/1/18), http://www.cn.nysed.gov/content/meal-charge-and-prohibition-against-meal-shaming-policy-template

Notes: Adopted March 23, 2023 pursuant to Resolution No. 2022-23: 556

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MEDICAID COMPLIANCE FOR HEALTH-RELATED SERVICES

1. Policy Statement

The Board of Education recognizes its responsibilities to provide services for children with disabilities and to pursue funds available from federal sources for this purpose. Accordingly, the Rochester City School District (RCSD) actively seeks reimbursement from the New York State Department of Education and the New York State Department of Health for health-related services provided to Medicaid eligible children with disabilities.

2. Purpose

The purpose of this policy is to authorize conditions under which the RCSD may seek reimbursement for health-related services provided to Medicaid eligible children with disabilities.

3. Definitions

a. Health-Related Services – Services that include audiology, nutrition, occupational therapy, physical therapy, social work, counseling, nursing, speech and language, psychological and other services approved by federal regulations.

b. Individualized Education Program (IEP) – An instructional program designed for each child with a disability as recommended by an IEP team.

c. Third-Party Billing – The process for billing Medicaid for reimbursement of health-related services for Medicaid eligible RCSD children with disabilities by qualified RCSD service providers.

4. Compliance

The RCSD Department of Special Education is responsible for directing and obtaining the necessary documentation and requirements needed for Medicaid compliance. The RCSD Department of Medicaid is assigned the overall responsibility for reviewing and reporting the necessary Medicaid compliance. The Medicaid Department also oversees the third-party billing process to seek Medicaid reimbursement for health-related services. Medicaid is also responsible for implementing an effective compliance program which includes the following attributes:

a. Written Superintendent Regulations are required to provide guidance, reporting, attestation, certification to the state, investigations, and resolution processes associated with the Medicaid activities.

b. A Medicaid Compliance Officer is to be designated to report directly to the senior administrator regarding this program.

c. Regular Medicaid training for RCSD employees must exist.

d. A confidential disclosure mechanism must exist to enable anonymous reporting.

e. Procedures must support non-intimidation and non-retaliation for good faith reporting.

f. A process to assure fair enforcement and ramifications for non-compliant behavior or failure to report non-compliance must exist.
g. A process is to be defined and enacted to resolve non-compliance and assure prevention of non-compliance.

h. Compliance risks based on regular provider types' evaluations are to be regularly assessed. Activities are to be implemented and documented to manage those risks.

5. Delegation of Authority

The Superintendent is authorized and responsible for developing appropriate procedures for the implementation of the policy.

6. Monitoring

The Medicaid Compliance Officer shall provide a report to the Board of Education at least annually.

Cross-ref: Development of Regulations (3310)
Financial Reports and Resolutions (6630)
Purchasing (6700)
Vendor Relations (6750)
Medicaid Compliance and Integrity Program (8600-R)
Whistleblower (9645)

Ref: Medicaid Compliance Program 18 NYCRR Part 521
Social Services Law Section 363-d and NYCRR Part 521

Notes: Adopted December 17, 2009 pursuant to Resolution No. 2009-10: 490; Amended April 25, 2013 pursuant to Resolution No. 2012-13: 618; Amended March 23, 2023 pursuant to Resolution No. 2022-23: 555

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RECYCLING PROGRAM

The Board of Education is concerned about preserving the ecological integrity of the planet. The Board believes that this concern for the environment requires effective use of limited resources.

The Board recognizes that the problem of solid waste disposal directly affects our environment and the quality of life-sustaining resources. The Board also believes that one function of the schools is to set an example in the stewardship of our natural resources and to develop responsible citizenship in students. Therefore, the District will act to make resource conservation an integral part of the physical operations of the District.

In its efforts to improve and encourage responsible solid waste management in the school and in the community, the Board supports a program for recycling and reuse of such waste materials. The Board directs the Superintendent of Schools to develop and implement a District-wide recycling program that will take into consideration the following:

1. resource conservation, including waste reduction, and encouraging the use of all products to their fullest extent prior to disposal;

2. minimization of the use of non-biodegradable products whenever possible;

3. a differentiation between biodegradable and non-biodegradable waste materials;

4. separation of waste materials into categories for recycling (i.e., paper, glass, aluminum, iron, plastic, eWaste, etc.) and delivery of such materials to an appropriate recycling agency in cooperation with recycling efforts in the community;

5. whenever financially viable, the purchase and/or use of recycled products; and

6. participation of District students and staff on all levels in the recycling program. Such participation shall take into consideration any appropriate health, safety, and risk management concerns.

Notes: Prior policy, Policy Manual, Recycling (December 6, 1990); Revised August 20, 1998; Amended March 23, 2023 pursuant to Resolution No. 2022-23: 555

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9000 Series: Employees

PERSONNEL GOALS

The Board of Education recognizes that the school district's central goal – the education of children – is dependent on the dedication and work provided by the school district's employees. The Board seeks to develop and implement personnel policies that will allow and enhance the ability of staff to educate children.

The specific goals that will guide the Board as it develops personnel policies are:

1. To recruit, hire and retain the most effective diverse staff available;
2. To ensure staff are evaluated in a rigorous and meaningful manner;
3. To promote a positive climate and culture for staff to thrive in;
4. To grant tenure to staff who have performed at the highest level and;
5. To provide professional development and training to staff to improve their skills.

Although the Board is the employer of all staff in the district, the Board recognizes that the Taylor Law requires the district to negotiate in good faith with recognized or certified employee organizations over wages, hours, and all other terms and conditions of employment as defined by the Taylor Law or as interpreted by the Public Employment Relations Board. The school district will fully comply with the requirements of the Taylor Law.

All other employees in the district who are not represented by a recognized or certified employee organization will receive fair compensation and benefits for the work they provide.

In return for the compensation and benefits provided to district staff, the Board expects employees to render the quality of service that enables children to learn at the highest level possible and seek continuous improvement in the service they provide.

Cross-ref: Equal Employment Opportunity (9110)

Ref: Education Law §§ 1604(8), 1709(16), 2503(3), 2554(2), 3012(1)(a) (Board's authority to hire employees)
Education Law § 3012(2) (Board's authority to grant tenure to teachers)
Civil Service Law § 204 ("Taylor Law" requires school district to negotiate with unions)
8 NYCRR § 100.2(o)(2) (school district required to evaluate teachers)
8 NYCRR § 100.2(dd)(2)(ii)(a) (school district required to provide professional development)

Notes: Adopted October 19, 2023 pursuant to Resolution No. 2023-24: 416

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EQUAL EMPLOYMENT OPPORTUNITY

Context and Purpose

The Board of Education reaffirms its policy of equal employment opportunity for all qualified individuals without regard to race, color, religion, gender, age, national origin, disability, sexual orientation, marital status, physical appearance, or veteran status. Furthermore, the District also adheres to a policy of equal opportunity in education and the awarding of outside contacts. This policy reflects the Board's commitment and concern for the well-being and dignity of all of the District's employees and students, as well as its continued commitment to provide for a safe, productive and professional work and learning environment.

The Board believes it to be in the interest of both students and the public to have a staff which is highly qualified and effective in performing the duties assigned to them, and which contains a healthy diversity of personal backgrounds.

The Superintendent of Schools shall ensure that applicants for open positions in either the administrative, instructional or support staff of the District, are actively sought from members of any minority group which is underrepresented in that staff.

Candidates for open positions, as well as for promotion and transfer, will be evaluated on the basis of education, experience and ability, to determine fitness to perform the duties of the position. Every effort shall be made to ensure that the District's policies regarding employment, salary promotion and transfer shall be based solely on job requirements, job performance and job-related criteria. The District's policies regarding compensation, benefits, transfer, termination, training, self-development, curriculum development, and the awarding of vendor contracts shall be administered without regard to race, color, religion, gender, age, national origin, disability, sexual orientation, marital status, physical attributes, or veteran status.

Authority and Responsibility

The Board is committed to taking the appropriate measures in ensuring that everyone is given equal opportunity to advance and develop. The District's success in equal employment shall depend not only on the commitment and involvement of those directly responsible for the program's implementation, but also in the dedication of all of the District's employees. Ensuring equal employment shall be a fundamental and direct responsibility of all levels. Management, administrators and supervisors shall be required to comply with governmental regulations and the equal employment opportunity goals of the District.

At no time will any candidate for employment, current employee or former employee suffer any adverse action, or be granted any benefit, for any reason other than personal merit or conduct, or in violation of any law or regulation.

Anyone who believes that they have been subject to unequal treatment shall notify in writing either the Superintendent of Schools, Supervising Director of Human Resources or the District's Affirmative Action Officer. A determination will be made within thirty (30) days. Retaliation against anyone who has filed or is involved in a complaint is strictly prohibited.

Ref: 42 USC §§2000e-2000e-17
29 USC §206
Executive Order 11296
New York State Constitution Article I §11
Executive Law §296

Notes: Prior policy, Policy Manual, Equal Employment Opportunity (January 21, 1993); Revised August 20, 1998; Amended April 27, 2023 pursuant to Resolution No. 2022-23: 627; Amended November 30, 2023 pursuant to Resolution No. 2023-24: 467

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STAFF COMPLAINTS AND GRIEVANCES

The Board of Education recognizes that staff complaints and grievances regarding work rules arise from time to time. In many instances, the complaint process is covered by collective bargaining agreements, and in those instances, the grievance procedure outlined in the agreement shall be used. In order to address staff complaints not covered by bargaining agreements, and/or for those employees not covered by such an agreement (i.e., members of the Board Employee Group (BEG), Exempt Employee Group (Exempt), and Superintendent Employee Group (SEG)), the Board establishes this policy. The Board acknowledges that staff members have the right to present complaints and grievances in accordance with these procedures free from coercion, interference, restraint, discrimination or reprisal.

The District shall implement a multi-stage grievance procedure and an appellate stage for the settlement of grievances pursuant to the General Municipal Law.

This policy and any regulations shall be filed with the District Clerk and the State Civil Service Commission within 15 days of adoption and/or amendment, as required by law.

Staff complaints that are not covered under the General Municipal Law, or cannot be resolved under procedures of the District Policy Prohibiting Discrimination or Harassment of Students or Employees (0100) or Sexual Harassment (0110) policies, shall be subject to the discretion of the Board of Education as to the method by which the complaint may be brought.

Cross-ref: District Policy Prohibiting Discrimination or Harassment of Students or Employees (0100)
Sexual Harassment (0110)

Ref: General Municipal Law, Article 15-c
Civil Service Law, Article 14
Matter of Gatje, 24 EDR 191 (1984)

Notes: Adopted October 19, 2023 pursuant to Resolution No. 2023-24: 416

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CRIMINAL HISTORY BACKGROUND CHECKS

It is the policy of the Board of Education that no individual shall be employed by or actively work in the District unless such individual has undergone a criminal history background check and has been cleared for such employment or work as required by the New York State Education Law and the regulations of the Commissioner of Education.

For purposes of this policy, the term, "criminal history record" shall mean a record of all convictions of crimes and any pending criminal charges maintained on an individual by the Division of Criminal Justice Services (DCJS) or the Federal Bureau of Investigation (FBI). Individuals shall be cleared for employment when the District has received notification from New York State Education Department (SED) that the individual has been cleared and may legally work in the District.

Prior to initiating the criminal history background check process, the District shall furnish an applicant with all notices and information required by the New York State Education Law and regulations of the Commissioner of Education and in the form and manner prescribed thereby.

All criminal history records processed by DCJS and the FBI and sent to the Commissioner of Education are confidential and may not be published or disclosed to persons other than the Commissioner unless otherwise authorized by law.

Who Must Be Fingerprinted

Under New York State law, all "prospective school employees" of the District must be fingerprinted. Under the applicable provisions of the Education Law and Commissioner's Regulations, "prospective school employee" shall mean any individual who will reasonably be expected by the District to provide services which involve direct contact, meaning in person, face-to-face communication or interaction, with students under the age of twenty-one (21) and who is either:

1. Seeking a compensated position with the District and is not currently employed by the District or a student enrolled in the instructional program of a grade level in the District; or

2. An employee of a provider of contracted services to the District who is to be placed within the District; or

3. A worker who is to be placed within the District under a public assistance employment program pursuant to Title 9-B of Article 5 of the Social Services Law, directly or through contract.

Individuals Who Are Specifically Excluded

The following categories of individuals are excluded from a criminal history record check requirement pursuant to this policy as allowed by law:

1. Those seeking a position as a school bus driver or school bus attendant and are cleared for employment pursuant to the Vehicle and Traffic Law; or

2. Those who have previously undergone a criminal history record check for the District and who have provided services to the District in the previous school year either in a compensated position, or as an employee of a provider of contracted services to the District, or as a worker placed within the District under a public assistance employment program pursuant to title 9-B of Article 5 of the Social Services Law directly or through contract; or

3. Those who will reasonably be expected by the District to provide services for the District on no more than five (5) days in the school year in which services are performed, provided that the District provides in-person supervision of such individual by one (1) or more employees of the District while that individual is providing such services. Individuals providing such time-limited and supervised services may include but shall not be limited to artists, guest lecturers and speakers, and sports officials.

Any prospective employee who previously has been fingerprinted in order to obtain certification or employment within another school district, and whose fingerprints remain on file with the Division of Criminal Justice Services (DCJS), will be required to undergo a criminal history background check but will not be required to be fingerprinted again.

The District encourages employees to seek new and interesting opportunities throughout the District when they become available. Due to this potential for employee movement, the District considers all individuals who accept employment with the District to be "prospective school employees" and requires that all such individuals be fingerprinted.

Separation from Employment

Whenever an employee or worker who has been fingerprinted separates from the District, the District shall immediately notify SED of the separation and date thereof. Such notice shall be in manner and form prescribed by SED.

Cross-ref: Criminal History Background Checks Regulation (9200-R)

Ref: Education Law § 305(30), § 2554, § 3004-b, § 3004-c, § 3035
Correction Law Article 23-A
Executive Law Section 296(16)
Social Services Law Article 5, Title 9-B
8 New York Code of Rules and Regulations (NYCRR) Sections 80-1.11 and Part 87

Notes: Adopted July 28, 2011 pursuant to Resolution No. 2011-12: 104; Amended April 27, 2023 pursuant to Resolution No. 2022-23: 627

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RECRUITMENT, HIRING AND RESIDENCE INITIATIVE

The Rochester Board of Education believes that the life and work experiences of employees of the Rochester City School District significantly influence the quality of education offered to its students. The Board values the richness and diversity of experiences through living, working and volunteering in urban environments and believes that such experiences enhance the quality of education and work delivered by the District's workforce. Consequently, the Board desires to promote and encourage the hiring of new employees with significant experiences in urban settings. As such, the Superintendent of Schools or designee shall implement and maintain a high-quality recruiting and hiring program to attract, secure and retain the qualified staff to meet the educational and other needs of City students and the District.

Recruitment

The District will seek out and hire the most qualified candidates for all vacant positions by recruiting from a variety of sources, including present staff. District employees may apply for all positions for which they meet the certification and other qualifications necessary to work at the Rochester City School District.

The Board and its employees shall adhere to the practice of recruiting and hiring personnel without regard to an individual's age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status, or domestic violence victim status or any other status protected by applicable federal or state law.

Hiring

Subject to all applicable Civil Service, Education law and other legal and District requirements, the Superintendent of Schools or designee will give additional weight and consideration to applicants for new employment whose positions are subject to Board approval who are graduates of public schools in cities with populations of at least 110,000 residents or possess significant experience working with city youth in an urban environment prior to date of hire with the District. For purposes of this policy, experience working with city youth in an urban environment shall be defined as a minimum of two (2) years working or volunteering at a school district or youth-based not-for-profit entity in a city with a population of at least 110,000 residents. For purposes of competitive positions under the New York Civil Service law, the District shall give greater weight to any candidate scoring in the top three of the applicable Civil Service examinations that is a graduate of a public school in a city with a population of at least 110,000 or possess the urban work or volunteer experience described herein.

City Residence Initiative

The Board recognizes the benefits to the District and its students derived from employees that choose to establish a long-term commitment to living and raising their families in the Rochester community where they work. As such, subject to the appropriation and availability of funds as determined annually by the Superintendent, the District shall partner with the City of Rochester and participate in the City's Employer Assisted Housing Initiative ("Housing Initiative"). The City's Housing Initiative provides that funds of designated employers such as the District shall be matched with City funds for down payment and closing costs for homes offered on the private market that are located within the City of Rochester.

Subject to a District employee satisfying all requirements of the City's Housing Initiative, the availability of District funds, and such regulations and procedures established by the Superintendent, the District may provide a onetime, three thousand dollars ($3,000) benefit for a specified number of employees that purchase their primary residences in the City of Rochester and live in the residence for at least five years. The City's Housing Initiative provides that the City may match the District's benefit for first time

purchasers of City residences in an amount up to three thousand dollars ($3,000). There is a separate application process for the City of Rochester benefits. The City and District benefits shall be available only for down payment and closing costs for such purchase.

Additionally, subject to the availability of District funds and regulations and procedures established by the Superintendent, the District may provide a onetime three thousand dollars ($3,000) benefit for a specified number of District employees that own or previously owned a residence in the City of Rochester and purchase a new home in the City where they shall live as their primary residence for at least five years. The District benefits shall be available only for down payment and closing costs for such purchase and may not be subject to matching funds through the City's Housing Initiative.

The Superintendent shall implement regulations and procedures to implement this Policy.

Cross-ref: Recruitment, Hiring and Residence Initiative (9240-R)

Ref: Age Discrimination in Employment Act (ADEA), 29 USC §§ 621 *et seq.* (prohibiting discrimination on the basis of age)
Americans with Disabilities Act (ADA), 42 USC §§ 12101 *et seq.* (prohibiting discrimination on the basis of disability)
Civil Rights Act of 1964 (Title VII), 42 USC §§ 2000e *et seq.* (prohibiting discrimination on the basis of color, national origin, race, religion and sex) Rehabilitation Act of 1973 (Section 504), 29 USC § 794 (prohibiting discrimination on the basis of disability)
Title IX, 20 USC §§ 1681 *et seq.* (prohibiting discrimination on the basis of sex)
New York State Constitution, article V, § 6 (requiring public employees be appointed on the basis of merit and fitness)
Civil Service Law §§ 22, 40-44, 61(1) (rules on classified positions) Education Law §§ 1604(8), 1709(16), 2503(3), 2554(2), 3012(1) (a) (board's authority to hire employees)
Education Law §§ 1604(39), 1709(39), 1804(9), 1950(4), 2503(18), 2554(25) (fingerprinting requirements)
Executive Law §§ 290 *et seq.* (prohibiting discrimination on the basis of age, color, creed, disability, marital status, national origin, race or sex) 8 NYCRR § 80-5.5 (§211 waiver process).

Notes Adopted August 23, 2012 pursuant to Resolution No. 2012-13: 103; Amended April 27, 2023 pursuant to Resolution No. 2022-23: 627

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DRUG-FREE WORKPLACE

The Board of Education prohibits the illegal, improper or unauthorized manufacture, distribution, dispensing, possession or use of any controlled substances in the workplace. "Workplace" shall mean any site on district or school grounds, at school-sponsored activities, or any place in which an employee is working within the scope of their employment or duties. "Controlled substances" shall include all drugs which are banned or controlled under federal or state law, including those for which a physician's prescription is required, as well as any other chemical substance which is deliberately ingested to produce psychological or physiological effects, other than accepted foods or beverages. All applicants selected for employment with the Rochester City School District shall be subject to a pre-employment drug test.

Consistent with the change to New York Labor Law §201-d, the District shall not conduct pre-employment drug testing for marijuana, for most employees. The District is required to continue to test for marijuana for those employees required to be licensed or otherwise cleared by the Federal Departments of Transportation or Labor (e.g. Commercial Drivers' License), including, but not limited to:

1. 12 month Bus Driver
2. 10 month Bus Driver
3. Class 5 Truck Driver
4. Maintenance Mechanic I
5. Driver/Mover
6. Messenger/Stock keeper
7. Safety Coordinator
8. Bus Operations Expeditor
9. Senior Automotive Mechanic
10. Troubleshooter
11. Bus Security Assistant
12. 12 month Dispatcher
13. 10 Month Dispatcher

This policy only applies to pre-employment drug testing. Any employee suspected of being under the influence of any drug, including marijuana, while working is still subject to the provisions of the District procedures.

The Superintendent of Schools or the Superintendent's designee shall implement related regulations which outline the requirements of the federal Drug-Free Workplace Act of 1988.

Cross-ref: Organization Chart (3230)

Ref: Drug-Free Workplace Act (DFWA), 41 U.S.C. §§702-707
21 CFR §§1300.11-1300.15
34 CFR Part 85 (U.S. Dept. of Ed. Regulations under the DFWA) 49 CFR Part 40 (U.S. Dept. of Transportation Drug and Alcohol Regulation) Civil Service Law §75
Education Law §3020-a
Patchogue-Medford Congress of Teachers v. Board of Education, 70 NY2d 57 (1987)

Notes: Policy added, August 20, 1998; Amended December 13, 2012 pursuant to Resolution No. 2012-13: 375; Amended May 27, 2021, pursuant to Resolution No. 2020-21: 843; Modified pursuant to Resolution No. 2021-22: 253 November 2, 2021; Amended November 7, 2023 pursuant to Resolution No. 2023-24: 420

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EVALUATION OF STAFF

The Board of Education recognizes that a well-developed and rigorously administered evaluation process is key to securing and maintaining an effective District workforce. The Board views the evaluation of all staff as an essential tool for improving individual performance and the District's overall ability to meet its educational objectives to improve student growth and achievement.

To these ends, the Superintendent shall ensure that evaluations of all regularly employed staff are conducted annually, that the results of the evaluations are thoroughly documented, and that administrators and supervisors are properly trained to conduct evaluations. The procedures and process used to evaluate staff shall follow applicable Civil Service Law, Education Law, regulations of the Commissioner of Education, and the District's collective bargaining agreements.

Exempt staff, those not subject to a collective bargaining agreement, shall be evaluated no later than August 1st for the prior school year. Evaluation procedures and tools for exempt staff shall be no less rigorous than those used for represented staff. All evaluation documents shall be maintained by the Office of Human Capital and shall be available to employees. The District's Annual Professional Performance Review plans will be published on the District's website.

Ref: NYS Education Law §3012-c
8 NYCRR §30-2
8 NYCRR §100.2(o)(1)

Notes: This policy replaces the former "Evaluation of Teaching Staff" policy (0330), "Evaluation of Administrative Staff" policy (0335), and "Evaluation of Support Staff" policy (0340). Adopted September 26, 2013 pursuant to Resolution No. 2013-14: 244; Amended April 27, 2023 pursuant to Resolution No. 2022-23: 627

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REPORTING IMPROPER GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST RETALIATION (DISTRICT WHISTLEBLOWER POLICY)

9645.00 STATEMENT OF POLICY

9645.01 General Policy

The District can achieve its mission best if it is made aware of potential improper governmental action and has the opportunity to investigate and fix problems. That goal is served when District employees know that they can raise concerns without concern that they might be penalized for sharing such information. The interests of the District (knowledge and opportunity to correct) and those of employees (freedom from fear of retaliation) are interconnected.

It is the policy of the Board of Education to (1) encourage employees, acting in good faith, to report what the employee reasonably believes to be true and reasonably believes to be an improper governmental action or wrongdoing by District officers or employees; and (2) to protect District employees who, in good faith, have reported such improper governmental actions or wrongdoing in accordance with this policy. This policy is equitable in nature; therefore, a disclosure made by an employee which may reasonably be construed as an effort to exonerate the employee themselves, or to mitigate or prevent adverse disciplinary consequences for one's own wrongdoing shall not be accorded protection under this policy.

This policy supplements such additional protections as may be provided under New York State law for the protection of employees.

9645.02 Employee's Duty of Disclosure as Precondition to Whistleblower Protection

The District will not take adverse employment action against an employee who has, in good faith, notified the district and/or a governmental body of wrongdoing, including but not limited to instances where an employee has reported misconduct when mandated to do so by federal or state law or regulation (e.g., child abuse, state testing misconduct).

9645.10 DEFINITIONS

"***Improper Governmental Action***" for purposes of this policy means any action by a District officer or employee:

1. That is undertaken in the performance of the District officer's or employee's official duties, whether or not the action is within the scope of the officer or employee's employment; ***and***
2. That is (a) a violation of any federal, state or local law or regulation which creates and presents a substantial and specific danger to the public health or safety; or (b) is a substantial abuse of authority.

"Improper governmental action" for purposes of this policy does *not* include personnel actions taken in the course of conducting the District's business. Such matters, where employees believe themselves aggrieved, are most appropriately addressed by reference to the various collective bargaining agreements and by further reference to the protections afforded District employees under the Civil Service Law and/or the Education Law.

"***Retaliatory Action***" means any adverse personnel action or other action harmful to any person, taken knowingly and with the intent to retaliate, which is directly attributable to the making or support of a good faith report of improper governmental action; and which does not flow from an evaluation or assessment

of performance or nonperformance of the reporting or supporting employee's own work. The Board does not condone the use of this policy as a mechanism for avoiding or deflecting the consequences of an individual's own deficient work performance, and nothing in this policy is intended to interfere with legitimate employment decisions.

9645.20 PROTECTION OF EMPLOYEES & EMPLOYER

9645.21 Employee Protection

No Retaliation. The District shall not take any retaliatory action against any employee who in compliance with Section 9645.02, above, does any of the following:

Discloses, or threatens to disclose to the Board of Education or the Board's designee an activity, practice or procedure which he or she reasonably believes to violate a statute or regulation which violation creates and presents a substantial and specific danger to the public health or safety; or

a. Discloses, or threatens to disclose to the Board of Education or the Board's designee an activity, practice or procedure which he or she reasonably believes to violate a statute or regulation which violation creates and presents a substantial and specific danger to the public health or safety; or

b. Provides information to, or testifies before any public body (as defined in New York Labor Law § 740) that is conducting an investigation, inquiry or hearing into any such violation of a statute or regulation by the District; or

c. Objects to, or refuses to participate in any such activity, practice or policy in violation of a statute or regulation.

2. **Reasonable Confidentiality**. All reports under this policy will be handled with reasonable confidentiality; and personally identifiable information from the report will be shared only to the extent necessary to conduct a complete and fair investigation. Reporting to the Board designee, or to the Board of Education rather than to immediate supervisors is intended, in part, to increase the assurance of reasonable confidentiality and non-retaliation.

3. **Affirmative Defense**. Where an employee is subject to dismissal or other discipline under the disciplinary provisions of a collective bargaining agreement, under Education Law § 3020-a, or under Civil Service Law § 75, such employee may raise as an affirmative defense the claim that such action would not have been taken but for action protected by this Policy. If a court, arbitrator or hearing officer makes a finding that dismissal or other action is based *solely* upon a violation of this policy by the District, such fact finder may dismiss the disciplinary proceeding, and in the case of a member of a collective bargaining unit, may make such action as is permitted by the applicable collective bargaining agreement.

9645.22 Employer Protection

Nothing in this policy shall be deemed to diminish or impair the rights of the District to manage its employees under any statute, regulation, rule or collective bargaining agreement; nor to prohibit any personnel action which otherwise would have been taken regardless of the disclosure of information. It shall also be a defense to any action or proceeding commenced by an employee or former employee that a personnel action was predicated upon grounds other than the employee's exercise of any rights protected by this policy.

9645.30 RETALIATION & FALSE CLAIMS

Reasonable actions will be taken to prevent retaliation against anyone making a good-faith complaint of improper governmental action or who participates in investigations of such complaints. The District will investigate allegations of retaliation made by any complainant or witness. The District may take such steps as are reasonably appropriate to the findings of such investigations.

Where the District has reason to believe that a claim of improper governmental action or a claim of retaliation is false; or that a claim has been made in bad faith, or with a malicious intent, the District expressly reserves the right to make such inquiries as it deems appropriate, and to exercise its discretion regarding discipline or other consequences for assertion of a false or malicious claim.

This policy may not be invoked by any individual for purposes of avoiding adverse consequences for one's own actions, or for purposes of obtaining exoneration or mitigation of a disciplinary penalty for an improper governmental action to which the reporting person was a party. An employee wishing to receive the benefit of this policy must report improper governmental action to the appropriate District official promptly, and may not actively participate in such improper governmental action.

9645.40 ADMINISTRATIVE PROCEDURE

9645.41 Collective Bargaining & District Code of Conduct

The provisions of this policy shall be deemed to be independent of, and supplemental to, the provisions of collective bargaining agreements between the District and its unions relative to grievance procedures, and to terms and conditions of employment. Any employee discipline imposed under this policy upon an individual covered by a collective bargaining agreement will be done in a manner consistent with the discipline provisions of such agreement and subject to the grievance provisions of such agreement, unless a different approach is mandated by federal or state law or regulation. The foregoing shall not be construed, however, as a limitation upon the right of the District to pursue criminal law remedies when there is evidence of commission of a crime under federal or state law.

9645.42 No Special Duty Assumed by District.

This policy, and any administrative procedures adopted to implement it, are designed and intended to meet the requirements of federal and state law, and to provide the framework for the District's overall approach for the *collective* benefit of its students and employees. Nothing in this policy or in accompanying regulations shall be construed as limiting any interest or right of action available under federal or state law, nor shall this policy or accompanying regulations be deemed or construed to create or expand any new or additional interest or right of action in favor of any person or group. Nothing in this policy or accompanying regulations shall be deemed or construed to offer or promise a special duty of any nature or type to any individual or group, upon which such person or group may rely to their detriment. Nothing in this policy shall be deemed to require the District to compensate an employee for participation in any investigation, hearing or inquiry held by an appropriate authority (such issues being addressed exclusively by collective bargaining agreements or by the regulations applicable to the Superintendent, Board's Employee Group, or Exempt Group), nor does it impair the rights of any employee under a collective bargaining agreement.

Cross-ref: District Policy Prohibiting Discrimination or Harassment of Students or Employees (0100)
Development of Regulations (3310)

Ref: Education Law § 3020-a

New York Civil Service Law §75-b;
New York Labor Law § 740

Notes: Adopted: Resolution # 2005-06: 336 (October 20, 2005); Amended November 30, 2023 pursuant to Resolution No. 2023-24: 468

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PROFESSIONAL LEARNING AND STAFF DEVELOPMENT

The Board of Education believes that staff training and learning help ensure the success of educational programs and improve the efficiency of the District. Therefore, the District will provide learning opportunities to staff to increase their effectiveness and job performance. The Superintendent of Schools or designee is responsible for implementing and administering staff learning programs for the District's employees.

Administrators

All administrators in the school district not otherwise covered by this policy will receive appropriate training and professional development in accordance with law, regulation or any applicable collective bargaining agreement. The Superintendent or designee will be responsible for providing such training and development.

Teachers and Leaders

All teachers and leaders (i.e., holders of school building leader, school district leader, and school district business leader certificates) will be provided with opportunities for professional growth directly related to student learning in accordance with any applicable collective bargaining agreement and the District's Professional Learning Plan. Level III teaching assistants and long-term substitute teachers (employed for more than 40 days in a school year) will have the opportunity to participate in the District's professional learning program.

The District's Professional Learning Plan, which may be a multi-year plan, will include all items required by the Commissioner's regulations, including but not limited to the following:

1. A needs analysis, goals, objectives, strategies, activities and evaluation standards for professional learning in the District and a description of how the District will provide all teachers and leaders substantial professional learning activities directly related to student learning needs identified in school report cards and other sources.

2. A description of how the District provides teachers and leaders with opportunities directly related to student learning outcomes identified in the District's report card and other sources, and a description of how professional learning in educator practice and curriculum development are culturally responsive and reflect the needs of the community.

3. A description of how the professional learning provided will align with New York standards and assessments, student needs, including linguistic, cultural diversity, and special needs, and will include culturally appropriate and responsive practices. Activities must be articulated across grade levels and subject areas and show how they will be provided and measured in a continuous manner.

4. A description of how it will provide teachers, leaders, and Level III teaching assistants with opportunities to maintain their certificate in good standing by successfully completing 100 hours of professional learning every five years.

5. A mentoring program to provide support for new teachers and leaders in order to ease the transition from teacher and leader preparation to practice, thereby increasing retention of teachers and leaders in the public schools, and to increase the skills of new teachers and leaders in order to improve student achievement.

6. Unless granted an exemption by the Commissioner of Education, a description of how the District will provide professional learning to teachers, leaders, and Level III teaching assistants to address the needs of English Language Learners.

The Board will establish a Professional Learning Team to review and revise the District's Professional Learning Plan annually. The Board will appoint members to the team at the first regular Board meeting in September.

The Professional Learning Team will meet on or before October 1 of the year preceding the school year for which the plan will be adopted. The Superintendent or designee will serve as the chair of the team and will be responsible for ensuring the timely review and revision of the District's Professional Learning Plan.

The Professional Learning Team will submit any recommended revisions to the Professional Learning Plan to the Board by April 1. The Board will consider the recommendations at its first regular meeting thereafter. The Board may accept or reject the recommendations of the team in whole or in part. The Board may also request any additional information or data needed to evaluate the success of the program in achieving its objectives.

Any further changes in the plan must be submitted to the Board by June 1. The Board will consider and act on the revised plan by June 30th. The Board reserves the right to make changes to the revised plan.

Other Professional Staff and Support Staff

The District will provide staff development activities for other professional staff and support staff within the financial constraints of the District budget and in accordance with applicable collective bargaining agreements.

Other Staff Development Opportunities

The Board recognizes that many staff development opportunities are provided through non-school district sources. Within budgetary restraints, District employees may attend conferences, workshops, study councils, in-service courses, summer study grants, school visitations, and other relevant staff development opportunities.

Released time and reimbursement for such activities will be available upon approval of the Superintendent and in accordance with applicable collective bargaining agreements. The Superintendent may establish regulations pursuant to this policy to establish the circumstances under which such released time and reimbursement may be available. Staff members who attend such activities will be required to prepare a report or summary of the activity attended.

Cross-ref: Evaluation of Staff (9330)

Ref: Education Law §§3006-a (required hours)
3604(8) (Superintendent conference days)
8 NYCRR §§80-6.3 (required hours)
100.2(o)(2)(iii)(b)(5) (required training on conducting staff evaluations)
100.2(dd) (Professional Learning Plans)
154-2.3(k) (professional learning related to the needs of English Language Learners)

Notes: Adopted October 19, 2023 pursuant to Resolution No. 2023-24: 416

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