

September 27, 2011

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A REGULAR MEETING of the Board of Education of the West Babylon Union Free School District, of the Town of Babylon, Suffolk County, New York was held on TUESDAY, September 27, 2011, at South Bay School.

Those present: Trustees James F. Bocca, Wendy DeGaetano, Patrick M. Farrell, Carmine Galletta, Cathy Gismervik, Kathleen Jennings, Diane Klein, Peter Scarlatos and Diane Thiel.

Also present: Mr. Anthony Cacciola, Superintendent of Schools; Dr. Dominick Palma, Assistant Superintendent for Curriculum and Student Services; Mrs. Yiendhy Farrelly, Assistant Superintendent for Human Resources; Mr. Arthur Williams, Executive Director for Finance and Operations; Mrs. Amy E. Jones, District Clerk; Mr. William C. Morrell, Attorney; and residents.

The President opened the meeting at 7:00 pm and led those present in the Pledge to the Flag.

Trustee Thiel seconded by Trustee Bocca made a motion to executive session for personnel and legal matters at 7:01 p.m.

The motion was **CARRIED** by all present

The public portion reconvened at 8:02 p.m.

Trustee Jennings seconded by Trustee Galletta made a motion to approve the minutes of the regular meeting of September 13, and the Special meeting of September 20, 2011.

Trustee Thiel clarified that she is the liaison between PTA Council and the Board of Education not Diana Doerbecker as stated in the PTA Council statements of the minutes.

Trustee Jennings seconded by Trustee Galletta made a motion to approve the amended minutes of the regular meeting of September 13, and the Special meeting of September 20, 2011.

The motion was **CARRIED** by all present

Statement of the Superintendent and/or Board of Education:

Mr. Cacciola said that for as far back as he can remember the tax levy has been set at the rate presented to the community at the budget vote. He noted that this year is no exception. However, this year the certified assessed rate was approximately \$95,000 lower than the tentative rate. Mr. Cacciola said that the difference would be taken from the appropriated fund balance to keep the tax levy as promised.

Statement of West Babylon Teachers Association:

WBTA President Patt Squicciarini said that she was pleased to be at South Bay School for this meeting and happy to see such a nice turnout.

Statement of West Babylon Administrators' Association: None

Statement of CSEA Representative: None

Statement of Student Association Representative:

Student Association Reps Chris Roberto, Jason Ruvio and Mario Cuzzi shared the coming events which include the Homecoming Parade and Pep Rally on October 22.

Statement of PTA Council Representative:

PTA Council Vice President announced the PTA Fun Run to be held at the JHS Field on October 6 at 6:30 p.m.; registration will begin at 6:00 p.m. She thanked the Board of Education for their time and dedication to the kids.

Statement of Residents:

In response to resident Noreen Wood's question, Dr. Palma said that the students will attempt to set a Guinness record (during the Fun Run) for the most people running backwards and the most people running in flip flops

Superintendent's Report/Educational Presentation:

Mr. Cacciola said that South Bay has had its ribbon cutting ceremony on September 6. He said that with the rain that day, he felt it best not to present certificates at that time. Mr. Cacciola said that he will never forget the night of February 18, 2010 and the fire that destroyed South Bay School. He said so many came together to help and there were many special individuals that went above and beyond for South Bay. South Bay Principal Mrs. Scott introduced students Arielle Klopsis (daughter of South Bay School Psychologist Laure` Loughlin) Hayley Alvarez and Hafsa Shibli who presented South Bay with a beautiful quilt (based on the six character traits) to replace the one destroyed by the fire. The students shared their feelings about the impact the fire had on them. Certificates were presented to the following individuals with many thanks: Ron Falcone and Mike Coffey from NYSIR for going above and beyond looking out for West Babylon (Mr. Cacciola noted that the fire at South Bay was one of the largest insurance claims); Jim Ryder from Crawford who was instrumental in making sure that South Bay was rebuilt with a steel roof instead of wood; Diana Doerbecker for her work securing the beautiful sign; JoAnn Scott and the South Bay staff for their tireless work over the past year and a half; Diane DeBlasio for her behind the scenes work with technology; Ray Graziano for his work not only as the Plant Facilities

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Administrator, but also for carrying out the duties of Clerk of the Works; Roger Smith and Karalisa Grundner of BBS Architects (unable to attend this evening), Mr. Cacciola noted that Roger Smith has been working with the district since 1992 and was able to push for approvals from the state within a few days instead of the customary 6 months usually required for small projects; and finally Bill Anderson, Wally Corbet and Joe Riccio of Belfor who delivered everything and more that was promised. The final certificate presentation came from Board President Patrick Farrell who thanked West Babylon Fire Chief Randazzo for the amazing job they did during this terrible ordeal. Mr. Cacciola thanked, from the bottom of his heart, the parents, students, the staff and their families for all that they did to make the transition to Our Lady of Grace school building and the return to the new South Bay building so successful. He added that it is the people that make the school, not the building.

Trustee Jennings seconded by Trustee Galletta made a motion to approve the **Consent Agenda**

The motion was **CARRIED** by all present

BOARD OF EDUCATION

#BE-1

RESOLVED: that the President of the West Babylon Board of Education and the Superintendent of Schools are authorized to sign an employment agreement with the incoming Executive Director for Finance & Operations to cover the period November 1, 2011 through June 30, 2014.

#BE-2

RESOLVED: that the West Babylon Board of Education authorizes the Board President to sign the Letter Agreement between the West Babylon School District and Verizon Corporate Services Group Inc.

#BE-3

RESOLVED: that the West Babylon Board of Education approves the following school district to provide Special Education and related services, for the 2011-2012 school year, to handicapped West Babylon School District resident students:

Bay Shore Union Free School District

#BE-4

RESOLVED: that the West Babylon Board of Education gratefully accepts the following donations from Mrs. Eleanor Levy, Principal, Santapogue Elementary School: one tree, perennials and shrubs. These items will be planted on the grounds at Santapogue Elementary School.

#BE-5

RESOLVED: that the West Babylon Board of Education gratefully accepts the following donation, to Santapogue Elementary School, from Mr. Charles DeGennaro, Jr., owner of DeGennaro's Landscaping and a Santapogue School parent: materials and services to re-stake a weeping cherry tree. The tree is located in front of the school and was damaged as a result of Tropical Storm "Irene".

PERSONNEL

#PE-1

RESOLVED: that the following schedules, as attached, are approved:

11-P-6 Professional Personnel

11-C-6 Civil Service Personnel

SCHEDULE 11-P-6 Professional Personnel Schedule

NAME	POSITION	SCHOOL/ AREA	STEP/ SALARY	BEG/END APPT.	COMMENTS
Homan, Daniel	Social Studies Tchr.	HS		9/20/11 -	Family Medical Leave
Homan, Meghan	Elementary Tchr.	SA		9/20/11 -	Family Medical Leave
Galletta, Thomas	Special Ed. Tchr.	SB		9/23/11 -	Family Medical Leave
Buscemi, Jennifer	Executive Director for Finance & Operations	BO	\$140,000. (prorate)	11/1/11	Probationary Appointment

SCHEDULE 11-P-6 Professional Personnel Schedule

NAME	POSITION	SCHOOL/ AREA	STEP/ SALARY	BEG/END APPT.	COMMENTS
Recall Changes:					
Kunzig, Christopher	Mathematics Tchr.	HS	Step A-3-3/ \$57,214. (prorate)	First Semester, 2011-2012	
Kunzig, Christopher	PT/Mathematics Tchr. (.6)	HS	Step A-3-3/ \$57,214. (prorate @ 60 %)	Second Semester, 2011-2012	
Kunzig, Christopher	Per Diem Substitute	HS	\$36./day	Second Semester, 2011-2012	
Hands, Eileen	Special Education Tchr.	HS	Step A-8-4/ \$72,708. (prorate)	9/28/11	
The following probationary teacher is being recalled from the Special Education Preferred Eligibility List:					
Thorschmidt, Joanne	PT/Special Education Tchr. (.6)	JH	Step A-7-2/ \$64,723. (prorate @ 60%)	9/28/11- 6/30/12	
Thorschmidt, Joanne	Per Diem Substitute	JH	\$36./day	9/28/11- 6/30/12	
The following probationary teacher is being recalled from the Mathematics Preferred Eligibility List:					
DeLany, Nicole	PT/Mathematics Tchr. (.1)	JH	Step A-3-3/ \$57,214. (prorate @ 10%)	9/28/11-6/30/12	
DeLany, Nicole	Per Diem Substitute	JH	\$81./day	9/28/11-6/30/12	
Additional Section:					
O'Neill, Margaret	Science (.1)	JH	\$11,634.40	9/28/11-6/30/12	
Case, Ryan	Regular Substitute/ K-12 Student Data & Instructional Technology	TA/DW	\$7,546. (prorate)	First Semester, 2011-2012	Stipend Correction
Elementary Music Club/Advisor:					
Leidel, Elizabeth	Orchestra Asst.		\$907.50	2011-2012	[repl. D. Gotzen-Berg]
Elementary Club/Advisor:					
Carbonaro, Cristina	Student Council	TA	\$502.	2011-2012	[repl. K. Durkin]
ESL Tech Camp Program:					
Alexander Kinnear, Toni			\$36.32/session	2011-2012 [16 sessions]	Title III
Yurraspe, Kris					[16 sessions]
Project PREPARE:					
Borgo, Danielle			\$36.32/session	2011-2012	Title III [20 sessions]
George, Nancy					[20 sessions]

SCHEDULE 11-P-6 Professional Personnel Schedule

NAME	POSITION	SCHOOL/ AREA	STEP/ SALARY	BEG/END APPT.	COMMENTS
Coaches:				Winter, 2011-2012	
Bellacosa, Michael	JV Head	Basketball(B)	\$5,737.		
Terysen, Holly	JV Head	Basketball(G)	\$5,737.		
Cordasco-Walsh, Moet	JV Head	Cheerleading	\$4,077.		
TBA	JV Head	Wrestling	\$5,737.		
Levy, Steven	JHS Head	Basketball(B)	\$4,077.		
Hartranft, Gregory	JHS Head	Basketball(G)	\$4,077.		
Matthews, Autumn	JHS Head	Cheerleading	\$2,415.		
Palazzo, Samantha	JHS Head	Volleyball(G)	\$4,077.		
Theo, Harry	JHS Head	Wrestling	\$4,077.		
Russo, Michael	JHS Asst.	Wrestling	\$3,832.		
TBA	Varsity Head	Wrestling	\$7,017.		
TBA	Varsity Asst.	Wrestling	\$5,737.		
Rayola, Michael	Varsity Head	Baseball	\$6,340.	Spring, 2011-2012	
Volunteer Coach:				Fall, 2011-2012	
Doherty, Daniel	Varsity Asst.	Football	-\$0.-		
Before/After School Physical Education Program:			\$35./session	2011-2012	Carol M. White PEP Grant
Ackermann, Dana					
Antonelli, Gina					
Axelson, Gregory					
Bellacosa, Michael					
Carcone, Maria					
Dahl, Robert					
DiStefano, Giovanni					
Dorsey, Katie					
Haug, Christopher					
Hilbert, Edward					
Howard, Louis					
Langella, Ronald					
Levy, Steven					
McArdle, Patrick					
Needham, Theresa					
Nemeth, Gary					
Orsi, Joan					
Rayola, Michael					
Richert, Danielle					
Russo, Michael					
Snyder, John					
Torres, Nicole					
Ward, Brian					
Summer Work:				Summer, 2011	Additional Days
Case, Ryan	Instructional Technology		\$389.76/day		[2 days]
South Bay Reconstruction:				Summer, 2011	Additional Days
Levy, Kara	School Media Specialist		\$402.87/day		[8 days]

SCHEDULE 11-P-6 Professional Personnel Schedule

NAME	POSITION	SCHOOL/ AREA	STEP/ SALARY	BEG/END APPT.	COMMENTS
ESL Tech Camp Curriculum Work:			\$36.32/hr.	Summer, 2011	Title III
Alexander Kinnear, Toni				[2 hrs.]	
Guidance:				Summer, 2011	
Waldman, Lisa			\$90./day		[5 days]
Student Teachers/Observers:				Fall, 2011	
Bever, Christina	Special Education	JH			
Cappadone, Grace	Special Education	HS			
Emigholz, Amanda	Mathematics	HS			
Keil, Stephanie	Social Studies	HS			
Kuffo, Nicole	Elementary	TA			
Lefkowitz, Lindsay	Special Ed/Soc. Studies	HS			
Leonbruno, Heather	Special Education	JH			
Per Diem Substitutes:			DW	\$90./day	2011-2012
DeNigris, Christopher					
Martinez, Lilia					
Pepe, Lawrence					
Per Diem Substitutes:					
Bellino, Charles		JH	\$45./day	9/1/11-6/30/12	
Delaney, Christina		JH	\$36./day	9/1/11-6/30/12	
Myers, Kelly		HS	\$36./day	9/1/11-6/30/12	
Ludwig, Cristina		HS	\$18./day	First Semester, 2011-12	
Ludwig, Cristina		HS	\$36./day	Second Semester, 2011-2012	
Registered Nurse Substitute:			DW	\$120./day	2011-2012
Gorman, Nancy					

SCHEDULE 11-C-6 Civil Service Personnel Schedule

NAME	POSITION	SCHOOL/ AREA	STEP/ SALARY	BEG/END APPT.	COMMENTS
DeLany, John	Maintenance Mechanic II	DW		7/27/11 – 9/9/11	Family Medical Leave
Twombly, John	Custodial Worker I	JH		9/7/11 -	Family Medical Leave
The following paraprofessionals are being recalled from the Paraprofessional Priority List:					
Martz, Kimberly	Paraprofessional (special ed. aide)	SA	Step 2/ \$14.02/hr.	9/28/11	
Brigandi, Darlene	Paraprofessional (school monitor)	TA	Step 2/ \$14.02/hr.	9/28/11	
South Bay Reconstruction:					
Cardaci, Tina	Paraprofessional		\$15.30/hr.	Summer, 2011	Additional Hours [36 hrs.]
Student Printers:					
Menke, Alexandra			\$7.25/hr.	2011-2012	
Ramos, Heni					
Scarangella, Douglas					
Sloan, Taylor					

FINANCE

- #FI-1**
RESOLVED: that the Executive Director and Assistant Superintendents are authorized to file application under the Educational Consolidation and Improvement Act, Title I, Part A, in the approximate amount of \$228,118, for the 2011-2012 school year.

- #FI-2**
RESOLVED: that the Executive Director and Assistant Superintendents are authorized to file application under the No Child Left Behind Act for Title II, Part A, Teacher and Principal Training and Recruiting funds in the approximate amount of \$121,711, for the 2011-2012 school year.

- #FI-3**
RESOLVED: that the Executive Director and Assistant Superintendents are authorized to file application under the No Child Left Behind Act for Title III, Part A, LEP (Limited English Proficient) in the approximate amount of \$18,891, for the 2011-2012 school year.

- #FI-4**
RESOLVED: that the West Babylon Board of Education gratefully accepts a donation, in the amount of \$195.75, from the Target "Take Charge of Education" program. The donation will be deposited into South Bay School's Trust and Agency account.

- #FI-5**
RESOLVED: that the West Babylon Board of Education gratefully accepts a donation, in the amount of \$340.51, from the Target "Take Charge of Education" program. The donation will be deposited into Forest Avenue School's Trust and Agency account.

- #FI-6**
RESOLVED: that the West Babylon Board of Education gratefully accepts a donation, in the amount of \$200.04, from the Target "Take Charge of Education" program. The donation will be deposited into the Junior High School's Trust and Agency account.

- #FI-7**
RESOLVED: that the West Babylon Board of Education gratefully accepts a donation, in the amount of \$250, from the West Babylon Teachers Association. The donation will be used for the October 6, 2011 Healthy Choices Fun Run event and Guinness Book of Records attempt.

- #FI-8**
RESOLVED: that the West Babylon Board of Education gratefully accepts a donation, in the amount of \$250, from the West Babylon Administrators Association. The donation will be used for the October 6, 2011 Healthy Choices Fun Run event and Guinness Book of Records attempt.

- #FI-9**
RESOLVED: that the amount to be raised by tax levy for the West Babylon Union Free School District be fixed at the sum of **\$62,005,674**, for the 2011-2012 school year.

- #FI-10**
RESOLVED: that the amount to be raised by tax levy for the West Babylon Public Library be fixed at the sum of **\$3,383,403**, for the 2011- 2012 school year, as presented by Mrs. Ann Marie Dolan, Director, West Babylon Public Library.

- #FI-11**
RESOLVED: that the Newsletter Printing Bid #T-446, for the 2011-2012 school year, as attached, be awarded to GBV Printing as the company was the lowest responsible bidder.

CURRICULUM

- #CU-1**
RESOLVED: that the West Babylon Board of Education declares 385 textbooks, located at Forest Avenue School, obsolete. The textbooks are outdated.

TITLE	PUBLISHER	COPYRIGHT DATE	NUMBER OF BOOKS
"Science Horizon"	Silver Burdett & Ginn	1991	20
"Silver Burdett Science"	Silver Burdett	1985	75
"Heath Mathematics Connections"	D.C. Heath and Company	1996	81
"Macmillan English"	Macmillan Publishing Company	1979	102
"Western Hemisphere"	Prentice Hall	1998	89
"Communities Around Us"	Silver Burdett & Ginn	1997	18

POLICY REVIEW:

File: 1000 Community Relations Goals (second time discussion)
File: 1050 Annual District Election and Budget Vote (second time discussion)
File: 5150 School Admissions (second time discussion)

Trustee Thiel seconded by Trustee Scarlatos made a motion to move the policies to third time adoption.

The motion was **CARRIED** by all present

5150

SCHOOL ADMISSIONS

District residents over five (5) and under 21 years of age and veterans of any age, except those who received dishonorable discharges, shall be eligible to attend the public schools of West Babylon free of charge if they have not received a high school diploma.

Upon registration, all new students or their parents or guardians shall be required to present:

1. proof of [date of birth] age— *examples of acceptable forms of documentation include, but are not limited to, a birth certificate, baptismal record, or a passport (including a foreign passport)*
2. record of immunizations and a health certificate from a licensed physician; *and*
3. proof of district residency— *examples of acceptable forms of documentation include, but are not limited to, a pay stub, income tax form, deed or lease to a house or apartment, utility bills or other bills sent to the student's home address, voter registration document, or a state (or other government) issued ID*
4. proof of guardianship.

Students who are in their senior year of schooling, and whose parents or guardians move to another district during the course of the academic year, shall be allowed to finish the year in West Babylon in order to graduate with their classmates. Parents or guardians of these students are responsible for transporting the students to and from school.

Students in grades kindergarten through eleven (11) whose parents or guardians move to another district during the course of the academic year are not eligible to finish the school year in West Babylon unless the move takes place during the final ten (10) weeks of the academic year. Parents or guardians of the students who are eligible to finish the school year in West Babylon are responsible for transporting the students to and from school.

Students in grades kindergarten through four whose parents or guardians move to the attendance zone of another elementary school within the West Babylon district after the start of the school year are eligible to finish the school year in their original school. Students must transfer to the new school for the start of the next school year (if space permits). Students who have completed fourth grade prior to moving to the attendance zone of another elementary school within the West Babylon School District may complete the fifth grade in their original school. Upon parental request, the student may transfer immediately if space permits in the receiving school.

Ref: Education Law §§903; 904; 3202; 3208
 Public Health Law §2164

Replaces former policy JEC

Adoption date: 1/11/11
 Revised:

1000

COMMUNITY RELATIONS GOALS

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

To this end, the Board establishes the following goals for community involvement:

1. to provide a variety of means whereby residents of the school district may have the opportunity to contribute their best thinking to the orderly

- planning of education for children in the district;
2. to keep the community accurately informed about its schools;
 3. to understand community attitudes and aspirations for the schools;
 4. to encourage contributions from the parent-teacher associations of the district so that school personnel and parents cooperate to advance the educational welfare of the children;
 5. to handle all complaints from the public by the administrative officer in charge of the unit of the school district organization closest to the complainant. However, such complaints may be carried to the Superintendent of Schools and/or the Board if the problem cannot be solved at that level;
 6. to promote a spirit of cooperation among the Board, the schools, and the community;
 7. to develop and maintain the confidence of the community in the Board and the school district staff;
 8. to expand the public understanding of every aspect of the school system, and stimulate public interest in the school;
 9. to facilitate dissemination of information to the community concerning issues and activities in the school *using not only traditional modes of communication, such as a district newsletter, but also current modes of communication such as the District's website and social networking sites*
 10. to ascertain the community's opinions and desires with respect to the operations of the school system, and to incorporate that knowledge into its actions;
 11. to develop arrangements among civic and community organizations for sharing of resources, especially in the creation of programs designed to benefit students; and
 12. to develop and maintain an effective means of communication with the people of the district.
 13. School-parent Relationships: The Board encourages the schools to maintain the closest possible constructive relationship with the homes of students in order to foster better understanding of individual children and their needs and to secure maximum cooperation from parents.
 14. Community participation in school activities: The community shall be encouraged to attend and take an active interest in interscholastic and extra-curricular activities, orientation programs, parental and student workshops, student recognition gatherings, academic fairs, drama productions, concerts, and graduation ceremonies.
In most cases, these events will appear on the district's website. Announcements will also be made via district publications, local newspapers, and whenever possible, the outside message board.
Notwithstanding the above, the final decisions in these areas will rest with the Board.

Replaces in whole or in part former policies KA and KAA.

Adoption date: 12/08/2009

1050

ANNUAL DISTRICT ELECTION AND BUDGET VOTE

The district shall hold an annual meeting and election at which the district's authorized voters will elect members of the Board of Education and vote on the district budget for the coming school year. The annual district meeting and election will be held on the third Tuesday in May, unless this date conflicts with religious observances on that day, in which case the annual meeting and election will be held on the second Tuesday in May.

The District Clerk shall publish a notice of the time and place of the annual meeting and election at least four times within the seven weeks prior to the meeting, in two newspapers having general circulation within the district. The first publication of the notice shall be at least 45 days prior to the meeting. The notice shall also contain notice of any other matter required by law.

Copies of the budget to be voted upon at the annual meeting election will be available in each district school building for district residents upon request at the time of the annual meeting and election and 14 days (other than Saturday, Sunday and holidays) prior to the meeting.

The Board shall appoint assistant clerks and election inspectors necessary for the annual meeting and election at a Board meeting held before the annual meeting and election.

Propositions

The Board has the authority, under the Education Law, to adopt reasonable rules and regulations concerning the submission of petitions to the Board to place propositions on the ballot which may amend the budget. Pursuant to those provisions, the Board establishes the following guidelines:

1. Unless otherwise provided by the Education Law, petitions for the submission of a proposition must contain a minimum 25 signatures of qualified voters of the district or 2 percent of the eligible voters who voted in the previous annual election of the members of the Board of Education, whichever is greater.
2. Petitions must be filed with the District Clerk at least 30 days prior to the annual meeting, except for petitions relating to a proposition which must be included in the notice of the annual meeting (e.g., changing the number of board members). Such petitions must be submitted 60 days in advance of the annual meeting to facilitate the preparation and printing of the ballots.
3. Propositions must include the specific appropriations necessary for the purposes listed.
4. Wording of a petition must comply with legal requirements. If the wording does not comply, it may be changed or altered by the Board, or the Board may reject a petition for failure to comply.

Propositions received in accordance with these specifications will be placed on the ballot as amendments and will be voted upon by the voters in the same manner as the proposed budget, except that the Board shall not be required to place any proposition on the ballot which is within the exclusive province of the Board, or otherwise forbidden by law. No proposition involving the budget may be submitted to the voters more than twice.

The Board may also, on its own motion, submit propositions.

Ref: Education Law §§416(3); 1608(2); 1716(2) 1804(4); 1906(1); 2002(1); 2003(1)(2); 2004(1)-(7); 2009; 2021;2022(1), (4)-(5); 2035(2); 2601-a(2)
General Construction Law §60
Matter of Hebel, 34 EDR 319 (1994)
Matter of Martin, 32 EDR 567 (1993)
Matter of Como, 30 EDR 214 (1990)

Replaces in whole or in part former policy BBB

Adopted: 12/8/09

The following policies are on for First Time Reading

Trustee Thiel made the following comments on policies:

4770 - the Board and Administration need to develop requirements — discussed the possibility of local requirements as well as community service requirement

5460 — she pointed out that the committee used the first paragraph of NYSSBA's policy and combined it with our current policy

5500 — asked the Board to consider any issues they have with releasing information.

After the discussions Trustee Jennings seconded by Trustee Bocca made a motion to waive reading the policies and move them to second time discussion.

The motion was **Carried** by all present

0115

STUDENT BULLYING PREVENTION and INTERVENTION

The Board of Education is committed to providing an educational and working environment that promotes respect, dignity and equality. The Board recognizes that harassment, hazing and bullying is detrimental to student learning and achievement. It interferes with the mission of the district to educate its students and disrupts 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 condemns and strictly prohibits all forms of harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the district but that materially and substantially disrupt the educational process of the school environment or impinge on the rights of others.

Definitions

For purposes of this policy, the term "harassment" is defined as the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. The harassing behavior may be based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (identity or expression).

In some instances, bullying or harassment may constitute a violation of an individual's civil rights. The district is mindful of its responsibilities under the law and in accordance with district policy, 0100, Equal Opportunity and Nondiscrimination and 0110, Sexual Harassment.

For the purposes of this policy, "bullying" (which is assumed under the term "harassment"), is understood to be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. Bullying may be premeditated or a sudden activity. It may be subtle or easy to identify, done by one person or a group. Bullying is characterized by

1. **Power Imbalance** — occurs when a bully uses his/her physical or social power over a target.
2. **Intent to harm** — the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.
3. **Threat of further aggression** — the bully and the target believe the bullying will continue.
4. **Terror** — when any bullying increases, it becomes a "systematic violence or harassment used to intimidate and maintain dominance." (Barbara Coloroso, *The Bully, The Bullied & the Bystander, 2003*)

There are at least three kinds of bullying: verbal, physical and social/relational.

- *Verbal bullying includes name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, threatening electronic communications, anonymous notes, etc.*
- *Physical bullying includes poking, slapping, hitting, tripping or causing a fall, choking, kicking, punching, biting, pinching, scratching, spitting, twisting arms or legs, damaging clothes and personal property, or threatening gestures.*
- *Social or relational bullying includes excluding someone from a group, isolating, shunning, spreading rumors or gossiping, arranging public humiliation, undermining relationships, teasing about clothing, looks, giving dirty looks, aggressive stares, etc.*

In the remainder of this policy and associated regulation the term "bullying" will be used to refer to harassing or hazing behaviors because that is the term most commonly used by students and parents.

Prevention

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

- *Learning about and identifying the early warning signs and precursor behaviors that may lead to bullying.*
- *Gathering information about bullying at school directly from the students.*
- *Establishing clear school wide and classroom rules about bullying.*
- *Training adults in the school to respond sensitively and consistently to bullying.*
- *Providing adequate adult supervision, particularly in less structured areas such as in hallways, cafeteria and playground.*
- *Raising parental awareness and involvement in addressing problems.*
- *Providing instruction in civility, citizenship and character education that emphasizes tolerance and respect for others.*

In order to implement this program the Superintendent will establish a district wide Task Force on Bullying Prevention, as well as Bullying Prevention Coordinating Committees in each school. The district-wide task force and the school level committee will assist the administration in developing and implementing specific procedures on early identification of bullying and other preventive strategies. In addition, the program will include reporting, investigating, remedying and tracking allegations of bullying.

Intervention

Intervention by adults and bystanders is an important step in preventing escalation and resolving issues at the earliest stages. Intervention will emphasize education and skill-building. In addition, intervention will focus upon the safety of the target/victim. Staff is expected, when made aware of bullying, to either refer the student to designated resources for assistance, or to intervene in accordance with this policy and regulation.

Training

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent and the district Professional Development Team will incorporate training to support this program in the annual professional development plan, as needed. Training opportunities will be provided for all staff, including but not limited to bus drivers, cafeteria and hall monitors and all staff who have contact with students. In accordance with state law, the Superintendent shall ensure that at least one staff member 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.

Reporting and Investigation

Students who have been bullied, parents whose children have been bullied or other students who observe bullying behavior are encouraged to make a verbal and/or written complaint to a teacher, coach, bus driver, social worker, counselor, supervisor, or administrator in accordance with the training and guidelines provided. At all times, complaints will be documented, tracked and handled in accordance with regulations and procedures accompanying this policy, or, if applicable, district policy 0100, Equal Opportunity and Nondiscrimination or 0110, Sexual Harassment, and the district's Code of Conduct. Incidents will be included in the Violent and Disruptive Incident Reporting (VADIR) system, when applicable.

Disciplinary Consequences

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

activity, law enforcement will be contacted.

Non-Retaliation

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

Dissemination, Monitoring and Review

This policy, or plain language summary, shall be published in student registration materials, student, parent and employee handbooks, and posted on the district's website.

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

In addition, the Board will receive the annual VADIR data report for each building and for the district as a whole, with particular attention to the trends in the incidence of bullying. Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy and additional training.

Cross-Ref: 0100, Equal Opportunity and Nondiscrimination, 0110, Sexual Harassment, 5300 Code of Conduct

Ref: Dignity for All Students Act, Education Law, §10-18, Americans with Disabilities Act, 42 USC §12101 et seq.

Title VI, Civil Rights Act of 1964, 42 USC §2000d et seq., Title VII, Civil Rights Act of 1964, §2000e et seq.; 34 CFR §100 et seq.

Title IX, Education Amendments of 1972, 20 U.S.C. §1681 et seq. §504, Rehabilitation Act of 1973, 29 USC §794 Individuals with Disabilities Education Law, 20 USC §1400 et seq. Executive Law §290 et seq. (New York State Human Rights Law) Education Law §§313(3), 3201, 3201-a

Davis v. Monroe County Board of Education, 526 US 629 ('99) Gebser v. Lago Vista Independent School District, 524 US, 274 ('98) Faragher v. City of Boca Raton, 524 US 775 ('98) Burlington Industries v. Ellerth, 524 US 742 ('98) Oncale v. Sundowner Offshore Services, Inc., 523 US 75 ('98) Franklin v. Gwinnett County Public Schools, 503 US 60 ('92) Meritor Savings Bank, FSB V. Vinson, 477 US 57 ('86)

Adoption Date:

0115-R

STUDENT BULLYING PREVENTION and INTERVENTION REGULATION

Reporting and Investigating

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims and persons with knowledge of bullying report such behavior immediately to a teacher, coach, bus driver, social worker, counselor, supervisor, or administrator as soon as possible after the incident so that it may be effectively investigated and resolved. The district will promptly investigate all complaints, formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner, although limited disclosure may be necessary to complete a thorough investigation.

In order to assist investigators, individuals should document the harassment, hazing, bullying as soon as it occurs and with as much detail as possible including: the nature of the incident(s); dates; times; places it has occurred; name of perpetrator(s); witnesses to the incident(s); and the victim's response to the incident.

If, after appropriate investigation, the district finds that a student, an employee or a third party has violated this policy, prompt corrective action will be taken in accordance with the Code of Conduct, applicable collective bargaining agreement, district policy and state law. If the reported behavior constitutes a civil rights violation, the complaint procedure associated with either policy 0100 or 0110 will be followed, as applicable.

Confidentiality

It is district policy to respect the privacy of all parties and witnesses to complaints of bullying. To the extent possible, the district will 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 need for confidentiality must be balanced with the district's legal obligation to provide due process to the accused, to conduct a thorough investigation, or to 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 will discuss confidentiality standards and concerns with all complainants.

If a complainant requests that his/her name not be revealed to the individual(s) against whom the complaint is filed, the staff member responsible for conducting the investigation shall inform the complainant that:

- 1. the request may limit the district's ability to respond to his/her complaint;*
- 2. district policy and federal law prohibit retaliation against complainants and witnesses;*
- 3. the district will attempt to prevent any retaliation; and*

4. *the district will take strong responsive action if retaliation occurs.*

If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not preclude the district from responding effectively to the bullying of other students.

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

Whenever a complaint of bullying is received whether verbal or written, it will be subject to a preliminary review and investigation. Except in the case of severe or criminal conduct, a teacher, coach, bus driver, social worker, counselor, supervisor, or administrator should make all reasonable efforts to resolve complaints informally at the school level. The goal of informed procedures is to end the bullying and obtain a prompt and equitable resolution to a complaint.

*As soon as possible but no later than **three working days** following receipt of a complaint, a teacher, coach, bus driver, social worker, counselor, supervisor, or administrator should begin an investigation of the complaint by:*

- *Reviewing any written documentation provided by the victim(s).*
- *Conducting separate interviews of the victim(s), alleged perpetrator(s), and witnesses, if any, and documenting the conversation.*
- *Providing the alleged perpetrator(s) a chance to respond and notify him/her that if objectionable behavior has occurred, it must cease immediately and that the individual may be subject to discipline.*

Parents of student victims and accused students should be notified within one school day of allegations that are serious or involve repeated conduct. Where appropriate, informal methods may be used to resolve the complaint, including but not limited to:

- a. *discussion with the accused, informing him or her of the district's policies and indication that the behavior must stop;*
- b. *suggesting counseling, skill building activities and/or sensitivity training;*
- c. *conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;*
- d. *requesting a letter of apology to the victim;*
- e. *writing letters of caution or reprimand; and/or*
- f. *separating the parties.*

Appropriate disciplinary action shall be recommended and imposed in accordance with district policy, the applicable collective bargaining agreement or state law.

The teacher, coach, bus driver, social worker, counselor, supervisor, or administrator shall report back to both the victim and the accused, notifying them in writing, and also in person, as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The victim shall report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against him/her.

If a complaint contains evidence or allegations of serious or extreme bullying, the complaint shall be referred promptly to the Superintendent. In addition, where a teacher, coach, bus driver, social worker, counselor, supervisor, or administrator has a reasonable suspicion that the alleged bullying incident involves criminal activity, he/she should immediately notify the Superintendent, who shall then contact the school attorney, appropriate child protection and law enforcement authorities.

Any party who is not satisfied with the outcome of the initial investigation by a teacher, coach, bus driver, social worker, counselor, supervisor, or administrator may request a district-level investigation by submitting a written complaint to the Superintendent within 30 days.

B. District Level Procedure

The Superintendent or his/her designee shall promptly investigate and resolve all bullying complaints that are referred to him/her, as well as those appealed to the Superintendent following an initial investigation by a teacher, coach, bus driver, social worker, counselor, supervisor, or administrator. In the event the complaint involves the Superintendent, the complaint shall be filed with or referred to the Board President, who shall refer the complainant to an appropriate individual for investigation.

*The District level investigation should begin as soon as possible **but not later than three working days** following receipt of the complaint by the Superintendent or Board President.*

In conducting the formal district level investigation, the district will endeavor to use individuals who have received formal training regarding such investigations or that have previous experience investigating such complaints.

If a district investigation results in a determination that bullying did occur, prompt corrective action will be taken to end the misbehavior.

No later than 30 days following receipt of the complaint, the Superintendent (or in case involving the Superintendent, the Board-appointed investigator) will notify the victim and alleged perpetrator, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

Retaliation Prohibited

Any act of retaliation against any person who opposes bullying behavior, or who has filed a complaint, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a bullying complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any form of harassment. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension or termination.

Discipline/Penalties

Any individual who violates this policy by engaging in prohibited bullying will be subject to appropriate disciplinary action. Disciplinary measures available to the school authorities include, but are not limited to the following:

Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the student conduct and discipline policy and applicable law.

Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.

Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.

Vendors: Penalties may range from a warning up to and including loss of district business.

Other Individuals: Penalties may range from a warning up to and including denial of further access to school property.

Training

All students and employees shall be informed of this policy in student and employees handbooks, on the district website and student registration materials. A poster summarizing the policy shall also be posted in a prominent location at each school.

All employees shall receive information about this policy and regulation at least once a year. Administrative employees and other staff, such as counselors or social workers, who have specific responsibilities for investigating and/or resolving complaints of bullying shall receive yearly training to support implementation of this policy, regulation and on related legal developments.

Principals in each school shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures for filing a complaint and the impact of bullying on the victim and bystanders.

Training needs in support of this bullying prevention and intervention program will be reflected in the district's annual professional development plan, in curriculum and will be considered in the budget process.

Promulgated:

4325

ACADEMIC INTERVENTION SERVICES

The Board of Education, is committed to providing academic intervention services to students at risk of not meeting the state learning standards. Such services may include additional instruction supplementing the instruction provided in the general curriculum and/or student support services such as guidance, counseling, attendance and study skills needed to support improved academic performance.

Eligibility for academic intervention services will be determined based on a student's performance on state assessment exams and/or in accordance with the uniformly applied district-developed district-adopted procedures. Eligible students will receive services consistent with law and regulations which shall commence no later than the beginning of the semester following a determination that a student is eligible for such services.

Parental Notification and Involvement

Notification on Commencement of Services. The Building Principal will notify the parents of a student determined to be in need of academic intervention services, in writing, upon the commencement of such services. Such notification will include:

- *A summary of the academic intervention services to be provided;*
- *The reason the student needs such services; and*
- *Consequences of not achieving expected performance levels.*

Notification on Ending of Services. The Principal will notify the parent in writing when academic intervention services are no longer needed. Such notification will include:

- *The criteria for ending services; and*
- *The performance levels obtained on district selected assessments, if appropriate.*

In addition, the district/schools will provide for ongoing communication with parents which must include opportunities to consult with teachers and other professional staff, regular reports on the student's progress and information on ways to monitor and work with educators to improve the student's performance.

All parental notifications and communications will be done in English and translated, when appropriate, into the native language or mode of communication of the parents.

Description and Review of Academic Intervention Services

The Superintendent of Schools, in consultation with each Building Principal, shall maintain a description of academic intervention and/or student support services for each school. This description will include any variations in services in schools within the district and will specifically delineate:

- *the district-wide procedures used to determine the need for academic intervention services;*
- *the academic intervention instructional and/or support services to be provided;*
- *whether instructional services and/or support services are offered during the regular school day or during an extended school day or year; and*
- *the criteria for ending services, including, if appropriate, performance levels that students must obtain on district-selected assessments.*

Beginning July 1, 2002 and every two years thereafter, the Superintendent shall review and revise the description of academic intervention services based on student performance results and present such revised description to the Board for approval.

Ref: 8 NYCRR §§100.1(g); 100.2(r), (ee); 100.4(b)(4), (d) (*Academic Intervention Services*)

Replaces former policy IGBE

Adoption date:

4526

COMPUTER USE IN INSTRUCTION

The Internet is an electronic highway connecting thousands of computers all over the world and millions of individual subscribers. The key concept underlying the Internet is interconnectivity - something that will allow administrators, teachers, and more importantly, students to access an unparalleled array of communication and information resources. With access to computers and people all over the world also comes the availability of material that may not be considered to be of educational value in the context of the school setting.

BOCES and the West Babylon School District, to the best of their ability, have taken precautions to restrict access to controversial materials. However, on a global network it is impossible to control all materials and an industrious user may discover controversial information. However, West Babylon believes information and interaction available on this worldwide network far outweighs the possibility that users may procure material that is not consistent with the educational goals of the District.

Internet access is coordinated through a complex association of government agencies, and regional and state networks. In addition, the smooth operation of the network relies upon the proper conduct of the end users who must adhere to strict guidelines. In general, this requires efficient, ethical, and legal utilization of the network resources. If a West Babylon School District user violates any of these provisions, his or her participation will be terminated and future access could possibly be denied. The signature(s) at the end of the Internet Use Agreement is (are) legally binding and indicate(s) the party (parties) who signed has (have) read the terms and conditions carefully and understand(s) their significance.

Internet - Terms and Conditions

1. *Acceptable Use* - *The purpose of the Internet is to support research and education in and among academic institutions in the United States by providing access to unique resources and the opportunity for collaborative work. The use of the Internet must be in support of education and research and consistent with the educational objectives of the West Babylon School District. Use of another organization's network or computing resources must comply with the rules appropriate for that network or computing resources must comply with the rules appropriate for that network. Transmission of any material in violation of any U.S. or state regulation is prohibited. This includes, but is not limited to, copyrighted material, threatening or obscene material; expressions of bigotry, racism, or hate; or material protected by trade secret. Use for commercial activities is generally not acceptable. Use for product advertisement or political lobbying is also prohibited.*
2. *Privileges* - *The use of the Internet is a privilege, not a right, and inappropriate use will result in the cancellation of those privileges. Each student who receives access will be held responsible for usage. Therefore, under no circumstances should confidential information be shared with anyone other than classroom teachers approved to serve as access officers. Each student will learn about the proper use of the district's network system from West Babylon faculty member. The BOCES system administrators, in cooperation with the West Babylon School District Superintendent or his/her designees, will deem what is inappropriate use and their decision is final. Also, the BOCES system administrators may deny access at any time as required. The administration, faculty and staff of West Babylon School District may request the BOCES system administrator to deny, revoke or suspend specific user privileges.*
3. *Network Etiquette* - *Users are expected to abide by the generally accepted rules of network etiquette. These include, but are not limited to the following:*
 - a. *Be polite. Do not get abusive in your messages to others.*
 - b. *Use appropriate language. Do not swear, use vulgarities or any other inappropriate language. Illegal activities are strictly forbidden.*

- c. Do not reveal your personal address or phone number or that of other students or colleagues.
- d. Note that electronic mail (e-mail) is not guaranteed to be private. People who operate the system do have access to all mail. Messages relating to or in support of illegal activities may be reported to authorities.
- e. Do not use the network in such a way that you would disrupt the use of the network by other users.
- f. All communication and information accessible via the network should be assumed to be private property.

See exhibit 4526-E-2 for the full list of user responsibilities.

4. Warranties — BOCES and/or the West Babylon School District makes no warranties of any kind, whether expressed or implied, for the service it is providing. BOCES and/or the West Babylon School District will not be responsible for any damages suffered. This includes loss of data resulting from delays, non-deliveries, miss-deliveries, or service interruptions caused by its own negligence or a user's errors or omissions. Use of any information obtained via the Internet is at the user's own risk. BOCES and/or the West Babylon School District specifically deny any responsibility for the accuracy or quality of information obtained through its services.
5. Security - Security on any computer system is a high priority, especially when the system involves many users. If a user can identify a security problem on the Internet he/she must notify a Superintendent's designee. He/she may not demonstrate the problem to other users. Attempts to log on to the Internet as a system administrator will result in cancellation of user privileges. Any user identified as a security risk or having a history of problems with other computer systems may be denied access to the network and the Internet.
6. Vandalism - Vandalism will result in cancellation of privileges. Vandalism is defined as any malicious attempt to harm or destroy data of another user, Internet, and/or any of the above listed agencies or other networks that are connected to the Internet. This includes, but is not limited to, the uploading or creation of computer viruses, or any illegal or improper use of the network, Internet or accessed equipment.

Adoption date:

4526-R

COMPUTER USE IN INSTRUCTION REGULATION

The following rules and regulations govern the use of the district's computer network system and access to the internet.

I. Administration

- The Superintendent of Schools shall designate a Coordinator of K-12 Student Data and Instructional Technology to oversee the district's computer network.
- The Coordinator of K-12 Student Data and Instructional Technology shall monitor and examine all network activities, as appropriate, to ensure proper use of the system.
- The Coordinator of K-12 Student Data and Instructional Technology shall be responsible for disseminating and interpreting district policy and regulations governing use of the district's network at the building level with all network users.
- The Coordinator of K-12 Student Data and Instructional Technology shall provide employee training for proper use of the network and will ensure that staff supervising students using the district's network provide similar training to their students, including providing copies of district policy and regulations governing use of the district's network.
- The Coordinator of K-12 Student Data and Instructional Technology shall ensure that all disks and software loaded onto the computer network have been scanned for computer viruses.
- All student agreements to abide by district policy and regulations and parental consent forms shall be kept on file in the district office.

II. Internet Access

- Students will be provided Internet access: during class time only; during the day when students are not in class; before or after school hours, or only during instructional time in a controlled environment.
- Students will be provided with individual access accounts.
- Students may have internet access: for educational purposes only/for educational and recreational/personal purposes; to news sites
- Student internet access may be restricted depending on the grade level.
- All users will be prohibited from: accessing social networking sites; playing online games; purchasing or selling anything online (unless authorized for district purposes); personal e-mail services; and watching videos online (unless authorized for a school purpose).
- Students are (are not) to participate in chat rooms.
- Students may (may not) construct their own web pages using district computer resources.
- Students will have individual (group) e-mail addresses.

III. Acceptable Use and Conduct

- Access to the district's computer network is provided for educational purposes and research consistent with the district's mission and goals.
- Use of the district's computer network is a privilege, not a right. Inappropriate use may result in suspension or revocation of that privilege.
- Each individual in whose name an access account is issued is responsible at all times for its proper use.
- All network users will be issued a login name and password. Passwords must be changed periodically.
- Only those network users with written permission from the principal or the Coordinator of K-12 Student Data and Instructional Technology may access the district's system from off-site (e.g. from home).
- All network users are expected to abide by the generally accepted rules of network etiquette. This includes being polite and using only appropriate language. Abusive or sexual language or images, vulgarities and swear words are all inappropriate.
- Network users identifying a security problem on the district's network must notify the appropriate teacher, administrator or the Coordinator of K-12 Student Data and Instructional Technology. Under no circumstance should the user demonstrate the problem to anyone other than the Coordinator of K-12 Student Data and Instructional Technology or employee being notified.
- Any network user identified as a security risk or having a history of violations of district computer use guidelines may be denied access to the district's network.

IV. Prohibited Activity and Uses

The following is a list of prohibited activity concerning use of the district's computer network. Violation of any of these prohibitions may result in discipline or other appropriate penalty, including suspension or revocation of a user's network.

- Using the network for commercial activity, including advertising.
- Infringing on any copyrights or other intellectual property rights, including copying, installing, receiving, transmitting or making available any copyrighted software on the district computer network.
- Using the network to receive, transmit, or make available to others messages that are racist, sexist, abusive or harassing to others.
- Using another user's account or password.
- Attempting to read, delete, copy or modify the electronic mail (e-mail) of other system users and deliberately interfering with the ability of other system users to send and/or receive e-mail.
- Forging or attempting to forge e-mail messages.
- Engaging in vandalism. Vandalism is defined as any malicious attempt to harm or destroy district equipment or materials, data of another user of the district's network or of any of the entities or other networks that are connected to the Internet. This includes, but is not limited to, creating and/or placing a computer virus on the network.
- Using the network to send anonymous messages or files.
- Using the network to receive, transmit or make available to others a message that is inconsistent with the district's Code of Conduct.
- Revealing the personal address, telephone number or other personal information of oneself or another person.
- Using the network for sending and/or receiving personal messages.
- Intentionally disrupting network traffic or crashing the network and connected systems.
- Installing personal software or using personal disks on the district's computers and/or network without permission of the appropriate district official or employee.
- Using district computing resources for commercial or financial gain or fraud.
- Stealing data, equipment or intellectual property.
- Gaining or seeking to gain unauthorized access to any files, resources, or computer or phone systems, or vandalize the data of another user.
- Wastefully using finite district resources.
- Changing or exceeding resource quotas as set by the district without the permission of the appropriate district official or employee.
- Using the network while access privileges are suspended or revoked.
- Using the network in a fashion inconsistent with directions from teachers and other staff and generally accepted network etiquette.

V. No Privacy Guarantee

Students using the district's computer network should not expect, nor does the district guarantee privacy for electronic (e-mail) or any use of the district's computer network. The district reserves the right to access and view any material stored on district equipment or any material used in conjunction with the district's computer network.

VI. Sanctions

All users of the district's computer network and equipment are required to comply with the district's policy and regulations governing the district's computer network. Failure to comply with the policy or regulation may result in disciplinary action as well as suspension and/or revocation of computer access privileges.

In addition, illegal activities are strictly prohibited. Any information pertaining to or implicating illegal activity will be reported to the proper authorities. Transmission of any material in violation of any federal, state and/or local law or regulation is prohibited. This includes, but is not limited to materials protected by copyright, threatening or obscene material or material protected by trade secret. Users must respect all intellectual property rights and laws.

VII. District Responsibilities

The district makes no warranties of any kind, either expressed or implied, for the access being provided. Further, the district assumes no responsibility for the quality, availability, accuracy, nature or reliability of the service and/or information provided. Users of the district's computer network and the Internet use information at their own risk. Each user is responsible for verifying the integrity and authenticity of the information that is used and provided.

The district will not be responsible for any damages suffered by any user, including, but not limited to, loss of data resulting from delays, non-deliveries, miss-deliveries, or service interruptions caused by its own negligence or the errors or omissions of any user. The district also will not be responsible for unauthorized financial obligations resulting from the use of or access to the district's computer network or the Internet. Further, even though the district may use technical or manual means to regulate access and information, these methods do not provide a foolproof means of enforcing the provisions of the district policy and regulation.

Promulgated:

4770

GRADUATION REQUIREMENTS

The Board of Education will determine the graduation requirements of the district in accordance with the Regulations of the Commissioner of Education. The Superintendent of Schools shall develop regulations setting forth the diploma requirements. Such regulations shall be approved by the Board and shall be provided to students and parents each year once a student reaches the eighth grade.

Participation in the graduation exercises will be predicated on satisfactory completion of all graduation requirements.

Replaces former policy IKF in its entirety

Adoption date:

4850

ANIMALS IN THE SCHOOLS

The Board of Education recognizes that the study of living things is essential to effective instruction in the life sciences. The primary goals for demonstrations and investigations involving animals are to achieve an interest in and an understanding of the life processes, to demonstrate biological principles, and to teach proper care and handling of animals. Therefore, the Board requires that any such instructional activities, investigations and projects be well-planned and adequately supervised, and be conducted with a respect for life and an appreciation of the health and safety of both animals and students.

The Board also recognizes that some students have a moral or religious objection to dissection or otherwise harming or destroying animals. In accordance with state law, students shall have the right to opt out of dissection activities, provided that the student performs an alternative project approved by the student's teacher. The objection must be substantiated in writing by the student's parent/guardian.

At the start of the school year, teachers of courses that include animal dissection shall give notice to the students in those classes of their opt-out rights and responsibilities under the law and this policy. Such notice shall be shared with parents of those students, and also be available upon request and in the school office.

REF: Education Law §809(4)

Responsible use of Live Animals and Dissection in the Science Classroom, National Science teachers Association Position Statement, revised March 2008 (www.nsta.org/about/positions/animals.aspx)

Adoption Date:

INTERSCHOLASTIC ATHLETICS

Interscholastic athletics for boys and girls is an integral and desirable part of the district's secondary school educational program. Individual and team sports shall be based upon comprehensive physical education instruction and intramural activities, seeking broad participation from all eligible secondary students. Lifetime or carry-over sports are to be particularly encouraged and supported. Parity in the number and kind of sports activities for girls and boys is a clear objective of the district.

Student eligibility for participation on interscholastic teams shall include:

1. *authorization by the school physician;*
2. *written parent or guardian consent; and*
3. *endorsement by the Building Principal based on established rules and various league and State Education Department regulations.*

Although the district will take reasonable care to protect student athletes, students may still sustain injuries. In order to most effectively ensure student safety, open communications between students, parents and coaches about the child's medical condition is critical. Coaches, and other appropriate staff, will receive guidance and training regarding recognition of injury and removal of the student athlete from play in the event of the injury. Parents and/or students are expected to report injuries so that student health can be protected.

In order to resume participation following injury, the student needs to receive medical clearance. The Superintendent, in consultation with appropriate district staff, including the school physician, will develop regulations and procedures to guide the process of return to play.

In accordance with existing Regulations of the Commissioner of Education, the Board of Education will permit students in grades 10-12 to receive credit towards high school graduation equivalent to physical education for participation in interscholastic athletics. Such credit will, in addition to other requirements, be contingent upon proven cardiovascular and physical fitness and competency in lifetime or carry-over sports. Standards for such fitness and competency shall be developed by the administration.

Cross Ref: 5420, Student Health Services

*Ref: Education Law §§1709 (8-a); 3001-b
8 NYCRR §135.4*

*Santa Fe Indep. Sch. Distr. V Doe, 520 U.S. 290 (2000) (constitutionality of student-led prayers at interscholastic athletic activities)
Concussion Management Support Materials, www.nysphsaa.org*

Replaces former policy IGDJ

5450.1

NOTIFICATION OF SEX OFFENDERS

The Board of Education acknowledges the efforts of local law enforcement to notify the district when a person with a history of sex offenses against a child is being paroled or released into the community, in accordance with the provisions of the Sex Offender Registration Act, commonly known as Megan's Law. The purpose of this notification is to protect members of the community, particularly children, by notifying them of the presence of individuals in their midst who may present a danger. Consistent with its duty to protect students under its care, the district shall cooperate with local law enforcement agencies in this endeavor.

Any information provided by local law enforcement officials pursuant to Megan's Law shall be posted in an appropriate location in all school buildings. In addition, the Superintendent of Schools shall ensure the dissemination of any such information to all staff who might come into contact with the offender in the course of doing their jobs, including Building Principals, staff who issue visitors' passes, bus drivers, custodians, playground monitors, security personnel, and coaches. All other staff members and community residents shall be informed of the posting requirement for such information established by this policy and of the availability of the information, upon request. Community residents shall also be reminded of the security measures and personal safety instruction provided at school. All staff requests for information provided by the law enforcement agencies shall be directed to the Building Principal. Requests for information from community residents shall be directed to the District Clerk.

*The Superintendent shall establish any necessary regulations for implementing this policy with the advice of the school attorney.
This policy shall be disseminated at least once a year to all district residents.*

*Ref: 42 U.S.C. §1407(d)
Correction Law, Article 6-C (Sex Offender Registration Act)
Doe v. Pataki, 3 F.Supp.2d 456 (SDNY 1998) (current injunction)
Doe v. Pataki, 120 F.3d 1263 (2d. Cir. 1997), cert. denied, 522 U.S. 1122 (1998)*

Replaces former policy KJ

Adoption date:

5460

CHILD ABUSE, MALTREATMENT OR NEGLECT IN A DOMESTIC SETTING

The Board of Education recognizes that because of their sustained contact with school-aged children, employees are in an excellent position to identify abused, maltreated or neglected children and refer them for treatment and protection. The Board further recognizes the specific dictates of law which require school officials to report suspected instances of child abuse, maltreatment (which includes neglect) in a domestic setting.

The purpose of mandatory reporting is to identify suspected abused and maltreated children as soon as possible, so that such children determined to be abused or maltreated can be protected from further harm and, where appropriate, can be offered services to assist him or her and his or her family.

School officials, who have reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment, must immediately report this to the New York State Central Register for Child Abuse and Maltreatment (Central Register), as required by law. No conditions may be imposed which limit their responsibility to report. A school official is defined as:

- *Teacher*
- *Guidance counselor*
- *Psychologist*
- *Nurse*
- *Administrator*
- *Any school personnel required to hold a teaching or administrative license or certificate.*

The school official will also report the matter to the Building Principal.

The report shall be made by telephone or by telephone facsimile machine on a form supplied by the Commissioner of Social Services. A written report shall be made within 48 hours to the appropriate local child protective service, and to the statewide Central Register.

School employees who are not school officials, as defined above, but who have reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment are encouraged to report to the Central Register. However, the school employee must report the matter to the Building Principal. If the matter has not yet been reported to the Central Register, the Building Principal shall make the report, in accordance with state law. In being required to file such report, the Building Principal does not have discretion.

School employees or officials may not contact the child's family or any other person to determine the cause of the suspected abuse or maltreatment. It is not the responsibility of the school official or employee to prove that the child has been abused or maltreated.

Any school official or employee who has cause to suspect that the death of any child is a result of child abuse or maltreatment must report that fact to the appropriate medical examiner or coroner.

In accordance with the law, any school official who fails to report an instance of suspected child abuse or maltreatment may be guilty of a Class A misdemeanor and may be held liable for the damages caused by the failure to report. The law grants immunity to persons who, in good faith, report instances of child abuse from any liability.

School employees will not be subject to retaliatory action, as defined in state law, as a result of making a report when they reasonably suspect that a child has been abused or maltreated.

The Board recognizes that knowingly reporting a false claim of child abuse is a violation of state law and this policy acknowledges that it is a crime to do so. The district will make every reasonable effort to ensure the integrity of the district's child abuse reporting process and procedure.

School District Relationship with Local Social Service District

The school district will cooperate to the extent possible with authorized child protective services workers in investigations of alleged child abuse. The Superintendent, or his or her designee, will represent the district when collaborating with local social service agencies to address instances of abuse or maltreatment, and in the development of policy and procedures regarding abuse or maltreatment (including educational neglect). In addition, the Superintendent will share a copy of the district's attendance policy, 5100, with the local social service district.

The school district shall maintain an ongoing training program which will address the identification and reporting of child abuse and maltreatment, including the legal implications of reporting and not reporting. Attendance at sessions of this training program shall be required of all school officials. Attendance records shall be kept, and notations will be made in personnel files as to the dates of attendance.

The Superintendent shall develop, with input from appropriate personnel, a plan for implementation of such a training program, to be approved by the Board. In addition, the policy and regulations will be included in all employee handbooks and distributed annually to all school officials who are not covered under

existing handbooks. The Superintendent will prepare and implement all regulations as are necessary to accomplish the intent of this policy

Cross-ref: Attendance, 5100

Ref: Child Protective Services Act of 1973, Social Services Law §§411 et seq.
Social Services Law §34-a, Family Court Act §1012, Family Educational Rights and Privacy Act,
20 U.S.C. §1232g, 45 CFR §99.36, Education Law §3209-a, Penal Law 240.50

Adoption date:

5460-R

CHILD ABUSE, MALTREATMENT OR NEGLECT IN A DOMESTIC SETTING REGULATION

New York State Law (Child Protective Service Act of 1973, as amended) provides for reporting of suspected cases of child abuse by school officials. These regulations are designed to implement this law within the district and to help protect students from the harmful effects of child abuse.

I. Definitions

Abused Child, according to Social Services Law and the Family Court Act, is a child less than 18 years of age whose parent or other person legally responsible for his or her care:

- a. *inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ; or*
- b. *creates or allows to be created a substantial risk of physical injury to such a child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ; or*
- c. *commits, or allows to be committed, a sex offense against such child, as defined in the penal law, provided, however, that the corroboration requirements contained therein shall not apply to proceedings under this article.*

Neglected or maltreated child, according to the Family Court Act, is a child less than 18 years of age:

- a. *whose physical, mental, or emotional condition has been impaired or is in danger of becoming impaired as a result of the failure of his or her parents or other person legally responsible for his care to exercise a minimum degree of care:*
 - (1) *in supplying the child with adequate food, clothing, shelter, or education in accordance with provisions of Part One, Article 65 of the Education Law, or medical, dental, optometrical or surgical care though financially able to do so or offered financial or other reasonable means to do so; or*

In order for a report of educational neglect to be accepted, three elements need to be established:

 - a. *Excessive absence from school by the child*
 - b. *Reasonable cause to suspect that the parent is aware or should have been aware of the excessive absenteeism and the parent has contributed to the problem or is failing to take steps to effectively address the problem, and;*
 - c. *Reasonable cause to suspect educational impairment or harm to the child or imminent danger of such impairment or harm.*
 - (2) *in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment; or by using a drug or drugs; or by using alcoholic beverages to the extent that he/she loses self-control of his/her actions; or by any other acts of a similarly serious nature requiring the aid of the court; or who has been abandoned by his/her parent(s) or other person legally responsible for his/her care.*

Person legally responsible includes the child's custodian, guardian, or any other person responsible for the child's care at the relevant time. Custodian may include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.

Impairment of emotional health and impairment of mental or emotional condition includes a state of substantially diminished psychological or intellectual functioning in relation to, but not limited to, such factors as failure to thrive, control of aggressive or self-destructive impulses, ability to think and reason, or acting out of misbehavior, including incorrigibility, ungovernability, or habitual truancy; provided, however, that such impairment must be clearly attributable to the unwillingness or inability of the parent, guardian, or custodian to exercise a minimum degree of care toward the child.

II. Reporting procedures and related information:

1. *All school officials must, when they have reasonable cause to suspect that a child is abused or maltreated, report it to the New York State Central Register for Child Abuse and Maltreatment (800-342 3720). A school official, under state law, is defined as:*

- *Teacher*
- *Guidance counselor*
- *Psychologist*
- *Nurse*
- *Administrator*
- *Any school personnel required to hold a teaching or administrative license or certificate.*

The school official must also report the matter to the Building Principal.

2. *In the event that a school employee, who is not required to report under the law (such as a bus driver, custodian, cafeteria monitor, etc.), has reasonable cause to suspect that a child is abused or neglected, he/she is encouraged to make a report to the Central Register. The employee must, by district policy, report the matter to the Building Principal.*
3. *After the filing of a report, the suspected abuse and the course of additional follow-up action is generally reviewed by appropriate school team members (e.g., Building Principal, school nurse, social worker, psychologist and/or guidance counselor).*
1. *The Building Principal must (1) inform the Superintendent of Schools of the information received and (2) confirm that a report was made to the Central Register.*
2. *The Building Principal may take photographs or cause photographs to be taken of the areas of visible trauma on the child, and/or, if medically indicated, cause an examination to be performed. Such actions may be performed at public expense if they will provide appropriate documentation when filing the report. A camera and film shall be kept at the school and be available for this purpose.*
6. *The written report that must be filed shall include all information that the Commissioner of Social Services may require. In addition to filing this report with Child Protective Services, a copy shall be forwarded to the Assistant Superintendent for Curriculum and Student Services and the Director of Student Services.*
7. *If it should be necessary for Child Protective Services to interview a child at school to ascertain whether he/she has been abused or maltreated, or to obtain documentation of such acts, the interview should be conducted in the presence of a school official, unless circumstances require otherwise. The school official shall examine and verify the credentials of Child Protective Services worker(s) before allowing such worker(s) to either interview the child or to examine the child's records. If sexual abuse is indicated, the presence of a same-sex staff member during the interview is appropriate.*
8. *School employees and officials will not contact the child's family or any other person to determine the cause of the suspected abuse or maltreatment. It is not the responsibility of the school official or employee to prove that the child has been abused or maltreated.*
1. *The Building Principal shall request a summary report of the investigation of a case referred to Child Protective Services so the district can take appropriate next steps.*
10. *Only one report of any suspected abuse is required.*
11. *School personnel who have reasonable cause to suspect that a child has died as a result of child abuse or maltreatment shall report that fact to the appropriate medical examiner or coroner.*

III. Training

1. *The district shall maintain an ongoing training program which will address identification and reporting of child abuse and maltreatment. Attendance at sessions of this training program shall be required of all school officials.*
2. *Employee handbooks shall include a copy of these regulations and the related Board policy concerning child abuse and reporting requirements.*

IV. Rights of Reporters

1. *School personnel who, in good faith, make a report or take photographs of injuries and bruises have immunity from any liability, civil or criminal. The good faith of any person required to report cases of child abuse or maltreatment is presumed.*
2. *School personnel have the right to request that information which would identify the individual making the report be withheld if furnishing such data might prove detrimental to the safety or interest of that individual.*
3. *The Superintendent can request a summary report of an investigation of a case referral to Child Protective Services.*
4. *No retaliatory personnel action (as defined in paragraph (e) of subdivision one of section 740 of the Labor Law) against an employee because the employee believes that he or she has reasonable cause to suspect that a child is an abused or maltreated child and that employee therefore makes a report in good faith.*

V. Penalties

1. *Any person required to report suspected cases of child abuse or maltreatment and who fails to do so may be found guilty of a class A misdemeanor and*

may be held civilly liable for the damages caused by this failure.

- 2. Any school employee who fails to comply with this policy is subject to discipline in accordance with collective bargaining agreements and/or policy.*

VI. Confidentiality and Records Retention

- 1. All reports and other material submitted pursuant to this policy shall be confidential and may not be re-disclosed except to law enforcement authorities involved in investigating the alleged abuse or except as expressly authorized by law or pursuant to a court-ordered subpoena. The district and all its personnel shall exercise reasonable care to prevent unauthorized disclosure.*
- 2. Maintenance of all records will be in a manner consistent with applicable laws and regulations. Information received regarding a determination of either a founded or unfounded report, is to be communicated to the Principal, Assistant Superintendent for Curriculum and Student Services and the Director of Student Services.*

Adoption date:

5500

STUDENT RECORDS

The Board of Education recognizes its legal responsibility to maintain the confidentiality of student records. As part of this responsibility, the Board will ensure that eligible students and parents/guardians have the right to inspect and review education records, the right to seek to amend education records and the right to have some control over the disclosure of information from the education record. The procedures for ensuring these rights shall be consistent with state and federal law, including the Family Educational Rights and Privacy Act of 1974 (FERPA) and its implementing regulations.

The Board also recognizes its responsibility to ensure the orderly retention and disposition of the district's student records in accordance with Schedule ED-1 as adopted by the Board in policy 1120.

The district will use reasonable methods to provide access to student educational records only to those authorized under the law and to authenticate the identity of the requestor.

The Superintendent of Schools shall be responsible for ensuring that all requirements under law and the Commissioner's regulations are carried out by the district.

Definitions

Education Record: means those records, in any format, directly related to the student and maintained by the district or by a party acting on behalf of the district, except:

(a) records in the sole possession of the individual who made it and not accessible or revealed to any other person except a substitute;

(b) records of the district's law enforcement unit;

(c) records of treatment created or maintained by a physician, psychiatrist, psychologist or other professional/paraprofessional acting that capacity.

Eligible student: a student who has reached the age of 18 or is attending postsecondary school.

Legitimate educational interest: a school official has a legitimate educational interest if they need to review a student's record in order to fulfill his or her professional responsibilities.

Personally identifiable information: is information that would allow a reasonable person in the school or its community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. Such data might include social security number, student identification number, parents' name and/or address, a biometric record, etc.

School official: a person who has a legitimate education interest in a student record who is employed by the district as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a member of the Board of Education; a person or company with whom the district has contracted to perform a special task (such as attorney, auditor, medical consultant or therapist); or a parent or student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official performing his or her tasks.

Annual Notification

At the beginning of each school year, the district will publish a notification that informs parents, guardians and eligible students currently in attendance of their rights under FERPA and the procedures for exercising those rights. This notice may be published in a newspaper, handbook or other school bulletin or publication. This notice will also be provided to parents, guardians, and eligible students who enroll during the school year.

The notice will include a statement that the parent/guardian or eligible student has a right to:

1. *inspect and review the student's education records;*
2. *request that records be amended to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy rights;*
3. *consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent; and*
4. *file a complaint with the United States Department of Education alleging failure of the district to comply with FERPA and its regulations.*

The annual notice will inform parents/guardians and eligible students:

1. *that it is the district's policy to disclose personally identifiable information from student records, without consent, to other school officials within the district whom the district has determined to have legitimate educational interests.*
2. *that, upon request, the district will disclose education records without consent to officials of another school district in which a student seeks to or intends to enroll or is actually enrolled.*
3. *that, upon request, the district will disclose a high school student's name, address and telephone number to military recruiters and institutions of higher learning unless the parents or eligible student exercise their right to prohibit release of the information without prior written consent.*
4. *of the procedure for exercising the right to inspect, review and request amendment of student records.*

The district will provide translations of this notice, where necessary, to parents, guardians and eligible students in their native language or dominant mode of communication.

In the absence of the parent or eligible student exercising their right to opt out of the release of information to the military, the district is required to, under federal law, release the information indicated in number three (3) above.

Directory Information

*The district has the option under FERPA of designating certain categories of student information as "directory information." The Board directs that "directory information" include; **student's name, address, telephone number, date of birth, place of birth, major course of study, participation in school activities or sports, weight and height if a member of an athletic team, dates of attendance, degrees and awards received, most recent school attended, grade level photograph, e-mail address and enrollment status.**]*

Social security numbers, student identification numbers or other personally identifiable information will not be considered directory information.

Once the proper FERPA notification is given by the district, a parent/guardian or eligible student will have 14 days to notify the district of any objections they have to any of the "directory information" designations. If no objection is received, the district may release this information without prior approval of the parent/guardian or eligible student for the release. Once the eligible student or parent/guardian provides the "opt-out," it will remain in effect after the student is no longer enrolled in the school district.

The district may elect to provide a single notice regarding both directory information and information disclosed to military recruiters.

Cross-ref: 1120, School District Records, 4321, Programs for Students with Disabilities Under IDEA and Part 89 and 5550, Student Privacy

Ref: Family Educational Rights and Privacy Act, 20 USC 1232g; 34 CFR Part 99

No Child Left Behind Act, 20 USC §7908

10 USC §503 as amended by §544 of the National Defense Reauthorization Act for FY 2002

Education Law § 225, Public Officers Law §87(2)(a)

Arts and Cultural Affairs Law, Article 57-A (Local Government Records Law)

8 NYCRR 185.12 (Appendix I) Records Retention and Disposition, Schedule ED-1 for Use by School Districts and BOCES

Replaces former policies JO, JOA and JOA-R

Adoption date:

5500-R

STUDENT RECORDS REGULATION

It is recognized that the confidentiality of student records must be maintained. The terms used in this regulation are defined in the accompanying policy. The following necessary procedures have been adopted to protect the confidentiality of student records.

Section 1. Pursuant to the Family Educational Rights and Privacy Act (FERPA) it shall be the policy of this school district to permit parents/guardians and "eligible students" to inspect and review any and all official records, files and data directly related to that student, including all materials that are incorporated into each student's cumulative record folder.

The rights created by FERPA transfer from the parents/guardians to the student once the student attains eligible student status. However, districts can disclose information to parents of eligible students under certain circumstances, including when the student is a dependent under the IRS tax code, when the student has violated a law or the school's rules regarding alcohol or substance abuse (and the student is under 21); when the information is needed to protect the health or safety of the student or other individuals.

Section 2. Parents/guardians or the eligible student will have an opportunity for a hearing to challenge the content of the student's school records, to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

Section 3. A letter shall be sent annually to parents/guardians of students currently in attendance and eligible students currently in attendance informing them of their rights pursuant to FERPA. See Exhibit 5500-E.1. The district shall provide translations of this notice, where necessary, to parents/guardians and eligible students in their native language or dominant mode of communication. (See Policy 5500 for further information on the notice requirements.)

Section 4. To implement the rights provided for in sections 1 and 2, the following procedures are adopted:

- 1. A parent/guardian or an eligible student who wishes to inspect and review student records shall make a request for access to the student's school records, in writing, to the Building Principal. Upon receipt of such request, arrangements shall be made to provide access to such records within 45 days after the request has been received. If the record to which access is sought contains information on more than one student, the parent/guardian or eligible student will be allowed to inspect and review only the specific information about the student on whose behalf access is sought.*
- 2. A parent/guardian or an eligible student who wishes to challenge the contents of the student's school records shall submit a request, in writing, to the Building Principal identifying the record or records which they believe to be inaccurate, misleading or otherwise in violation of the privacy or other rights of the student together with a statement of the reasons for their challenge to the record.*
- 3. Upon receipt of a written challenge, the Building Principal shall provide a written response indicating either that he/she:*
 - a. finds the challenged record inaccurate, misleading or otherwise in violation of the student's rights and that the record will be corrected or deleted; or*
 - b. finds no basis for correcting or deleting the record in question, but that the parent/guardian or eligible student will be given an opportunity for a hearing. The written response by the Building Principal shall be provided to the parent/guardian or eligible student within 14 days after receipt of the written challenge. The response shall also outline the procedures to be followed with respect to a hearing regarding the request for amendment.*
- 4. Within 14 days of receipt of the response from the Building Principal, a parent/guardian or eligible student may request, in writing, that a hearing be held to review the determination of the Building Principal.*
- 5. The hearing shall be held within 10 days after the request for the hearing has been received. The hearing will be held by the Superintendent of Schools, unless the Superintendent has a direct interest in the outcome of the hearing, in which case the Superintendent will designate another individual who does not have a direct interest in the outcome of the hearing to hold the hearing.*
- 6. The parent/guardian or eligible student shall be given a full and fair opportunity to present evidence at the hearing. The parent/guardian or eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.*
- 7. The Superintendent or other individual designated by the Superintendent will make a decision in writing within 14 days after the hearing.*
- 8. After the hearing, if the Superintendent or the individual designated by the Superintendent decides not to amend the record, the district will inform the parent/guardian or eligible student that they have the right to place a statement in the record commenting on the contested information or stating why he/she disagrees with the decision of the district. Any statement placed in the record will be maintained with the contested part of the student record for as long as the record is maintained. Further, the statement will be disclosed by the district whenever it discloses the portion of the record to which the statement relates.*

Section 5. Except to the extent that FERPA authorizes disclosure of student records without consent, student records, and any material contained therein which is personally identifiable, are confidential and will not be released or made available to persons other than parents/guardians or eligible students without the prior written consent of the parents/guardians or eligible student.

Exceptions to FERPA's prior consent requirement include, but are not limited to disclosure:

- 1. To other school officials within the district who have been determined to have legitimate educational interests.*
- 2. To officials of another school, school system or post secondary institution where the student seeks or intends to enroll.*
- 3. To authorized representatives of the Comptroller General of the United States, the U.S. Secretary of Education, or state and local education authorities in connection with an audit or evaluation of a federal- or state-supported education program or in compliance with legal requirements related to those programs.*
- 4. In connection with the student's application for or receipt of financial aid.*

5. *To state and local officials or authorities in compliance with state law that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are being released.*
6. *To organizations conducting studies for, or on behalf of, education agencies or institutions, in order to develop tests, administer student aid, or improve instruction.*
7. *To accrediting organizations to carry out their accrediting functions.*
8. *To parents of a dependent student, as defined by the Internal Revenue Code.*
9. *To comply with a judicial order or lawfully issued subpoena, including ex parte court orders under the USA Patriot Act. Prior to complying with a judicial order or subpoena, the district will make a reasonable effort to notify the parent/guardian or eligible student, unless the district has been ordered not to disclose the existence or content of the order or subpoena.*
10. *In connection with a health or safety emergency, the district will disclose information when, taking into account the totality of circumstances, a determination is made that there is an articulate and significant threat to the health or safety of the student or other individuals.*
11. *To teachers and school officials in other schools who have legitimate educational interests in the behavior or the student when the information concerns disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.*
12. *To provide information that the district has designated as "directory information."*
13. *To provide information from the school's law enforcement unit records.*

The District will use reasonable methods to provide access to student educational records to only those authorized under the law and to authenticate the identity of the requestor. The district will use an array of methods to protect records, including physical controls (such as locked cabinets), technological controls (such as role-based access controls for electronic records), and administrative procedures.

Section 6. Whenever a student record or any material contained therein is to be made available to third persons, other than those covered by the exceptions authorized by FERPA, the parent/guardian or eligible student must file a written consent to such action. The written consent must specify the records to be released, the reasons for such release, and to whom. If the parent or eligible student so requests, the district will provide him or her with a copy of the records disclosed. In addition, if the parent of a student who is not an eligible student so requests, the district will provide the student with a copy of the records disclosed.

Section 7. Unless specifically exempted by FERPA, all persons requesting access to such records will be required to sign a written form which indicates the legitimate educational interest that such person has in inspecting the records. Such form will be kept with the student's file and will be maintained with the student's file as long as the file is maintained.

Retention and Disposition of Student Records

The Board has adopted the Records Retention and Disposition Schedule ED-1 issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, which contains the legal minimum retention periods for district records. The Board directs all district officials to adhere to the schedule and all other relevant laws in retaining and disposing of student records. In accordance with Article 57-A, the district will dispose of only those records described in the schedule after they have met the minimum retention periods set forth in the schedule. The district will dispose of only those records that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond the established legal minimum periods.

Adoption date:

5500-E.1

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) NOTICE REGARDING ACCESS TO STUDENT RECORDS AND STUDENT INFORMATION

Dear Parent or Eligible Student:

This is to advise you of your rights with respect to student records pursuant to the Family Educational Rights and Privacy Act (FERPA). FERPA is a federal law designed to protect the privacy of student records. The law gives parents and students over 18 years of age (referred to in the law as "eligible students") the following rights:

1. ***The right to inspect and review the student's education records within 45 days of the day the district receives a request for access.*** Parents or eligible students should submit to the Building Principal a written request that identifies the records they wish to inspect. The Principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
2. ***The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate or misleading.*** Parents or eligible students may ask the district to amend a record that they believe is inaccurate or misleading by

writing the Principal, clearly identifying the part of the record they want changed, and specifying why it is inaccurate or misleading.

If the district decides not to amend the record as requested by the parent or eligible student, the district will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. ***The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.*** *One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a person or company with whom the district has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.*

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the district discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.

4. ***The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA.*** *The Office that administers FERPA is:*

*Family Policy Compliance Office
U.S. Department of Education
600 Independence Avenue SW
Washington, DC 20202-4605*

NOTIFICATION OF DIRECTORY INFORMATION DESIGNATIONS

In addition to the rights outlined above, FERPA also gives the school district the option of designating certain categories of student information as "directory information." Directory information includes a student's name, address, telephone number, date and place of birth, major course of study, participation in school activities or sports, weight and height if a member of an athletic team, dates of attendance, degrees and awards received, most recent school attended, class schedule, photograph, e-mail address, and class roster.

You may object to the release of any or all of this "directory information." However, you must do so in writing within 10 business days of receiving this notice. If we do not receive a written objection, we will be authorized to release this information without your consent. For your convenience, you may note your objections to the release of directory information on the enclosed form and return it to the Building Principal.

Sincerely,

{Insert Building Principal's Name Here}

5500-E.2

SAMPLE FORMS

Dear Parent or Eligible Student:

The school district has designated certain categories of student information as "directory information." Directory information includes a student's name, address, telephone number, date and place of birth, major course of study, participation in school activities or sports, weight and height if a member of an athletic team, dates of attendance, degrees and awards received, most recent school attended, class schedule, photograph, e-mail address, and class roster.

If you object to the release of any or all of the directory information listed above, you must do so in writing within 10 business days of receiving this notice. For your convenience, you may note your objections to the release of directory information on this form and return it to the Building Principal.

Please do not release directory information without my prior consent.

(Parent/Guardian or Eligible Student Signature)

(Date)

5500-E.3

Dear Parent or Eligible Student:

Pursuant to the No Child Left Behind Act, the school district must disclose to military recruiters and institutions of higher learning, upon request, the names, addresses and telephone numbers of high school students. The district must also notify parents of their right and the right of their child to request that the district not release such information without prior written parental consent.

Parents (or students 18 years of age or older) wishing to exercise their option to withhold their consent to the release of the above information to military recruiters and/or institutions of higher learning must sign and return the attached form to the Building Principal by **{Insert Date of Return Here}**

SAMPLE RETURN FORM

Reservation of Consent for the Release of Certain Student Information under the No Child Left Behind Act

Please do not release the name, address and telephone number of

_____ to:

(Name of student)

_____ Military recruiters and/or

_____ Institutions of higher learning

(Parent/Guardian or Eligible Student Signature)

(Date)

5550

STUDENT PRIVACY

The Board of Education recognizes its responsibility to enact policies that protect student privacy, in accordance with law. This is particularly relevant in the context of the administration of surveys that collect personal information, the disclosure of personal information for marketing purposes and in conducting physical exams.

Surveys

The Board recognizes that student surveys are a valuable tool in determining student needs for educational services. In accordance with law and Board policy, parental consent is required for minors to take part in surveys which gather any of the following information:

1. political affiliations or beliefs of the student or the student's parent;
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; or
8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

In the event that the district plans to survey students to gather information included in the list above, the district will obtain written consent from the parent/guardian in advance of administering the survey. The notification/consent form will also apprise the parent/guardian of their right to inspect the survey prior to their child's participation.

Marketing

It is the policy of the Board not to collect, disclose, or use personal information gathered from students for the purpose of marketing or selling that information or providing it to others for that purpose. This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to students or educational institutions such as:

- 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 in schools;*
- d. Tests and assessments used to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information for 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. Student recognition programs; and*
- f. The sale by students of products or services to raise funds for school-related activities.*

In the event that such data is collected by the district, disclosure or use of student personal information will be protected by the district pursuant to the requirements of the Family Educational Rights and Privacy act (FERPA). [For guidance regarding the disclosure of "directory information," rather than personal information, see policy 5500, Student Records.]

Inspection of Instructional Material

Parents/guardians shall have the right to inspect, upon request, any instructional material, used as part of the educational curriculum for students. "Instructional material" is defined as: "instructional content that is provided to a student, regardless of format including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). It does not include tests or academic assessments."

A parent/guardian who wishes to inspect and review such instructional material shall submit a request in writing to the Building Principal. Upon receipt of such request, arrangements shall be made to provide access to such material to within 30 calendar days after the request has been received.

Invasive Physical Examinations

Prior to the administration of any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school not necessary to protect the immediate health or safety of the student or other students and not otherwise permitted or required by state law, a student's parent/guardian will be notified and given an opportunity to opt their child out of the exam. Hearing, vision and scoliosis screenings are not subject to prior notification.

Notification

Parents/guardians and eligible students shall be notified at least annually, at the beginning of the school year, and when enrolling students for the first time in district schools of this policy. The school district shall also notify parents/guardians within a reasonable period of time after any substantive change to this policy.

Cross-ref: 5420, Student Health Services; 5500, Student Records

Ref: 20 USC §1232h (No Child Left Behind Act); 34 CFR Part 98; Education Law §903

Replaces former policy JOC

Adoption date:

OLD/NEW BUSINESS:

Trustee DeGaetano asked if anyone on the Board would be interested in having a standard response on the agenda as a follow-up on the minutes or agenda within the next month after a resident has asked a question at a meeting. It was discussed and determined that it should appear on the agenda under old business and listed as "Follow-up to Resident Statements". Board members would have to request a follow-up appear — it would not be automatic. Mr. Morrell said that this would have to be done through an amendment to the policy.

Trustee DeGaetano expressed concern about volunteers in the district especially in the area of sports and extracurricular activities. She said she didn't want to open up a can of worms nor step on anyone's toes, but felt that the matter needed to be addressed. Trustee Jennings suggested a discussion about when and where people may volunteer. Attorney William Morrell explained various volunteer programs and [possible ramifications of placing stringent restrictions on volunteering.

Trustee DeGaetano said that there seems to be some confusion about field trips. She said that when the budget lines for field trips were cut the majority of trustees thought the line was being reduced. She said she believed there was a breakdown in communication and requested an explanation about why even parent funded trips were cut. Mr. Cacciola said that the supervision of even parent funded trips created a cost to the district for substitutes. Mr. Cacciola said that he would provide the rationale for the decision to cut the trips.

STRATEGIC PLAN UPDATE
COMMITTEES

Trustee Thiel read the minutes of the Community Engagement sub committee and the forum (on file in the District Clerk's office)
Trustee Thiel read the minutes of the Curriculum Committee meeting (on file in the District Clerk's office)
Trustee Thiel read the minutes of the Policy Committee meeting (on file in the District Clerk's office).

Dr. Palma noted that the math pre-assessments will not be ready for the October 11 meeting.

STATEMENT OF RESIDENTS

Resident Lucy Campasano said that she was on the Board when the cuts were made to field trips and agreed that she was not of the understanding that the Boston and Washington trips would be cancelled. She said she believed the intention was to modify trips. In response to her question Mr. Farrell said that the three minute limit for residents to speak is not new to the agenda. Mrs. Campasano said that Mr. Cacciola thanked many people this evening but neglected to thank the Board of Education and the Central Administrators, she offered many thanks.

Resident Diana Doerbecker asked if the district could go out to the community for volunteers.

Resident Noreen Wood said she received a response about the track from Mrs. Jones. She said she also asked how much the district saved by not printing the calendar. She also wanted to know how many calendars had been mailed home from the district and if the district plans to send out calendars ever again.

PTA Council VP said she believes allowing parents to volunteer as coaches could open a can of worms.

Resident Nancy Walsh-Smolenski spoke about technology in the classroom i.e. SmartBoards, and its usefulness. However, she suggested freeing up the teachers to allow them to teach to the individual learner instead of providing a cookie cutter curriculum.

Resident Nancy Kenny asked if the district could allow one field trip per elementary grade level.

In response to a resident's question Mrs. Farrelly said that the district is in the process of hiring a wrestling coach.

Residents Janice Nolan and Kristen Catapano spoke about the need for volunteers to be fingerprinted. Mr. Cacciola noted that the volunteer on this evening's agenda was a former

Trustee Bocca seconded by Trustee Scarlatos made a motion to Executive Session for matters of Negotiations and personnel at 10:03 pm.

The motion was **CARRIED** by all present

Trustee Bocca seconded by Trustee DeGaetano made a motion to adjourn at 11:00 p.m.

The motion was **CARRIED** by all present

Attested to: _____
District Clerk