

WEST BABYLON UNION FREE SCHOOL DISTRICT  
WEST BABYLON, NEW YORK

REGULAR MEETING

BOARD OF EDUCATION  
BOARD ROOM - ADMINISTRATION BUILDING

TUESDAY - MARCH 22, 2011

AGENDA

The order of business at all regular meetings shall be as follows:

1. Call to order by presiding officer
2. Pledge of Allegiance to The Flag [7:00 P.M. - Meeting Convenes Followed by Student Presentation(s) and/or Executive Session]  
[8:30 P.M. - Public Session Resumes Beginning with Item #3]
3. Approval of minutes of previous meeting(s):  
Workshop Meeting: March 1, 2011  
Special Meeting: March 3, 2011
4. Statement of the Board and/or Superintendent
5. Statement of West Babylon Teachers' Association Representatives
6. Statement of School Administrators' Association Representatives
7. Statement of C.S.E.A. Representatives
8. Statement of Student Association Representatives
9. Statement of PTA Council Representatives
10. Statement of Residents re: agenda items [15 minutes-limited to 3 minutes per speaker]\*
11. Report of the Superintendent and/or Educational Presentation:  

**Elementary Instructional Program Update**  
**Superintendent's Management Team**
12. Business Agenda [**\*\*Consent Agenda Items**]
  - A. **PERSONNEL**
    - \*\* (R) 10-P-16 Professional Personnel
    - \*\* (R) 10-C-16 Civil Service Personnel (Res. #PE-1)
  - B. **FINANCE**
    - \*\* (R) Approval of WS BOCES Multi-Year Service Agreement (Res. #FI-1)

**C. CURRICULUM**

- \*\* (R) Declaration of Obsolete Library Books (Res. #CU-1)

**D. FACILITIES**

- \*\* (R) Acceptance of Donations (Res. #FA-1 through Res. #FA-2)

13. Policy Review:
1. Board Review - Homeless Children (Second Time Discussion) (File:5151)
  2. Board Review - Homeless Children-Regulation (Second Time Discussion) (File:5151-R)
  3. Board Review - School Admissions (Second Time Discussion) (File:5152)
  4. Board Review - Student Dismissal Precautions (Second Time Discussion) (File:5162)
  5. Board Review - Student Dismissal Precautions-Regulation (Second Time Discussion) (File:5162-R)
  6. Board Review - Student Organizations (Second Time Discussion) (File:5210)
  7. Board Review - School-Sponsored Student Expression (Second Time Discussion) (File:5220)
  8. Board Review - West Babylon School District's Wellness Policy (Second Time Discussion) (File:5405)
14. Board of Education Committee Reports
15. Strategic Plan Update
16. Old Business
17. New Business: **2011-2012 Budget Review - Draft No. 3**  
**Mr. Anthony Cacciola, Superintendent**  
**Mr. Arthur Williams, Executive Director for Finance & Operations**
18. Statements of Residents re: other district items [15 minutes-limited to 3 minutes per speaker]\*
19. Adjournment [This should take place by 11:00 P.M.]

**Please Note:**

- ◆ **2011-2012 BOCES Budget Vote and BOCES Board Trustees Election:**  
**April 28, 2011 -- 8:30 P.M. -- Administration Building**

- ◆ **2011-2012 West Babylon School District Budget:**

**Budget Hearing -- May 10, 2011 -- 7:30 P.M. -- Administration Building**

**District Budget Vote and Trustees Election -- May 17, 2011 -- 7:00 A.M. to 9:00 P.M.  
(Administration Building and Santapogue School)**

\*Per Board Policy 1230: The Board of Education encourages participation of residents at open Board meetings. The President of the Board shall ask for brief statements from residents and set a time limit (three minutes per resident) on such statements. To allow for public participation, a period not to exceed 15 minutes shall be set aside during the first and last part of each Board meeting. The President shall be responsible for the orderly conduct of the meeting and shall rule on such matters as the time to be allowed for public discussion and the appropriateness of the subject being presented. The President shall have the right to discontinue any presentation which violates this policy. Residents wishing to speak should identify themselves, their address, any organization they may be representing at the meeting, and the topic they wish to discuss. Statements during the first part of the meeting will relate to agenda items. Statements during the second part of the meeting will relate to other district matters.

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REGULAR MEETING

BOARD OF EDUCATION  
BOARD ROOM - ADMINISTRATION BUILDING

TUESDAY, MARCH 22, 2011

**RESOLUTIONS**

**PERSONNEL**

\*\*\*#PE-1

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

10-P-16

Professional Personnel

10-C-16

Civil Service Personnel

**FINANCE**

**\*\*#FI-1**

WHEREAS the West Babylon School District is desirous of maintaining the latest technology for students;  
and

WHEREAS Western Suffolk BOCES has proposed Project #2010-1692 Rev. 1, including 22 Smartboards and 220 Dell desktop computers, under COSER A502, financed for five (5) years as a multi-year shared service agreement.

BE IT RESOLVED: that the West Babylon School District authorizes the acceptance of proposed Project #2010-1692 Rev. 1, according to the payment schedule provided and authorizes the signing of documents associated with the above by the Superintendent of Schools or the Executive Director for Finance & Operations.

**CURRICULUM**

**\*\*#CU-1**

**RESOLVED:** that the West Babylon Board of Education declares 34 books located in the Junior High School library obsolete. It was determined, by the school librarian, that the books are outdated and were weeded out.

**FACILITIES**

\*\*#FA-1

RESOLVED: that the West Babylon Board of Education gratefully accepts a donation of three new Audio Technica wireless microphone systems and two new Crown stage microphones. The equipment will be used by the Junior High School Drama Club and is valued at \$2,098.00.

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\*\*#FA-2

RESOLVED: that the West Babylon Board of Education accepts the following donation from Mr. Ken Powers, owner of Junk to Gems Antiques:

Regional Artifacts - circa 20th Century:

WWII Navy Suit

Blue Bottle

*Glisene* Tin

*Lone Ranger* Book

Two Mason Jars

Three Golf Clubs

One Fishing Pole

These donated items will be used for the *In Grandma's Attic* project.

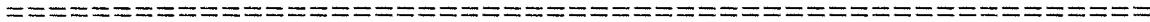
WEST BABYLON UNION FREE SCHOOL DISTRICT

REGULAR MEETING - BOARD OF EDUCATION - TUESDAY - MARCH 22, 2011

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**PERSONNEL**

(R) Schedules:	<u>10-P-16</u>	Professional Personnel
	<u>10-C-16</u>	Civil Service Personnel



**PROFESSIONAL PERSONNEL SCHEDULE**

**I. Professional Personnel Schedule 10-P-16**

- A. Family Medical Leaves
- B. Leave of Absence Requests
- C. Regular Substitute Appointment
- D. Professional Development Instructor
- E. S.A.T. Proctor
- F. Spring, 2010-2011 Coaching
- G. Spring, 2011 Student Teachers/Observers
- H. 2010-2011 Per Diem Substitutes

**CIVIL SERVICE PERSONNEL SCHEDULE**

**II. Civil Service Personnel Schedule 10-C-16**

- A. Family Medical Leave
- B. Retirement/Resignation
- C. 2010-2011 Per Diem Substitutes



SCHEDULE 10-P-16, Professional Personnel Schedule

Date of Meeting: March 22, 2011

Page 1 of 4 pages.

<b>NAME</b>	<b>POSITION</b>	<b>SCHOOL/ AREA</b>	<b>STEP/ SALARY</b>	<b>BEG/END APPT.</b>	<b>COMMENTS</b>
Levy, Kara	School Media Specialist	SB		1/25/11 - 2/2/11	Family Medical Leave
Nettuno, Thomas	Science Tchr.	HS		2/9/11 - 3/4/11	Family Medical Leave
Haug, Christopher	Physical Ed. Tchr.	JK		3/1/11 - 3/16/11	Family Medical Leave
Billings, Natalia	Foreign Language Tchr.	JH/HS		3/8/11 -	Family Medical Leave
LoVerso-Kacprzycki, Marybeth	Social Studies Tchr.	HS		3/10/11 - 6/30/11	Leave of Absence
Weis, Danielle	Senior Technologist	JH		4/4/11 - 5/27/11	Leave of Absence

SCHEDULE 10-P-16, Professional Personnel Schedule

Date of Meeting: March 22, 2011

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NAME	POSITION	SCHOOL/ AREA	STEP/ SALARY	BEG/END APPT.	COMMENTS
Theo, Harry	Regular Substitute/ Coord. of K-12 Student Data & Instructional Technology	DW/TA	Step A-9-14/ \$99,324. +7,380. stipend (prorate)	3/23/11 - 6/30/11, or earlier at district's discretion	
Theo, Harry	Elementary Tchr.	SA		3/23/11 - 6/30/11	Leave of Absence
<b><u>After School Professional Development Session:</u></b>			\$60./hr.	2010-2011	<b>Title II A Grant</b> [4 hrs.]
Squicciarini, Patricia Instructor					
<b><u>S.A.T. Proctor:</u></b> Sanchelli, Joy		HS	\$21.48/hr.	3/12/11	[5.5 hrs.]

SCHEDULE 10-P-16, Professional Personnel Schedule

Date of Meeting: March 22, 2011

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NAME	POSITION	SCHOOL/ AREA	STEP/ SALARY	BEG/END APPT.	COMMENTS
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**Coaches:**

Spring, 2010-2011

Mando-Eno, Kristen	JHS Asst.	Lacrosse(G)	\$3,987.		[resignation]
Rogovitz, Eugene	JHS Asst.	Lacrosse(G)	\$3,987.		[repl. K. Mando-Eno]
Rymer, Erin	JHS Head	Softball	\$3,987.		[resignation]
Safara, Elizabeth	JHS Head	Softball	\$3,987.		[repl. E. Rymer]
Terysen, Holly	Junior Varsity/Varsity	Softball	\$0.		[volunteer]

**Student Teachers/Observers:**

Spring, 2011

Abatte, Maria	Special Education	HS			
Bonilla, Melvin	Social Studies	JH			
Corrado, Danielle	English	HS			
Corrado, Joseph	Social Studies	HS			
DePasquale, Jayme	Special Education	JK			
Nowak, Annette	English	HS			
Rosa, Kristen	Science	JH/HS			
Sarsano, Alissa	Special Education	HS			

**Per Diem Substitutes:**

DW \$90./day 2010-2011

Congiusta, Michele  
Terysen, Holly

SCHEDULE 10-C-16, Civil Service Personnel Schedule

Date of Meeting: March 22, 2011

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NAME	POSITION	SCHOOL/ AREA	STEP/ SALARY	BEG/END APPT.	COMMENTS
Hurley, Janice	Clerk Typist	SA		1/7/11 -	Family Medical Leave
White, John	Custodial Wkr. I	HS		6/27/11	Resignation to Retire
Noecker, Joan	Paraprofessional [special ed. aide]	SA		3/18/11	Resignation
<b>Per Diem Substitutes:</b>		DW	\$9./hr.	2010-2011	
*Marek, Patricia					Clerical/Paraprofessional
*Marek, Patricia					Food Service
Pastore, Terri					"

\*Emergency Conditional Appointment

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**POLICY**

1. Board Review - Homeless Children (Second Time Discussion) (File:5151)
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(File:5405)

**Replaces JECBC in its entirety****HOMELESS CHILDREN**

5151

*The Board of Education recognizes its responsibility to identify homeless children within the district, encourage their enrollment and eliminate existing barriers to their education which may exist in district practices. The Board will provide that homeless children attending the district's schools access to the same free and appropriate public education, including preschool education, as other children.*

*A homeless child is a child who lacks a fixed, regular, and adequate nighttime residence or who has a primary nighttime location in a public or private shelter designed to provide temporary living accommodations, or a place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. This definition also includes a child who shares the housing of others due to loss of housing, economic hardship, or similar reason; lives in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; lives in a car, park, public space or abandoned building, substandard housing, bus or train station or similar setting; has been abandoned in a hospital or is awaiting foster care placement; or is a migratory child who qualifies as homeless.*

*A homeless child has the right to attend school in either the district of origin (i.e., where he/she resided before becoming homeless), the district of current location, or a district participating in a regional placement plan.*

*The Superintendent of Schools shall develop procedures necessary to expedite the homeless child's access to the designated school. Such procedures shall include:*

1. *Admission: Upon designation, the district shall immediately admit the homeless child to school, even if the child is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency or other documentation and even if there is a dispute with the child's parents regarding school selection or enrollment.*

*Homeless children will have the same opportunity as other children to enroll in and succeed in the district's schools. They will not be placed in separate schools or programs based on their status as homeless.*

2. *Transportation: The district shall provide transportation for homeless students currently residing within the district as required by applicable law.*
3. *School Records: For homeless students attending school out of the district, the district shall, within five days of receipt of a request for records, forward a complete copy of the homeless child's records including proof of age, academic records, evaluation, immunization records and guardianship paper, if applicable.*

*The Superintendent shall also designate a liaison for homeless children and ensure that this person is aware of his or her responsibilities under the law. The liaison's responsibilities shall include, but not be limited to, ensuring that:*

1. *parents of homeless children are informed of the educational and related opportunities available to them, including transportation;*
2. *enrollment disputes involving homeless children are promptly mediated and resolved;*
3. *school personnel in coordination with shelters and social service agencies and other appropriate entities identify homeless children, including homeless preschoolers;*

4. *homeless children receive educational services, including Head Start and preschool services to which they are eligible, as well as referrals to health care and other appropriate services;*

*In accordance with Commissioner's regulations, the district shall collect and transmit to the Commissioner information necessary to assess the educational needs of homeless children within the State.*

Ref: 42 USC §§11431, et seq.  
School Enrollment Guidelines on the McKinney-Vento Act, 67 Fed. Reg. 10,697-10,701 (March 8, 2002)  
Education Law §§207; 305; 3202; 3205; 3209  
Executive Law §§532-b; 532-e  
Social Services Law §§17; 62; 397  
8 NYCRR §§100.2; 175.6

*Adoption date:*

***Entirely new regulation recommended by School Boards***  
**HOMELESS CHILDREN REGULATION**

*Each school in the district shall maintain forms provided by the Commissioner of Education for designating a homeless child's district of attendance. These forms must be provided to any homeless child or parent or guardian who seeks to enroll a child in school. The district's liaison for homeless students shall assist the homeless child and/or parent or guardian in understanding their rights under the law and provide them with information regarding the educational and related opportunities available to them.*

*School placement decisions for homeless children will be based on the "best interest of the child." Unless doing so is contrary to the wishes of the child's parent or guardian, to the extent possible, a homeless child will continue to attend the school of origin (the school the child attended when he or she became homeless).*

*If the district wishes to send a homeless child to a school other than the school of origin or a school requested by the parent or guardian, the Superintendent or designee shall provide the parent or guardian with a written explanation of its decision, together with a statement regarding the right to appeal the placement process. The Superintendent or designee shall refer any such dispute to the district's liaison for the homeless for resolution. The homeless child must be enrolled in the school sought by the parent or guardian pending resolution of the dispute.*

*Admission Procedures*

*Upon designation, the Superintendent of Schools or designee shall immediately:*

- 1. review the designation form to ensure that it is complete;*
- 2. admit the homeless child even if the child or his/her parent or guardian is unable to produce records normally required for enrollment or there is an unresolved dispute regarding school selection or enrollment;*
- 3. where applicable, make a written request to the school district where a copy of the child's records are located for a copy of the homeless child's school records;*
- 4. notify the liaison for homeless children of the child's admission. The liaison shall:*
  - a. notify the child and/or the parent or guardian of the educational and related opportunities available to homeless children including transportation;*
  - b. ensure that the child receives the educational services for which they are eligible, including Head Start and Even Start and preschool programs administered by the district;*
  - c. make necessary referrals to health care services, dental services, mental health services, and other appropriate services; and*
  - d. ensure that any enrollment disputes are mediated promptly and in accordance with law.*

*The Superintendent or designee shall forward a copy of the designation form to the Commissioner of Education and the school district of origin where applicable.*

*Unless the homeless child is entitled to transportation provided by the Division for Youth or the Department of Social Services, the district shall provide transportation services to the child in accordance with applicable law.*

*Promulgated:*



The following policy combines our policies JEC and JECB with School Boards suggestions – the policy to be adopted is first,– followed by our policies and School Board policy and recommendations – the committee opted to combine school boards suggestions and our policy:

## SCHOOL ADMISSIONS

5152

### **RESIDENTS:**

District residents over five and under twenty-one years of age and veterans, 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:

- > Proof of date of birth
- > Record of immunizations and a health certificate from a licensed physician
- > Proof of residency
- > Proof of guardianship

### **IN DISTRICT TRANSFERS:**

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.

### **NON RESIDENTS:**

*The Board of Education affirms that its primary responsibility is to provide the best possible educational opportunities for the children who are legal district residents and who are of legal age to attend school.*

*However, a non-resident student may be admitted to district schools upon payment to the district of the Board-adopted tuition charge, if and only if, in the judgment of the Superintendent of Schools:*

1. *there is sufficient space to accommodate the non-resident student;*
2. *no increase in the size of faculty or staff will be necessary to accommodate them;*
3. *the non-resident student meets the district's criteria for admission; and*
4. *the admission of such non-resident student is and continues during the enrollment period to be in the best interests of the district.*

### **CHILDREN OF DISTRICT EMPLOYEES:**

The Superintendent is authorized to accept the children of district employees who are not district residents for enrollment in the schools of the district. Tuition is to be charged at the rate set by the Board. Transportation to and from school is the responsibility of the staff member. Field trip transportation will be made available as it is to district residents.

### **CHILDREN OF NON-RESIDENTS WHO ARE NOT DISTRICT EMPLOYEES:**

Children of nonresidents, other than district employees, may be accepted for enrollment in the West

Babylon Schools only upon approval by the Board of Education. Tuition will be charged as established yearly. Tuition payments are to be made monthly unless otherwise arranged by the Superintendent or a designee. Transportation to and from school is the responsibility of the student's parent or guardian. Field trip transportation will be made available as it is to district residents.

***FORMER RESIDENTS***

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 eligible to finish the school year in West Babylon only if the move takes place during the final ten (10) weeks of the academic year. Parents or guardians of these are responsible for transporting the students to and from school.

*Ref: Education Law §3202(2)*

*Adoption date:*

**These changes incorporate our Policy JEDB with School Board Recommendations.**

#### **STUDENT DISMISSAL PRECAUTIONS**

**5162**

*No student may be released from school to anyone other than the parent, guardian or child protective services personnel and law enforcement officers pursuant to law, unless the individual's name seeking release of the student appears on an emergency contact list provided by the parent or guardian.*

*Parents are urged to make appointments with physicians, dentists, special tutors, etc., after school hours. If a request is necessary, parents should make note of the date, time and reason for the release. [Children cannot be excused without advanced written request by parent/guardian, and must be released in care of parent/guardian, unless otherwise noted]. Without prior written notice, a child cannot be release to anyone other than his/her parent/guardian.*

A student may be released to either parent unless a custodial parent supplies the [Superintendent of Schools] *building principal* with a certified copy of a court order or divorce decree to the contrary.

The Superintendent shall develop procedures to enable parents and guardians to amend the list of persons authorized to obtain the release of their children.

Ref: Education Law §3210(1)(c)

Adoption date:

**This is an entirely new regulation – I have noted the changes the committee has recommended with italics or brackets.**

### **STUDENT DISMISSAL PRECAUTIONS REGULATION**

The Superintendent of Schools or his/her designee shall maintain a list of individuals who are authorized to obtain the release of students in attendance at the school. No student may be released to the custody of any individual not the parent or guardian of the student, unless the individual's name appears upon the list.

Parents or guardians may submit a list of individuals authorized to obtain the release of their children from school at the time of the child's enrollment. The signature of the parent or guardian must be on or attached to such list.

A parent or guardian may amend a list submitted pursuant to this regulation at any time, in writing.

Certified copies of any court orders or divorce decrees provided by the custodial parent, which restrict a parent's ability to seek the release of their child, shall be maintained by the [Superintendent] *building principal*.

In the case of illness, suspected contagious disease, or other *urgent* situations requiring a child to leave before the close of school, the nurse will utilize the child's emergency home contact card which has been filled out by a parent or legal guardian, to enable the student to be picked up and signed out by a designated adult.

If any individual seeks the release from school of a student he or she must report to the school office and present identification deemed satisfactory by the Superintendent or his/her designee, who must check the authorized list and relevant court orders or divorce decrees before a student may be released. Particular caution should be exercised when the person seeking the release of a child exhibits to the school official an out-of-state custody order.

Early excuses for emergency reasons should be requested in writing by a parent/guardian. [Medical releases are handled through the Nurse's Office. All other reasons for release must go through the Main Office, and students must be picked up in the Main Office.] The person seeking the release must sign the register in the office.

In the event of an emergency, the [Superintendent] *building principal* may release a student to some individual not appearing on the approved list only if the parent or guardian has been contacted by the [Superintendent] *building principal* and has approved the release, and the [Superintendent] *building principal* determines that an emergency exists.

Promulgated:

**Our JFCE has been added into the School Boards Policy recommended:**

5210

**STUDENT ORGANIZATIONS**

*The Board of Education recognizes the educational values inherent in student participation in the extracurricular life of the school, and supports the concept of the formation of student groups for such purposes as building sound social relationships, developing interests in an academic area, and gaining an understanding of the elements and responsibilities of good citizenship.*

*The Superintendent of Schools, with the aid of students, faculty and administration, is charged with developing procedures for registering and regulating student groups or clubs. Such procedures shall ensure that the district will register any group organized for a purpose not prohibited by Board policy or by law, if such group submits a list of its members designated as contacts, a copy of its constitution and/or bylaws, and the constitution and bylaws of any off-campus organization with which it may be affiliated. Student groups may not restrict membership on the basis of race, sex, national origin or other arbitrary criteria.*

*The Board may prohibit the formation of any clubs, including fraternities or sororities, or any other secret society, whose deliberations and activities have caused or created, or are likely to cause or create, a disruption of or interference with the school program.*

*Administrative regulations governing the use of school facilities shall abide by the Equal Access Act in the creation of a "limited open forum." All noncurricula-related student activities, regardless of religious or political content, shall have the same opportunities as any other such activity to operate on school grounds.*

Ref: Education Law §§207; 1709-a; 2503-a; 2554-a  
 Equal Access Act, 20 U.S.C. §§4071-4074  
 8 NYCRR Part 172  
*Board of Education of the Westside Community Schools v. Mergens*, 496 U.S. 226 (1990)  
*Garnett By Smith v. Renton School Dist. No. 403*, 865 F.2d 1121 (9th Cir., 1989)  
*Thompson v. Waynesboro Area School Dist.*, 673 F.Supp. 1379 (M.D. Pa. 1987)  
*Student Coalition v. Lower Merion School Dist. Bd.*, 633 F.Supp. 1040  
 (E.D. Pa. 1986)  
*Tinker v. Des Moines Independent Community School Dist.*, 393 U.S. 503, 89 S.Ct. 733 (1969)  
*Healy v. James*, 408 U.S. 169, 92 S.Ct. 2338 (1972)

Adoption date:

**This is a new policy:**

**5220**

### ***SCHOOL-SPONSORED STUDENT EXPRESSION***

*The Board of Education encourages student expression in its many forms, including the school newspaper, yearbook, literary magazine, concerts, shows, art exhibits. The Board believes these activities are an important part of student learning and enrich the life of the school community. The school newspaper, for example, is an important part of the school not only because it offers an educational activity through which students gain experience in reporting, writing, editing, and understanding responsible journalism, but also because it provides an opportunity for students to express their views in a responsible manner. Each school-sponsored activity offers unique opportunities for students to engage in creative and educational modes of expression.*

*All school-sponsored opportunities for student expression will comply with the rules set forth in this policy and in the Code of Conduct. Libelous statements, unfounded charges and accusations, obscenity, false statements; materials or performances advocating racial or religious prejudice, hatred, violence, the breaking of laws and school policies and/or regulations; or materials or performances designed to disrupt the educational process will not be permitted.*

*In addition, the school-sponsored activities listed above are not considered public forums. In such cases, the [Board] principal reserves the right to edit or delete such student expression which it believes is inconsistent with the district's basic educational mission.*

#### *Procedural Due Process*

*When a student(s) presents material for inclusion in a school sponsored publication to a school official with authority over the school publication, the school official must review and make a decision on inclusion in the publication within two (2) school days of submission of the material to him/her. If publication is denied, the student(s) may appeal the decision to the Building Principal. If the principal agrees with the decision to withhold approval, the principal must state the reasons in writing and provide the students with a copy of the reasons within two (2) school days of the receipt of the appeal. The aggrieved student(s) may within two (2) school days appeal in writing to the Superintendent of Schools. The Superintendent of Schools must issue a written decision within two (2) school days after receiving the appeal.*

Cross-ref: 5300, Code of Conduct  
5225, Student Personal Expression

Ref: *Morse v. Frederick*, 127 S Ct 2618 (2007)  
*Hazelwood School District v. Kuhlmeier*, 484 US 260, 108 S Ct 562, (1988) (limits on student free speech rights in school-sponsored student publications)  
*Bethel School District v. Fraser*, 478 US 675 (1986)  
*Tinker v. Des Moines Independent Community School Dist.*, 393 US 503, (1969) (limits on student free speech rights in school setting)  
*Thomas v. Board of Education, Granville Central School Dist.*, 607 F 2d 1043 (1979)  
*Trachtman v. Anker, et al.*, 563 F 2d 512 (1977)  
*Frasca v. Andrew et al.*, 463 F Supp 1043 (1979)  
*Matter of Beil and Scariati*, 26 EDR 109(1986)

Adoption date:

**This is our policy IGAF (EFF) School Boards only added additional references at the end.**

**5405**

**WEST BABYLON SCHOOL DISTRICT'S WELLNESS POLICY**

The Board of Education is committed to providing school environments that promote and protect children's health, well-being, and ability to learn by supporting healthy eating habits and physical activity. Therefore, it is the policy of the West Babylon School District that:

The district will engage students, parents, teachers, administrators, food service professionals, health professionals, and other interested community members in developing, implementing, monitoring, and reviewing district-wide nutrition and physical activity policies. This group will serve as the West Babylon District-wide Wellness Committee.

All students in grades K-12 will have opportunities, support and encouragement to be physically active on a regular basis.

Foods and beverages served at school will meet the nutrition recommendations of the West Babylon Wellness Policy.

Only healthful foods and beverages in appropriate portions may be used in classroom celebrations. All snack foods provided to students at parties or other events during the school day shall meet either the nutrition guidelines set by the Alliance for a Healthier Generation or the New York State Nutrition Association's Choose Sensibly guidelines. Items must be commercially prepared. These items must be in original sealed package with labeling of ingredients and nutritional content. Whole fruits are permissible. If the fruit must be cut-up, this should be done at school following appropriate food handling standards.

Items containing ingredients to which a member of a classroom is allergic must be avoided. Under no circumstances should a student be served foods that contain ingredients to which he or she is allergic.

Homemade foods are for personal consumption only. These items are not to be shared, served or sold to students during school hours.

All foods sold by student organizations for fundraisers must meet the nutrition guidelines set by the Alliance for a Healthier Generation or the New York State Nutrition Association's Choose Sensibly guidelines. Items must be commercially prepared. These items must be in the original sealed package with labeling of ingredients and nutritional content. During the school day only foods compliant with these guidelines shall be sold to students.

The exception to the above provisions is food produced as part of course work and instruction. All foods prepared as part of classroom instruction shall follow appropriate food handling standards.

Organizations affiliated with the district (e.g., the PTA, Sports Parents Association, and Music Parents Association) are encouraged to offer healthy choices among the foods served or sold at after school events.

Qualified child nutrition professionals will provide students with access to a variety of affordable, nutritious and appealing foods that meet the health and nutrition needs of students; will provide clean, safe and pleasant settings and adequate time for students to eat; and will comply with federal, state and local child nutrition program requirements.

Schools will provide nutrition education and physical education to foster lifelong habits of healthy eating and physical activity, and will establish linkages between health education and school meal programs, and with related community services.

Each school will maintain a School Wellness Committee that meets at least every other month. These committees shall seek to include members who are representative of the diversity of our community. At least one parent/guardian representative shall be part of the committee. The committees will solicit input from the community at large, including students, parents/guardians and staff members. The committees will promote activities that further the goals of the policy. To accomplish this, the committees will be committed to reflecting the importance of diversity and culturally inclusive practices.

All school-based activities are consistent with local wellness policy goals.

The Superintendent of Schools or designee will develop a summary report on district-wide compliance with the district's established nutrition and physical activity wellness policies, based upon input from schools within the district every three years.

Ref: P.L. 108-265 (Child Nutrition and WIC Reauthorization Act of 2004)  
42 USC §§1758(f)(1); 1766(a) (Richard B. Russell National School Lunch Act)  
42 USC §1779 (Child Nutrition Act)  
7 CFR §210.10; 210.11 (National School Lunch Program participation requirements – standards for lunches, snacks, and competitive foods)  
7 CFR §220.8 (School Breakfast Program participation requirements – nutrition standards)  
8 NYCRR Part 135 (Health and Physical Education curricular requirements); §114.1 (School Breakfast Program Requirements)  
*Appeal of Phillips*, 37 EDR 204 (1997) (dec. no. 13,843)  
*Appeal of Williams*, 32 EDR 621 (1993) (dec. no. 12,934)

Adoption date: