
Pittsford Schools

Policy Manual

Section 7000

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7110 - COMPREHENSIVE STUDENT ATTENDANCE

Regular student attendance is an integral factor in maintaining a quality educational program. Pittsford Central Schools recognizes this relationship and fosters an environment that promotes good attendance.

The District Census Clerk, under the supervision of the Director of Student Services, will be responsible for maintaining the Register of Attendance at the District level. The building attendance clerk, under the supervision of the building principal, will be responsible for maintaining the Register of Attendance at the building level.

At each building, the principal has the responsibility to ensure that the appropriate attendance-taking procedures are followed, to review their building's attendance records, and to initiate action, if necessary, in response to the findings of those attendance records.

Each year the Board of Education will review all building-level attendance. In the event that there is a level of concern regarding any building-level attendance rate, the Board will use that data to develop effective intervention strategies to foster improvement.

At the start of each school year, a copy of the attendance policy will be made available to parents, teachers and community members through either direct mailing, the District website, and/or be included in building parent/student handbooks.

Attendance-Taking Procedures

At the Elementary Level in Grades K through Five

Building attendance will be taken once a day, at the start of the school day, by the classroom teacher. The classroom teacher will enter his/her attendance into the electronic database. The building attendance clerk is responsible for recording the reason for each individual student absence, using the coding system established in this policy. Students arriving late or leaving early from school shall report to the building attendance clerk who will enter that information into the electronic database to become a part of the student's permanent attendance record.

Parents are required to call the school in the morning if their son/daughter will be absent. If a child is tardy to school, the parent must accompany their child into school and sign in at the main office. Parents are required to send a note to the building attendance clerk if their son/daughter will be leaving school early. For all early dismissals, the parent must report to the main office first to sign their child out of school.

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7110 - COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)At the Secondary Level in Grades Six through Twelve

Building attendance will be taken each period, by the classroom teacher. The teacher will enter his/her attendance into the electronic database. The building attendance clerk is responsible for recording the reason for each individual student absence, using the coding system established in this policy. Students in grades 9-12 arriving late or leaving early from school shall report to the attendance office or sign in at front desk. Students in grades 6-8 arriving late or leaving early from school shall report to the main office and must be accompanied by a parent to sign in or out. The building attendance clerk will enter that information into the electronic database to become a part of the student's permanent attendance record.

If any disciplinary actions are necessary, the appropriate Assistant Principal will initiate disciplinary consequences according to the truancy policy.

Parents are required to call the building attendance clerk in the morning if their son/daughter will be absent or tardy to school. Parents are required to call the attendance clerk or provide a note to the attendance clerk if their son/daughter will be leaving school early.

Determination of Excused and Unexcused Absences

The following reasons for absences and tardiness are accepted by the Pittsford Central School District as excused:

- a) Sickness
- b) Sickness in the family
- c) Death in the family
- d) Religious observance
- e) Court attendance
- f) School music lesson
- g) DMV road tests
- h) Impassable roads or bad weather
- i) Approved school visits
- j) Medical appointment
- k) Approved cooperative work program
- l) School-sponsored activities
- m) Approved employment visits
- n) Activities in which students are representing the school or district
- o) Principal-approved educational experiences
- p) Death of a close friend, military obligation, or other reason as approved by the Superintendent.

All other reasons for absence and tardiness will be considered unexcused.

(Continued)

7110 - COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)Description of Coding System for Absences

Each building attendance clerk will follow the established coding system for the recording of absences, late arrivals and early departures.

Daily attendance codes

Code	Reason
AE	Absent Excused
AU	Absent Unexcused
AV	Absent Vacation
TE	Tardy Excused
TU	Tardy Unexcused
FT	Field Trip
DU	Early Dismissal Unexcused
DV	Early Dismissal Vacation
RO	Religious Observance
HT	Home Tutor
SI	Suspension In School
SO	Suspension Out of School
ML	Music Lesson
CO	Conference Day
TR	Truant

Truancy PolicyAt the Secondary Level in Grades Six through Twelve

Truancy: Absence without the knowledge and prior consent of the parent or guardian is considered truancy. A student that is truant will be subject to the following disciplinary actions for each class truancy.

For a full-year or semester course,

- a) **First Truancy From Any Class:** The student will be referred to the appropriate administrator where, after investigation, she/he will be assigned a detention or be placed on Saturday detention for one (1) day as determined by the Principal or designee. Parents will be notified, and a parent conference may be requested.

(Continued)

Students

7110 - COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

- b) **Second Truancy From Any Class:** The student will be referred to the appropriate administrator where, after investigation, she/he will be assigned up to five (5) detentions, a Saturday detention or placed on in-school suspension for one (1) to two (2) days. Parents will be notified, and a parent conference may be required.
- c) **Third Truancy From Any Class:** The student will be referred to the appropriate administrator where, after investigation, she/he will be assigned Saturday detention or placed on in-school suspension for up to three (3) days. Parents will be notified, and a parent conference may be requested.
- d) **Fourth Truancy From Any Class:** The student will be referred to the appropriate administrator where, after investigation, she/he will be assigned Saturday detention or placed on in-school suspension for three (3) or four (4) days. Parents will be notified, and a parent conference may be requested. A referral to the appropriate school counselor will be made.
- e) **Subsequent Truancy From Any Class:** Further instances of truancy will result in four (4) or five (5) days of Saturday detention, in-school suspension, or other consequences deemed appropriate by the principal. Parental notification and conferences may be requested as deemed necessary.

Students who are truant from any class will receive a zero for any assignment, performance, quiz or test on that day except under extenuating circumstances. Teachers are under no obligation to grade make-up work or provide additional time to complete assignments in the event of a truancy. While the above consequences are established, the suspending authority has the discretion, on a case by case basis, to modify the consequence or use innovative remedial measures toward the end of obtaining mature personal growth and securing willing cooperation with the District policy.

Attendance ReviewAt the Elementary and Middle Level in Grades K through Eight

Every five weeks, the building principal will review the following attendance reports: students with fifteen or more absences, students with ten or more tardiness, and students with ten or more early dismissals, and determine if any intervention strategies need to be employed. Possible intervention strategies would include, but are not limited to: conference with student, letter to parent, phone call to parent, conference with parent, referral to school physician, contact with student's pediatrician. Communication will include the reason for concern, a description of District policy, the impact on student learning and potential disciplinary and academic consequences.

(Continued)

7110 - COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)At the Secondary Level in Grades Nine through Twelve

Every five weeks, the building principal will review the following attendance reports: students with nine or more absences in any full-year course, five or more absences in any semester course, and nine or more late arrivals to school or early dismissals from school, and determine if intervention strategies need to be employed. Possible intervention strategies would include, but are not limited to: conference with student, letter to parent, phone call to parent, conference with parent, referral to school physician, contact with student's pediatrician and referral to the Monroe BOCES #2 attendance officer. Communication will include the reason for concern, a description of District policy, the impact on student learning and potential disciplinary and academic consequences.

Attendance Incentives

Each building principal may determine whether attendance certificates for admirable attendance records will be issued to appropriate students.

Record KeepingAt the District Level

The District Census Clerk will be responsible for maintaining the Register of Attendance for the District, in accordance to the procedures outlined in this policy. The Register will be kept electronically. At the end of each year, the current attendance record is electronically transferred into a history file; a back-up copy is created and stored permanently on microfiche at BOCES.

At the Building Level

The building attendance clerk will be responsible for maintaining the Register of Attendance for the building, in accordance to the procedures outlined in this policy. The Register will be kept electronically. Building attendance files, including, but not limited to, written excuses and investigation reports, will be kept for one year after the end of the school year.

Classroom Attendance

The classroom teacher will be responsible for maintaining the Register of Attendance for each of their classes, in accordance to the procedures outlined in this policy. The Register will be kept electronically.

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7110 - COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)**Students of Military Families**

Under the Interstate Compact on Educational Opportunity for Military Children, a school superintendent may excuse a student's absence for the purpose of visiting with a parent or legal guardian who is an active duty member of the uniformed services or who is on leave from, or immediately returned from, deployment to a combat zone or combat support posting.

The Superintendent may grant up to five days of excused absences for military-connected students whose parents are experiencing a deployment. The conditions under which the schools may approve excused absences are:

- 1) The absence is preapproved,
- 2) The student is in good standing,
- 3) The student has a prior record of good attendance,
- 4) Missed work is completed and turned in within a specified time period,
- 5) The absence is not during standardized testing dates.

Education Law Sections 3024, 3025, 3202, 3205, 3206,
3210, 3211, and 3213
8 New York Code of Rules and Regulations
(NYCRR) Sections 104.1, 109.2 and 175.6

Pittsford Central School District Adopted: 8/2/65, 6/28/82, 2/20/89, 6/9/97, 6/25/01, 6/24/02, 7/12/04,
5/24/10

Revised: 6/14/12

2005

7111

Students

7111 - RELEASED TIME OF STUDENTS

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

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

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

7121 - SCREENING OF NEW SCHOOL ENTRANTS

The Board shall provide for the screening of every new entrant to school. A new entrant means a pupil entering the New York State public school system for the first time, or re-entering a New York State public school with no available record of a prior screening. Such diagnostic screening shall be conducted:

- a) By persons appropriately trained or qualified;
- b) In the student's native language if the language of the home is other than English;
- c) Prior to the school year, if possible, but no later than December 1 of the school year of entry or within fifteen (15) days of transfer of a student should the entry take place after December 1 of the school year;

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

- a) A physical examination by a physician/nurse practitioner or submission of a health certificate in accordance with Sections 901, 903, and 904 of the Education Law, including proof of immunization as required by Section 2164 of the Public Health Law.
- b) Vision and hearing screenings will be conducted for all new admissions within six months of enrollment or by such other date prescribed by the Commissioner of Education. No screening examination for vision or hearing is required where a student, parent, or person in parental relation objects on the grounds that such examination conflicts with their genuine and sincere religious beliefs.
- c) An assessment of motor development, of receptive and expressive language development, articulation skills, and cognitive ability in the student's native language, if the language of the home is not English.

Referrals

While the purpose of the screening is to assist in placing students in appropriate classes, if the results of the screening indicate the possibility that a child is limited English proficient, gifted, or has a disability, the District will follow referral processes in accordance with Commissioner's Regulations. The Superintendent or designee shall develop regulations to implement these processes.

(Continued)

7121 - SCREENING OF NEW SCHOOL ENTRANTS (Cont'd.)**Reporting to Parents**

Parents/guardians of children to be screened shall receive information in advance regarding the purpose of screening, the areas to be screened and the referral process. The information shall be communicated either orally or in writing in the parents' primary language(s). This information will be provided during the registration interview.

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

Confidentiality of Information

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

Family Educational Rights and Privacy Act of 1974
20 United States Code (USC) Section 1232(g)
Education Law Sections 901, 903, 904, 905, 914 and
3208(5)
Public Health Law Section 2164
8 New York Code of Rules and Regulations
(NYCRR) Parts 117, 142.2 and 154

NOTE: Refer also to Policies #7512 -- Student Physicals

7130 - ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY**Determination of Student Residency**

The Director of Student Services shall determine whether a child is entitled to attend a District school. In the case of an adverse decision, written notice to the parent/person in parental relationship will include procedures to appeal the decision to the Commissioner of Education.

Ages of Attendance/Compulsory Attendance Age**Kindergarten**

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

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

- a) The parents were not legal residents of the District on the opening day of school, and
- b) The child has been registered and enrolled in kindergarten in the District in which his/her parents were legal residents.
- c) The building principal has made a determination of eligibility based on the results of screening.

Grades 1-12

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

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

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7130 - ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY (Cont'd.)**Attendance Areas**

The District attendance areas shall be established by the Board upon the recommendation of the Superintendent. The Board shall determine any exceptions at the time of redistricting. Attendance areas shall be designated to make the most appropriate use of the space and facilities of the District in accordance with the District's educational policies and programs. Recommendations for changes in attendance areas shall be made early in the school year preceding the proposed change. Changes shall take effect at the beginning of the school year. Parents shall be advised of such boundary changes on or before April 1 of the calendar year in which the changes are to take place.

The District shall assign students to the school in the appropriate attendance area. Exceptions to this shall be:

Students with disabilities will be referred to the Committee on Special Education for placement recommendations. These students may be educated outside of their home attendance area.

McKinley-Vento Homeless Education Assistance Act,
Section 722, as reauthorized by the No Child Left
Behind Act of 2001
Education Law Sections 1709(13), 1712, 2945, 3292,
3295, 3209 and 3212(4)
8 New York Code of Rules and Regulations
(NYCRR) Sections 100.2(x) and (y), 174.2

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

7131 - EDUCATION OF HOMELESS CHILDREN AND YOUTH

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

Pursuant to Commissioner's Regulations, a "homeless child" means a child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child who is:

- a) Sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;
- b) Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
- c) Abandoned in hospitals;
- d) Awaiting foster care placement; or
- e) A migratory child who qualifies as homeless in accordance with Commissioner's Regulations. As defined in the No Child Left Behind Act of 2001, the term "migratory child" *includes* a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who has moved from one school district to another in the preceding 36 months, in order to obtain, or accompanies such parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work.
- f) A child or youth who has a primary nighttime location that is:
 1. A supervised, publicly or privately operated shelter designed to provide temporary living accommodations including, but not limited to, shelters operated or approved by the state or local department of social services, and residential programs for runaway and homeless youth established pursuant to Executive Law Article 19-H; or
 2. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; including a child or youth who is living in a car,

(Continued)

Students

7131 - EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

park, public space, abandoned building, substandard housing, bus or train station or similar setting.

- g) Considered an “unaccompanied youth”:
1. An unaccompanied youth is a homeless child (for whom no parent or person in parental relation is available) or youth not in the custody of a parent or legal guardian.
 2. An unaccompanied youth **shall not include** a child or youth who is residing with someone other than a parent or legal guardian for the sole reason of taking advantage of the schools of the district.

The term **"homeless child"** shall not include a child in foster care or receiving educational services pursuant to Education Law Sections 3202(4), (5), (6), (6a) or (7) or pursuant to Articles 81, 85, 87 or 88. For example, a child in a family home at board, a school for the intellectually disabled, a hospital or other institution for the care, custody and treatment of children; youths under the direction of the Division for Youth incarcerated in county correctional facilities or youth shelters; or children residing in child care institutions or schools for the deaf or blind would not be considered "homeless."

Enrollment, Retention and Participation in the Educational Program

Enrollment of homeless children shall not be delayed and their ability to continue or participate in the educational program shall not be restricted due to issues such as:

- a) Transportation;
- b) Immunization requirements;
- c) Residency requirements;
- d) Birth certificates, medical records, individualized education programs (IEPs), school records and other documentation;
- e) Guardianship issues;
- f) Comprehensive assessment and advocacy referral processes;
- g) Resolution of disputes regarding school selection;

(Continued)

7131 - EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

- h) Proof of social security numbers;
- i) Attendance requirements;
- j) Sports participation rules;
- k) Inability to pay fees associated with extracurricular activities such as club dues and sports uniforms; or
- l) Other enrollment issues.

Educational Programs and Services

The District shall provide homeless children and youth with access to all of its programs, activities and services to the same extent that they are provided to resident students. Homeless children and youth shall be educated as part of the school's regular academic program. Services must be provided to homeless children and youth through programs and mechanisms that integrate homeless children and youth with their non-homeless counterparts, including programs for special education, vocational and technical education, gifted and talented students, before and after school, English language learners/limited English proficiency, Head Start, Even Start, and school nutrition. Services provided with McKinney-Vento funds must expand upon or improve services provided as part of the regular school program. Consequently, the District shall ensure that homeless children and youth are not segregated in a separate school, or in a separate program within the school, based on their status as homeless; and to the extent feasible consistent with the requirements of Commissioner's Regulations, keep a homeless child or youth in the school of origin except when doing so is contrary to the wishes of the child's or youth's parent or guardian. Further, the District shall review and revise policies and practices, including transportation guidelines, that may act as barriers to the enrollment, attendance, school success, and retention of homeless children and youth in the District.

All homeless children and youth are automatically eligible for Title I Part A services whether or not they meet the academic standards or live in a Title I school attendance area. Homeless students may receive Title I educational or support services from school-wide and targeted-assistance school programs.

(Continued)

7131 - EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

Transportation

If the local social service district or the Office of Children and Family Services is not required to provide transportation, the designated district is responsible for the provision and the cost of the student's transportation. Where a homeless student designates the school district of current location as the district the student will attend, then that district shall provide transportation to the student on the same basis as a resident student. Where the homeless student designates the school district of origin or a school district participating in a regional placement plan, then that district must provide transportation to and from the homeless child's temporary housing and school.

Transportation responsibilities apply to all school districts regardless of whether or not they receive McKinney-Vento funds. Transportation must be provided during the pendency of enrollment disputes. If the designated district provides transportation for non-homeless preschool children, it must also provide comparable transportation services for homeless preschool children.

District Liaison for Homeless Children and Youth

The District shall designate an appropriate staff person, who may also be a coordinator for other federal programs, as the local educational agency liaison for homeless children and youth to carry out the duties as enumerated in law, Commissioner's Regulations and applicable guidance issued by the U.S. and New York State Education Departments. The District will inform school personnel, local service providers and advocates of the office and duties of the local homeless liaison.

Training

The District will train all school enrollment staff, secretaries, school counselors, school social workers, and Principals on the legal requirements for enrollment. School nutrition staff, school registered professional nurses, teachers, and bus drivers will receive training on homelessness that is specific to their field.

Outreach

The District will make every effort to inform the parents or guardians of homeless children and youth of the education, transportation and related opportunities available to their children including transportation to the school of origin. The parent(s)/guardian(s) will be assisted in accessing transportation to the school they select, and will be provided with meaningful opportunities to participate

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7131 - EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

in the education of their children. Public notice of educational rights of homeless children and youth will be disseminated by the District in places where families and youth are likely to be present (e.g., schools, shelters, soup kitchens), and in comprehensible formats (e.g., geared for low literacy or other community needs).

Dispute Resolution

The District shall establish guidelines for the prompt resolution of disputes regarding school selection or enrollment of a homeless student and provide a written explanation, including a statement regarding the right to appeal to the parent or guardian if the District sends the student to a school other than the school of origin or the school requested by the parent or guardian. These disputes will include, but are not limited to, disputes regarding transportation and/or a child's or youth's status as a homeless child or accompanied youth.

If there is a factual dispute over whether a student is homeless, the District will immediately enroll the student and then provide the parent/guardian the opportunity to submit verification of homelessness. The student will remain enrolled until a final determination is made by the District and for a minimum of thirty (30) days after the final determination to allow the parent/guardian opportunity to appeal to the Commissioner of Education. If the student files an appeal that contains a request for a stay within thirty (30) days of such final determination, the District must continue to enroll the student until the Commissioner rules on the stay request.

Record and Reporting Requirements

If the District, as the school district of origin, receives a request to forward student records to a receiving district, the records must be forwarded within five (5) days.

The District shall maintain documentation regarding all aspects of the District's contact with and services provided to homeless students and youth for possible on-site monitoring by the State Education Department.

The District shall collect and transmit to the Commissioner of Education, at such time and in the manner as the Commissioner may require, a report containing such information as the Commissioner determines is necessary to assess the educational needs of homeless children and youths within the state.

(Continued)

Students

7131 - EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

McKinney-Vento Homeless Education Assistance Act, as reauthorized by the No Child Left Behind Act of 2001, 42 United States Code (USC) Section 11431 et seq.
Education Law Sections 902(b) and 3209
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(x)

Students

7132 - NON-RESIDENT STUDENTSLegal Residency

The District does not accept students who are not legal residents of the District, except as otherwise required by law or provided in this policy. Inquiries concerning residency status shall be made to the Pupil Services Office which shall require such information as it deems appropriate to make a determination. Such relevant information will be reviewed by the Director of Pupil Services who shall decide all questions of residency. Appeals can be directed to the Commissioner of Education.

Non-Resident Students

In order to ensure the educational continuity of students whose parents or guardians enter into or move from the District after the beginning of a school year, such non-resident students will be permitted to attend District schools under the circumstances described below. In all such cases, except e) below, transportation will be provided only as may be arranged at no additional cost to the District.

- a) Parents or guardians who have proper written verification that they will become residents of the District after the beginning of a school year and who want to enroll students as soon as possible at the school they will be attending may do so after all arrangements are made with the Director of Pupil Services. Tuition will not be charged for the semester in which the student's parents or guardians move into the District. Tuition will be charged thereafter if residency is not established during the semester in which the student commences attendance.
- b) Students whose parents or guardians move from the District during the first semester of the school year may complete the first semester on a non-tuition basis. If they wish to complete the second semester, they may do so on a tuition basis with the approval of the Superintendent and provided the parents or guardians have made advance arrangements with the Business Office. If the parents or guardians move from the District during the second semester, the student may complete that semester on a non-tuition basis.
- c) Students in good standing whose parents or guardians are moving from the District during their junior year may complete such year or years with the approval of the Superintendent on a tuition basis, except to the extent that they are eligible for a partial semester on a non-tuition basis pursuant to paragraph b) above.
- d) Students in good standing whose parents or guardians are moving from the District after the completion of their junior year may complete their senior year with the approval of the Superintendent on a non-tuition basis.

(Continued)

7132 - NON-RESIDENT STUDENTS (Cont'd.)

- e) Students participating in any exchange program recognized by the District who are residing in the District, and students in the Urban-Suburban Transfer Program shall be permitted to attend school on a non-tuition basis.
- f) Computation of non-resident tuition charges shall be determined annually by the District pursuant to the Regulations of the Commissioner of Education and will be pro-rated for any part of a school year. Tuition payments will be payable a semester in advance with a schedule determined by the Business Office.

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

NOTE: Refer also to Policy #7130 -- Entitlement to Attend - Age and Residency

2005

7140

Students

7140 - INVOLUNTARY TRANSFER OF STUDENTS

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

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

7150 - EDUCATIONAL SERVICES FOR MARRIED/PREGNANT STUDENTS**Married Students**

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

Pregnant Students

The District will provide instruction as required by the New York State Education Law for students who become pregnant. The Superintendent, or his/her designee, may consult with the school physician and the student's personal physician in determining the form of instruction.

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

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

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

Students

7160 - SCHOOL CENSUS

Each year the District school administration shall conduct a census within the District to determine the number and educational status of all minors residing in the District. The purpose of this census is to enable the establishment of proper geographic attendance areas, plan for the provision of an adequate number of classes for instructional purposes, identify students with disabilities and project enrollment for the purpose of long range planning.

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

Census data shall be reported as required by law and the New York State Regulations of the Commissioner of Education, and shall include a count of immigrant children and youth.

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

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

7210 - STUDENT PLACEMENT AND EVALUATION

Placement

Placement within the system, with respect to building, teacher, and grade or special class, shall be at the discretion of the school administration and shall be subject to review and change at any time. In making such decisions, the administrator will be guided by performance in class, past records, parent/guardian and teacher recommendations, standardized test scores, Committee on Special Education recommendations, and any other appropriate sources of information, but the final decision shall rest with the school administration.

Promotion and Retention

The procedures to be followed by the staff regarding promotion and retention will be evaluated on an ongoing basis in accordance with Promotion Policy #8291, subject to the guidelines of the Superintendent and the approval of the Board.

Testing Program

The Board endorses and supports the use of ability, achievement, diagnostic, readiness, interest and guidance tests as part of the total educational process to the degree to which tests help the District to serve its students in accordance with Policy #8290 --Tests and Examinations.

Alternative Testing Procedures

The use of alternative testing procedures shall be limited to:

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

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

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

(Continued)

7210 - STUDENT PLACEMENT AND EVALUATION (Cont'd.)**Reporting to Parents/Legal Guardians**

Parents/guardians shall receive an appropriate report of student progress at regular intervals. Report cards shall be used as a standard vehicle for the periodic reporting of student progress and appropriate school related data. Report cards, however, are not intended to exclude other means of reporting progress, such as conferences, phone conversations, etc.

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

8 New York Code of Rules and Regulations
(NYCRR) Sections 100.2(g), 117 and 154
Section 504 of the Rehabilitation Act of 1973,
29 United States Code (USC) Section 794 et seq.

Students

7211 - PROVISION OF INTERPRETER SERVICES TO PARENTS WHO ARE HEARING IMPAIRED

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

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

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

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

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

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

Students

7220 - GRADUATION REQUIREMENTS/COMMENCEMENT EXERCISES

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

A student shall be eligible for early graduation in fewer than eight (8) semesters upon completion of all requirements for graduation, excluding physical education, as mandated by Commissioner's Regulations. A student shall not be required to continue enrollment for the sole purpose of completing physical education requirements. The District, upon request from the student's parent/guardian, may choose to grant the student a high school diploma prior to his/her completion of the eighth (8th) semester.

Commencement Exercises

The District shall annually conduct commencement exercises to honor those students who have earned a diploma from the District. The high school principal shall have the responsibility for planning the commencement.

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

Students

7222 - CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES

The Board is committed to ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with the provisions of Section 100.5 of the Commissioner's Regulations. However, when necessary, the District may award high school individualized education program diplomas to students with disabilities.

The administration shall develop regulations to implement this policy.

Education Law Sections 3202 and 4402 (5)
8 New York Code of Rules and Regulations
(NYCRR) Sections 100.5, 100.6 and .9

NOTE: Refer also to Policy #7220 -- Graduation Requirements/Commencement Exercises

Students

7223 - PHASE IN GRADUATION STANDARD OF 65 ON REQUIRED REGENTS EXAMINATIONS

The Board supports the higher academic achievement standards established in accordance with Commissioner's Regulations that sets 65 as the passing grade on all five Regents examinations required for high school graduation (i.e., the Regents comprehensive examination in English, a Regents examination in mathematics, the Regents examination in United States history and government, a Regents examination in science, and the Regents examination in global studies). The Board also supports the phase-in schedule.

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

Students Entering Grade 9 in September 2005

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

Students Entering Grade 9 in September 2006

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

Students Entering Grade 9 in September 2007

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

Students entering Grade 9 in 2008

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

Regents Diplomas

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

(Continued)

Students

7223 - PHASE IN GRADUATION STANDARD OF 65 ON REQUIRED REGENTS EXAMINATIONS (Cont'd.)**Students with Disabilities**

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

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

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

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

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

Students

7230 - DUAL CREDIT FOR COLLEGE COURSES

The District may choose to enter into a cooperative agreement with an institution of higher learning to provide additional opportunities for resident students.

Such opportunities may include early admission to college, collegiate-level work offered in the high school, or other means of providing advanced work. Review and approval by the Principal are necessary before any college courses may be taken during the school day. Students who have successfully fulfilled course prerequisites and college requirements may enroll in a course the District offers for dual credit.

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

7240 - STUDENT EDUCATION RECORDS: ACCESS AND CHALLENGE

The Pittsford Central School District will comply with the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Under its provisions, the following have a right to inspect and review student education records maintained by the District: (1) parents/guardians of a student under 18, whose rights are not limited by court order or formal agreement; and (2) an "eligible" student who is 18 years of age or older or who is attending an institution of post-secondary education.

Education Records

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

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

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

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

Records created and maintained by a law enforcement unit for law enforcement purposes are also excluded from the definition of education records.

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

Access to Student Records

The Board directs that administrative regulations and procedures be formulated to comply with the provisions of federal law relating to the availability of student records. The purpose of such regulations and procedures shall be to make available student records and files on students to the parent/guardians of students whose rights are not limited by court order or formal agreement, or eligible students and to ensure the confidentiality of such records with respect to third parties.

(Continued)

7240 - STUDENT EDUCATION RECORDS: ACCESS AND CHALLENGE (Cont'd.)

Under FERPA, unless otherwise exempted in accordance with law and regulation, the District may not utilize or release personally identifiable information (PII) contained in student education records unless it has received a “signed and dated written consent” from a parent/guardian or eligible student. Signed and dated written consent may include a record and signature form provided that such signature:

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

Exceptions for Release of Personally Identifiable Information**1. Directory Information and Limited Directory Information Disclosure**

Directory information is information contained in the education record of a student that would not generally be considered harmful, intrusive and/or an invasion of privacy if disclosed. For purposes of the release of directory information, the Pittsford Central Schools has adopted a **Limited Directory Information Disclosure** policy which means that the District limits disclosure of its designated directory information to specific parties, for specific purposes, or both. Disclosure is limited for uses that support school programs and activities and for District publications or other purposes such as student recognitions, event programs and yearbooks and District generated social media. The District may also disclose directory information to outside organizations/parties without prior written consent but *only* for school-related activities or purposes. Examples of such outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. The District will restrict disclosure for potentially harmful, intrusive and/or invasive purposes.

For purposes of this policy, Directory Information includes, but is not limited to:

- 1) The student's name;
- 2) The name of the student's parent/guardian or other family members;
- 3) The address of the student or student's family;
- 4) Telephone listing;
- 5) Email address
- 6) Photograph or digital image, or other facsimile derived from known image production methods/transmissions or those future developed

(Continued)

Students

7240 - STUDENT EDUCATION RECORDS: ACCESS AND CHALLENGE (Cont'd.)

- 7) Date and place of birth
- 8) Dates of attendance
- 9) Grade level
- 10) Participation in officially recognized activities and sports
- 11) Weight and height of members of athletic teams
- 12) Degrees, honors and awards received
- 13) Student ID number or unique personal identifier that is displayed on a student ID card, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password or other factor known or possessed only by the authorized user.

The District shall publish an annual public notice informing parent/guardians and eligible students of the District's definition of directory information, the right to refuse the release of student directory information and indication of the time period for their response. Following such public notice and a reasonable response period, the District may release such information without individual consent. Parent/guardians and eligible students may not, by refusing the release of disclosure of directory information, prevent the District from requiring a student to wear or present a student identification card or a badge that displays information that may include directory information.

2. Military Recruiter Access

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

3. Health and Safety Emergency Exception

School districts must balance the need to protect student directory information with the need to address issues of student safety, school safety and emergency situations. Under FERPA, if the District

(Continued)

Students

7240 - STUDENT EDUCATION RECORDS: ACCESS AND CHALLENGE (Cont'd.)

determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records, without consent, to any person whose knowledge of the information is necessary to protect the health and safety of the student or other individuals during the period of the health or safety emergency. The District may then release information from records to appropriate parties including, but not limited to, parent/guardians, law enforcement officials and medical personnel.

4. Release of Information to Another Educational Institution

The District may disclose any and all educational records, including disciplinary records and records that were created as a result of a student receiving special education services under Part B of IDEA, to another school or postsecondary institution at which the student seeks or intends to enroll, or after the student has enrolled or transferred, so long as the disclosure is for purposes related to the student's enrollment or transfer.

5. Audit/Evaluation Exception

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

6. Studies Exception

This exception allows for the disclosure of PII from education records without consent to organizations conducting studies for, or on behalf of, schools, school districts or postsecondary institutions. Studies can be for the purpose of developing, validating, or administering predictive tests; administering student aid programs; or improving instruction. The District may, from time to time, disclose PII from education records without consent to such organizations conducting studies for the District, in accordance with its obligations under FERPA.

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7240 - STUDENT EDUCATION RECORDS: ACCESS AND CHALLENGE**Challenge to Student Records**

Parent/guardians or eligible students shall have an opportunity for a hearing to challenge the content of the school records, to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

Disclosures to Parent/Guardians of Eligible Students

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

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

Release of Information to the Noncustodial Parent/guardian

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

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

See also Policies: #3180 – News Media Relations
 #3320 – Computerized Data
 #7250 – Student Privacy
 #7514 – Student Health Records

Pittsford Central School District Adopted: 6/28/82, 2/20/89, 6/9/97, 6/25/01, 7/12/01, 1/25/16

Students

7250 - STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS**U.S. Department of Education-Funded Surveys**

In compliance with the Protection of Pupil Rights Amendment (PPRA), the District is committed to protecting the rights and privacy interests of parents/guardians and students with regard to surveys funded in whole or part by any program administered by the U.S. Department of Education (DOE).

The District shall make instructional materials available for inspection by parents/guardians if those materials will be used in connection with a DOE-funded survey, analysis, or evaluation in which their children participate. In addition, the District **shall obtain prior written parental/guardian consent** before minor students are required to participate in any DOE-funded survey, analysis, or evaluation that reveals information concerning:

- a) Political affiliations or beliefs of the student or the student's parent/guardian;
- b) Mental or psychological problems of the student or the student's family;
- c) Sex behavior or attitudes;
- d) Illegal, anti-social, self-incriminating, or demeaning behavior;
- e) Critical appraisals of other individuals with whom respondents have close family relationships;
- f) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- g) Religious practices, affiliations, or beliefs of the student or student's parent/guardian; or
- h) Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Surveys Funded by Sources Other than U.S. Department of Education

The District has developed and adopted this Board policy, in consultation with parents/guardians, regarding the following:

- a) The right of the parent/guardian 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 the school to a student. Requests by parents/guardians to inspect such surveys are to be submitted to, in writing, to the building principal at least 10 days prior to the administration or distribution of any survey. Further, the District shall grant a request by the parent/guardian for reasonable access to such survey within a reasonable period of time after the request is received by the District.

(Continued)

Students

**7250 - STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION,
AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS
TO MINORS (Cont'd.)**

- b) Arrangements shall be provided by the District to protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of the following items (including the right of the parent/guardian of the student to inspect, upon request, any survey containing one or more of such items):
1. Political affiliations or beliefs of student toward the student's parent/guardian;
 2. Mental or psychological problems of the student or the student's family;
 3. Sex 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 the student's parent/guardian;
 8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Parents/guardians have the right to inspect, upon request, any survey containing one or more of such items. Such requests must be submitted by the parent/guardian, in writing, to the building principal at least 10 days prior to the administration or distribution of any survey.

- c) Parents/guardians shall be granted, upon request, reasonable access and the right to inspect instructional materials used as part of the educational curriculum for the student within a reasonable period of time (defined by the District, for the purposes of this policy, as 30 days) after such request is received by the District. Requests shall be submitted by parents/guardians, in writing, to the building principal. 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.*
- d) The administration of physical examinations or screenings that the District may administer to a student.

Further, this law 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.

(Continued)

Students

**7250 - STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION,
AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO
MINORS (Cont'd.)**

In the implementation of this provision regarding the administration of physical examinations or screenings that the school may administer to the student, the District incorporates by reference Board policies that address student health services, as applicable, including but not limited to policies regarding the administration of medication, immunization of students, and student physicals.

- e) Unless mandated/authorized in accordance with Federal or State law and/or regulation, it is policy of the Board, to **not permit** the collection, disclosure, or use of personal information (the term "*personal information*" is defined as individually identifiable information including a student's or parent/guardian's first and last name; home address; telephone number; or Social Security number) 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 school attorney as deemed necessary by the Superintendent/designee.

These requirements **do 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, such as the following:

- a) College or other postsecondary education recruitment, or **military recruitment*;
- b) Book clubs, magazines, and programs providing access to low-cost literary products;
- c) Curriculum and instructional materials used by elementary schools and secondary schools;
- d) Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
- e) The sale by students of products or services to raise funds for school-related or education-related activities;
- f) Student recognition programs.

**Military recruiter access to student information is governed by the Family Educational Rights and Privacy Act of 1974 (FERPA) and the National Defense Authorization Act for Fiscal Year 2002.*

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Students

**7250 - STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION,
AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO
MINORS (Cont'd.)**

This law is not intended to preempt applicable provisions of State law that require parental/guardian notification.

Notification of Policies/"Opt Out" Provisions

The District shall provide for reasonable notice of the adoption or continued use of this policy directly to the parents/guardians of students enrolled in the District. At a minimum, the District shall provide such notice at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy.

Further, in the notification, the District shall offer an opportunity for parents/guardians to opt their child out of participation in the following activities:

- a) Activities involving 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).
- b) The administration of **any survey** containing one or more of the eight items of information listed above in the subheadings referencing DOE-funded surveys as well as non-DOE-funded surveys.
- c) 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*.

Notification of Specific Events

The District shall directly notify parents/guardians of the specific dates during the school year when the above activities are scheduled prior to each activity and within a reasonable amount of time to view materials or opt their child out of the activity.

General Provisions

The requirements of PPRA do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA). Further, PPRA does not supersede any of the requirements of FERPA.

(Continued)

Students

**7250 - STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION,
AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO
MINORS (Cont'd.)**

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.

The District may use funds provided under Part A of Title V of the Elementary and Secondary Education Act of 1965 to enhance parental/guardian involvement in areas affecting the in-school privacy of students.

20 United States Code (USC) Section 1232h(b) and (c),
as amended by the No Child Left Behind Act of 2001
34 Code of Federal Regulations (CFR) Part 98

NOTE: Refer also to Policies #7121 -- Screening of New School Entrants
#7511 -- Immunization of Students
#7512 -- Student Physicals
#7513 -- Administration of Medication

7260 - DESIGNATION OF PERSON IN PARENTAL RELATION

In accordance with General Obligations Law Title 15-A, a parent of a minor or incapacitated person may designate another person as a person in parental relation to such minor or incapacitated person for certain health care and educational decisions for a period not exceeding six (6) months. However, such parental designation is conditioned upon there being no prior order of any court in any jurisdiction currently in effect that would prohibit the parent from himself/herself exercising the same or similar authority; and provided further that, in the case where a court has ordered that both parents must agree on education or health decisions regarding the child, a designation pursuant to this law shall not be valid unless both parents have given their consent.

The designation of a person in parental relation must be in writing in the form prescribed by General Obligations Law Title 15-A, and shall include specified information as enumerated in law for designations of thirty (30) days or less, as well as additional information required for designations of more than thirty (30) days. The designation of a person in parental relation may be presented to any school that requires such designation by either the parent or designee. The designation may specify a period of time less than six (6) months for which such designation shall be valid unless earlier revoked by the parent in accordance with law. *However, a designation specifying a period of more than thirty (30) days shall be notarized.*

If no time period is specified in the designation, it shall be valid until the earlier of revocation; or

- a) The expiration of thirty (30) days from the date of signature if the designation does not meet the requirements for designations of more than thirty (30) days, or
- b) Six (6) months from the date of commencement specified in the designation if the designation meets the requirements for designations of more than thirty (30) days.

Scope of Designation

A designation made pursuant to this law may specify:

- a) The treatment, diagnosis or activities for which consent is authorized;
- b) Any treatment, diagnosis or activity for which consent is not authorized; or
- c) Any other limitation on the duties and responsibilities conveyed by the designation.

Revocation of Designation

A parent may revoke a designation by notifying, either orally or in writing, the designee or a school to which the designation has been presented, or by any other act evidencing a specific intent to revoke the designation. A designation shall also be revoked upon the execution by the parent of a

(Continued)

7260 - DESIGNATION OF PERSON IN PARENTAL RELATION (Cont'd.)

subsequent designation. Revocation by one parent authorized to execute such a designation shall be deemed effective and complete revocation of a designation pursuant to law.

A designee who receives notification from a parent of any such revocation shall immediately notify any school to which a designation has been presented. A parent may directly notify any such school of the revocation, in which case the failure of the designee to notify the school of such revocation shall not make revocation ineffective.

Effect of Designation

- a) A designee shall possess all the powers and duties of a person in parental relation pursuant to Public Health Law Sections 2164 and 2504 and Education Law Sections 2 and 3212, unless otherwise specified in the designation.
- b) A designation shall not impose upon a designee a duty to support pursuant to Family Court Act Section 413.
- c) A designation shall not cause a change in the school district of residence of the child for purposes of the Education Law, and during the period of validity of the designation, the child shall be presumed to be a resident of the school district in which the parent resided at the time the designation was made.
- d) A designation shall terminate and be revoked upon the death or incapacity of the parent who signed the designation.
- e) The decision of a designee shall be superseded by a contravening decision of a parent.

A person who acts based upon the consent of a designee reasonably and in the good faith belief that the parent has in fact authorized the designee to provide such consent may not be deemed to have acted negligently, unreasonably or improperly in accepting the designation and acting upon such consent. However, any such person may be deemed to have acted negligently, unreasonably or improperly if he/she has knowledge of facts indicating that the designation was never given, or did not extend to an act or acts in question, or was revoked.

No provision of Title 15-A of the General Obligations Law shall be construed to require designation of a person in parental relation as provided within the statute where such designation is not otherwise required by law, rule or regulation.

General Obligations Law Title 15-A
Education Law Sections 2 and 3212
Public Health Law Sections 2164 and 2504
Family Court Act Section 413
Mental Hygiene Law Section 80.03

Students

7310 - SCHOOL CONDUCT AND DISCIPLINE

The Board acknowledges its responsibility to protect the educational climate of the District and to promote responsible student behavior. Accordingly, the Board delegates to the Superintendent the responsibility for assuring the implementation of a *Code of Conduct for the Maintenance of Order on School Property*, including school functions, which shall govern the conduct of students as well as teachers, other school personnel, and visitors. The Board shall further provide for the enforcement of such Code of Conduct. The District Code of Conduct shall be developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other personnel and shall incorporate, at a minimum, those components addressed in law and enumerated in Policy #3410 -- *Code of Conduct on School Property*. Specific components may vary as appropriate to student age, building levels, and educational needs.

In accordance with the *Code of Conduct on School Property*, areas addressing student conduct and behavior will further utilize the following strategies in promoting acceptable student behavior:

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

(Continued)

Students

7310 - SCHOOL CONDUCT AND DISCIPLINE (Cont'd.)

- g) Guidelines and programs for in-service education for all District staff to ensure effective implementation of school policy on school conduct and discipline.

Education Law Sections 2801 and 3214
8 New York Code of Rules and Regulations
(NYCRR) Section 100.2(1)(2)

NOTE: Refer also to Policy #3410 -- Code of Conduct on School Property
District Code of Conduct on School Property

Students

7311 - LOSS OR DESTRUCTION OF DISTRICT PROPERTY OR RESOURCES

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

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

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

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

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

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

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

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

General Obligations Law Section 3-112
Penal Law Sections 60.27, 240.50, 240.55, 240.60, and
240.61

(Continued)

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Students

7311 - LOSS OR DESTRUCTION OF DISTRICT PROPERTY OR RESOURCES (Cont'd.)

Note: Refer also to Policy #3410 -- Code of Conduct on School Property
District Code of Conduct

Students

7312 - STUDENT DRESS CODE

The responsibility for the dress and appearance of students shall rest with individual students and parents. They have the right to determine how the student shall dress, provided that such attire does not interfere with, disrupt, or distract from the educational activities of the school or infringe upon the general health, safety and welfare of District students or employees. Student dress and appearance must be in accordance with the *District Code of Conduct*. The administration is authorized to take action in instances where individual dress does not meet these stated requirements.

While the school administration may require students participating in physical education classes to wear certain types of clothing such as sneakers, socks, shorts, and tee shirts, they may not prescribe a specific brand which students must wear.

This policy does not mean that student, faculty, or parent groups may not recommend appropriate dress for school or special occasions. It means that a student shall not be prevented from attending school or a school function, or otherwise be discriminated against, so long as his/her dress and appearance meet the above requirements.

NOTE: Refer also to Policy #3410 -- Code of Conduct on School Property
District Code of Conduct on School Property

7313 - SUSPENSION OF STUDENTS

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

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

Suspension: Five Days or Less

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

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

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

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

The notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the student and the parent/person in parental relation of their right to request an immediate informal conference with the Principal in accordance with the provisions of Education Law Section 3214(3)(b). Both the notice and the informal conference shall be in the dominant language or mode of communication used by the parents/persons in parental relation. At the informal conference, the student and/or parent/person in parental relation shall be authorized to present the student's version of the event and to ask questions of the complaining witnesses.

(Continued)

Students

7313 - SUSPENSION OF STUDENTS (Cont')

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

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

Suspension: More Than Five School Days

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

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

Minimum Periods of Suspension

Pursuant to law and Commissioner's Regulations, minimum periods of suspension shall be identified in the District Code of Conduct for the following prohibited conduct:

- a) Consistent with the federal Gun-Free Schools Act, students who have brought a weapon to school or possessed a weapon on school premises.
- b) Students who repeatedly are "substantially disruptive of the educational process or substantially interfere with the teacher's authority" over the classroom.
- c) Students whose acts qualify them to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a).

The Superintendent has the authority to modify the suspension requirements on a case-by-case basis.

(Continued)

7313 - SUSPENSION OF STUDENTS (Cont')

Suspension of Students with Disabilities

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

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

If suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than ten (10) consecutive school days or constitutes a pattern, a manifestation determination must be made. The District determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

Manifestation Determinations

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

- a) By the Superintendent or designee to change the placement to an interim alternative educational setting (IAES);
- b) By an Impartial Hearing Officer (IHO) to place the student in an IAES; or
- c) By the Board, District Superintendent, Superintendent or Building Principal to impose a suspension that constitutes a disciplinary change of placement.

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

(Continued)

Students

7313 - SUSPENSION OF STUDENTS (Cont')

The manifestation team shall review all relevant information in the student's file including the student's individualized education program (IEP), any teacher observations, and any relevant information provided by the parents to determine if: the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or the conduct in question was the direct result of the District's failure to implement the IEP. If the team determines the conduct in question was the direct result of failure to implement the IEP, the District must take immediate steps to remedy those deficiencies.

Finding of Manifestation

If it is determined, as a result of this review, that the student's behavior is a manifestation of his/her disability, the CSE shall assure that a functional behavioral assessment is conducted, if one has not yet been conducted, and implement or modify a behavioral intervention plan.

Functional behavioral assessment (FBA) means the process of determining why the student engages in behaviors that impede learning and how the student's behavior relates to the environment. FBA must be developed consistent with the requirements of Commissioner's Regulations Section 200.22(a) and shall include, but not be limited to, the identification of the problem behavior, the definition of the behavior in concrete terms, the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors) and the formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

Behavioral intervention plan (BIP) or Behavioral Support Plan (BSP) means a plan that is based on the results of a functional behavioral assessment and, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs and intervention strategies that include positive behavioral supports and services to address the behavior.

Unless the change in placement was due to behavior involving serious bodily injury, weapons, illegal drugs or controlled substances, the student must be returned to the placement from which the student was removed unless the parent and the District agree to a change of placement as part of the modification of the behavioral intervention plan.

No Finding of Manifestation

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

(Continued)

7313 - SUSPENSION OF STUDENTS (Cont')**Provision of Services Regardless of the Manifestation Determination**

Regardless of the manifestation determination, students with a disability shall be provided the services necessary for them to continue to participate in the general education curriculum and progress toward meeting the goals set out in their IEP. They must also receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications designed to address the behavior violation so it does not recur:

- a) For subsequent suspensions or removals for ten (10) consecutive school days or less that in the aggregate total more than ten (10) school days in a school year but do not constitute a disciplinary change of placement school personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed;
- b) For suspensions or other disciplinary removals in excess of ten (10) school days in a school year which do constitute a disciplinary change in placement the IAES and services will be determined by the CSE.

Interim Alternative Educational Setting (IAES)

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

Additionally, an Impartial Hearing Officer in an expedited due process hearing may order a change in placement of a student with a disability to an appropriate IAES for up to forty-five (45) school days if the Hearing Officer determines that maintaining the current placement is substantially likely to result in injury to the students or others.

There are three (3) specific instances when a student with a disability may be placed in an IAES for up to forty-five (45) school days without regard to a manifestation determination:

- a) Where the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the District; or
- b) Where a student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the District; or

(Continued)

Students

7313 - SUSPENSION OF STUDENTS (Cont')

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

A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

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

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

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

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

Suspension From BOCES

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

In-School Suspension

In-school suspension will be used as a lesser discipline to avoid an out-of-school suspension. The student shall be considered present for attendance purposes. The program is used to keep each student

(Continued)

7313 - SUSPENSION OF STUDENTS (Cont')

current with his/her class work while attempting to reinforce acceptable behavior, attitudes and personal interaction.

BOCES Activities

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

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

Exhaustion of Administrative Remedies

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

Procedure After Suspension

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

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 615(k)(1)]
18 United States Code (USC) Section 921

Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
20 United States Code (USC) Section 7151, as reauthorized by the No Child Left Behind Act of 2001
34 Code of Federal Regulations (CFR) Part 300

Education Law Sections 2801(1), 3214 and 4402

Penal Law Section 265.01

8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(l)(2), 200.4(d)(3)(i), 200.22 and Part 201

NOTE: Refer also to Policy #7360 -- Weapons in School and the Gun-Free Schools Act

(Continued)

7313 - SUSPENSION OF STUDENTS (Cont')

Education Law Sections 2801 and 3214
8 New York Code of Rules and Regulations
(NYCRR) Section 100.2(1)(2) and Part 201
18 United States Code (USC) Chapter 44
20 United States Code (USC) Section 8921 as
reauthorized by the No Child Left Behind Act of 2001
20 United States Code (USC) Sections 1400-1485,
Individuals with Disabilities Education Act (IDEA)
34 Code of Federal Regulations (CFR) Part 300
Penal Law Section 265.01

Pittsford Central School District Adopted: 7/12/04, 4/26/10

Students

7314 - STUDENT USE OF ELECTRONIC INFORMATION NETWORK

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

One purpose of this policy is to provide notice to students and parents/guardians that, unlike most traditional instructional or library media materials, the EIN will allow student access to external computer networks not controlled by the School District where it is impossible for the District to screen or review all of the available materials. Some of the available materials may be deemed unsuitable by parents/guardians for student use or access. This policy is intended to establish general guidelines for acceptable student use. However, despite the existence of such District policy and accompanying guidelines and regulations, it will not be possible to completely prevent access to computerized information that is inappropriate for students. Furthermore, students may have the ability to access such information from their home or other locations off school premises. Parents/guardians of students must be willing to set and convey standards for appropriate and acceptable use to their children when using the EIN or any other electronic media or communications. The District respects the right of each family to decide whether or not to apply for independent computer access.

Student use of the EIN is conditioned upon written agreement by all students and their parents/guardians that student use of the EIN will conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the EIN. All such agreements shall be kept on file in the District Office.

Generally, the same standards of acceptable student conduct which apply to any school activity shall apply to use of the EIN. This policy does not attempt to articulate all required and/or acceptable uses of the EIN; nor is it the intention of this policy to define all inappropriate usage. Just as we learn social codes and behaviors that are acceptable in everyday life, we need to learn and apply the correct process and rules for using our Electronic Information Network. Students and staff will be provided with instruction and direction in the use of the EIN. Information will be provided to keep parents informed about the use of the EIN. Administrative regulations will further define general guidelines of appropriate student conduct and use as well as proscribed behavior.

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

(Continued)

Students

7314 - STUDENT USE OF ELECTRONIC INFORMATION NETWORK (Cont'd)

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

Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered to be School District property subject to control and inspection. The Director of Technology or other administrators authorized by the Superintendent may access all such files and communications to ensure system integrity and that users are complying with the requirements of this policy and accompanying regulations. Students should **NOT** expect that information stored on the EIN will be private.

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

NOTE: Refer also to Policy #8271 - [The Children's Internet Protection Act: Internet Content Filtering/Safety Policy](#)

Students

7320 - ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)

The Board of Education is committed to a drug-free school and work environment to provide a safe place to study and work and to establish programs promoting high standards of health for students and employees. The use, sale, possession or distribution of alcohol, tobacco (smoke or smokeless), inhalants, illegal drugs, synthetics, drug paraphernalia, or the inappropriate use of prescription drugs and/or over the counter drugs on school grounds or at school-sponsored events is prohibited. Prescription drugs for use during school hours must be registered with the nurse and must specify dosage quantities and times to be used. Written authorization by physician and parent is required.

Any person suspected of, and/or exhibiting behavior, conduct or personal or physical characteristics indicative of having used or consumed alcohol or other substances shall be prohibited from entering school grounds or school sponsored events. Any person in violation of this policy will be subject to disciplinary measures as described in the District's Code of Conduct.

Philosophy

Every effort will be made to ensure the health and safety of all students and employees in the District. Referral assistance for access to appropriate care will be offered to individuals who are found to be involved in substance abuse.

- a) Alcohol, tobacco and other substance use/abuse is preventable and treatable.
- b) Alcohol and/or other substance use/abuse inhibits the District from carrying out its central mission of educating students.
- c) The behavior of the Board of Education, the administration, and all school staff should model the behavior asked of students.
- d) The District will share a leadership role with parents, students, staff and the community as a whole in alcohol, tobacco and other substance use/abuse prevention, through coordinated, collaborative efforts.

Prevention

The intent of prevention programming is to prevent the onset of alcohol, tobacco, and other substance use by all students. The components of this programming shall include:

- a) A sequential K-12 research-based prevention curriculum that provides for:
 1. Accurate and age-appropriate information about alcohol, tobacco and other substances, including the physical, psychological, and social consequences of their use/abuse.

(Continued)

Students

7320 - ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS) (Cont'd.)

2. Information about the relationship of alcohol, tobacco, and other substance use/abuse to other health-compromising issues such as STI's, teenage pregnancy, eating disorders, child abuse, suicide, and dropping out of school.
 3. Helping students develop life skills to resist the use of alcohol, tobacco, and other substances; resist participation in activities posing personal risk; and promote healthy lifestyles.
 4. Helping students identify personal risk factors for alcohol, tobacco and other substance use/abuse and the steps needed for risk reduction.
 5. Helping students develop a positive self-concept.
 6. Helping students identify when they are under stress and how to manage or reduce stress through non-chemical means.
- b) Training school staff, parents/guardians and community members to use the information and skills necessary to reinforce the components of this policy in the home, school and community.
 - c) Providing community education about the issues of adolescent development, alcohol, tobacco and other substance use/abuse as a basis for providing a consistent message to all youth.
 - d) Providing positive alternatives to alcohol, tobacco, and other substance use/abuse, such as peer leadership programs, service projects, and recreational and extracurricular activities. Such activities will be planned collaboratively by students, school staff, parents, community members, and agencies.

Intervention

The purpose of intervention programming is to eliminate any existing use/abuse of alcohol, tobacco and other substances, and to identify and provide supportive services to K-12 students at high risk for such use/abuse.

- a) Identifying and referring students to appropriate agencies when their use/abuse of alcohol, tobacco and/or other substances requires counseling and/or treatment.

(Continued)

Students

7320 - ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS) (Cont'd.)

- b) Maintaining and improving existing referral process between District schools and community providers.
- c) Recommending individual, group, and family counseling targeted at students at an elevated risk for alcohol, tobacco and/or other substance use/abuse.
- d) Educating parents on when and how to access the District's intervention services.
- e) Working with students in, or returning from, treatment, and their families to assure that the school environment supports the process of recovery initiated in the treatment program.
- f) Confidentiality shall be guaranteed according to state and federal laws and regulations.

Disciplinary Measures

Disciplinary measures for students found to have used or to be using, in possession of, selling, or distributing alcohol and/or other substances; and for students possessing drug paraphernalia, are outlined in the District's policy on Student Rights and Responsibilities. Similar disciplinary measures for District staff are addressed in Education Law 1711(5)(e), 2508(5), 3020-a, and 913.

Staff Development

The Board of Education recognizes that if the administrative, instructional and non-instructional staff are to be responsible for understanding, implementing and modeling this policy, they must receive training and education about the components of an effective alcohol, tobacco and substance prevention program. Staff training will be an ongoing process including the following:

- a) For all staff: (1) an understanding of factors affecting individuals' use and abuse of alcohol, tobacco and other substances; (2) their role in implementing this policy, including how to identify students who exhibit high risk behaviors or who are using/abusing alcohol, tobacco and other substances; how to refer these students to the appropriate services established by this policy; and their immunity from civil liabilities for such a report according to Education Law 3028-a; (3) awareness of personal risk factors for alcohol, tobacco and other substance use/abuse so that they may identify personal use/abuse problems and seek assistance; and (4) awareness of the special needs of students returning from treatment.
- b) Additionally for teachers: the knowledge and skills necessary to reinforce the District's K-12 alcohol, tobacco and other substance abuse prevention initiatives.

(Continued)

7320 - ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)

- c) For intervention staff: appropriate staff training and follow-up for those identified to carry out the intervention function.
- d) For prevention staff: appropriate staff training and support to assure that they have the necessary knowledge and skills to sustain the application of prevention concepts through programming targeted at the school, home, and community.

Implementation, Dissemination, and Monitoring

The Board of Education charges the Superintendent to collaborate with the Prevention Coordinator, staff, parents, students, community members, organizations, and agencies, including alcohol, tobacco and other substance abuse service providers, in developing the specific programs and strategies necessary to implement this policy.

The Superintendent is responsible for providing the Board of Education with an annual review of this policy, the programs and strategies for implementing it, and the Superintendent's recommendations for revisions in the policy.

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

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

Pittsford Central School District Adopted: 7/12/04

Annual Review: 11/14/11; 7/10/12

7330 - SEARCHES AND INTERROGATIONS

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

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

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

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

Lockers

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

Questioning of Students by School Officials

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

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

(Continued)

Students

7330 - SEARCHES AND INTERROGATIONS (Cont'd.)

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

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

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

Law Enforcement Officials

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

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

(Continued)

7330 - SEARCHES AND INTERROGATIONS (Cont'd.)**Interrogation of Students by Law Enforcement Officials**

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

Whenever police wish to question a student on school premises, administration will attempt to notify the student's parent/guardian.

Family Court Act Section 1024
Education Law Sections 1604(9) and (30),
1709(2) and (33), and 2801
8 New York Code of Rules and Regulations
(NYCRR) Section 100.2(1)

Students

7340 - BUS RULES AND REGULATIONS

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

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

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

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

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

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

NOTE: Refer also to Policy #3410 -- Code of Conduct on School Property
District Code of Conduct

Students

7350 - CORPORAL PUNISHMENT

Corporal punishment as a means of discipline shall not be used against a student by any teacher, administrator, officer, employee or agent of this District. Corporal punishment is defined as any act of physical force upon a student for the purpose of punishing that student.

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

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

Whenever a school employee uses physical force against a student, the school employee shall, within the same school day, make a report to the Superintendent or designee describing in detail the circumstances and the nature of the action taken.

The Superintendent or designee shall submit a written report semi-annually to the Commissioner of Education, with copies to the Board, by January 15 and July 15 of each year, setting forth the substance of each written complaint about the use of corporal punishment received by the Pittsford Central School District authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

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

Students

7360 - WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT

With the exception of those students who receive prior written permission from the Board of Education or its designee, no student may bring in or possess any “firearm” or “weapon” on school property, on school bus or District vehicle, in school buildings, or at school sponsored activities or settings under the control or supervision of the District regardless of location. Any student who has been found guilty of bringing in or possessing a firearm or weapon in violation of this policy will be disciplined in a manner consistent with State and Federal law and the District’s Code of Conduct. Such discipline may include a mandatory suspension for a period of not less than one (1) calendar year for a student who is determined to have violated the Federal Gun-Free Schools Act and its implementing provisions in the New York State Education Law, provided that the Superintendent may modify the suspension requirement on a case-by-case basis.

Student who have brought a “weapon” or “firearm” to school will be referred by the Superintendent to either a presentment agency (the agency or authority responsible for presenting a juvenile delinquency proceeding) or to appropriate law enforcement officials. Such referrals will be made as follows: a student who is under the age of sixteen (16) and who is not a fourteen (14) or fifteen (15) year-old who qualifies for juvenile offender status under the Criminal Procedure Law will be referred to a presentment agency for juvenile delinquency proceedings; a student who is sixteen (16) years old or older, who is fourteen (14) or fifteen (15) and qualifies for juvenile offender status, will be referred to the appropriate law enforcement authorities.

For the purposes of this policy, the term “weapon” will be as defined in 18 USC 930(g)(2).

For the purposes of this policy, the term “firearm” will be as defined in 18 USC 921(a).

Students with disabilities continue to be entitled to all rights enumerated in the Individuals with Disabilities Act and Education Law Article 89. This policy shall not be deemed to authorize suspension of students with disabilities in violation of those authorities.

This policy does not diminish the authority of the Board of Education to offer courses in instruction in the safe use of firearms pursuant to Education Law Section 809-a. Gun-free Schools Act as reauthorized by the No Child Left Behind Act of 2001 Criminal Procedure Law Section 1.20(42) Education Law Sections 809-a and 3214.

NOTE: Refer also to Policies #3411 – Prohibition of Weapons on School Grounds
#7313 – Suspension of Students
#3410 – Code of Conduct

Pittsford Central School District Adopted: 7/12/04, 5/23/16

7410 - EXTRACURRICULAR ACTIVITIES

The Board considers extracurricular activities to be a valuable part of the program of the school and shall support these activities within the financial means of the District. Extra-curricular activities shall provide District students with opportunities for broadening and strengthening their educational experiences. School sponsored extra-curricular activities shall be available to students who attend District schools or who attend an alternate school or program based upon a decision of the District Committee on Special Education. The Board and the staff shall be kept informed of the current regulations governing the formation, operational and financial procedures, supervision, and eligibility requirements of all extra-curricular activities.

At the conclusion of an extracurricular activity or at the end of the school year, there shall be an evaluation to ensure that the activity has provided the highest quality opportunity possible.

Limited Open Forum

The Board maintains a limited open forum where secondary students may meet for voluntary student-initiated activities unrelated directly to the instructional program, regardless of religious, political or philosophical content.

To provide "a fair opportunity" to students who wish to conduct a meeting, the Board, in accordance with the provisions of the Equal Access Act, shall ensure that:

- a) The meeting is voluntary and student-initiated;
- b) There is no sponsorship of the meeting by the school, the government, or its agents or employees;
- c) Employees or agents of the school or government are present at religious meetings only in a nonparticipatory capacity;
- d) The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
- e) Nonschool persons may not direct, conduct, control, or regularly attend activities of student groups (20 USC Section 4071[c]).

The Board prohibits student organizations whose activities may be unlawful or may cause disruption or interference with the orderly conduct of the educational process.

Administration is responsible for establishing regulations governing the use of school facilities by student organizations.

(Continued)

7410 - EXTRACURRICULAR ACTIVITIES (Cont'd.)**Eligibility for Attendance**

- a) Students who are suspended from school on a day of an athletic game or practice session, party, school dance, or other school affair scheduled after regular school hours are not eligible for participation or attendance at such events.
- b) In order for students to attend a school-sponsored function, it is necessary that students attend classes for at least one half (1/2) of the school day on the day of the activity, unless otherwise excused by the building administrator. One-half (1/2) day at the secondary level is defined as follows: periods one through four and periods five through nine.

8 New York Code of Rules and Regulations
(NYCRR) Sections 172.1 and .2
Education Law Sections 1709 and -a, 2503-a, and
2554-a
Equal Access Act,
20 United States Code (USC) Sections 4071-4074

Students

7411 - CENSORSHIP OF SCHOOL SPONSORED STUDENT PUBLICATIONS AND ACTIVITIES

The District may exercise editorial control over the style and content of student speech in school sponsored publications and activities that are part of the educational curriculum.

Speech

The first amendment to the Constitution guarantees the right of freedom of speech to all Americans, including students.

It is the responsibility of students to realize that this does not give them the right to interfere with the orderly conduct of classes, coerce others, or to violate the rights of those who disagree with a given point of view. Student speech may be subject to disciplinary action by school officials if such speech is slanderous, clearly and immediately causes others to damage property or physically harm others, or materially and substantially interferes with the normal operation of the school.

Access to Communication Resources

It is the right of students to have access to the school public address system, bulletin boards, and duplicating equipment for school purposes.

It is the responsibility of students to uphold administrative regulations as to the manner, time, and place for using school communications facilities. Reasonable time and expense limitations must be established by the building principal. All material offered for communication must be approved by the Principal or his/her designated representative.

Student Publications

It is the right of students, with the guidance of appropriate faculty advisors, to express their ideas and opinions concerning the school community and the world in which we live through school publications.

It is the responsibility of students to ensure that such publications follow good journalistic practice, especially factual reporting and high standards of literacy. Further, such publications must be free from libel (untrue statements about an individual which harms his/her reputation) or obscenity, and they shall not advocate illegal principles or actions. Students must recognize that the Principal and faculty sponsors may be held responsible for such publications and, thus, will exercise reasonable supervision in such matters.

7420 - SPORTS AND THE ATHLETIC PROGRAM

General Principles and Eligibility

Athletics are an integral part of a well-balanced educational program. The District's interscholastic athletic program will conform to the Commissioner's regulations, as well as the established rules of the New York State Public High School Athletic Association and the State Education Department.

Athletic eligibility requires that the student:

- a) Provide written parental/guardian consent. The consent form must contain information regarding any mild traumatic brain injuries (concussions) as specified in the Commissioner's regulations.
- b) Obtain medical clearance from the school physician/nurse practitioner or the student's personal physician. The school physician/nurse practitioner retains final approval on any physicals performed by a student's personal physician.
- c) Meet the requirements for interscholastic competition as set forth by the Commissioner's regulations and the New York State Public High School Athletic Association.
- d) Comply with all District rules, codes, and standards applicable to athletic participation.

Title IX Compliance

The Board supports similar athletic opportunities for students through interscholastic and intramural activities. To ensure similar athletic opportunities for its students, the District will consider:

- a) Its accommodation of athletic interests and abilities (the nature and extent of sports offered, including levels of competition, team competition, and team performance);
- b) Equipment and supplies;
- c) Scheduling of games and practice time;
- d) Travel costs and opportunities for travel;
- e) Assignment and compensation of coaches;
- f) Locker rooms, practice, and competitive facilities;
- g) Available medical and training facilities and services; and

7420 - SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)

- h) The nature and extent of support, publicity, and promotion, including cheerleading, bands, and programs distributed at games, and booster club activities.

The District may consider other pertinent factors as well. Each of the factors will be assessed by comparing availability, quality, type of benefits, kind of opportunities, and form of treatment. Identical benefits, opportunities, or treatment are not required.

The District's Civil Rights Compliance Officer will coordinate the District's efforts to comply with and carry out its responsibilities under Title IX. This person will be appropriately trained and possess comprehensive knowledge about applicable federal and state laws, regulations, and policies. To the extent possible, the District will not designate an employee whose other job duties may create a conflict of interest, such as the athletic director.

Booster Clubs

The District has a responsibility under Title IX to ensure that boys' and girls' programs are provided with equivalent benefits, treatment, services, and opportunities regardless of their source. When determining equivalency, therefore, benefits, services, and opportunities attained through private funds-including donations, fundraising, and booster clubs-must be considered in combination with all benefits, services, and opportunities.

Athletic Placement Process for Interschool Athletic Programs (APP)

The APP is a method for evaluating students who want to participate in sports at higher or lower levels, consistent with their physical and emotional maturity, size, fitness level, and skills. The Board approves the use of the APP for all secondary school interscholastic team members. The Superintendent will direct the athletic director to implement procedures for the APP and to maintain records of students who have successfully completed the APP.

Student Athletic Injuries

No injured student will be allowed to practice or play in an athletic contest. An appropriate medical professional with expertise in the care of student athletic injuries should diagnose and treat an athlete's injuries. The coach should ensure that any player injured while under his or her care receives prompt and appropriate medical attention, and that all of the medical professional's treatment instructions are followed. The injured student has an obligation to promptly inform his or her coach of all injuries. No student will be allowed to practice or compete if there is a question whether he/she is in adequate physical condition. A physician's certification may be required before an athlete is permitted to return to practice or competition.

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)**Athletic Program-Safety**

The District will take reasonable steps to minimize physical risks posed to students participating in the interscholastic athletic program by:

- a) Requiring timely medical examinations of participants;
- b) Employing certified or licensed staff to coach all varsity, junior varsity, and modified practices and games;
- c) Providing or requiring certified or licensed officials to officiate all competitions;
- d) Ensuring that its players' equipment is safe and operates within the applicable manufacturers' guidelines;
- e) Ensuring that all home fields, courts, pools, tracks, and other areas where athletes practice, warm-up, or compete are safe and appropriate for use; and
- f) Providing professional development and training opportunities for all coaching staff.

Title IX of the Education Amendments of 1972, 20 USC Section 1681 et seq.
45 CFR Part 86
8 NYCRR Sections 135 and 136

#7551 – Anti-Harassment/Anti-Discrimination in the District (Students)
#7522 -- Concussion Management

7430 - CONTESTS FOR STUDENTS, STUDENT AWARDS AND SCHOLARSHIPS

Contests for Students

The District shall allow student participation in appropriately screened competitions and contests which have purposes consistent with those of the school. They must be within the students' capabilities and be run by a reputable, responsible organization as determined by the Superintendent or designee.

Contests and competitions which are strictly private or commercial in nature shall be discouraged.

Distribution of educational material, essay contests, and poster contests must be approved in advance by the Building Principals if the sponsoring organization wishes to involve students in the project on school time. Samples of informational material should accompany the request. Upon the judgment of the Principal, the request may be forwarded to the Superintendent for approval.

Student Awards and Scholarships

The District may obtain and award to its students awards and scholarships. The Board, having been entrusted by law, will hold in trust gifts, grants, bequests and legacies given or bequeathed to the Pittsford Central School District and shall apply the same and/or their interest and proceeds according to the instruction of the donors and according to the procedures established by the administration.

Awards and/or scholarships that are to be continued annually and are awards or scholarships of fifty dollars (\$50) or more, may, at the request of the donating person or organization, be deposited in the School's Trust and Agency Fund. Prior to the establishment of such an account, it will be necessary for the donating person or organization to define the criteria for the selection of the recipient.

Education Law Sections 1604(30) and 1709(12-a)

Students

7440 - MUSICAL INSTRUMENTS

- a) All instrumental music students shall be expected to own or rent their instrument - particularly the common and less expensive instruments (flute, clarinet, trumpet, saxophone, etc.).
- b) Students will not be required to own or rent the less common and more expensive instruments. Instruments in this category are as follows: oboe, bassoon, tuba, French horn, trombone, baritone horn, tenor and baritone saxophones, bass trombone, cello, bass, and percussion instruments. School-owned instruments in this classification will be disbursed upon decisions by the instrumental music staff. Decisions will be dependent upon the individual student's talent and merit and the need for a balanced instrumentation at each grade level.
- c) Students and parents/guardians will assume responsibility for proper care of school-owned instruments and will pay for damages to same.
- d) The District will only transport in its vehicles those instruments meeting certain safety standards as indicated in the New York State Department of Transportation Regulations.

17 New York Code of Rules and Regulations
(NYCRR) Section 720.22

7450 - FUND RAISING BY STUDENTS

The Board provides funding for program and most program-related educational activities in the annual budget. Under certain circumstances, individual buildings, student organizations, classes, groups and/or individuals may solicit funds directly or conduct fund raising activities to supplement budgeted funds or replace budgeted funds not included in the budget.

Fund raising for other approved purposes will be reviewed and authorized annually by the Superintendent or designee in accordance with established procedures.

Fund raising projects in which students sell merchandise, provide services, or in other ways solicit money for school activities may be sponsored by school organizations with the express approval of the Superintendent. Any such plan shall have a clearly defined purpose and, in general, shall contribute to the educational experience of students and shall not conflict with instructional programs or state mandates. Fund raising activities away from school property shall be held to a minimum.

Door to door sales projects undertaken by any organization using the Pittsford Central School District name will be limited to students in grades 9-12 and shall require previous approval of the Superintendent. Profits shall be used to enhance school programs by providing money for expenditures not normally funded by the District.

All participation shall be voluntary.

8 New York Code of Rules and Regulations
(NYCRR) Section 19.6
New York State Constitution, Article VIII, Section 1
Education Law Section 414

NOTE: Refer also to Policy #3271 -- Solicitation of Charitable Donations From School Children

Students

7460 - CONSTITUTIONALLY PROTECTED PRAYER IN THE PUBLIC SCHOOLS

In accordance with the most recent Guidance Document issued by the U.S. Department of Education implementing the requirements of the No Child Left Behind Act of 2001, the Board affirms the responsibilities of the District, consistent with applicable statutory/case law pertaining to the First Amendment of the United States Constitution, to allow students and staff to engage in constitutionally protected prayer within the District schools.

Accordingly, no Board policy shall prevent, or otherwise deny participation in, constitutionally protected prayer in District schools, consistent with the Guidance Document and applicable law as enumerated above.

The Board rescinds any other policy that may be inconsistent with the mandates of this policy, which shall supersede any and all Board policies to the contrary.

Elementary and Secondary Education Act of 1965,
Section 9524, as amended by the No Child Left Behind
Act of 2001
United States Constitution, First Amendment
Equal Access Act,
20 United States Code (USC) Sections 4071-4074

NOTE: Refer also to Policy #8360 -- Religious Expression in the Instructional Program

7510 - DISTRICT WELLNESS POLICY

The District is committed to providing a school environment that promotes and protects children's health, well-being, and the ability to learn by fostering healthy eating and physical activity. The District Health and Wellness Committee provides oversight for, and advises the Superintendent on, implementation, evaluation, revision and updating of the policy.

District schools will provide nutrition education and physical education, with an emphasis on establishing lifelong habits of healthy eating and physical activity, and will establish linkages between health education, school meal programs, and related community services. Communication with teachers, parents, students and food service personnel will be an integral part of the District's implementation plan. School Nurse Teachers, School Nurses, Health Teachers, Family and Consumer Science Teachers and Physical Education staff will share information with parents to help encourage families to teach children about health and nutrition and help them incorporate physical activity into their lives, thereby, positively impacting the health of the community.

Goals to Promote Student Wellness

Nutrition Education and Promotion

To facilitate the voluntary adoption of healthy eating habits and other nutrition-related behaviors conducive to health and well being, the District will provide nutrition education that:

- a) Is offered at each grade level in grades K-5; in Health and Family and Consumer Science classes in grades 6-7; and in health classes in grades 6, 8 & 10 as part of a sequential, comprehensive standards-based program designed to provide students with the knowledge and skills necessary to promote and protect their health;
- b) Is part of health education classes as well as being integrated into classroom instruction when appropriate;
- c) Promotes fruits, vegetables, whole grain products, low-fat and fat-free dairy products, healthy food preparation methods, and health-enhancing nutrition practices;
- d) Emphasizes caloric balance between food intake and energy expenditure (physical activity/exercise);
- e) Will foster links with school lunch programs and other foods offered by the District food service;
- f) Includes awareness for teachers, other staff and parents.

(Continued)

7510 - DISTRICT WELLNESS POLICY (Cont'd.)Physical Activity and Promotion

The District will provide opportunities for every student to develop the knowledge and skills for specific physical activities to maintain physical fitness, to regularly participate in physical activity, and to understand the short-term and long-term benefits of a physically active and healthy lifestyle. These opportunities will include:

- a) Physical education for all students in grades K-12, including students with disabilities, special healthcare needs and in alternative education settings. State-certified physical education instructors will teach all physical education classes;
- b) Classroom health education that will complement physical education by reinforcing the knowledge and self-management skills needed to maintain a physically-active lifestyle and to reduce time spent on sedentary activities, such as watching television, playing video games, etc.;
- c) A daily recess period for elementary students of at least 15 minutes, if scheduling and weather permits.
- d) Extra curricular physical activity programs such as intramurals, interscholastic sports, and clubs for middle and high school students.

The District will provide physical activity facilities on school grounds that are safe and well-maintained. Adequate equipment will be made available for students to participate in physical activity.

Other School-based Activities

The District wishes to establish a school environment that presents consistent wellness messages and is conducive to healthy eating and physical activity for all. To achieve that goal and present a coordinated District-wide approach related to nutrition and physical activity, the District will:

- a) Ensure that eligible children have access to free and/or reduced price meals and make every effort to eliminate any social stigma attached to the program; and
- b) Provide an environment that is conducive to proper eating and hygiene habits where students will have a designated time allotted for lunch with sufficient time to eat.

(Continued)

Students

7510 - DISTRICT WELLNESS POLICY (Cont'd.)**Nutrition Guidelines**

The District Health and Wellness committee will recommend to the Superintendent that nutrition standards be established for all foods available on school campus during the school day based upon the unique needs of the student body and the community. The goal is to encourage lifelong eating habits by providing foods that are high in nutrients, low in fat and added sugars, and of moderate portion size.

Nutritional Values of Foods and Beverages

- a) At a minimum, school meals will meet the program requirements and nutrition standards.
- b) Minimum standards for nutritional value of foods and beverages sold on school campus will be specified in detail in accompanying regulations to this policy.
- c) Nutrition information for products sold on campus will be available upon request.

Vending machines, a la carte, student stores, snack bars, concession stands, parties, celebrations, food-related fund-raising and food rewards

- a) Minimum standards for nutritional value of foods and beverages available for purchase outside the School Lunch Program, but during the school day, will be specified in detail in the accompanying regulations to this policy.
- b) Food and beverages sold at school-sponsored events outside the school day will include healthy choices and provide age-appropriate selections for elementary and secondary students. The District will provide a list of recommended food and beverages to sell.
- c) Clubs, student government organizations, athletic teams/booster clubs and other groups who conduct fund-raising activities should use healthy food or non-food fundraisers.
- d) Principals in conjunction with their staff will:
 - 1. Limit non-curricular food celebrations in the classroom and building to a maximum of one food celebration per month. At all food celebrations, the majority of choices will be healthy. The District will provide a list of recommended food and beverages.
 - 2. Use only healthy food or non-food items for academic or good behavior recognition.
 - 3. Educate about and encourage healthy classroom snacks.

A food celebration is defined as an occasion observed with festivity, such as a birthday party, One Hundredth Day of School party, Valentine's Day party, etc. A food reward is defined as food given or offered for a particular performance (i.e. grade on a test/quiz; reading a book, finishing homework, etc.).

(Continued)

7510 - DISTRICT WELLNESS POLICY (Cont'd.)

Parents and guardians may provide commercially prepared food items or prepackaged and washed fruits and vegetables for classroom/building food celebrations. In response to student allergies and health concerns, food/snacks may not be shared in the classroom, in the cafeteria or at other school events unless it is a pre-approved building celebration. Ingredient lists must be provided to the teacher/event coordinator.

Assurance

Guidelines for school meals shall meet or exceed applicable federal regulations and guidance issued pursuant to the Child Nutrition Act and the Richard B. Russell National School Lunch Act, as those regulations and guidance apply to schools.

Implementation and Evaluation of the Wellness Policy

The District will ensure school and community awareness of this policy through various means such as publication in District newsletters and/or the District calendar. Further, professional development activities for staff and student awareness training will be provided, as appropriate, on the goals of the District's wellness program, including activities/programs for the development of healthy eating habits and the incorporation of physical activity as part of a comprehensive healthy lifestyle.

The District will review and evaluate the plan for the wellness policy in order to monitor the effectiveness of the policy and the possible need for further modification over time. Accordingly, the Superintendent shall designate one or more staff members within the District or at each school as appropriate to have operational responsibility for ensuring that the District meets the goals and mandates of its local wellness policy. Designated staff members may include, but are not limited to, the following personnel:

- a) Administrators;
- a) Director of Food Services.

The Superintendent/designee shall prepare a summary report on district-wide compliance with the District's wellness policy based on input from schools within the District annually. The report will be provided to the Board and also distributed to the District Health and Wellness Committee, parent-teacher organizations, building principals, and school health services personnel within the District. The report shall also be available to community residents upon request.

(Continued)

Students

7510 - DISTRICT WELLNESS POLICY (Cont'd.)

These designated school officials will also serve as liaisons with community agencies in providing outside resources to help in the development of nutrition education programs and physical activities.

Child Nutrition and WIC Reauthorization Act of 2004
Public Law Section 108-265 Section 204
Richard B. Russell National School Lunch Act
42 United States Code (USC) Section 1751 et seq.
Child Nutrition Act of 1966
42 United States Code (USC) Section 1771 et seq.
7 Code of Federal Regulations (CFR) Section 210.10
http://www.access.gpo.gov/nara/cfr/waisidx_05/7cfr2105.html

Students

7511 - IMMUNIZATION OF STUDENTS

The Board recognizes its responsibility under the Public Health and Education Laws to ensure that the children attending District schools have received all immunizations required by the State of New York. Therefore, all students must have an acceptable and up-to-date immunization certification(s) on file with the District.

Students may only be exempted from the required immunizations with District approval in the following circumstances.

- a) A physician licensed by New York State certifies in writing that such immunization(s) will be detrimental to the child's health under present circumstances or is unnecessary because the child has demonstrated serological evidence of immunity; or
- b) The child's parent/guardian(s) hold genuine and sincere religious beliefs that are contrary to the child's receipt of the required immunization(s).

A student denied entrance or attendance due to failure of meeting health immunization standards may appeal to the Commissioner of Education.

Education Law Section 914
Public Health Law Section 2164
10 New York Code of Rules and
Regulations (NYCRR) Subpart 66-1

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

7512 - STUDENT PHYSICALS**Health Examination**

Each student enrolled in District schools must have a satisfactory health examination conducted by the student's physician, physician assistant or nurse practitioner not more than twelve months prior to the commencement of the school year:

- a) upon initial entry in the District at any grade level
- b) upon entry to Kindergarten, grades 2, 4, 7 and 10

The District may also require an examination and health history of a student when it is determined by the District that it would promote the educational interests of the student.

In addition, the District requires an up to date certificate of physical fitness for:

- a) All student athletes to participate in an interscholastic sport;
- b) All students who need work permits;

Injured or ill student athletes may require further documentation of physical fitness.

Health Certificate

Each student must submit a health certificate attesting to the health examination within thirty (30) days after his or her entrance into school and within thirty (30) days after his or her entry into the 2nd, 4th, 7th and 10th grades. The health certificate shall be filed in the student's cumulative health record. The health certificate must:

- a) Describe the condition of the student when the examination was given;
- b) State the results of any test conducted on the student for sickle cell anemia;
- c) State whether the student is in a fit condition of health to permit his/her attendance at public school and, where applicable, whether the student has defective sight or hearing, or any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of such work to prevent injury to the student;
- d) Be signed by a duly licensed physician, physician assistant, or nurse practitioner, who is authorized by law to practice in New York State consistent with any applicable written practice agreement; or authorized to practice in the jurisdiction in which the examination was given, provided that the Commissioner of Health has determined that such jurisdiction has standards of licensure and practice comparable to those of New York.

(Continued)

7512 - STUDENT PHYSICALS (Cont'd.)Examination by Health Appraisal

The Principal or the Principal's designee will send a notice to the parents of, or person in parental relationship to, any student who does not present a health certificate, that if the required health certificate is not furnished within thirty (30) days from the date of such notice, an examination by health appraisal will be made of such student by the school physician.

The school physician shall separately and carefully examine and test to ascertain whether any such student has defective sight or hearing; or any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of such work to prevent injury to the student.

The physician, physician assistant or nurse practitioner administering such examination shall determine whether a one-time test for sickle cell anemia is necessary or desirable and, if so determined, shall conduct such test and include the results in the health certificate.

Unless otherwise prohibited by law, if it is ascertained that any students have defective sight or hearing, or a physical disability or other condition, including a sickle cell anemia, which may require professional attention with regard to health, the Principal or Principal's designee shall notify, in writing, the student's parents or persons in parental relation as to the existence of such disability or condition. If the parents or persons in parental relation are unable or unwilling to provide the necessary relief and treatment for such students, such fact shall be reported by the Principal or Principal's designee to the School Physician, who then has the duty to provide relief for such students.

Health Screenings

The District will provide:

- a) Scoliosis screening at least once each school year for all students in grades 5 through 9. The positive results of any such screening examinations for the presence of scoliosis shall be provided in writing to the student's parent or person in parental relation within ninety (90) days after such finding;
- b) Vision screening to all students who enroll in school including at a minimum color perception, distance acuity, near vision and hyperopia within six (6) months of admission to the school. In addition, all students shall be screened for distance acuity in grades Kindergarten, 1, 2, 3, 5, 7 and 10 and at any other time deemed necessary. The results of all such vision screening examinations shall be provided in writing to the student's parent or person in parental relation and to any teacher of the student. The vision report will be kept in a permanent file of the school for at least as long as the minimum retention period for such records;

(Continued)

Students

7512 - STUDENT PHYSICALS (Cont'd.)

- c) Hearing screening to all students within six months of admission to the school and in grades Kindergarten, 1, 3, 5, 7 and 10, as well as at any other time deemed necessary. Screening shall include, but not be limited to pure tone and threshold air conduction screening. The results of any such hearing tests shall be provided in writing to the student's parent or person in parental relation and, as necessary, to any teacher of the student.

The results of all health screenings (hearing, vision and scoliosis) shall be recorded on appropriate forms signed by the health professional making the examinations, include appropriate recommendations, and be kept on file in the school. The health records of individual students will be kept confidential in accordance with the federal Family Educational Rights and Privacy Act (FERPA) and any other applicable federal and State Laws.

Accommodation for Religious Beliefs

No health examinations, health history, examinations for health appraisal, screening examinations for sickle cell anemia and/or other health screenings shall be required where a student or the parent or person in parental relation to such students objects thereto on the grounds that such examinations, health history and/or screenings conflict with their genuine and sincere religious beliefs. A written and signed statement from the student or the student's parent or person in parental relation that such person holds such beliefs shall be submitted to the Principal or Principals' designee, in which case the Principal or Principal's designee may require supporting documents.

Family Educational Rights and Privacy Act of 1974
(FERPA)
20 United States Code (USC) Section 1232(g)
34 Code of Federal Regulations (CFR) Part 99
Education Law Sections 901-905, 912 and 3217
8 New York Code of Rules and Regulations (NYCRR)
Part 136

NOTE: Refer also to Policy #7121 – Screening of New School Entrants
7131 – Education of Homeless Children

Students

7513 - ADMINISTRATION OF MEDICATION

The Board of Education recognizes its responsibility under Public Health and Education Law with regard to the administration of medication to students during school hours and while participating in a school-sponsored activity off school grounds or after school hours. Procedures and guidelines are outlined in the District health manual and written in accordance with State Education guidelines.

Emergency Medication

The administration of epinephrine by epi-pen to a student with a known severe allergy needing an anaphylactic treatment agent may be performed by any school staff member responding to the emergency. Such a response would fall under the Good Samaritan exemption for rendering emergency care during a life threatening situation. The administration of epinephrine by epi-pen to a student or staff member without a previous diagnosed severe allergy who is exhibiting symptoms consistent with those of an anaphylactic reaction may be performed by a school nurse in an emergency situation.

Use Of Inhalers In Schools

The District permits students who have been diagnosed by a physician or other duly authorized health care provider as having an asthmatic condition, to carry and use a prescribed inhaler during the school day. Prior to permitting such use, the school health office must receive the written permission of the prescribing physician or other duly authorized health care provider, and parental consent based on such physician's or providers determination that the student is subject to sudden asthmatic attacks severe enough to debilitate that student.

A record of such physician or health care provider/parental permission shall be maintained in the school health office.

Education Law Sections 916, 6527(4)(a) and
6908(1)(a)(iv)
Public Health Law Section 3000-a

2005

7514

Students

7514 - HEALTH RECORDS

The school shall keep a convenient, accurate, and up-to-date health record of every student. Insofar as the health records include confidential disclosures or findings, they shall be kept confidential. Individual records may be interpreted by the nurse to administrators, teachers, and counselors, consistent with law.

Procedures for maintenance of student health records are outlined in the District's health manual.

Education Law Section 905
8 New York Code of Rules and Regulations
(NYCRR) Part 136

Students

7515 - PARENT NOTIFICATION/PERMISSION FOR INVOLVEMENT OF A SCHOOL PSYCHOLOGIST

The District recognizes the importance of parents' awareness of their child's total educational program. Parental written consent shall be secured before a school psychologist begins a direct, regular, and continuing relationship with any student, including any in-depth evaluation.

Parental consent shall not be required before a school psychologist consults with another staff member about a student, observes a student in a classroom setting at the request of a teacher, discusses a student in a preliminary manner without generating documents, or responds to a crisis situation.

In those instances when a student initiates a contact with a school psychologist, parental notification or permission shall not be required. In those cases, a judgment as to whether or not to involve the parent(s) shall be left to the professional discretion of the school psychologist.

Students

7516 - PEDICULOSIS (HEAD LICE)

Few conditions seem to cause as much concern in schools and homes as an infestation of head lice in children. Students in the elementary grades (ages 3 through 10) are the most likely target hosts for these insect pests. Head lice do not respect socio-economic class distinctions and their presence does not indicate a lack of hygiene or personal cleanliness. Recent medical recommendations from both the American Association of Pediatrics (AAP) and the National Association of School Nurses (NASN) do not treat head lice as an illness that necessitates an absence from school and have shown that the contagion does not spread as easily as once thought. Therefore, the Board of Education does not condone the absence of students from school for unnecessary reasons and considers head lice an unnecessary absence that impedes a student's educational progress.

In order to control infestations of head lice (Pediculosis), the Board of Education has adopted the following protocols:

- a) Whenever there is a possibility that a student is infested, trained staff or the school nurse checks the student and will contact the student's parents. An infested student will not return to school unless an FDA approved corrective treatment has been given and the student is free of active lice. Current treatment protocols make this possible in less than twenty-four (24) hours. Parents may be asked to have a physician prescribe medication for treatment.
- b) A student who has been infested will be readmitted to school after successfully completing an examination by the school nurse.
- c) School staff will work with parents to minimize student absence caused by exposure to head lice. An infested student is not sick and is not a danger to other students. Excessive and unnecessary absences affect a student's educational progress.
- d) School staff will protect student privacy and maintain confidentiality of medical information when infestations are detected.
- e) School staff will also work to minimize the social stigma that is unfairly attached to victims of head lice infestations. Head lice are not caused by poverty or unsanitary conditions. Students will not be separated from their peers or singled out as infected. All staff will learn proper precautions to prevent further spread of the infestation.

Regulations will be developed to provide guidelines on the detection and treatment of head lice, as well as classroom procedures for dealing with affected students.

Adoption Date: 11/5/12

Students

7520 - ACCIDENTS AND MEDICAL EMERGENCIES

Procedures shall be established and maintained by the Superintendent for the handling of student injuries and medical emergencies that occur on school property and during school activities.

Student Emergency Treatment

All staff members of the District are responsible to obtain first aid care of students who are injured or become ill while under school supervision.

In most instances first aid should be rendered, and then the parent should be contacted to come to school and transport the student to the family physician. Beyond first aid, the medical care of the student is the parent's responsibility. However, the student's welfare is always the primary concern, and it is the responsibility of school personnel to exercise good judgment and care under all circumstances.

The Board encourages all staff members to become qualified to give emergency treatment through instruction in first aid and Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillators (AEDs).

Transporting an Ill or Injured Student

In the event of an illness or injury to a student, an ambulance may be called if warranted. This solution will be used after other alternatives, including parent/person in parental relationship contact, have been made.

Insurance

The Board shall approve provisions for all students to be covered by group insurance.

Such student accident insurance policies are to be a co-insurance with family coverage(s) as primary.

Education Law Sections 1604(7-a, b) and 1709(8-a, b)

NOTE: Refer also to Policy #5685 -- Automated External Defibrillators

Pittsford Central School District Adopted: 11/7/66, 6/28/82, 2/20/89, 5/9/05

7521 - STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS

Students come to school with diverse medical conditions which may impact their learning as well as their health. Some of these conditions are serious and may be life-threatening. As a result, students, parents, school personnel, and health care providers must all work together to provide the necessary information and training to allow children with chronic health problems to participate as fully and safely as possible in the school experience. This policy encompasses an array of serious or chronic illnesses such as diabetes, seizure disorders, asthma and acute medical conditions such as allergies with potential for anaphylaxis reactions and substance overdose. All students within the District with known life-threatening conditions will have a comprehensive plan of care in place: an Emergency Care Plan (ECP) or Individualized Healthcare Plan (IHP) and if appropriate, an Individualized Education Plan (IEP) or Section 504 Plan.

Life-Threatening Conditions

For those students with serious or life-threatening illnesses or medical conditions the District must work cooperatively with the parent(s) and the healthcare provider(s) to:

- a) If appropriate, develop an ECP for at risk students to ensure that all appropriate personnel are aware of the student's potential for a life-threatening reaction;
- b) If appropriate, develop an IHP that includes all necessary treatments, medications, training, and educational requirements for the student. If the student is eligible for accommodations based upon the Individuals with Disabilities Act (IDEA), Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act, the appropriate procedures will be followed by the Committee on Special Education regarding evaluation and identification;
- c) Provide training by licensed medical personnel (e.g., registered professional nurse) for all adults in a supervisory role in the recognition and emergency management of a specific medical condition for specific students;
- d) Obtain specific medical-legal documents duly executed in accordance with New York State law; appropriate health care provider authorization in writing for specific students that includes the frequency and conditions for any testing and/or treatment, symptoms, and treatment of any conditions associated with the health problem; and directions for emergencies;
- e) Secure written parent permission and discuss parental responsibility that includes providing the health care provider's orders, providing any necessary equipment, and participation in the education and co-management of the child as the child works toward self-management;

(Continued)

Students

7521 - STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS (Cont'd.)

- f) Allow supervised students to carry life-saving medication in accordance with relevant laws, regulations, and procedures. The District will also encourage parents and students to provide duplicate life-saving medication to be maintained in the health office in the event the self-carrying student misplaces, loses, or forgets their medication;
- g) Assure appropriate and reasonable building accommodations are in place within a reasonable degree of medical certainty.

In addition, the District will:

- a) Provide training for transportation, instructional, food service, or physical education staff, as appropriate, in the recognition of an anaphylactic reaction;
- b) Have standing emergency medical protocols for nursing or other staff;
- c) Request the school medical director to write a non-patient specific order for anaphylaxis treatment agents for the school's registered professional nurse or other staff, as designated by the administration and allowed under federal and New York State laws and regulations, to administer in the event of an unanticipated anaphylactic episode;
- d) Maintain or ensure the maintenance of a copy of the standing order(s) and protocol(s) that authorizes them to administer emergency medications such as anaphylactic treatment agents;
- e) As permitted by New York State law, maintain stock supplies of life-saving emergency medications such as epinephrine auto-injectors ~~or~~ and Naloxone (Narcan) for use, especially in first time emergencies;
- f) Allow the school registered nurse, nurse practitioner, or physician to train unlicensed school personnel to administer emergency epinephrine via auto-injector, or emergency glucagon, to students with both a written provider order and parent or person in parental relation consent during the school day, on school property, and at any school function. Such training will be done in accordance with specifications outlined in the Commissioner's regulations;
- g) Ensure that building-level and District-wide school safety plans include appropriate accommodations for students with life-threatening health conditions.
- h) Provide information and resources to families who wish to obtain medic-alert bracelets for at risk students;
- i) Educate students, families and staff regarding the importance of immediately reporting symptoms of an allergic reaction.

(Continued)

Students

7521 - STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS (Cont'd.)**Creating an Allergen-Safe School Environment**

The risk of accidental exposure or cross-contamination is always present in school, particularly for students with food allergies. The school setting is an environment with risk for accidental ingestion of a food allergen due to the presence of a large number of students, ubiquitous exposure to food allergens, and cross-contamination of tables, desks, and other surfaces.

In an effort to prevent accidental exposure to allergens, the District will monitor the following higher-risk areas and activities:

- a) Cafeteria;
- b) Food sharing;
- c) Hidden ingredients in art, science, and other projects;
- d) Transportation;
- e) Fund raisers and bake sales;
- f) Parties and holiday celebrations;
- g) Field trips;
- h) Before and after school programs.

Medication Self-Management

The District will work toward assisting students in the self-management of their chronic health condition based upon the student's developmental age, knowledge level and skill by:

- a) Collaborating with parents/guardians;
- b) Adequately training all staff involved in the care of the child, as appropriate;
- b) Assuring the availability of the necessary equipment and/or medications;
- c) Providing appropriately trained licensed persons as required by law;
- d) Developing an emergency plan, IHP, IEP or 504 plan as appropriate for the student; and
- e) Providing ongoing staff and student education.

Americans with Disabilities Act, 42 USC § 12101 et seq.
Individuals with Disabilities Education Act (IDEA), 20 USC §§ 1400-1485
Section 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.
34 CFR Part 300
Education Law §§ 6527 and 6908
8 NYCRR §§ 136.6, 136.7
Public Health Law §§ 2500-h, 3000-a, and 3000-c

NOTE: Refer also to Policy #7513 -- Administration of Medication
Adoption Date—9/28/18

7522 - CONCUSSION MANAGEMENT

The Board of Education recognizes that concussions and head injuries are the most commonly reported injuries in children and adolescents who participate in sports and recreational activities. The physical and mental well-being of our students is a primary concern. Therefore, the Pittsford School District adopts the following policy to support the proper evaluation and management of concussion injuries.

A concussion is a mild traumatic brain injury (MTBI). A concussion occurs when normal brain functioning is disrupted by a blow or jolt to the head or body that causes the head and brain to move rapidly back and forth. Recovery from concussion and its symptoms will vary. Avoiding re-injury and over-exertion until fully recovered are the cornerstones of proper concussion management. Concussions can impact a student's academics as well as their athletic pursuits.

Concussion Management Team (CMT)

The School District has established a Concussion Management Team (CMT) which is composed of the certified athletic director, a school nurse standards leader, the school physician, the health standards leader coach, PE Standards Leader, classroom teacher, counselor, and a certified athletic trainer. The Concussion Management Team will oversee and implement the School District's concussion policy and regulations, including the requirement that all school coaches, physical education teachers, nurses and certified athletic trainers, who work with and/or provide instruction to pupils engaged in school-sponsored athletic activities, complete training relating to mild traumatic brain injuries. Furthermore, every concussion management team will establish and implement a program which provides information on mild traumatic brain injuries to parents and persons in parental relation throughout each school year.

Staff Training/Course of Instruction

Each school coach, physical education teacher, school nurse and certified athletic trainer who works with and/or provides instruction to students in school-sponsored athletic activities (including physical education class and recess) shall complete a course of instruction every two (2) years relating to recognizing the symptoms of concussions or MTBIs and monitoring and seeking proper medical treatment for students who suffer from a concussion or MTBI. Standards Leaders will collect and maintain certificates for their department personnel.

Components of the training will include:

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

(Continued)

Students

7522 - CONCUSSION MANAGEMENT (Cont'd.)

- d) Practices regarding prevention; and
- e) Guidelines for the return to school and school activities for a student who has suffered an MTBI, even if the injury occurred outside of school.

The course can be completed by means of instruction approved by the State Education Department (SED) which include, but are not limited to, courses provided online and by teleconference. Standards Leaders will collect and maintain certificates for their department personnel.

Information to Parents

The District shall include the following information on concussion in any permission or consent form, or similar document, that may be required from a parent/person in parental relation for a student's participation in interscholastic sports. Information will include:

- a) The definition of MTBI;
- b) Signs and symptoms of MTBI;
- c) How MTBIs may occur;
- d) Practices regarding prevention; and
- e) Guidelines for the return to school and school activities for a student who has suffered an MTBI, even if the injury occurred outside of school.

The District will also provide a link on its website to the above list of information on the State Education Department's and Department of Health's websites.

Identification of Concussion and Removal from Class, Extracurricular Activity, or Interscholastic Athletic Activities

The District shall require the immediate removal from all athletic activities of any student who has sustained, or is believed to have sustained, a mild traumatic brain injury (MTBI) or concussion. Any student demonstrating signs, symptoms or behaviors consistent with a concussion while participating in a class, extracurricular activity, or interscholastic athletic activity shall be removed from the class, game or activity and must be evaluated as soon as possible by an appropriate health care professional. Such removal must occur based on display of symptoms regardless of whether such injury occurred inside or outside of school. If there is any doubt as to whether the student has sustained a concussion, it shall be presumed that the student has been injured until proven otherwise. The District shall notify the student's parents or guardians and recommend appropriate evaluation and monitoring.

(Continued)

Students

7522 - CONCUSSION MANAGEMENT (Cont'd.)

The School District will allow credentialed District staff to use validated neurocognitive computerized testing as a concussion assessment tool to obtain baseline and post-concussion performance data. These tools are not a replacement for a medical evaluation to diagnose and treat a concussion.

Return to Class, Extracurricular Activity, or Interscholastic Athletic Activities

The student shall not return to physical activity (including athletics, physical education class and recess) until he/she has been symptom-free for not less than twenty-four (24) hours, and has been evaluated, and received written authorization from a licensed physician. In accordance with Commissioner's Regulations, the School District's Medical Director will give final clearance on a return to activity. All such authorizations shall be kept on file in the student's permanent health record and/or in computerized health record. The standards for return to activity will also apply to injuries that occur outside of school. School staff should be aware that students may exhibit concussion symptoms caused by injuries from outside activities and that these visible symptoms also indicate a removal from play.

The District shall follow any directives issued by the student's treating physician with regard to limitations and restrictions on school and athletic activities for the student. The District's Medical Director may also formulate a standard protocol for treatment of students with concussions during the school day.

In accordance with New York State Education Department (NYSED) guidelines, this Policy shall be reviewed periodically and updated as necessary in accordance with New York State Education Department guidelines. The Superintendent, in consultation with the District's Medical Director and other appropriate staff, may develop regulations and protocols for strategies for the prevention of concussions, the identification of concussions, and procedures for removal from and return to activities or academics.

Education Law Sections 207; 305(42), and 2854
8 NYCRR 135.4 and 136.5

Guidelines for Concussion Management in the School Setting, SED Guidance Document, June 2012

Adoption Date: 5/13/13

7530 - CHILD ABUSE AND NEGLECT/MALTREATMENT

The Pittsford Central School District subscribes to all of the provisions of Title 6 - Child Protective Services of the Social Services Law (Sections 411-428). Our purpose is to provide protective services to abused and neglected/maltreated children as described by the law, and to make all school personnel within the District aware of our legal responsibilities under this law.

Regulations shall be developed, maintained and disseminated by administration regarding the:

- a) Mandatory reporting of suspected child abuse or neglect/maltreatment;
- b) Reporting procedures and obligations of persons required to report;
- c) Provisions for taking a child into protective custody;
- d) Mandatory reporting of deaths;
- e) Immunity from liability and penalties for failure to report;
- f) Obligations for provision of services and procedures necessary to safeguard the life of a child; and
- g) Providing of information in recognizing signs of unlawful methamphetamine laboratories for all current and new school officials (i.e., "mandated reporters") who, as part of their usual responsibilities, visit children's homes.

Additionally, an ongoing training program for all professional staff shall be established and implemented to enable such staff to carry out their reporting responsibilities.

School Officials Required to Report

The definition of a "school official" who is mandated to report cases of child abuse or neglect/maltreatment to the State Central Register (SCR) pursuant to Social Services Law Section 413(1) includes but is not limited to, school teachers, school guidance counselors, school psychologists, school social workers, school nurses, school administrators or other school personnel required to hold a teaching or administrative license or certificate.

All mandated reporters will report any incidents to the Building Principal/Designee. All mandated reporters who have direct knowledge of any allegations of child abuse or maltreatment must personally make a report to Child Protective Services (CPS). The Building Principal or his/her designee shall be responsible for all subsequent administration necessitated by the report. Any report shall include the name, title, and contact information for every staff member who is believed to have direct knowledge of the allegations in the report. The "Report of Suspected Child Abuse or Maltreatment" (LDSS-2221A) may be accessed at website <http://www.ocfs.state.ny.us/main/cps>.

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7530 - CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd)**Child Abuse in an Educational Setting**

The District is committed to the protection of students in educational settings from abuse and maltreatment by District staff or school volunteers as enumerated in law.

"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, defined as conduct prohibited by Article 130 or 263 of the Penal Law; 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.

"Educational setting" shall mean the building(s) and grounds of the District; the vehicles provided by the District for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off District grounds; all co-curricular and extracurricular activity sites; and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

It is the policy of this District that all school personnel, whether certified or non-certified, and Board members, upon receipt of an oral or written allegation of child abuse by a school employee or volunteer who suspects that a child is or has been abused by a school employee or volunteer, must immediately report the suspected abuse to the appropriate administrator, following the administrative procedures set forth in Board Regulation 7530R.

On an ongoing basis, but no less than annually, the Pittsford Central School District will conduct appropriate training for its staff and Board members regarding the policy and procedures for reporting child abuse in an educational setting,

Prohibition of "Silent" (Unreported) Resignations

The Superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the Superintendent or the Commissioner of Education, where appropriate, information concerning allegations of child abuse in an educational setting against an employee or volunteer in exchange for that individual's resignation or voluntary suspension from his/her position.

(Continued)

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Students

7530 - CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd)

Superintendents (or a designated administrator) who reasonably and in good faith report to law enforcement officials information regarding allegations of child abuse or a resignation as required pursuant to the law shall have immunity from any liability, civil or criminal, which might otherwise result by reason of such actions.

Education Law Sections 1128-33 and 3028-b
Penal Law Articles 130, 235 and 263
8 New York Code of Rules and Regulations
(NYCRR) Part 83

Pittsford Central School District Adopted: 10/22/79, 6/28/82, 5/8/89, 6/9/97, 6/25/01, 5/28/02, 7/12/04,
02/10/14

7550 - COMPLAINTS AND GRIEVANCES BY STUDENTS

While students have the responsibility to abide by the policies and regulations of the District, they shall also be afforded opportunity to present complaints and grievances free from interference, coercion, restraint, discrimination or reprisal. Administration shall be responsible for:

- a) Establishing rules and regulations for the redress of complaints or grievances through proper administration channels;
- b) Developing an appeals process;
- c) Ensuring that students have full understanding and access to these regulations and procedure; and
- d) Providing prompt consideration and determination of student complaints and grievances.

Complaints and Grievances Coordinator

Additionally, the Board shall ensure compliance with Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act (ADA). The Superintendent shall designate a District employee as the Title IX/Section 504/ADA Coordinator; and regulations and procedures shall be implemented to resolve complaints of discrimination based on sex or disability.

Prior to the beginning of each school year, the District shall issue an appropriate public announcement which advises students, parents/guardians, employees and the general public of the District's established grievance procedures for resolving complaints of discrimination based on sex or disability. Included in such announcement will be the name, address and telephone number of the Title IX/Section 504/ADA Coordinator.

The Title IX/Section 504/ADA Coordinator shall also be responsible for handling complaints and grievances regarding discrimination based on race, color, creed, religion, national origin, political affiliation, sexual orientation, age, military status, or marital status.

Title VII of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000-e et seq.
Prohibits discrimination on the basis of race, color,
religion, sex or national origin.

(Continued)

Students

7550 - COMPLAINTS AND GRIEVANCES BY STUDENTS (Cont'd.)

Title VI of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000-d et seq.
Prohibits discrimination on the basis of race, color or
national origin.

Section 504 of the Rehabilitation Act of 1973,
29 United States Code (USC) Section 794 et seq.
The Americans With Disabilities Act,
42 United States Code (USC) Section 12101 et seq.
Prohibits discrimination on the basis of disability.

Title IX of the Education Amendments of 1972,
20 United States Code (USC) Section 1681 et seq.
Prohibits discrimination on the basis of sex.

New York State Civil Rights Law Section 40-c
Prohibits discrimination on the basis of race, creed,
color, national origin, sex, marital status, sexual
orientation or disability.

New York State Executive Law Section 290 et seq.
Prohibits discrimination on the basis of age, race, creed,
color, national origin, sex, sexual orientation, disability,
military status, or marital status.

Age Discrimination in Employment Act,
29 United States Code Section 621

NOTE: Refer also to Policy #7551 -- Anti-Harassment/Anti-Discrimination in the District (Students)

Students

7551 - ANTI-HARASSMENT/ANTI-DISCRIMINATION IN THE DISTRICT (STUDENTS)

The Board affirms its commitment to nondiscrimination and recognizes its responsibility to provide an environment that is free of harassment and intimidation. Harassment or discrimination is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of harassment or discrimination on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, veteran status, or disability by employees, school volunteers, students, and non-employees such as contractors and vendors 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.

The Board prohibits harassment or discrimination against any individual based on their opposition to discrimination or harassment. In addition, the Board prohibits harassment or discrimination against any individual who participates in an investigation under the anti-discrimination policy. This policy of nondiscrimination and anti-harassment will be enforced on District premises and in school buildings; and at all school-sponsored events, programs and activities, including those that take place at locations off school premises.

It is intended that this policy apply to the dealings between or among employees with employees; employees with students; students with students; employees/students with vendors/contractors and others who do business with the District, as well as school volunteers, visitors, guests and other third parties. All of these persons are hereinafter referred to collectively as "the named group."

For purposes of this policy, harassment or discrimination shall mean communication (verbal, written or graphic) and/or physical conduct based on an individual's actual or perceived race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, veteran status, or disability that:

- a) 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;
- b) 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;
- c) Otherwise adversely affects the employment and/or educational opportunities and benefits provided by the District.

(Continued)

Students

**7551 - ANTI-HARASSMENT/ANTI-DISCRIMINATION IN THE DISTRICT
(STUDENTS) (Cont'd.)**

The District will act to promptly investigate all complaints, either verbal or written, formal or informal, of allegations of harassment based on any of the characteristics described above; and will promptly take appropriate action to protect individuals from further harassment or discrimination.

Age Discrimination in Employment Act,
29 United States Code (USC) Section 621.
Americans With Disabilities Act,
42 United States Code (USC) Section 12101 et seq.
Prohibits discrimination on the basis of disability.
Civil Rights Act of 1964
42 United States Code (USC) Section 1981(a)
Section 504 of the Rehabilitation Act of 1973,
29 United States Code (USC) Section 794 et seq.
Prohibits discrimination on the basis of disability.
Title VI of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000-d et seq.
Prohibits discrimination on the basis of race, color or
national origin.
Title VII of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000-e et seq.
Prohibits discrimination on the basis of race, color,
religion, sex or national origin.
Title IX of the Education Amendments of 1972,
20 United States Code (USC) Section 1681 et seq.
Prohibits discrimination on the basis of sex.
Civil Rights Law Section 40-c
Prohibits discrimination on the basis of race, creed,
color, national origin, sex, sexual orientation, marital
status or disability.
Executive Law Section 290 et seq.
Prohibits discrimination on the basis of age, race, creed,
color, national origin, sex, sexual orientation, disability,
military status, or marital status.
Military Law Sections 242 and 243

(Continued)

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Students

**7551 - ANTI-HARASSMENT/ANTI-DISCRIMINATION IN THE DISTRICT
(STUDENTS) (Cont'd.)**

NOTE: Refer also to Policies #6121 -- Anti-Harassment/Anti-Discrimination in the District
(Personnel)
#7550 -- Complaints and Grievances by Students

Students

**7552 - STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION:
PEER ABUSE IN THE SCHOOLS**

The Board of Education is committed to providing a safe and productive learning environment within its schools that promotes respect, dignity and equality. The Board recognizes that acts of discrimination, such as harassment, hazing and bullying, are detrimental to student learning and achievement. These behaviors interfere with the mission of the district to educate its students, and they disrupt the operation of the schools. Such behavior affects not only the students who are its targets but also those individuals who participate and witness such acts.

To this end, the Board strictly prohibits all forms of discrimination, such as harassment, (policies 6121,7551) hazing (policy 7553) and bullying on school property, on school buses, and at school sponsored events and/or activities, whether occurring on or off campus, including any electronic format.

Engages in Bullying Behavior

The Board of Education requires the prohibition of harassment/bullying, along with the range of possible intervention activities and/or sanctions for such misconduct, to be included in the District Code of Conduct for all grade levels.

For purposes of this policy, the term "bullying" among children is defined, in general, as: "a variety of negative acts carried out repeatedly over time." It is unwanted, aggressive behavior that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated over time. The person who is bullying has the intent to cause harm. Bullying conduct includes, but is not limited to, harassment that is related to race, color, weight, ethnicity, national origin, religion, religious practices, sexual orientation, gender or sex, age, disability, and physical appearance.

Bullying can take three forms:

- a) Physical (including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings);
- b) Verbal (including, but not limited to, taunting, malicious teasing, name calling, making threats);
and
- c) Psychological (including, but not limited to, non-verbal actions, i.e. giving dirty looks or aggressive stares; spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation.

It is important to note that a single negative act as enumerated above may also constitute "bullying" (if not more serious misconduct) based upon the particular circumstances such as the seriousness of the act and/or

(Continued)

Students

SUBJECT: STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION: PEER ABUSE IN THE SCHOOLS (Cont'd.)

the intent of the actor. Administration will use discretion in reviewing each incident independently in the context of the situation.

Bullying/ 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.

Engages in Cyberbullying Behavior

As with other forms of bullying, cyberbullying is an attempt to display power and control over someone perceived as weaker. Cyberbullying involving students may occur both on campus and off school grounds and may involve student use of the District Internet system or student use of personal digital devices while at school, such as cell phones, digital cameras, and personal computers to engage in bullying. Cyberbullying is unacceptable, and offenders shall be subject to appropriate staff intervention which may result in administrative discipline.

Cyberbullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory e-mail messages, instant messages, text or pager messages, digital pictures or images, or website postings (including chat rooms or blogs).

Cyberbullying has the effect of:

- a) Placing a student in reasonable fear of physical, emotional or mental harm;
- b) Placing a student in reasonable fear of damage to or loss of personal property; and
- c) Creating an intimidating or hostile environment that substantially interferes with a student's educational opportunities.

Also, cyberbullying that occurs off-campus, and causes or threatens to cause a material or substantial disruption in the school, could allow school officials to apply the "***Tinker*** standard" where a student's off-campus "speech" may be subject to formal discipline by school officials when it is determined that the off-campus speech did cause a substantial disruption or threat thereof within the school setting [Tinker v. Des Moines Indep. Sch. Dist. 393 U.S. 503 (1969)]. Such conduct could also be subject to appropriate disciplinary action in accordance with the District Code of Conduct and possible referral to local law enforcement authorities.

It is important to note that a single negative act as enumerated above may also constitute "cyberbullying" (if not more serious misconduct) based upon the particular circumstances, such as the seriousness of the act

(Continued)

Students

SUBJECT: STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION: PEER ABUSE IN THE SCHOOLS (Cont'd.)

and/or the intent of the actor. Administration will use discretion in reviewing each incident independently viewed in the context of the situation.

The Board of Education shall require the prohibition of cyberbullying along with the range of possible intervention activities and/or sanctions for such misconduct to be included in the District Code of Conduct for all grade levels.

Rules against cyberbullying shall be publicized District-wide and shall be disseminated as appropriate to staff, students and parents. Disciplinary sanction for violation of Board policy and administration regulation shall be outlined in the District Code of Conduct as enumerated above and may also be incorporated in staff and student handbooks.

Prevention and Intervention

The District will emphasize among staff and students, that cooperation and respect for others is a key district value. Curriculum and programs designed to help students build more supportive relationships will be emphasized and integrated in classroom instruction and in extracurricular activities. Staff members and students will be trained to respond to the warning signs of harassment and to recognize their responsibility to become actively involved in the prevention of harassment before overt acts occur.

Personnel at all levels are responsible for taking corrective action to prevent harassing behavior of which they have been made aware at all District property sites or activities and/or reporting such behavior to their immediate supervisor. Further, staff training shall be provided to raise awareness of the problem of harassment within the schools and to facilitate staff identification of and response to such harassing behavior among students.

Prevention and intervention techniques within the District to prevent harassing behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration.

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 includes remediation. Remedial responses to harassment include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target. Remediation may apply to an individual or be implemented through environmental approaches which address the school district as a whole. Staff, students and parents work in collaboration to define and implement any needed

(Continued)

Students

**SUBJECT: STUDENT HARASSMENT AND BULLYING PREVENTION AND
INTERVENTION: PEER ABUSE IN THE SCHOOLS (Cont'd.)**

accommodations when a child does not feel safe at school.

Training and Awareness

The Board ensures that training opportunities are provided to all staff, including, but not limited to, bus drivers, cafeteria employees and all staff who have contact with students. The superintendent will appoint a District Dignity Act Coordinator. (DDAC) Each building will recommend for Board approval an individual at each school to act as Dignity Act Coordinator (DAC) who is the designated representative at each building. The District Dignity Act Coordinator will ensure that the Building DAC is thoroughly trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex in order to implement this policy. A list of the assigned DACs in each building will be provided to the Board. If for any reason, the position of Building Dignity Act Coordinator becomes vacant, a new Dignity Act Coordinator will be designated immediately, for an interim appointment, pending approval from the Board of Education, within 30 days of the date the position was vacated. The District must provide the change in information to parents or persons in parental relation as soon as practicable. This change does not constitute a revision to the Code of Conduct so as to provide a public hearing.

The District will establish guidelines for training which will be approved by the Board of Education. Training will be provided each school year for all District employees in conjunction with existing professional development training to raise staff awareness and sensitivity of bullying, discrimination, and/or harassment directed at students that are committed by students or school employees on school property, at a school function, or off school property when the actions create or would foreseeably create a risk of substantial disruption within the school environment or where it is foreseeable that the conduct might reach school property.

Training will include ways to promote a supportive school environment that is free from bullying, discrimination, and/or harassment. Training will:

- a. Raise awareness and sensitivity to potential acts of harassment aimed at students.
- b. Address social patterns of harassment and the effects on students.
- c. Inform employees on the identification and mitigation of such acts.
- d. Provide strategies for effectively addressing problems of exclusion, bias, and aggression.
- e. Include safe and supportive school climate concepts in curriculum and classroom management.
- f. Ensure school employees are knowledgeable in prevention methods and can respond to incidents of harassment.
- g. Ensure the effective implementation of school policy on conduct and discipline.

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Students

SUBJECT: STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION: PEER ABUSE IN THE SCHOOLS (Cont'd.)

Instruction in grades Kindergarten through 12 will include a component on civility, citizenship, and character education. Such component will instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity, and other traits which will enhance the quality of their experiences in, and contributions to, the community. For the purposes of this policy, “tolerance,” “respect for others,” and “dignity” will include awareness and sensitivity to bullying, discrimination and/or harassment, and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders, and sexes. Such component must also include instruction on the safe and responsible use of the Internet and electronic communications.

Rules against bullying, discrimination, and/or harassment will be included in the *Code of Conduct*, publicized District-wide and disseminated to all staff and parents. Any amendments to the Code will be disseminated as soon as practicable following their adoption. New teachers shall be provided a complete copy of the current Code upon their employment. An age-appropriate summary shall be distributed to all students at a school assembly at the beginning of each school year.

Reports and Investigation of Allegations of Harrassing Behavior

Any student who believes that he/she is being subjected to harassing behavior, as well as any other person who has knowledge of or witnesses any possible occurrence of harassment, shall report the behavior to the building principal or designee. The building principal or designee to whom the report is made shall investigate the complaint and take appropriate action to include, as necessary, referral to the next level of supervisory authority. Investigation of allegations of harassment follows the procedures utilized for complaints of harassment within the School District. Allegations of harassment shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints. The superintendent, principal, or their designee shall notify the appropriate local law enforcement agency when it is believed that any harassment, bullying, and/or discrimination constitutes criminal conduct.

Students who have been harassed, parents whose children have been harassed, or other students and staff who observe harassing behavior are encouraged and expected to make a verbal and/or written complaint in accordance to provided guidelines. Complaints will be documented, tracked, and handled in accordance with the regulations and procedures accompanying this policy and the district policies on non discrimination and harassment and the District Code of Conduct. If a staff member is unsure of the reporting procedure he/she is expected to inquire about the process by speaking with his/her supervisor or the Dignity Act Coordinator in his/her building. Incidents will be included in the Violent and Disruptive Incident Reporting (VADIR) system when applicable by the building DAC.

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Students

SUBJECT: STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION: PEER ABUSE IN THE SCHOOLS (Cont'd.)

All school personnel are required to report any incidents of student-to-student and staff-to-student harassment observed to their building principal, immediate supervisor or the Dignity Act Coordinator at his/her school building within one school day after witnessing or receiving a report of such incident. The employee must then file a written report within two (2) school days after making the oral report. All employees must provide details of the incident, including where it occurred and the specific nature of the incident including, but not limited to, the types of bias involved (actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, or other). Where multiple types of bias are involved, they will all be reported, whether the incident resulted from student and/or employee conduct and involved physical contact and/or verbal threats, intimidation or abuse. After the DAC investigates the complaint, the results of the investigation shall be reported back to both the target and the accused. If either party disagrees with the results of the investigation, they can appeal the findings. Students, parents and staff have the option to report an incident using the Dignity Act Reporting Form found on the District website. This form may be used to file complaints anonymously, however the District seeks to work in partnership with parents, staff, and students to resolve problems. Anonymous reporting can limit the ability of the DAC to resolve complaints.

Disciplinary Consequences/Remediation

Responses to student violations of this policy shall be age-appropriate and include both appropriate remedial responses and consequences for a student or staff member who commits one or more acts of harassment. Consequences 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 behaviors, and must be consistent with the District Code of Conduct.

Confidentiality

It is district policy to respect the privacy of all parties and witnesses to bullying. To the extent possible, the District does not release the details of a complaint or the identity of the complainant or the individual(s) against whom the complaint is filed to any third parties who do not need to know such information. However, because an individual's desire for confidentiality must be balanced with the District's legal obligation to provide due process to the accused, to conduct a prompt and thorough investigation and/or take necessary action to resolve the complaint, the district retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating complaints (DAC) discusses confidentiality standards and concerns with complainants.

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Students

**SUBJECT: STUDENT HARASSMENT AND BULLYING PREVENTION AND
INTERVENTION: PEER ABUSE IN THE SCHOOLS (Cont'd.)**

Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of harassment. Follow-up inquiries and/or appropriate monitoring of the alleged perpetrator and victim shall be made to ensure that harassing behavior has not resumed and that all those involved in the investigation have not suffered retaliation.

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 website. A form to report harassment, bullying, cyber bullying, or intimidation, will be posted on the district's website. The District will ensure that the process of reporting harassment is clearly explained to all staff, students, and parents.

The policy will be reviewed to assess its effectiveness on an annual basis by the District Health and Wellness Committee who will recommend changes to the Board for its consideration.

Civil Service Law Section 75-b

NOTE: Refer also to Policies #3410 – District Code of Conduct

#3420 -- Anti-Harassment in the School District

#7551 -- Sexual Harassment of Students

#7553 -- Hazing of Students

#6121 – Anti-Harassment/Anti-Discrimination in the District (Personnel)

#7551 -- Anti-Harassment/Anti-Discrimination in the District (Students)

Students

7560 - NOTIFICATION OF SEX OFFENDERS

In accordance with the Sex Offender Registration Act ("Megan's Law"), the Board supports the New York State Department of Criminal Justice Services (DCJS) in its effort to inform the community in certain circumstances of the presence of individuals with a history of sex offenses, particularly against children, in the school locality. This policy is enacted in order to minimize the possibility that the sex offender will come in contact with school-age children, and to assist law enforcement agencies in preventing further criminal activity from occurring. Furthermore, the District shall cooperate with local police authorities and the local community in promoting and protecting the safety and well being of its students.

It is the policy of the Board to disseminate information according to level of sex offense, per regulations, which the District receives from local police authorities in conjunction with Megan's Law to designated staff members who might have possible contact with the offender during the course of their school duties including, but not limited to, Building Principals, supervisors, teachers, office personnel, coaches, custodians, bus drivers, and security personnel. The Superintendent reserves the right to automatically disseminate such information to additional members of the staff, designated supervisors of non-school groups that regularly use District facilities and have children in attendance, parents/guardians of District students, and other community residents who, in the opinion of the Superintendent, have an immediate need to be notified of such data in order to protect the safety of our community's children.

Staff members shall inform their immediate supervisor, or in an emergency will notify authorities, if they observe within the school building, on school grounds, at school activities, or at or near bus routes any individual whose description matches the information which was provided to the District by local law enforcement authorities. Such law enforcement officials will be notified of this information by the District as appropriate.

Information that is disseminated to the District pursuant to Megan's Law may be disclosed or not disclosed by the District in its discretion per regulations.

Correction Law Article 6-C
Public Officers Law Section 84 et seq.

NOTE: Refer also to: School Safety Manual
Sample Notifications (parent letter, staff memo)

Pittsford Central School District Adopted: 4/24/95, 6/9/97, 6/25/01, 5/10/04

Students

7580 - SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE

Any District student who is a victim of a violent criminal offense, as defined pursuant to Education Law and Commissioner's Regulations, that occurred on the grounds of the District elementary or secondary school that the student attends, shall be allowed to attend a safe public school within the District to the extent required by the federal No Child Left Behind Act (NCLB) and state law and regulations.

In accordance with Commissioner's Regulations, a "safe public school shall mean a public school that has not been designated by the Commissioner [of Education] as a persistently dangerous public elementary or secondary school."

Violent Criminal Offense

The Superintendent shall determine if the student has been the victim of a "violent criminal offense." "Violent criminal offense" means a crime that:

- a) Involves infliction of a serious physical injury upon another as defined in New York State Penal Law Section 10.00(10); or
- b) A sex offense that involves forcible compulsion; or
- c) Any other offense defined in State Penal Law Section 10.00(12) that involves the use or threatened use of a deadly weapon.

Determination Whether Student is a Victim

Procedures shall be established for determination by the Superintendent of whether a student is a victim of a violent criminal offense that occurred on school grounds of the school the student attends. The Superintendent shall, prior to making any such determination, consult with any law enforcement agency investigating the alleged violent criminal incident and consider any reports or records provided by such agency. However, a criminal conviction is not required prior to the Superintendent's determination that a student has been a victim of a violent criminal offense. The Superintendent may also consult with the District's attorney prior to making such determination.

The Superintendent's determination may be appealed to the Board. However, this determination will not preclude any student disciplinary proceeding brought against the alleged victim or perpetrator of such violent criminal offense.

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Students

7580 - SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE (Cont'd.)**Notice to Parents/Persons in Parental Relation**

A school district that is required to provide school choice in accordance with applicable provisions of the federal No Child Left Behind Act of 2001, Education Law and Commissioner's Regulations, shall establish procedures for notification of parents of, or persons in parental relation to, students who are victims of violent criminal offenses of their right to transfer to a safe public school within the District and procedures for such transfer. Such notice shall be, to the extent practicable, provided in the dominant language or mode of communication used by the parents or persons in parental relation to such student. The District shall so notify the parents of, or persons in parental relation to, such student within twenty-four (24) hours of the determination that the student has been the victim of a violent criminal offense on school grounds at the school he/she attends.

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

However, **such notification shall not be required** where there are no other public schools within the District at the same grade level or a transfer to a safe public school within the District is otherwise impossible. Similarly, procedures for such notification of parents/persons in parental relation to students who are victims of violent criminal offenses shall not be required where the District has only one public school within the District or only one public school at each grade level.

Designation of Safe Public School

It shall be the responsibility of the District, based on objective criteria, to designate a safe public school or schools within the District to which students may transfer. However, the District is not required to designate a safe public school where there are no other public schools within the District at the same grade level or transfer to a safe public school within the District is otherwise impossible. Similarly, if the District has only one public school within the School System or only one public school at each grade level, the District shall not be required to designate a safe public school.

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Students

7580 - SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE (Cont'd.)

Any student who transfers to a safe public school, in accordance with the provisions of this policy and applicable law and regulation, shall be enrolled in the classes and other activities of the public school to which such student transfers in the same manner as all other students at the public school. The receiving school shall be identified by the District and must be at the same grade level as the school from which the student is transferring. To the extent possible the District shall allow transferring students to transfer to a school that is making adequate yearly progress and has not been identified as requiring school improvement, corrective action, or restructuring. The District shall provide transportation for any student permitted to transfer to the safe public school within the District designated by the School System within the transportation limits established pursuant to Education Law Sections 3635 and 4401(4). Any student who transfers to a safe public school shall be permitted to remain in such safe public school until the student has completed the highest grade level in the school transferred to, or for such other period prescribed by the U.S. Department of Education, whichever is less.

While the parents/persons in parental relation to the student must be offered the opportunity to transfer their child, they may elect to have the child remain at the school he/she currently attends.

Elementary and Secondary Education Act of 1965,
Section 9532, as amended by the No Child Left Behind
Act of 2001
Education Law Section 2802(7)
8 New York Code of Rules and Regulations
(NYCRR) Section 120.5

7610 - SPECIAL EDUCATION: DISTRICT PLAN

A District plan shall be developed and updated every two (2) years describing the Special Education program in the Pittsford Central 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 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 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 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.
- i) A description of how the District plan is consistent with the special education space requirements plan for the region as developed by the Board of Cooperative Educational Services.

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Students

7610 - SPECIAL EDUCATION: DISTRICT PLAN (Cont'd)

The District plan, with personally identifiable student information deleted, shall be filed and available for public inspection and review by the Commissioner.

20 United States Code (USC) 1474(e)(3)(B)
8 New York Code of Rules and Regulations
(NYCRR) Part 155 and Section 200.2(c)

7611 - CHILDREN WITH DISABILITIES

The Board 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) Education in the 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.
- b) Providing for the education of students with disabilities with non-disabled peers to the extent appropriate.
- c) Consideration of the location of a school program(s) to a student's residence, before placement into an educational program.
- d) 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.
- e) Allocation of appropriate space within the District for special education programs that meet the needs of students with disabilities.
- f) Assurance that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by BOCES.

20 United States Code (USC) Sections 1400-1485,
Individuals with Disabilities Education Act (IDEA)
State Law - Education Law Sections 4401-4407
8 New York Code of Rules and Regulations
(NYCRR) Sections 100.5 and .9, 200.2(b)(3) and
(c)(2)(v), and 200.6(a)(1)

NOTE: Refer also to Policy #7615 -- Least Restrictive Environment

7612 - GROUPING BY SIMILARITY OF NEEDS

The Board 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 Committee shall determine written goals and corresponding short-term instructional objectives for each student with a disability by considering the special and individual needs of each student with a disability.
- c) The Committee shall recommend to the Board 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 needs;
 - (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.

8 New York Code of Rules and Regulations
(NYCRR) Sections 200.2(b)(3) and 200.6(a)(3)

7613 - THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM

The Board shall establish at least one Committee on Special Education and one Committee on Preschool Special Education. The Board shall also establish, as necessary, Subcommittees on Special Education to ensure timely evaluation and placement of students with disabilities.

Committee on Special Education

The Board shall, upon completion of its review of the recommendations of the CSE, arrange for the appropriate special education programs and services to be provided to a student with a disability as recommended by the Committee on Special Education (CSE). 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. For a student with a disability referred for 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) days of the Board's receipt of the recommendation of the CSE.

If on review of the recommendation of the CSE, the Board disagrees with such recommendation, the Board shall follow one of the following procedures:

- a) The Board may remand the recommendation to the CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or concerns. The CSE shall consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the CSE, the Board may continue to remand the recommendation to the original committee for additional reviews of its objections or concerns, or establish a second CSE to develop a new recommendation in accordance with the following paragraph, provided that the Board arranges for the programs and services in accordance with the student's IEP within the timelines as outlined above; or, in the alternative,

(Continued)

7613 - THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)

- b) The Board may establish a second CSE to develop a new recommendation for the student. If the Board disagrees with such new recommendation, the Board may remand the recommendation to the second CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or concerns. The second CSE shall consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the second CSE, the Board may continue to remand the recommendation for additional reviews of its objections or concerns by the second CSE, provided that the Board arranges for the programs and services in accordance with the student's IEP, as developed by the second CSE, within the timelines as outlined above.

Pursuant to Commissioner's Regulations, the Board may not select the recommendation of the original CSE once it has established a second CSE.

The Board shall provide the student's parents/guardians with written notice and a copy of the statement of its objections or concerns and notice of due process rights in accordance with Section 200.5 of the Regulations of the Commissioner.

Committee on Preschool Special Education

Upon receipt of the recommendation of the Committee on Preschool Special Education (CPSE), the Board 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.

If the Board disagrees with the recommendation of the CPSE, the Board shall send the recommendation back to the CPSE with notice of the need to schedule a timely meeting to review the Board's concerns and to revise the IEP as deemed appropriate. The Board shall provide such notice as required by federal and state law and regulations.

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.

(Continued)

7613 - THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)

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 placements 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 relationship 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.

Education Law Sections 4402 and 4410
8 New York Code of Rules and Regulations
(NYCRR) Sections 200.2(d)(1), 200.4(c) and (d),
200.5 and 200.16(e)

NOTE: Refer also to Policies #7631 -- Appointment and Training of Committee on Special Education (CSE)/Subcommittee on Special Education Members
#7632 -- Appointment and Training of Committee on Preschool Special Education (CPSE) Members

Students

7614 - PRESCHOOL SPECIAL EDUCATION PROGRAM

The Board recognizes the need for educational programs for three (3) and four (4) year old children with disabilities and directs that administrative practices and procedures be developed to:

- a) Ensure the provision of special education services and programs for each preschool child with a disability residing in the District.
- b) Establish a Committee on Preschool Special Education (CPSE) which shall be comprised in accordance with applicable federal and state law and regulation.
- c) Ensure that parents have received and understand the request for consent for evaluation and re-evaluation of a preschool aged child.

Education Law Section 4410
20 United States Code (USC) Sections 1400-1485,
Individuals With Disabilities Education Act (IDEA)
8 New York Code of Rules and Regulations
(NYCRR) Section 200.2(b)(5)

NOTE: Refer also to Policy #7632 -- Appointment and Training of Committee on Preschool Special Education (CPSE) Members

Students

7615 - 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 implanted, 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.

The District has an obligation, pursuant to law and regulation, to educate students with disabilities in the least restrictive environment. The District shall ensure that:

- a) Each student with a disability shall be educated with nondisabled students to the maximum extent appropriate;
- b) Each student with a disability shall be removed from the regular educational environment only when the nature or severity of the student's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- c) To the maximum extent appropriate to the student's needs, each student with a disability shall participate with nondisabled students in nonacademic and extracurricular services and activities.

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 for special education and related services. 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. Such services may include, but are not limited to, consultant teacher services and other group or individual supplemental or direct special education instruction.

20 United States Code (USC) Sections 1400-1485,
Individuals with Disabilities Education Act (IDEA)
34 Code of Federal Regulations (CFR) Part 300

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Students

7615 - LEAST RESTRICTIVE ENVIRONMENT (Cont'd)

State Law - Education Law Sections 4401-4410-a
8 New York Code of Rules and Regulations (NYCRR)
Sections 100.5 and .9, 200.1(cc), 200.1(qq) 200.2(b),
200.4 and .6

Students

**7616 - PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION)**

The District shall establish a plan for implementing schoolwide approaches and prereferral interventions in order to remediate a student's performance *prior to referral* for special education.

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 as may be necessary. In implementing prereferral 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 prereferral/intervention instructional support plans. The District will ensure that they have a system in place, with appropriate personnel, for developing, implementing and evaluating prereferral intervention strategies.

The District will provide general education support services, instructional modifications, alternative instructional approaches, or alternative program options to address a student's performance prior to a referral to a Committee on Special Education (CSE). Formal Instructional Support Teams (IST's) will be formed in accordance with law and/or regulations as may be applicable as well as District guidelines. The IST will include representatives from general education with classroom experience, as well as representatives from special education and other disciplines. Parents will be involved in the process to address the educational needs of their child. Additionally, 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, as appropriate.

Administration shall ensure that appropriate opportunities exist for collaboration between general educators and special educators, and that consultation and support are available to teachers and other school personnel to assist parents 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 prereferral intervention strategies/services shall consider the student's strengths, 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 procedures for operating an IST.

(Continued)

Students

**7616 - PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION) (Cont'd.)**

Prereferral/Intervention instructional support plans shall be proactive in their strategies to meet the broad range of student needs and to improve student performance. Prereferral/Intervention strategies and/or instructional support 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 prereferral/intervention instructional support services, the CSE is obligated in accordance with law to continue its duties and functions, and must meet mandatory time lines 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 in order 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 prereferral/intervention instructional 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 prereferral/intervention strategies as deemed necessary and/or appropriate.

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**7616 - PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION) (Cont'd.)****Academic Intervention Services**

Academic intervention services means additional instruction which supplements the 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 shall not 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.

The District has developed a description of the academic intervention services offered to grades K-12 students in need of such services. The District will review and revise this description every two years based on student performance results.

Parental notification of students who have been determined to need academic intervention services will be provided as per Commissioner's Regulations.

In implementing prevention and/or prereferral 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 prereferral/intervention instructional support plan.

Education Law Sections 3602(32), 4401 and -a
8 New York Code of Rules and Regulations
(NYCRR) Sections 100.1(g), (p), (r), (s), and (t);
100.2(v), 100.2(dd)(4), and 100.2(ee); 200.2(b)(7);
200.4(a)(2) and (9); 200.4(c); and Part 154
Section 504 of the Rehabilitation Act of 1973,
29 United States Code (USC) Section 794 et seq.

Students

7617 - DECLASSIFICATION OF STUDENTS WITH DISABILITIES

The 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 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. 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 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 or before he/she receives an Individualized Education Program (IEP) diploma. 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 IEP.

Prior to the reevaluation, the District shall obtain informed 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 have 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.

Individual Evaluation

As part of any reevaluation, a group that includes the CSE 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 and observations, and observations by teachers and related services providers.

(Continued)

Students

7617 - DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)

On the basis of that review, and input from the student's parents, the CSE and other qualified professionals, as appropriate, shall identify what additional data, if any, are needed to determine:

- a) In the case of a reevaluation of a student, whether the student continues to have such a disability;
- b) The present levels of performance and educational needs of the student;
- 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 goal set out in the Individualized Education Program (IEP) of the student and to participate, as appropriate, in the general 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. The District is not required to conduct the assessment unless requested to do so by the student's parents.

The CSE shall arrange for an appropriate reevaluation of each student with a disability at least every three (3) years by a multidisciplinary team or group of persons, including at least one (1) teacher or other specialist with knowledge in the area of the student's disability. The reevaluation 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 reevaluations must be addressed by the CSE in reviewing and, as appropriate, revising the student's IEP.

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

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7617 - DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)

- 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, noncareer 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 his/her 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.

20 United States Code (USC) Sections 1400-1485,
Individuals with Disabilities Education Act (IDEA)
34 Code of Federal Regulations (CFR) Part 300
State Law - 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) and (5), 200.4(c)(3), 200.4(d)(1), and 200.5

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Students

7620 - STUDENTS WITH DISABILITIES PARTICIPATING IN DISTRICT PROGRAMS

All students with disabilities residing in the District, including those of preschool age, shall be provided with full access and opportunity to participate in District programs, including extracurricular programs and activities, that are available to all other students enrolled in the public schools of the District. Parents/guardians of students with disabilities, including those students placed in out-of-District programs, shall receive timely notice of such District programs and activities.

8 New York Code of Rules and Regulations
(NYCRR) Section 200.2(b)(1) and (2)

Students

7621 - SECTION 504 OF THE REHABILITATION ACT OF 1973

The Board 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 District official responsible for coordination of activities relating to compliance with Section 504 is the Director of Special Education. This official shall provide information, including complaint procedures, to any person who feels his/her rights under Section 504 have been violated by the District or its officials.

Section 504 of the Rehabilitation Act of 1973,
29 United States Code (USC) Section 794 et seq.

NOTE: Refer also to Policy #7550 -- Complaints and Grievances by Students

7631 - APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS

Committee on Special Education (CSE) Membership

The Board 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 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;
- 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 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 of a child with a disability and the District agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.
- 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 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

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Students

7631 - APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)

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 child who has reached the age of majority, 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 District; and
- k) An additional parent residing in the District or a neighboring school district who is a parent of a student with a disability, a parent of a student who has been declassified and is no longer eligible for an individualized education program (IEP), or a parent of a disabled child who has graduated. This parent member may serve for a period of five years beyond the student's declassification or graduation, provided that the parent shall not be employed by or under contract with the District. Such parent is not a required member if the parents of the student request, in writing, that the additional parent member not participate in the meeting.

Subcommittee on Special Education Membership

The Board 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 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;

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Students

7631 - APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)

- 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) 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 District) who invited the individual to be a member of the subcommittee;
- g) An individual who can interpret the instructional implications of evaluation results, who may be a member described in letters "b" through "f" of this subheading; and
- h) 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 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.

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)

NOTE: Refer also to Policies #7613 -- The Role of the Board in Implementing a Student's Individualized Education Program
#7632 -- Appointment and Training of Committee on Preschool Special Education Members

Pittsford Central School District Adopted: 10/10/06

Students

7632 - APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS**Committee on Preschool Special Education (CPSE) Membership**

The Board 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);
- 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 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 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 District) who invited the individual to be a member of the committee;
- g) An additional parent of a child with a disability who resides in the District or a neighboring school district, and whose child is enrolled in a preschool or elementary level education program provided that such parent shall not be employed by or under contract with the District or municipality; and provided further that such parent shall not be a required member if the parents of the child request, in writing, that the additional parent member not participate in the meeting;

(Continued)

Students

7632 - APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS (Cont'd.)

- h) For a child's transition from early intervention programs and services (Infant and Toddler Programs), the appropriate professional designated by the agency that has been charged with the responsibility for the preschool child. This professional must attend all meetings of the CPSE conducted prior to the child's initial receipt of services; 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.

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 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 Preschool 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.

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

NOTE: Refer also to Policies #7613 -- The Role of the Board in Implementing a Student's Individualized Education Program
 #7614 -- Preschool Special Education Program
 #7631 -- Committee on Special Education/Subcommittee on Special Education Members

Students

7640 - STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP): DEVELOPMENT AND PROVISION**Development of Individualized Education Program**

The Board 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.

Provision of Individualized Education Program

The Board 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 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 Articles 81, 85 or 89 of the Education Law 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 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 his/her responsibility to implement the recommendations on a student's IEP, including the responsibility to

(Continued)

Students

7640 - STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP): DEVELOPMENT AND PROVISION (Cont'd.)

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 him/herself 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 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 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.

Individual Re-evaluations of Individualized Education Program

A committee on special education (CSE/CPSE) shall arrange for an appropriate re-evaluation of each student with a disability if conditions warrant a re-evaluation, or if the student's parent or teacher requests the re-evaluation; however, a re-evaluation must take place at least once every three years. 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.

Use of Recording Equipment at IEP Meetings

The Board shall allow recording equipment to be used at meetings regarding individualized education programs for students with disabilities.

Education Law Section 4402(7)
Education Law Articles 81, 85 and 89
8 New York Code of Rules and Regulations
(NYCRR) Sections 200.1(hh), 200.2(b)(11),
200.4(b)(4), .4(e)(3), and .4(f), and 200.16(e)(6)

7641 - TRANSITION SERVICES

Beginning not later than the first IEP to be in effect when the student is age 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 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 child who has reached the age of majority, the District must 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 child 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 training, integrated competitive 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 individual student's needs, taking into account the student's strengths, preferences and interests and shall include needed activities in the following areas:

- a) Instruction;

(Continued)

Students

7641 - TRANSITION SERVICES (Cont'd.)

- 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 functional vocational evaluation.

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)

NOTE: Refer also to Policy #7617 – Declassification of Students with Disabilities

Students

7642 - TWELVE MONTH SPECIAL SERVICES AND/OR PROGRAMS

The District shall provide, directly or by contract, special services and/or programs during July and August 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). Written consent of the parent is required prior to initial provision of special education services in a twelve-month special service and/or program.

For students eligible for twelve (12) month service and/or program, the 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.

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.
8 New York Code of Rules and Regulations (NYCRR)
Sections 200.1(qq), 200.4(d)(2)(x), 200.5(b)(1)(iii),
200.6(j) and 200.16(h)(3)(v)

Students

7643 - TRANSFER STUDENTS WITH DISABILITIES

To facilitate the transition of students with disabilities transferring into or out of the District the District shall:

- a) For students transferring into the District request that the District of origin take reasonable steps to promptly respond to all requests from the District.
- b) For students transferring out of the District request that the new school district take reasonable steps to promptly obtain the student's records from the District, including the Individualized Education Program (IEP), supporting documents and any other records relating to 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 academic 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 previously held IEP will be followed in consultation with the parents until the District adopts the previously held IEP or develops, adopts and implements a new IEP consistent with federal and State law and regulation.
 2. For transfers from outside New York State, in consultation with the parents the previously held IEP will be followed until the District conducts an evaluation and, if appropriate, develops a new IEP consistent with federal and State law and regulation.

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.
8 New York Code of Rules and Regulations (NYCRR)
Sections 200.1(zz) and 200.4(e)(8)

7644 - BEHAVIORAL SUPPORTS AND INTERVENTIONS FOR STUDENTS WITH DISABILITIES

1) The Board of Education acknowledges that some students with disabilities may need support to address behavioral issues. Accordingly, the Board delegates to the Superintendent or designee the responsibility for assuring the implementation of Part 200 Regulations of the Commissioner of Education relative to behavioral interventions and supports for students with disabilities (Section 200.22). The Regulations prohibit the use of corporal punishment or aversive interventions.

2) When a student's IEP team determines that, based upon a pattern of behaviors, a plan is required to address a student's behavior, the team will, where applicable, conduct a Functional Behavioral Assessment (FBA) and formulate a Behavioral Support Plan (BSP). The plan will make provisions for the use of positive behavior interventions.

The use of positive behavioral principles will guide intervention and support for students. Positive behavioral support is characterized by an understanding of the function of behavior, creating individualized and socially meaningful supports, creating student-centered environments and using a collaborative team approach.

In the event of an emergency situation, trained staff may be called upon to implement emergency intervention, including the use of reasonable physical force, if the situation is such that alternative procedures and methods not involving the use of physical force cannot be reasonably employed.

Time out rooms shall only be used in conjunction with a BSP in which a student is removed to a supervised area in order to facilitate self-control or to remove a student from a potentially dangerous situation.

All situations involving functional behavioral assessments, behavior support plans, emergency interventions and/or time out rooms shall follow the procedures and guidelines outlined in the regulations that accompany this policy.

Individuals with Disabilities Education Act (IDEA)
20 United State Code (USC) Sections 1400-1485
34 Code of Federal Regulations (CFR) Part 200
Education Law Sections 4404(1) and 4410 (7)
8 New York Code of Rules and Regulations (NYCRR)
Sections 200.1(r), 200.1(III), 200.1(mmm), 200.4(d)(3)(i), 200.22,201.2(a),
201.3, and 19.5
Pittsford Central School District Policy 3410-Code of Conduct
Pittsford Central School District Policy 7310-School Conduct and Discipline

Pittsford Central School District Adopted: 6/23/08

Students

7650 - IDENTIFICATION AND REGISTER OF CHILDREN WITH DISABILITIES
(CHILD FIND)

The District is required to locate and identify all students with disabilities who reside in the District, including students who do not attend public school. Therefore, it is the policy of the Board to conduct a census in order 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.

Procedures must be established to locate, identify and evaluate all nonpublic elementary and secondary school students with disabilities, including religious-school children, to ensure the equitable participation of parentally placed private school students with disabilities and an accurate count of such students. The District will consult with representatives of private schools and representatives of parents of parentally placed private school students on the child find process. The district in which the nonpublic elementary or secondary school is located is responsible for child find, equitable provision of services and consultation requirements. Any such student suspected of having a disability is to be referred to the Committee on Special Education (CSE) of the student's district of residence for evaluation and possible identification as a student with disability.

Census data shall be reported by October 1 to the Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE) as appropriate. The CSE/CPSE will maintain and revise annually a register and related summary reports containing the data requirements indicated in Commissioner's Regulations including the number of students enrolled in 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 who received special education services.

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
Education Law Sections 3240-3242, 3602-c(2-a) and 4402(1)(a)
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(a) and 200.4

NOTE: Refer also to Policy #7160 -- School Census

Pittsford Central School District Adopted: 6/28/82, 6/26/89, 6/9/97, 6/25/01, 4/25/05, 11/6/06

7660 - PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES

The Board recognizes the rights of the parent/guardian 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.

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

Definition of Parent

Parent means a birth or adoptive parent, a guardian, 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 is 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 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.

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7660 - PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

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

Prior written notice 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 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 (CSPE) 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 District is unable to convince the parents that they should attend.

Additionally, the 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.

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7660 - PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)**Parental Consent**

In accordance with due process, a parent or guardian of a special education student or a student suspected of having a disability must provide informed consent before the District can take certain actions.

Consent for Evaluations

The parent or guardian must provide informed consent to the initial evaluation, or reevaluations in accordance with law and/or regulations. If a parent does not provide consent for an initial evaluation, the District *may* pursue the evaluation by commencing a due process hearing to override the refusal to provide consent.

Parental 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 consent is also required for the initial provision of special education services. 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 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 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 each time the District proposes to access a parent's private insurance.

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.

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7660 - PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)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 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 District is not required to obtain informed consent if:

- a) Despite reasonable efforts to do so, the 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.

Procedural Safeguards Notice

The District will provide the procedural safeguards notice prescribed by the Commissioner of Education to the parents of a student with a disability at least 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 hearing; and
- c) Upon request by a parent.

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Students

7660 - PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

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 3212, 4005, 4202, 4401 and 4402
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1 and 200.5

Pittsford Central School District Adopted: 3/24/75, 6/28/82, 2/20/89, 4/8/96, 12/11/00, 4/25/05, 11/6/06

7670 - IMPARTIAL HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS

The 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 him/her. The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

Impartial Hearing Process/Prehearing Conference

The following is an overview of the impartial hearing process/prehearing conference:

- a) Either the parent or the District may request an impartial hearing. If a parent makes the request, it must be in writing to the Board describing the nature of the dispute and a proposed resolution of the problem. The District will provide a form for this purpose. However, the District may not deny or delay a parent's right to an impartial hearing if the written request is not complete.

If the District is the party initiating an impartial hearing, the District will provide prior written notice to the parent including a statement of the action proposed and any 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 the parent 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 for the hearing) initiate the process to select an IHO. The District selects the IHO through a rotational selection process in accordance with regulatory timelines. The Superintendent's Secretary/Clerk 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 must immediately appoint him/her. To expedite this process, the Board may designate one (1) or more of its members to appoint the IHO on behalf of the Board.

(Continued)

Students

7670 - IMPARTIAL HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

- e) The IHO may not accept appointment unless he/she is available to initiate the hearing within the first fourteen (14) days of being appointed.
- f) The hearing, or a prehearing conference, shall be scheduled to begin within the first fourteen (14) days of the IHO's appointment, unless an extension is granted pursuant to Commissioner's Regulations.
- g) The hearing will be conducted at a time and 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.
- h) The role and responsibilities of the IHO will be as enumerated in Commissioner's Regulations.
- i) The student remains in his/her current placement during the pendency of the impartial hearing unless both parties agree or except as otherwise provided for expedited impartial hearings for certain disciplinary suspensions or removals of a student.
- j) 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.
- k) The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

Recordkeeping and Reporting

The District will use the District-specific list of the names of each IHO who is certified in New York State and available to serve in the District as maintained by the NYSED Impartial Hearing Reporting System (IHRS). The District will record and report to the State Education Department required information relating to the selection of IHO's and the conduct of impartial hearings according to the manner and schedule specified by the Department. The Superintendent shall designate a staff member(s) who will be responsible for reporting such information as required relating to the impartial hearing process into the State Education Department's web-based reporting system.

Compensation of Impartial Hearing Officers

The District will be responsible for compensating the IHO for prehearing, hearing and post-hearing activities at the rate agreed upon at the time of the IHO's appointment. The rate of

(Continued)

7670 - IMPARTIAL HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

compensation may not exceed the maximum rate approved by the Director of the Division of the Budget. The District will also reimburse the IHO for travel and other hearing-related expenses (e.g., duplication and telephone costs) pursuant to an annually determined schedule.

Mediation

Mediation is voluntary and does not deny or delay a parent's right to an impartial hearing. If mediation is initiated after a request for an impartial hearing has been received, the impartial hearing must continue unless the request for the impartial hearing is withdrawn. However, a party may request an extension to an impartial hearing in order to pursue mediation.

Guardians ad Litem at Impartial Hearings

Unless a surrogate parent has been previously appointed, the IHO must appoint a guardian ad litem when he/she determines that the interests of the parent(s) are opposed to or are 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.

Administrative Procedures

Administrative procedures will be developed for the selection and appointment of an IHO consistent with regulatory requirements.

Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Sections 1400-1485
34 Code of Federal Regulations (CFR) Part 300
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

Students

7680 - INDEPENDENT EDUCATIONAL EVALUATIONS

Parents of children with disabilities have the right under Federal and State regulations to obtain an independent educational evaluation (IEE) at public expense under certain conditions. Regulatory standards are outlined in New York State Regulations of the Commissioner of Education Part 200.5(g). Additionally, the Federal Regulations (34 Code of Federal Regulations [CFR] 300.502) specify requirements for an independent evaluation.

A parent is entitled to only one IEE at public expense each time the District conducts an 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.

8 New York Code of Rules and Regulations
(NYCRR) Sections 200.1(z) and 200.5(g)
34 Code of Federal Regulations (CFR)
Sections 300.12 and 300.502

Students

7690 - 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 request for an impartial hearing.

Such mediation shall be conducted by mediators furnished by a Community Dispute Resolution Center who are not employees of a State educational agency providing direct services to the student who is the subject of the mediation process or a school district or program serving students with disabilities. 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 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 must be confidential and may not be used as evidence in any subsequent due process hearing or civil proceedings. The parties may be required to sign a confidentiality pledge prior to the commencement of the process.

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. 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 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 hearing without having first utilized mediation procedures set forth in Education Law.

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

Pittsford Central School District Adopted: 4/25/05, 11/6/06