

2009 7000

Students

**Port Byron Central School District**

**NUMBER**

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## Students

**SUBJECT: STUDENT DISMISSAL PRECAUTIONS**

The Principal of each school in the District shall maintain lists of individuals who are authorized to obtain the release of students in attendance at the school. No student may be released in the custody of any individual who is not the parent or guardian of the student unless the individual's name appears on 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. A parent or guardian may amend, in writing, a list submitted pursuant to this regulation at any time.

Certified copies of any court order or divorce decrees provided by the custodial parent/guardian, which restrict a parent's/guardian's ability to seek the release of his/her child, shall be maintained by the Principal of each school.

Individuals seeking the release from school of a student must report to the school office and present identification deemed satisfactory by the school Principal. The Principal must check the authorized list and relevant court orders or divorce decrees before a student may be released.

The Principal may release a student to an individual not appearing on the approved list only if the Principal has determined that an emergency exists and the parent or guardian has been contacted by the Principal and has approved the release.

**SUBJECT: DIAGNOSTIC SCREENING PROGRAM**

New York State Education Law and the Regulations of the Commissioner of Education require local school districts to screen all new entrants and students with low test scores to determine those students who may possibly be gifted, may possibly have a disability or may possibly be of limited English proficiency.

**Definitions**

A new entrant means a student entering the New York State public school system, pre-kindergarten through grade 12, for the first time, or re-entering a New York State public school with no available record of a prior screening.

Students with low test scores are students who score below level two on either the third grade English language arts or mathematics assessment for New York State elementary schools.

**Areas to be Screened**

Diagnostic Screening shall include, but not be limited to the following:

For New Entrants

- 1) A health examination by a physician/physician's assistant or nurse practitioner or submission of a health certificate in accordance with Education Law Sections 901, 903, and 904;
- 2) Certificates of immunization or referral for immunization in accordance with Section 2164 of the Public Health Law;
- 3) Vision, hearing and scoliosis screenings as required by Section 136.3 of Commissioner's Regulations;
- 4) A determination of development in oral expression, listening comprehension, written expression, basic reading skills and reading fluency and comprehension, mathematical calculation and problem solving, motor development, articulation skills, and cognitive development using recognized and validated screening tools; and
- 5) A determination whether the student is of foreign birth or ancestry and comes from a home where a language other than English is spoken as determined by the results of a home language questionnaire and an informal interview in English and the native language.

(Continued)

**SUBJECT: DIAGNOSTIC SCREENING PROGRAM (Cont'd.)**For Students with Low Test Scores

- 1) Vision and hearing screenings to determine whether a vision or hearing impairment is impacting the student's ability to learn; and
- 2) A review of the instructional programs in reading and mathematics to ensure that explicit and research validated instruction is being provided in reading and mathematics.

**Responsibility for Screening**

- 1) New entrants, including prekindergarten and kindergarten students, shall be referred by persons responsible for registration to both the guidance director and the school's registered professional nurse for screening. Screening shall be completed no later than December 1 of the school year or within fifteen (15) days of transfer of the student should the entry take place after December 1.
- 2) Students with low test scores shall be screened within thirty (30) days of the availability of the test scores. The Principal shall refer those students who score below the state reference point for competency.

**Screening Report Forms**

The results of the diagnostic screening shall be reviewed and a written report of each student screened shall be prepared by appropriately qualified School District staff. The report shall include a description of diagnostic screening devices used, the student's performance on those devices and, if required, the appropriate referral. All screening information shall be kept confidential.

**Screening Instruments**

The Principal and the guidance director shall cooperate to select appropriate screening instruments.

Diagnostic screening shall be conducted by persons appropriately trained or qualified and in the case of students where the language of the home is other than English, by persons appropriately trained or qualified in the student's native language.

**Referring Students as a Result of Screening**

- 1) Children who may possibly have a disability shall be referred to the Committee on Special Education (CSE) or the Committee on Preschool Special Education (CPSE) within fifteen (15) calendar days of the screening.

(Continued)

Students

**SUBJECT: DIAGNOSTIC SCREENING PROGRAM (Cont'd.)**

- 2) Children who may possibly be gifted shall be reported to the Superintendent and notification shall be provided to the parents/guardians within fifteen (15) calendar days of the screening.
- 3) Children who may possibly be of limited English proficiency shall be referred for further assessment to determine eligibility for appropriate transitional bilingual or free-standing English as a Second Language (ESL) programs.



## Students

**SUBJECT: RESIDENCY GUIDELINES**

Residence is based, in part, upon an individual's physical presence as an inhabitant within the District as his/her actual and only place of residence.

A student's residence is presumed to be that of his/her parents/persons in parental relationship. This presumption can be rebutted by the parents/persons in parental relationship or the District, however.

To determine whether the presumption that a student resides with his/her parents/persons in parental relationship has been rebutted, the following factors are relevant:

- 1) Is the current address and living arrangement the student's actual and only address?
- 2) Does the student intend to remain permanently in the District?
- 3) Are the parents/persons in parental relationship exercising custody or control over the student?
- 4) Do the parents/persons in parental relationship continue to support the student?
- 5) Is there sufficient evidence that the parents/persons in parental relationship have transferred custody and control of the child to the individual with whom the child is living? (e.g., who claims the student as an income tax exemption?)
  - a. Although the District cannot require a court ordered change of guardianship, it can require a sworn statement or affidavit from the parents/persons in parental relationship and/or the claimed custodian residing in the District acknowledging the transfer of custody to the custodian unless the student is an emancipated minor. (see subheading "Emancipated Minors" in this regulation)
  - b. If the student claims to be an emancipated minor, the District cannot require any court documentation to that effect but can require the student to complete a sworn affidavit or statement attesting to emancipated status. (see subheading "Emancipated Minors" in this regulation)
- 6) Why is the student living with others? Where the sole reason for living with others is to take advantage of the services available in the District, the Commissioner has held that the student has not established residence.

When a court order awards custody to one parent/person in parental relationship, the student's residence is presumed to be that of the custodial parent/person in parental relationship.

(Continued)

Students

**SUBJECT: RESIDENCY GUIDELINES (Cont'd.)**

When a student lives with a noncustodial parent/person in parental relationship in the District, the District must consider whether the student's actual and only residence is with the custodial parent/person in parental relationship. In making that determination, the District must consider the same factors as those listed above, but the custodial document would be strong evidence that the child's actual and only residence is with the custodial parent/person in parental relationship.

In cases in which a student's time is divided between two households and both parents/persons in parental relationship assume the day-to-day responsibilities for the student, (such as in a "50-50" joint custody arrangement), the custodial parent/person in parental relationship or parents/persons in parental relationship must designate the student's residence within one or the other of the districts in which the two parents/persons in parental relationship reside.

**Children of Activated Reserve Military Personnel**

Students temporarily residing outside the boundaries of the District due to relocation necessitated by the call to active military duty of the student's parent or person in parental relationship will be allowed to attend the public school that they attended prior to the relocation.

The District is not required to provide transportation between a temporary residence located outside the District and the school the child attends.

The District requires proof of the parent's/person's in parental relationship notice of call to active duty and verification of the family's temporary residence outside the District.

**Emancipated Minors**

Students beyond the compulsory attendance age who are independent and living apart from their parents/persons in parental relationship may be considered emancipated for purposes of making a determination as to the student's legal residence within the District and, therefore, his/her entitlement to a tuition-free education.

In such cases, where the applicant is living with others, whether the adults with whom the student lives have assumed responsibility for the student is irrelevant.

The basic question is whether the students claiming emancipation have in fact established a residence in which they maintain themselves beyond the support and control of their parents/persons in parental relationship.

(Continued)

Students

**SUBJECT: RESIDENCY GUIDELINES (Cont'd.)**

The actions and intentions of the parents/persons in parental relationship of a student under eighteen (18) years of age are relevant to a determination of emancipation because parents/persons in parental relationship still execute legal control of the student. In that case, if necessary, the District may request an affidavit from the parents/persons in parental relationship. However, a statement from the parents/persons in parental relationship of an emancipated minor describing the nature of their relationship to the child may not be required where, based upon the facts of the case, it places an unreasonable burden on the prospective student.

The District should require an affidavit from the student as proof of emancipation and residence, in addition to requesting supporting documentation of the student's age, means of support, home address and circumstances surrounding the student's emancipation (e.g., a statement from the person with whom the student is living, rent receipts, pay stubs, driver's license, letter from the Department of Social Services).

Where a student is emancipated and living with a noncustodial parent/person in parental relationship within the District, no issue of whether the residence is the student's actual and only residence arises, and a designation of the student's residence by the custodial parent/person in parental relationship is unnecessary.

**Children Lacking a Permanent Address**

Other children who are not "homeless" or "runaway and homeless" nonetheless might lack a permanent address because they (if they are emancipated) or their families might lose their primary homes due to circumstances beyond their control and might be forced to make temporary living arrangements outside their usual district of residence. These students cannot be deprived of the right to attend school, and residency determinations must be made on a case-by-case basis, focusing upon the student's or student's family's intent to return to the district of residence. Temporary absence from the district of residence does not necessarily constitute the establishment of residence in a district elsewhere or the abandonment of permanent residence. Because the lack of a permanent address does not in and of itself constitute a legitimate basis for denying admission, students are entitled either to continue to attend in the district they attended before losing their permanent home or in a district where they are located temporarily.

**Residency Determination**

Prior to making a residency determination, the Board of Education or its designee must afford the student's parent/person in parental relationship the opportunity to submit information concerning the student's right to attend District schools.

(Continued)

**SUBJECT: RESIDENCY GUIDELINES (Cont'd.)**

If it is determined that the student is neither a resident nor entitled to attend as a nonresident, written notice of the determination must be provided within two (2) business days to the parent/person in parental relationship or the student. The written notice must include the basis for the determination, the date the student will be excluded from the District, and a statement regarding the right to appeal an adverse decision to the Commissioner of Education within thirty (30) days. The notice must indicate that the procedure for taking the appeal can be obtained from the Office of Counsel, State Education Department, Albany, New York.

**Homeless Children and Youth**

Please refer to Regulation #7131R -- Education of Homeless Children and Youth.

**PORT BYRON CENTRAL SCHOOL DISTRICT  
CUSTODIAL GUARDIANSHIP AFFIDAVIT**

This is to authorize \_\_\_\_\_, residing at \_\_\_\_\_  
\_\_\_\_\_ to act during the school year 20\_\_\_\_ - 20\_\_\_\_,  
as Custodial Guardian of \_\_\_\_\_.  
Name of Child

We agree to transfer all parental rights and responsibilities to the above named while the child resides at \_\_\_\_\_.

\_\_\_\_\_  
Signature of Parent/Guardian  
\_\_\_\_\_  
Address of Parent/Guardian  
\_\_\_\_\_

State of New York                                     )  
   ) ss.  
County of \_\_\_\_\_)

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ before me personally came \_\_\_\_\_ to me known, being by me duly sworn, did depose and say that he/she has read the foregoing statements and acknowledges the same to be true.

Sworn to and subscribed before me this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

(Continued)

**PORT BYRON CENTRAL SCHOOL DISTRICT  
CUSTODIAL GUARDIANSHIP AFFIDAVIT (Cont'd.)**

This is to certify that the full-time residence of:

\_\_\_\_\_ is at  
Name of Child

\_\_\_\_\_  
Address

for the school year of 20\_\_\_\_ - 20\_\_\_\_\_.

This is to further certify that the above named child will reside at the above address permanently for the school year named and that the undersigned will act as Custodial Guardian and assume all responsibilities relating to care, school attendance and such other problems which may arise while the child is residing at the above address.

\_\_\_\_\_  
Signature of Custodial Guardian

State of New York            )  
  ) ss.  
County of \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ before me personally came \_\_\_\_\_ to me known, being by me duly sworn, did depose and say that he/she has read the foregoing statements and acknowledges the same to be true.

Sworn to and subscribed before me this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH****Definitions**Homeless Child

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

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

(Continued)

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)**

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

Designator means:

- 1) The parent or person in parental relation to a homeless child; or
- 2) The homeless child, together with the homeless liaison designated by the School District in the case of an unaccompanied youth; or
- 3) The director of a residential program for runaway and homeless youth established pursuant to Article 19-H of the Executive Law, in consultation with the homeless child, where such homeless child is living in such program.

School district of origin means the school district within New York State in which the homeless child was attending a public school on a tuition-free basis or was entitled to attend when circumstances arose which caused such child to become homeless, which is different from the school district of current location.

School district of current location means the public school district within New York State in which the hotel, motel, shelter or other temporary housing arrangement of a homeless child, or the residential program for runaway and homeless youth, is located, which is different from the school district of origin.

Regional placement plan means a comprehensive regional approach to the provision of educational placements for homeless children which has been approved by the Commissioner of Education.

Unaccompanied youth means a homeless child for whom no parent or person in parental relation is available.

Local educational agency liaison is the staff person designated by the School District, who may also be a coordinator for other federal programs, as the person responsible for carrying out the duties assigned to the liaison pursuant to the McKinney-Vento Act as well as state law and regulations, and applicable guidance issued by the U.S. and New York State Education Departments.

(Continued)



**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)****Choice of District**

The designator shall have the right to designate one of the following as the school district within which a homeless child shall be entitled to attend upon instruction:

- 1) The school district of current location;
- 2) The school district of origin; or
- 3) A school district participating in a regional placement plan.

Depending on which designated category is applicable to the School District, attendance areas/school building, duration of attendance, and transportation requirements shall be in accordance with law and/or regulation.

**Transportation**

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

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

**Reimbursement**

If the School District is designated the district of attendance and the District is either the school district of current location or a school district participating in a regional placement plan, and the homeless child's school district of origin is within New York State, the District is eligible for reimbursement by the State Education Department for the direct cost of educational services. Pursuant to Commissioner's Regulations, the school district of origin (if not designated the district of attendance) shall reimburse the State Education Department in accordance with law.

(Continued)

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)****Designation Form**

A designation form provided by the Commissioner of Education shall be completed by the appropriate designator as defined above. Upon receipt of a designation form, the School District (if designated the district of attendance) shall immediately:

- 1) Review the designation form to assure that it has been completed;
- 2) Admit the homeless child even if the child or youth is unable to produce records normally required for enrollment such as previous academic records, medical records, proof of residency, or other documentation;
- 3) Provide the child with access to all of its programs, activities and services to the same extent as they are provided to resident students;
- 4) Immediately contact the school district where the child's records are located for a copy of such records and coordinate the transmittal of records for students with disabilities;
- 5) If the child or youth needs to obtain immunizations or immunization or medical records, the school admitting such child or youth shall immediately refer the parent or guardian of the homeless child or youth to the District liaison who shall assist in obtaining necessary immunizations or immunization or medical records.

The designation form shall be forwarded to the Commissioner of Education and, where applicable, the school district of origin.

Within five (5) days of the receipt of a request for school records, the school district receiving such request shall forward a complete copy of the homeless child's records including, but not limited to, proof of age, academic records, evaluations, immunization or medical records, and guardianship papers, if applicable.

**School District Responsibilities****Enrollment, Retention and Participation in the Educational Program**

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

- 1) Transportation;
- 2) Immunization requirements;

(Continued)

## Students

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)**

- 3) Residency requirements;
- 4) Birth certificates, medical records, individualized education programs (IEPs), school records and other documentation;
- 5) Guardianship issues;
- 6) Comprehensive assessment and advocacy referral processes;
- 7) Resolution of disputes regarding school selection;
- 8) Proof of social security numbers;
- 9) Attendance requirements;
- 10) Sports participation rules;
- 11) Inability to pay fees associated with extracurricular activities such as club dues and sports uniforms; or
- 12) Other enrollment issues.

The School District shall:

- 1) Ensure that homeless children and youth are not segregated in a separate school, or in a separate program within the school, based on their status as homeless;
- 2) To the extent feasible and consistent with the applicable requirements in Commissioner's Regulations, keep a homeless child or youth in the school of origin except when doing so is contrary to the wishes of the child or youth's parent or guardian; and
- 3) Provide to a student with a disability (as defined in Section 200.1(zz) of Commissioner's Regulations) who transfers school districts within the same academic year a free appropriate public education including services comparable to those described in the previous individualized education program (IEP).

To facilitate immediate enrollment, the School District may consider, but is not limited to, the following practices:

- 1) Training all school enrollment staff such as secretaries, guidance counselors, school social workers, and Principals on the legal requirements regarding immediate enrollment;
- 2) Reviewing all District policies and regulations to ensure that they comply with federal and state requirements pertaining to the education of homeless children and youth;
- 3) Collaborating with community-based or public agencies to provide uniformity within and among neighboring districts;
- 4) Contacting the previous school for records and assistance with placement decisions; and

(Continued)

Students

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)**

- 5) Expeditiously following up on any special education referrals or services and language assistance services.

**Educational Programs and Services**

The School District shall provide homeless children and youth with access to all of its programs, activities and services to the same extent that they are provided to resident students.

Homeless children and youth shall be educated as part of the school's regular academic program. Services must be provided to homeless children and youth through programs and mechanisms that integrate homeless children and youth with their non-homeless counterparts, including programs for special education, vocational and technical education, gifted and talented students, before and after school, English language learners/limited English proficiency, Head Start, Even Start, and school nutrition. Services provided with McKinney-Vento funds must expand upon or improve services provided as part of the regular school program.

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

**Dispute Resolution**

The School District shall establish procedures, in accordance with the McKinney-Vento Act, for the prompt resolution of disputes regarding school selection or enrollment of the homeless child or youth. The District shall provide a written explanation, including a statement regarding the right to appeal as enumerated in the McKinney-Vento Act, to the homeless child or youth's parent or guardian if the School District sends such child or youth to a school other than the school of origin or school requested by the parent or guardian.

Pursuant to the McKinney-Vento Act, if a dispute arises over school selection or enrollment in a school:

- 1) The child or youth shall be immediately admitted to the school in which enrollment is sought, pending the resolution of the dispute;
- 2) The parent or guardian of the child or youth shall be provided with a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent, guardian, or youth to appeal the decision;

(Continued)

Students

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)**

- 3) The student will remain enrolled until a final determination is made by the District and for a minimum of thirty (30) days after the final determination to allow the parent/guardian opportunity to appeal to the Commissioner of Education. If the student files an appeal that contains a request for a stay within thirty (30) days of such final determination, the District must continue to enroll the student until the Commissioner rules on the stay request;
- 4) The child, youth, parent, or guardian shall be referred to the District liaison who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute; and
- 5) In the case of an unaccompanied youth, the District liaison shall ensure that the youth is immediately enrolled in the school pending resolution of the dispute.

**Duties of the District Liaison**

The District liaison for homeless children and youth shall ensure that:

- 1) Homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies;
- 2) Homeless children and youths enroll in, and have full and equal opportunity to succeed in schools in the District;
- 3) Homeless families, children, and youths receive educational services for which they are eligible, including Head Start and Even Start programs and preschool programs administered by the District; and referrals to health care services, dental services, mental health services, and other appropriate services;
- 4) The parents or guardian of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
- 5) Public notice of the educational rights of homeless children and youths is disseminated where such children and youths receive services pursuant to the McKinney-Vento Act, such as in schools, family shelters, and soup kitchens;
- 6) Enrollment disputes are mediated in accordance with the requirements of the McKinney-Vento Act, as well as other applicable laws and regulations;

(Continued)

## Students

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)**

- 7) The parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, pursuant to law and/or regulation; and is assisted in accessing transportation to the school that is selected;
- 8) In the case of an unaccompanied youth, assistance is provided in placement or enrollment decisions including coordination with the Committee on Special Education. The views of the unaccompanied youth will be considered and he/she will be provided notice of the right to appeal pursuant to law and regulation.

The School District shall inform school personnel, service providers and advocates working with homeless families of the duties of the District liaison.

**Coordination**

The School District shall coordinate:

- 1) The provision of services as enumerated in the McKinney-Vento Homeless Education Assistance Act with local social services agencies and other agencies or programs providing services to homeless children and youths and their families, including services and programs funded under the Runaway and Homeless Youth Act;
- 2) With other school districts on interdistrict issues, such as transportation or transfer of school records; and
- 3) Implementation with the requirements of the IDEA.

**Reporting**

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



## Students

**SUBJECT: SELECTION OF VALEDICTORIAN AND SALUTATORIAN**

Criteria listed below will be used to determine the valedictorian and salutatorian of the senior high school(s) of the Port Byron Central School District.

- 1) An eligible student must attend the Port Byron Central School District for a minimum of three (3) full academic years, prior to graduation, from grades 9 through 12.
- 2) Student must be enrolled as a full-time student at the time of graduation.
- 3) Only the average of grades earned in the Port Byron Central School District through January of the senior year will be used to select the final candidate. If such final candidates are enrolled in Advanced Placement and/or Honors courses during their senior year, the additional points granted for such courses will be included in the calculation of the class rank provided the students remain enrolled in such class or classes for the entire school year. (Course credits earned in other high schools, in summer schools other than those conducted by Port Byron Central School District, and post high school college credits will not be used in determining the final selection of a valedictorian or salutatorian.)
- 4) Eligibility will not be restricted in any way by virtue of the type of courses undertaken by the students.
- 5) The valedictorian and salutatorian will be afforded the opportunity to speak at commencement. This does not eliminate other students as determined by the school administration from speaking at commencement (i.e., senior class president, president of student association, etc.).
- 6) Students eligible for graduation at the end of their junior year can qualify under the above criteria. In addition to being eligible as valedictorian and salutatorian, the student graduating at the end of his/her junior year will be permitted to participate in all other senior activities, i.e., prom, inclusion in the yearbook, social functions, etc. It is important to note that the student who opts for graduation at the end of the junior year must fulfill all other requirements of Board of Education policy dealing with early graduation including the determination of the student's status in the year preceding the junior year.



Students

**SUBJECT: CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES**

An important determination in the annual review process for students with disabilities is whether the anticipated outcome of the secondary program is a Regents diploma, local high school diploma or high school individualized education program (IEP) diploma. Such decision will be considered as early as possible in order to ensure that students receive access to the required courses and participate in the mandated testing program, where appropriate, in order to make a successful transition to post-high school activities.

**Regents Diplomas**

To earn a high school Regents diploma, students need to take and pass the required course work and five (5) Regents examinations.

**High School Diplomas**

Students pursuing either a Regents or local high school diploma must acquire a certain number of units of credit in specified courses, and also meet subject sequence requirements. It is critical that students with disabilities be provided access to the required courses and testing programs needed for graduation with these awards.

- 1) Administration is responsible for coordinating activities with guidance and BOCES staff to ensure that students with disabilities are meeting credit and sequence requirements and that vocational opportunities are considered.
- 2) Instructional techniques and materials may be modified to provide students with disabilities the opportunity to meet diploma requirements. Such modifications will be included on the IEP so that they can be implemented consistently throughout a student's program.
- 3) The instructional programs of special education classes will be reviewed by administration to determine equivalency to the same courses taught in the regular education program to ensure that students meet the needed requirements for a high school diploma.
- 4) Administration will be responsible for coordinating communication between special and regular education staff so that required skills and competencies are understood and equivalency of instruction in appropriate special education classes can be determined.

**High School Individualized Education Program Diplomas**

Not all students with disabilities will pursue the requirements for a Regents or local diploma. Some students will be awarded an IEP diploma based on achieving the educational goals specified in their IEP. These educational goals are set by the Committee on Special Education (CSE), with parental

(Continued)

Students

**SUBJECT: CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES (Cont'd.)**

input, and must be linked to the learning standards and to appropriate performance indicators for the student.

Each individualized education program (IEP) diploma awarded shall be accompanied by a written statement of assurance that the student named as its recipient shall continue to be eligible to attend school until the student has earned a high school diploma or until the end of the school year of such student's twenty-first (21) birthday, whichever is earlier.

The Superintendent shall report to the State Education Department, within fifteen (15) days after the June graduation, the total number and the names of the students awarded IEP diplomas that school year. Such report shall be in a form prescribed by the Commissioner and shall contain such information as the Commissioner may require. A copy of the School District's policies and procedures adopted pursuant to Commissioner's Regulations shall be on file in the District Office and available for review by the Commissioner.

The Board of Education supports the awarding of high school IEP diplomas to students with disabilities provided that:

- 1) Such student has attained the age of twenty-one (21) and has achieved the educational goals specified in his/her current individualized education program; or
- 2) Such student has attended school or has received a substantially equivalent education elsewhere for at least twelve (12) years, excluding kindergarten and has achieved the educational goals specified in his/her current individualized education program.

Each high school IEP diploma shall be identical in form to the high school diploma issued by the Port Byron Central School District, except that there shall appear on the front of such diploma a clear annotation to indicate that the diploma is awarded on the basis of the student's successful achievement of the educational goals specified in the student's current IEP as recommended by the Committee on Special Education.

**Regents Competency Test (RCT) Safety Net and 55-64 Passing Score Option**

In October 2003, the Board of Regents approved an extension of the Regents Competency Test (RCT) "safety net" for students with disabilities who pursue a Regents or local high school diploma.

The following students qualify for the RCT safety net and the 55-64 passing score:

- 1) Students with disabilities identified through a CSE. Specific language regarding the availability of the safety net does not have to be indicated on the student's IEP.

(Continued)

## Students

**SUBJECT: CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES (Cont'd.)**

- 2) Students with disabilities identified through the Section 504 Multidisciplinary Team (MDT) if recommended and documented by the MDT on the student's Accommodation Plan.
- 3) Students with disabilities declassified while in grades 8 through 12 if recommended and documented by the CSE on the student's IEP.

RCT Safety Net

In order to earn a high school Regents diploma, all students need to take and pass five specific Regents examinations with a score of 65 or higher. Vocational and Educational Services for Individuals with Disabilities (VESID) has developed a chart on the "Diploma Requirements Based on June 2005 Board of Regents Action to Phase in the 65 Graduation Standard on Required Regents Exams" which is available at website: <http://www.vesid.nysed.gov/specialed/publications/policy/chart-diploma.htm>.

The safety net allows students with disabilities who fail a required Regents exam to instead meet the requirements for a local diploma by passing the RCT in that subject or the Department approved alternative. The safety net is available to all eligible students with disabilities entering grade 9 through the 2009-2010 school year. The school may administer the RCT before or after the Regents examination, but in all cases the student must take the required Regents examination in order to earn the local diploma. The RCT exams will be available until the student graduates or reaches the age of twenty-one (21).

55-64 Passing Score

For students with disabilities who first enter grade 9 in September 2005 and thereafter, a score by the student of 55-64 may also be met by achieving a passing score on any Regents examination (English, Mathematics, Science, Global History and U.S. History) required for graduation; and, in such event, the District may issue a local diploma to such students. The 55-64 passing score must be made available to students with disabilities and is no longer a district option. This provision shall apply only to students with disabilities who are entitled to attend school pursuant to Education Law Sections 3202 or 4402(5).

**SUBJECT: ACCESS TO STUDENT RECORDS****Parent/Guardian Access Rights**

- 1) The Port Byron Central School District, hereinafter referred to as "the District," shall, upon request of a parent/guardian, permit the parent/guardian to inspect, review, or copy any education record relating to the child or children of that parent/guardian when such record is collected, maintained, or used by the District. The District shall fulfill the request within forty-five (45) days after the request is received.
- 2) The right to inspect, review, or copy education records includes:
  - a. The right of a parent/guardian to request of and receive from the District a reasonable explanation of information contained in the education records of the child;
  - b. The right of a parent/guardian to be provided, on request, with a copy of all or part of the education records of the child; and
  - c. The right of a parent/guardian to designate a representative who will inspect, review, or copy the records.
- 3) If a parent/guardian requests copies of education records from the District, the District may charge the parent/guardian a reasonable cost which will not exceed the actual expense of the duplication. However, no cost shall be charged to a parent/guardian for inspecting and reviewing the record or records. No cost shall be charged to a parent/guardian for the search for or retrieval of records.
- 4) A parent/guardian shall have the right to request a list of the types and the location of the child's educational records collected, maintained, or utilized by the District.
- 5) At the discretion of the District and for verification and record keeping purposes only, the District may require all parents/guardians to put into writing:
  - a. Their oral requests to inspect, review, copy or receive copies of education records;
  - b. Their oral designations of a representative; and
  - c. Their oral requests for a list of the types and location of records.

(Continued)

**SUBJECT: ACCESS TO STUDENT RECORDS (Cont'd.)**

## 6) Student access rights

Whenever a student has attained eighteen (18) years of age or is attending an institution of post-secondary education, the rights accorded to and the consent required of the parent/guardian of the student shall thereafter only be accorded to and required of the student.

**Access Record**

- 1) The District shall keep a record of parties who have obtained access to the education records of a student. The access record shall include the name of the party, the date of access, and the purpose for which the party was allowed to use the records.
- 2) A parent/guardian shall have the right to inspect the access record for the education records of his/her child.
- 3) The District shall maintain, for public inspection, a current list of the names and positions of those employees who are authorized by the District to have access to personally identifiable information.

**Maintenance of Records**Officials

The District shall designate an employee of the District as the official who shall be responsible for insuring that the education records confidentiality policies and procedures are enforced and administered. This official shall:

- 1) Notify parents/guardians of the policies and procedures regarding student education records and their rights regarding access.
- 2) Develop the plan for education records, including safeguards which protect the confidentiality of personally identifiable information at the point of collection, storage, release, and destruction.
- 3) Provide inservice training to all staff in the implementation of Federal and State record access and confidentiality policies.
- 4) Maintain the current listing of employees who are authorized to have access to personally identifiable information.

(Continued)

**SUBJECT: ACCESS TO STUDENT RECORDS (Cont'd.)****Release of Information**

Under the Family Educational Rights and Privacy Act (FERPA), unless otherwise exempted in accordance with law and regulation, the District may release personally identifiable information contained in student records only if it has received a "signed and dated written consent" from a parent or eligible student. Signed and dated written consent may include a record and signature in electronic form provided that such signature:

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

**Parental/Guardian Consent Required**

Written parental/guardian consent shall be obtained by the District before education records or personally identifiable information contained therein is released to any party unless:

- 1) Such release is authorized by the Family Educational Rights and Privacy Act, or its implementing regulations;
- 2) The information released is directory information. Directory information includes the following information relating to a student: the student's name; address; telephone number; date and place of birth; enrollment status (e.g., undergraduate or graduate, full time or part time); major field of study; grade level; participation in school clubs, activities, sports; weight and height of members of athletic teams; dates of attendance; honors, degrees and awards received; electronic mail address; photograph; and the most recent previous educational institution or agency attended by the student.

**Release of Information to Another Educational Institution**

The District may disclose any and all educational records, including disciplinary records and records that were created as a result of a student receiving special education services under Part B of IDEA, to another school or postsecondary institution at which the student seeks or intends to enroll. Parental consent is not required for transferring education records; however, the school's annual FERPA notification should indicate that such disclosures have been made. In the absence of information about disclosures in the annual FERPA notification, school officials must make a reasonable attempt to notify the parent about the disclosure, unless the parent initiated the disclosure. Additionally, upon request, schools must provide a copy of the information disclosed and an opportunity for a hearing.

(Continued)

**SUBJECT: ACCESS TO STUDENT RECORDS (Cont'd.)**Records Hearing

The District shall, on parent/guardian request, provide the parent/guardian with an opportunity for a hearing to challenge information in education records if the parent/guardian alleges that such information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child. The hearing shall be conducted according to the following provisions:

- 1) The hearing shall be held at a mutually agreed upon time and place within a reasonable time after the District receives the request for a hearing from the parent/guardian.
- 2) The parent/guardian shall be notified in writing of the date, place and time of the hearing.
- 3) The hearing shall be conducted by a party who does not have a direct interest in the outcome of the hearing.
- 4) The parent/guardian shall be afforded a full and fair opportunity to present evidence relevant to the issues.
- 5) The parent/guardian may, at the hearing, be assisted or represented by persons at his/her expense; such persons may include legal counsel.

Decision after hearing

The hearing officer shall render a written decision on the issues presented at the hearing within a reasonable time after the conclusion of the hearing. The decision shall be based solely upon evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

Decision to amend

If, as a result of the hearing, the hearing officer decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, the District shall amend the education records accordingly and so inform the parent/guardian in writing.

Decision not to amend

If, as a result of the hearing, the hearing officer decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, the District shall inform the parent/guardian of his/her right to place in the education record of the student a statement which sets forth the written comments of the parent/guardian regarding the information in the education records or reasons for disagreeing with the decision of the hearing officer or both written comments and reasons.

(Continued)

Students

**SUBJECT: ACCESS TO STUDENT RECORDS (Cont'd.)**

- 1) The statement of the parent/guardian shall be appended by the agency to the education records so long as the record or the contested portion thereof is maintained by the District.
- 2) If the education records of the students or the contested portion thereof are released by the District to any party, the statement of the parent/guardian shall also be released to the party.

Nothing in this section shall be interpreted to mean that the parent/guardian and the District may not, by mutual agreement, meet prior to either a parent/guardian request for a hearing or the hearing itself in order to discuss the concerns of the parent/guardian regarding the accuracy or inaccuracy of the records of the student.



**PORT BYRON CENTRAL SCHOOL DISTRICT  
REQUEST BY PARENT/GUARDIAN OR ELIGIBLE STUDENT  
TO EXAMINE AND COPY RECORDS**

TO: RECORDS ACCESS OFFICER

I, \_\_\_\_\_, hereby request that

I be allowed to review and make copies of the following records pertaining to:

myself

my son/daughter \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Parent/Guardian or Eligible Student

(To be kept by the Records Access Officer so as to indicate the date a particular record was requested for the purpose of the 45-day period. If a person refuses to fill out a written request, access cannot be denied. In those cases, the Records Access Officer should complete this form.)

**PORT BYRON CENTRAL SCHOOL DISTRICT  
AUTHORIZATION FOR RELEASE OF RECORDS**

I, \_\_\_\_\_, hereby authorize  
the \_\_\_\_\_ to release copies  
(name of school)  
of \_\_\_\_\_  
(list records)  
which are part of the records of \_\_\_\_\_  
(name of student)  
and to furnish them to \_\_\_\_\_  
for the purpose of \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

(This form must be signed by the parent/guardian or eligible student prior to the release of personally identifiable student information to a third party at the request of the parent/guardian or eligible student.)

**PORT BYRON CENTRAL SCHOOL DISTRICT  
NOTICE OF COURT ORDER OR SUBPOENA**

Dear Parent/Guardian or Student:

This is to inform you that Port Byron Central School District received a Court Order/Subpoena requesting that the following records which are part of your

\_\_\_\_\_ (relationship)

\_\_\_\_\_ (name)

confidential records be presented to \_\_\_\_\_

\_\_\_\_\_ (name)

at \_\_\_\_\_

\_\_\_\_\_ (time and place)

Please be advised that said records will be provided in accordance with the Court Order/Subpoena.

Very truly yours,

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

(This letter is to be used to notify parents/guardians or eligible students of a Court Order or Subpoena to examine and make copies of personally identifiable student records. It must be sent prior to compliance with the Court Order or Subpoena.)

**PORT BYRON CENTRAL SCHOOL DISTRICT  
NOTIFICATION TO PARENTS/GUARDIANS OF RECORD TRANSFER  
TO AN EDUCATIONAL INSTITUTION**

Dear Parent/Guardian or Student:

This is to advise you that school records relating to you(r) \_\_\_\_\_,  
(relationship)

\_\_\_\_\_, will be transferred to \_\_\_\_\_.  
(student name)

If you desire, you may see or be given copies of those records to be transferred. They will be available between \_\_\_\_\_ at \_\_\_\_\_.

If you feel the content of those records is incorrect, you have the right to challenge them at a hearing.

If \_\_\_\_\_  
is not contacted by \_\_\_\_\_, the District will assume that you do not want copies of those records and that you do not wish a hearing to object to their content.

Very truly yours,

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**PORT BYRON CENTRAL SCHOOL DISTRICT  
REQUEST TO CONTEST RECORDS**

I, \_\_\_\_\_, hereby request a hearing to challenge the contents of the school record(s) of \_\_\_\_\_.

My reason for requesting a hearing to challenge the content of these school record(s) is as follows (check as many as apply):

The record(s) contain information that is inaccurate. (Explain - be as specific as possible.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The record(s) contain information that is misleading. (Explain - be as specific as possible.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The record(s) contain information that is in violation of the privacy or other rights of the student. (Explain - be as specific as possible.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

It is my understanding that I will be notified within a reasonable time of my request as to the date, time, and place of the hearing.

I also understand that I shall receive a written response by the hearing officer as to the disposition of the hearing within a reasonable time of the hearing.

Signed \_\_\_\_\_

Date \_\_\_\_\_

**PORT BYRON CENTRAL SCHOOL DISTRICT  
NOTIFICATION OF RIGHTS UNDER FERPA  
AND DESIGNATION OF DIRECTORY INFORMATION**

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over eighteen (18) years of age ("eligible students") certain rights with respect to the student's education records. These rights are:

- 1) The right to inspect and review the student's education records within forty-five (45) days of the day the School receives a request for access. Parents or eligible students should submit to the School Principal (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The school official 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, misleading, or otherwise in violation of the student's privacy rights under FERPA. Parents or eligible students who wish to ask the School to amend a record should write the School Principal (or appropriate school official), clearly identify the part of the record they want changed, and specify why it should be changed. If the School decides not to amend the record as requested by the parent or eligible student, the School 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 School 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 School has contracted as its agent to provide a service instead of using its own employees or officials (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/her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibility. ***Upon request, the School discloses education records without consent to officials of another school district in which a student seeks or intends to enroll. (NOTE: FERPA requires a school district to make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request.)***
- 4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the *School District* to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5920

(Continued)

**PORT BYRON CENTRAL SCHOOL DISTRICT  
NOTIFICATION OF RIGHTS UNDER FERPA  
AND DESIGNATION OF DIRECTORY INFORMATION (Cont'd.)**

**DIRECTORY INFORMATION AND MILITARY RECRUITER ACCESS  
TO STUDENT INFORMATION**

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that the Port Byron Central School District, with certain exceptions, obtain written consent of the parent/eligible student prior to the disclosure of personally identifiable information from the student's education records. Eligible student under FERPA is defined as a student eighteen (18) years of age or older or who is attending an institution of post-secondary education. However, the Port Byron Central School District may disclose appropriately designated "directory information" without written consent, unless the parent/eligible student has advised the District to the contrary in accordance with District procedures. The primary purpose of directory information is to allow the Port Byron Central School District to include this type of information from the student's education records in certain school publications. Examples include:

- 1) A playbill, showing your student's role in a drama production;
- 2) The annual yearbook;
- 3) Honor roll or other recognition lists;
- 4) Graduation programs; and
- 5) Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks.

In addition, two federal laws\* require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide Military Recruiters, upon request, with three directory information categories - names, addresses and telephone listings - unless the parent/eligible student has advised the LEA that the student's information shall not be disclosed without parental written consent. Eligible student under ESEA and the National Defense Authorization Act is defined as a secondary student who is seventeen (17) years of age or older or in the eleventh grade (or its equivalent) or higher.

\*These laws are: Section 9528 of the ESEA (20 USC 7908), as amended by the No Child Left Behind Act of 2001 (P.L. 107-110), the education bill, and 10 USC 503, as amended by Section 544, the National Defense Authorization Act for Fiscal Year 2002 (P.L. 107-107), the legislation that provides funding for the Nation's armed forces.

(Continued)

**PORT BYRON CENTRAL SCHOOL DISTRICT  
NOTIFICATION OF RIGHTS UNDER FERPA  
AND DESIGNATION OF DIRECTORY INFORMATION (Cont'd.)**

**DIRECTORY INFORMATION AND MILITARY RECRUITER ACCESS  
TO STUDENT INFORMATION (Cont'd.)**

August 2008

Dear Parent/Guardian:

Pursuant to the federal NO CHILD LEFT BEHIND ACT signed into law, the School District is required to disclose to Military Recruiters and institutions of higher learning, upon request, the names, addresses and telephone numbers of our high school students. However, the District must also notify parents of their rights and the rights of their children to request, in writing, that the district **NOT** release such information if it is requested.

Parents or students who are at least eighteen (18) years old, wishing to exercise their option to withhold their consent to the release of the above information to Military Recruiters and institutions of higher learning must sign and return the form attached below to the Jr.-Sr. High School Main Office by September 5, 2008.

Neil O'Brien  
Superintendent of Schools

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**NOTIFICATION TO SCHOOL DISTRICT**

TO: Shawn Bissetta, 7-12 Principal  
Dana L. West, Jr.-Sr. High School

RE: Reservation of Consent for the Release of Certain Student Information under the NO CHILD LEFT BEHIND ACT

Please DO NOT release the name, address, or telephone number of

\_\_\_\_\_ to Military Recruiters or institutions of higher  
Print Name of Student(s) on Line Above

learning.

\_\_\_\_\_  
Parent Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Student Signature, if eighteen (18) years old or older

\_\_\_\_\_  
Date



**PORT BYRON CENTRAL SCHOOL DISTRICT  
PARENTAL ELECTRONIC CONSENT FOR RELEASE OF STUDENT RECORDS**

In accordance with the Family Educational Rights and Privacy Act (FERPA), subject to certain exceptions, the Port Byron Central School District cannot release student educational records to third parties without written parental consent.

Under law, the District may accept e-mail consent from parents to release their child's educational records to a third party if such e-mail consent "identifies and authenticates" the parent as the source of the consent and clearly indicates the parent's approval for the release.

If you wish to be able to e-mail consent for the release of your child's educational records to a third party in accordance with FERPA, fill out the form below and **personally deliver it to the District Office**, along with personal identification and a photo ID.

**PARENTAL ELECTRONIC CONSENT FOR RELEASE OF STUDENT RECORDS**

I confirm that the Port Byron Central School District may accept my e-mail consent for the release of educational records to a third party in accordance with the Family Educational Rights and Privacy Act (FERPA).

My e-mail consent will be accepted provided that it contains the password indicated below and specifically states the records that I consent to be released.

It is my responsibility to notify the Port Byron Central School District of a change in my e-mail address, password or any other changes to this electronic consent.

Date: \_\_\_\_\_

Student's Name: \_\_\_\_\_ (one form per student)

Parent's Signature: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Password: \_\_\_\_\_

For Office Use:

Type of personal identification and photo ID presented (photocopy attached):

**PORT BYRON CENTRAL SCHOOL DISTRICT  
NOTIFICATION OF RIGHTS UNDER THE  
PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)**

The Protection of Pupil Rights Amendment (PPRA) affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

- 1) *Consent* before students are required to submit to a survey that concerns one or more of the following protected areas ('protected information survey') if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED):
  - a. Political affiliations or beliefs of the student or student's parent;
  - b. Mental or psychological problems of the student or student's family;
  - c. Sex behavior or attitudes;
  - d. Illegal, anti-social, self-incriminating, or demeaning behavior;
  - e. Critical appraisals of others with whom respondents have close family relationships;
  - f. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
  - g. Religious practices, affiliations, or beliefs of the student or parents; or
  - h. Income, other than as required by law to determine program eligibility.
  
- 2) *Receive notice and an opportunity to opt a student out of:*
  - a. Any other protected information survey, regardless of funding;
  - b. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
  - c. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
  
- 3) *Inspect*, upon request and before administration or use:
  - a. Protected information surveys of students;
  - b. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
  - c. Instructional material used as part of the educational curriculum.

These rights transfer from the parents to a student who is eighteen (18) years old or an emancipated minor under State law.

(Continued)

**PORT BYRON CENTRAL SCHOOL DISTRICT  
NOTIFICATION OF RIGHTS UNDER THE  
PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA) (Cont'd.)**

The Port Byron Central School District will develop and adopt policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. The Port Byron Central School District will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. The Port Byron Central School District will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his/her child out of participation of the specific activity or survey. The Port Byron Central School District will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys.

Following is a list of the specific activities and surveys covered under this requirement:

- 1) Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- 2) Administration of any protected information survey not funded in whole or in part by ED.
- 3) Any non-emergency, invasive physical examination or screening as described above.

*Parents who believe their rights have been violated may file a complaint with:*

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-5920

**PORT BYRON CENTRAL SCHOOL DISTRICT  
PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)  
NOTICE AND CONSENT/OPT-OUT FOR SPECIFIC ACTIVITIES**

The Protection of Pupil Rights Amendment (PPRA), 20 USC Section 1232h, requires the Port Byron Central School District to notify you and obtain consent or allow you to opt your child out of participating in certain school activities. These activities include a student survey, analysis, or evaluation that concerns one or more of the following eight areas ("protected information surveys"):

- 1) Political affiliations or beliefs of the student or student's parent;
- 2) Mental or psychological problems of the student or student's family;
- 3) Sex behavior or attitudes;
- 4) Illegal, anti-social, self-incriminating, or demeaning behavior;
- 5) Critical appraisals of others with whom respondents have close family relationships;
- 6) Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
- 7) Religious practices, affiliations, or beliefs of the student or parents; or
- 8) Income, other than as required by law to determine program eligibility.

This requirement also applies to the collection, disclosure or use of student information for marketing purposes ("marketing surveys"), and certain physical exams and screenings.

Following is a schedule of activities requiring parental notice and consent or opt-out for the upcoming school year. This list is not exhaustive and, for surveys and activities scheduled after the school year starts, the Port Byron Central School District will provide parents, within a reasonable period of time prior to the administration of the surveys and activities, notification of the surveys and activities and be provided an opportunity to opt their child out, as well as an opportunity to review the surveys. (Please note that this notice and consent/opt-out transfers from parents to any student who is eighteen (18) years old or an emancipated minor under State law.)

**Consent/Opt-out**

- 1) For US Education Department funded protected information survey or activity, **consent is required**. A parent must sign and return the attached consent form no later than \_\_\_\_/\_\_\_\_/\_\_\_\_ so that your child may participate in this survey.
- 2) For any non-US Education Department funded protected information survey or activity collecting **only** District-designated Directory Information, a parent must contact \_\_\_\_\_ (school official) at \_\_\_\_\_ (telephone number, email, address, etc.) no later than \_\_\_\_/\_\_\_\_/\_\_\_\_ if you do not want your child to participate in this activity (opt-out).
- 3) For any non-US Education Department funded protected information survey or activity collecting information **beyond** District-designated Directory Information **consent is required**. A parent must sign and return the attached consent form no later than \_\_\_\_/\_\_\_\_/\_\_\_\_ so that your child may participate in this survey/activity.

**Review**

If you wish to review any survey instrument or instructional material used in connection with any protected information or marketing survey, please submit a request to \_\_\_\_\_ (school official) at \_\_\_\_\_ (telephone number, email, address, etc.) who will notify you of the time and place where you may review these materials. You have the right to review a survey and/or instructional materials before the survey is administered to a student.

(Continued)

**PORT BYRON CENTRAL SCHOOL DISTRICT  
PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)  
NOTICE AND CONSENT/OPT-OUT FOR SPECIFIC ACTIVITIES (Cont'd.)**

**1) US Education Department Funded Protected Information Surveys or Activities**

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*Date:* On or about (Date) \_\_\_\_/\_\_\_\_/\_\_\_\_  
*Grades:* \_\_\_\_\_  
*Activity:* \_\_\_\_\_  
*Summary:* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Consent:** I, \_\_\_\_\_, give my consent for \_\_\_\_\_ to participate in  
parent's name child's name  
this survey on or about \_\_\_\_/\_\_\_\_/\_\_\_\_ (date) \_\_\_\_\_/\_\_\_\_/\_\_\_\_ (date)  
parent's signature

Please return this form no later than \_\_\_\_/\_\_\_\_/\_\_\_\_ (date) to the following school official:  
\_\_\_\_\_  
(Provide name and mailing address.)

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*Date:* On or about (Date) \_\_\_\_/\_\_\_\_/\_\_\_\_  
*Grades:* \_\_\_\_\_  
*Activity:* \_\_\_\_\_  
*Summary:* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Consent:** I, \_\_\_\_\_, give my consent for \_\_\_\_\_ to participate in  
parent's name child's name  
this survey on or about \_\_\_\_/\_\_\_\_/\_\_\_\_ (date) \_\_\_\_\_/\_\_\_\_/\_\_\_\_ (date)  
parent's signature

Please return this form no later than \_\_\_\_/\_\_\_\_/\_\_\_\_ (date) to the following school official:  
\_\_\_\_\_  
(Provide name and mailing address.)

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**PORT BYRON CENTRAL SCHOOL DISTRICT  
PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)  
NOTICE AND CONSENT/OPT-OUT FOR SPECIFIC ACTIVITIES (Cont'd.)**

**2) Non-US Education Department Funded Protected Information Surveys, Marketing Surveys, Physical Exams or Screenings**

*Limited to personal information the District has designated as "Directory Information."*

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*Date:* On or about (Date) \_\_\_/\_\_\_/\_\_\_

*Grades:* \_\_\_\_\_

*Activity:* \_\_\_\_\_

*Summary:* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Opt-out:** Contact \_\_\_\_\_(school official)

at \_\_\_\_\_ (telephone number, email, address, etc.) no

later than \_\_\_/\_\_\_/\_\_\_( date) if you do not want your child to participate in this activity.

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*Date:* On or about (Date) \_\_\_/\_\_\_/\_\_\_

*Grades:* \_\_\_\_\_

*Activity:* \_\_\_\_\_

*Summary:* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Opt-out:** Contact \_\_\_\_\_(school official)

at \_\_\_\_\_ (telephone number, email, address, etc.) no

later than \_\_\_/\_\_\_/\_\_\_( date) if you do not want your child to participate in this activity.

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(Continued)

**PORT BYRON CENTRAL SCHOOL DISTRICT  
PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)  
NOTICE AND CONSENT/OPT-OUT FOR SPECIFIC ACTIVITIES (Cont'd.)**

**3) Non-US Education Department Funded Protected Information Surveys, Marketing Surveys, Physical Exams or Screenings**

*Collects personal information beyond District-designated Directory Information.*

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*Date:* On or about (Date) \_\_\_\_/\_\_\_\_/\_\_\_\_

*Grades:* \_\_\_\_\_

*Activity:* \_\_\_\_\_

*Summary:* \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Consent:** I, \_\_\_\_\_, give my consent for \_\_\_\_\_ to participate in  
parent's name child's name

this survey on or about \_\_\_\_/\_\_\_\_/\_\_\_\_ (date) \_\_\_\_\_/\_\_\_\_/\_\_\_\_ (date)  
parent's signature

Please return this form no later than \_\_\_\_/\_\_\_\_/\_\_\_\_ (date) to the following school official:

\_\_\_\_\_ (Provide name and mailing address.)

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*Date:* On or about (Date) \_\_\_\_/\_\_\_\_/\_\_\_\_

*Grades:* \_\_\_\_\_

*Activity:* \_\_\_\_\_

*Summary:* \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Consent:** I, \_\_\_\_\_, give my consent for \_\_\_\_\_ to participate in  
parent's name child's name

this survey on or about \_\_\_\_/\_\_\_\_/\_\_\_\_ (date) \_\_\_\_\_/\_\_\_\_/\_\_\_\_ (date)  
parent's signature

Please return this form no later than \_\_\_\_/\_\_\_\_/\_\_\_\_ (date) to the following school official:

\_\_\_\_\_ (Provide name and mailing address.)

**SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION****Power of a Parent to Designate a Person in Parental Relation**

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

**Form of Designation**Designations in General

A designation of a person in parental relation pursuant to this law shall be in writing and shall include:

- 1) The name of the parent;
- 2) The name of the designee;
- 3) The name of each minor or incapacitated person with respect to whom such designation is made;
- 4) The parent's signature; and
- 5) The date of such signature.

The designation may specify a period of time less than six (6) months for which such designation shall be valid unless earlier revoked by the parent in accordance with Section 5-1554 of General Obligations Law. **However, any designation specifying a period of more than thirty (30) days shall also conform to the following provisions as enumerated in law.**

Designations for More Than Thirty (30) Days

A designation specifying a period of more than thirty (30) days shall also include:

- 1) An address and telephone number where the parent can be reached;
- 2) An address and telephone number where the designee can be reached;
- 3) The date of birth of each minor or incapacitated person with respect to whom such designation is made;

(Continued)



Students

**SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION (Cont'd.)**

- 4) The date or contingent event on which the designation commences;
- 5) The written consent of the designee to such designation; and
- 6) A statement that there is no prior order of any court in any jurisdiction currently in effect prohibiting the parent from making the designation.

*A designation specifying a period of more than thirty (30) days shall be notarized.*

**Designations Not Specifying a Time Period**

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

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

**Scope of Designation**

A designation made pursuant to this law may specify:

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

**Revocation of Designation**

A parent may revoke a designation by notifying, either orally or in writing, the designee or a school, health care provider, or health plan to which the designation has been presented, or by any other act evidencing a specific intent to revoke the designation. A designation shall also be revoked upon the execution by the parent of a subsequent designation. Revocation by one parent authorized to execute such a designation shall be deemed effective and complete revocation of a designation pursuant to this law.

(Continued)

**SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION (Cont'd.)**

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

**Effect of Designation**

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

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

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

**PORT BYRON CENTRAL SCHOOL DISTRICT  
DESIGNATION OF PERSON IN PARENTAL RELATION**

In accordance with General Obligations Law Title 15-A,

- 1) I/We, \_\_\_\_\_  
(Print Name of Parent)
- \_\_\_\_\_  
(Print Name of Second Parent - if applicable)

hereby state that I am/we are the parent(s) of the minor(s) or incapacitated person(s) named below and there are no court orders in any jurisdiction currently in effect that would prohibit me/us from making the designation specified in this form.

- 2) I am/We are temporarily designating \_\_\_\_\_  
(Print Name)

who resides at \_\_\_\_\_ and can be reached at \_\_\_\_\_,  
(Telephone Number)

incapacitated person(s):

_____	_____
(Print Name)	(Date of Birth)
_____	_____
(Print Name)	(Date of Birth)

- 3) Any authority granted to a designee pursuant to this form shall be valid [check the appropriate box, initial and fill in any relevant blanks; specified time period may not exceed six (6) months].

a. From \_\_\_\_\_ (date or contingent event on which designation commences) until and including \_\_\_\_\_ (date), or until the date of revocation, whichever occurs first; or

b. For six (6) months from \_\_\_\_\_ (date or contingent event on which designation commences) until and including \_\_\_\_\_ (date), or until the date of revocation, whichever occurs first.

***A designation specifying a period of more than thirty (30) days shall be notarized.***

- 4) If no time period is specified in the designation, it shall be valid until the earlier of revocation; or
- a. The expiration of thirty (30) days from the date of signature if the designation does not meet the requirements for designations of more than thirty (30) days, or
- b. Six (6) months from the date of commencement specified in the designation if the designation meets the requirements for designations of more than thirty (30) days.

(Continued)

**PORT BYRON CENTRAL SCHOOL DISTRICT  
DESIGNATION OF PERSON IN PARENTAL RELATION (Cont'd.)**

5) As to the above named minor(s) or incapacitated person(s), the person in parental relation designated above shall abide by the following conditions (parent should enumerate the specific authorization(s) or prohibition(s) governing the designation of such person in parental relation):

a. The treatment, diagnosis or activities for which consent is authorized:

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(Use additional paper if more space is necessary.)

b. Any treatment, diagnosis or activity for which consent is not authorized:

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(Use additional paper if more space is necessary.)

c. Any other limitation on the duties and responsibilities conveyed by the designation:

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(Use additional paper if more space is necessary.)

6) **NOTICE TO PARENTS AND PERSONS IN PARENTAL RELATION -- REVOCATION OF DESIGNATION**

A parent may revoke a designation by notifying, either orally or in writing, the designee or a school to which the designation has been presented, or by any other act evidencing a specific intent to revoke the designation. A designation shall also be revoked upon the execution by the parent of a subsequent designation. Revocation by one parent authorized to execute such a designation shall be deemed effective and complete revocation of a designation.

(Continued)

**PORT BYRON CENTRAL SCHOOL DISTRICT  
DESIGNATION OF PERSON IN PARENTAL RELATION (Cont'd.)**

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

7) Signature, Date, Address, and Telephone Number:

_____	_____
(Parent Signature)	(Date)
_____	_____
(Address)	(Telephone Number)
_____	_____
(Second Parent Signature - if applicable)	(Date)
_____	_____
(Address)	(Telephone Number)

(In cases of court order that parents must agree on education or health decisions, signatures of both parents are necessary.)

*A designation specifying a period of more than thirty (30) days shall be notarized.*

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State of New York                    )  
  )  
County of \_\_\_\_\_)ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ before me personally came \_\_\_\_\_ to me known, being by me duly sworn, did depose and say that he/she has read the foregoing statements and acknowledges the same to be true.

Sworn to and subscribed before me this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_\_  
\_\_\_\_\_  
Notary Public

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State of New York                    )  
  )  
County of \_\_\_\_\_)ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ before me personally came \_\_\_\_\_ to me known, being by me duly sworn, did depose and say that he/she has read the foregoing statements and acknowledges the same to be true.

Sworn to and subscribed before me this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_\_  
\_\_\_\_\_  
Notary Public

## Students

**SUBJECT: DISCIPLINE**

- 1) All employees must constantly promote an honest and open communication system which involves students, parents/guardians, all other employees, and the community-at large. Such a system can result in a mutual understanding of the rights and responsibilities which belongs to each and a more pleasant and successful climate can be created.

One means by which communication will be enhanced is through each school distributing handbooks for students, parents/guardians and faculty. Such handbooks clearly define the law, Board of Education policy, and administrative regulations as well as provide guidelines for the development of self discipline and the maintenance of order. The content of such handbooks must be consistent throughout the District, yet recognize the need for which such handbooks are intended. All policy and regulations pertaining to discipline and student behavior must be contained therein and distributed and reviewed annually.

- 2) Administrators and faculty must constantly seek to provide alternative educational programs and facilities to respond to the needs of the disruptive student.
- 3) Students must be properly supervised at all times by the proper individual charged with this responsibility, i.e., teacher, bus driver, etc. If at any time it is necessary for the individual to be away from the students, the responsible individual must make proper arrangements to ensure temporary supervision.
- 4) Building administrators are responsible for enforcing the laws, policies and regulations to ensure appropriate student behavior and a conducive educational climate. In turn, the teachers are responsible to maintain appropriate student behavior in their classrooms and throughout their school. Classrooms and schools should be so administered that at all times the objectives of training for self-discipline, individual responsibility and favorable climate for learning might be realized.
- 5) When a discipline problem occurs, the teacher should exhaust all possibilities and resources available to him/her for its solution. Finding this unsuccessful, the teacher needs to seek further assistance through the administration of the school. All parties to the problem, i.e., student, teacher, parents/guardians, administrators, guidance, must be involved as early and as completely as is necessary to resolve it. All problems are to be dealt with in a firm, fair, legal and timely manner.
- 6) The building administrator and staff must make every reasonable effort to assist students to adjust properly, using to good advantage their experience and knowledge of child growth and development. Depending on the nature of the case, they may discipline the student directly in relation to the offense; they may call in the parents/guardians for a conference; they may refer the case for the attention of the support personnel; or they may use a combination of these procedures - as well as other resources or techniques - in accordance with their best judgment.

(Continued)

Students

**SUBJECT: DISCIPLINE (Cont'd.)**

- 7) Administrators, teachers and counselors are to contact and involve the parents/guardians as early as possible in the resolution of a problem. This is of extreme importance, as parents/guardians can exert the most influence on the student in helping him/her adjust to school. Parents/guardians are expected to cooperate with the schools in working toward a solution to the problem.
- 8) Whenever possible, administrators and teachers throughout the District are to adhere to the following for dealing with student misbehavior:
  - a. The teacher must exhaust all resources in dealing with a problem. This means that there must be at least one or more private conferences between the teacher, the student, and the parent(s)/guardian(s), to attempt to resolve the problem. The administrator and/or counselor should be informed of the problem.
  - b. The teacher may consider detaining the student after school for a conference and assistance, and parents/guardians are to be notified. Such detention may be scheduled for the following day from the infraction in order to inform parents/guardians and provide transportation.
  - c. The teacher should refer a student to the administrator and/or counselor for a conference and/or corrective measures. Parents/guardians are to be notified by school authorities and involved in the resolution of the problem.
  - d. The continuation of the student's misbehavior can result in the following:
    - (1) Required parent/guardian conference.
    - (2) Teacher removal from the classroom in accordance with law, Commissioner's Regulations and the *District's Code of Conduct*.
    - (3) Placement of student in an alternative program (a program for secondary students who are denied attendance in the regular day school). Parents/guardians must be notified and parent/guardian conference is required.
    - (4) Suspension out of school by Building Principal for a period of time not to exceed five (5) days. (Refer also to Regulations #7313R -- Guidelines for Student Suspensions and #7313R.1 -- Superintendent's Hearing/Suspensions in Excess of Five (5) School Days)

(Continued)

## Students

**SUBJECT: DISCIPLINE (Cont'd.)**

- 9) Building administrators and/or the Transportation Director are empowered to suspend bus transportation privileges of students who are disorderly or insubordinate. The parents/guardians in these cases are then responsible for the safe transportation of their children to and from school. (Refer also to Regulation #7340R -- Suspension from Bus Transportation.)
- 10) Student discipline records are to be maintained by building administrators.
- 11) The use of the term "corporal punishment" in this regulation shall be defined as any act of physical force upon a student for the purpose of punishing that student. Corporal punishment is prohibited. However, reasonable physical force can be used for any of the following purposes:
  - a. To protect oneself from physical injury;
  - b. To protect another student or teacher or any other person from physical injury;
  - c. To protect the property of the school or of others; or
  - d. To restrain or remove a student whose behavior is interfering with the orderly exercise and performance of School District functions, powers or duties, if that student has refused to comply with a request to refrain from further disruptive acts; provided that alternative procedures and methods not involving the use of physical force cannot reasonably be employed to achieve the purposes set forth above.

Any use of corporal punishment must be reported both verbally and in writing just as soon as possible to the individual's immediate supervisor. Such report must include all necessary facts leading to the use of corporal punishment as the means of correcting the problem. Any use of corporal punishment or any complaint of such use must be investigated by appropriate personnel of the District and written report submitted to the Superintendent.
- 12) Removal of a student with a disability or a student presumed to have a disability for discipline purposes for longer than ten (10) cumulative school days or as otherwise viewed as a disciplinary change in educational placement in accordance with law and/or regulation cannot take place without appropriate involvement of the District Committee on Special Education.

When a student with a disability or a student presumed to have a disability is referred in writing to the District Committee on Special Education for disciplinary infractions which would result in long term suspension, the referral shall document the infractions and request an immediate District Committee on Special Education meeting.

(Continued)



**SUBJECT: DISCIPLINE (Cont'd.)**

The District Committee on Special Education meeting will be held within ten (10) business days of commencing a removal that constitutes a change in placement in accordance with federal and state law and/or regulation. The Committee must consider, among other factors:

- a. Whether the student's behavior was related to the disability.
- b. Whether the student's behavior presents a serious danger to himself/herself or others.
- c. Whether the student's classification, placement, and/or program, needs to be changed to better meet the student's needs.

Where the District Committee on Special Education determines that the student's actions are related to his/her disability, the Committee must provide alternate placement and/or program changes. If the District Committee on Special Education determines that the behavior is not related to the disability, disciplinary action will be determined by normal disciplinary procedures.

In all cases, the due process rights pertaining to the placement of a child with a disability and the due process rights pertaining to suspension of a student will be granted to the student and his/her parents/guardians.

- 13) Smoking by students in and on school property shall be prohibited. The Board of Education supports a strong anti-smoking program within the school curriculum.
- 14) Board of Education policy, administrative regulations and guidelines are to be given wide dissemination. This is necessary so that all parties involved -- students, parents/guardians, teachers and administrators -- will know what is expected of them.

**Early Identification and Resolution of Student Discipline Problems**

Pupil service personnel, administrators, teachers, and others should communicate about students when they believe such students present a possible discipline problem. Appropriate personnel will conduct an investigation of the reports and/or communicate, which may include conferences with the student, parents/guardians, teachers, other pupil service personnel or others, as he/she deems appropriate for the early identification and resolution of the suspected problem. If an administrator suspects that the problem may be a manifestation of a disability, he/she will refer the matter to the Committee on Special Education in the manner prescribed by Section 200.4 of the Commissioner's Regulations and by District policy.

The Superintendent will direct the development of any forms necessary for the implementation of this regulation after consulting with each Building Principal.

(Continued)

**SUBJECT: DISCIPLINE (Cont'd.)****Discipline Code for Students**

Students must conduct themselves at all times in the following manner:

- 1) So as not to interfere with the teaching/learning process or the orderly operation of the school;
- 2) So as to obey laws and rules to respect others and the property of others;
- 3) So as to maintain courteous relations with teachers and fellow students;
- 4) So as to assume responsibility for themselves, their conduct and their learning;
- 5) So as to maintain an excellent attendance record to class and school by avoiding unnecessary absence or tardiness;
- 6) So as to make a sincere effort to always perform in the best manner possible.

Specific requirements for student behavior and sanctions for inappropriate behavior may be found in the District Code of Conduct on School Property.

**Students with Disabilities/Students Presumed to Have a Disability**

In the case of a potential long term suspension and/or disciplinary change in educational placement of a student classified as having a disability or a student presumed to have a disability for discipline purposes as defined pursuant to law and regulation, a referral to the manifestation team will be made to determine if the behavior giving rise to the suspension is directly related to the disability. Suspension and/or disciplinary change in educational placement of students with disabilities and students presumed to have a disability for discipline purposes shall be in accordance with federal and state law and due process requirements.

**Disciplinary Change in Placement**

A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:

- 1) For more than ten (10) consecutive school days; or
- 2) For a period often (10) consecutive days or less if the student is subjected to a series of suspensions or removals that constitute a pattern:

(Continued)

Students

**SUBJECT: DISCIPLINE (Cont'd.)**

- a. Because they cumulate to more than ten (10) school days in a school year;
- b. Because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and
- c. Because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.

The District determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

**Manifestation Determinations**

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

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

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

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

(Continued)

Students

**SUBJECT: DISCIPLINE (Cont'd.)**Finding of Manifestation

If it is determined, as a result of this review, that the student's behavior is a manifestation of his/her disability, the CSE shall conduct a functional behavioral assessment and implement or modify a behavioral intervention plan. Unless the change in placement was due to behavior involving serious bodily injury, weapons, illegal drugs or controlled substances, the student must be returned to the placement from which the student was removed unless the parent and the District agree to a change of placement as part of the modification of the behavioral intervention plan.

No Finding of Manifestation

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

Provision of Services Regardless of the Manifestation Determination

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

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

Interim Alternative Educational Settings (IAES)

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

(Continued)

**SUBJECT: DISCIPLINE (Cont'd.)**

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

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

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

For purposes of this regulation, school premises shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; a school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

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

In all cases, the student placed in an IAES:

(Continued)

**SUBJECT: DISCIPLINE (Cont'd.)**

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

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

**Student Disciplinary Proceedings**

- 1) Any teacher, administrator, Board member, parent/guardian or other person may report a violation of the student disciplinary code (i.e., *Code of Conduct*) to the Building Principal or designee. The Principal or designee will then make an investigation of the charges as deemed appropriate and institute an informal or disciplinary proceeding, and/or make a referral to the Committee on Special Education, as he/she deems necessary.
- 2) Any teacher may detain a student without first referring the case to a building administrator. The teacher must give the student notice of the reasons for the detainment and an opportunity to discuss these reasons.
- 3) The District's Code of Conduct will be disseminated and publicized to staff, students, parents and the community as enumerated in law, and Commissioner's Regulations. In order to insure the effectiveness of the Code of Conduct, the Board of Education requests the continuing assistance of parents/guardians in explaining and enforcing such Code.

**Professional Staff Development Opportunities for Effective Application of the Discipline Policy and Regulations**

Continuing professional growth and increasing effectiveness on the part of the entire staff are essential for the success of educational programs and the effective application of the school conduct and discipline policy and regulations. Inservice programs, to familiarize the professional staff with the provisions and purposes of this policy and regulations, shall be conducted in each school of the District by the Principal or other appropriate administrator at least annually. The professional staff shall be encouraged to make use of available inservice opportunities. Such opportunities shall include, within budgetary limitations, special inservice courses and workshops, summer study grants, school visitations, and attendance at professional conferences and meetings.

(Continued)

**SUBJECT: DISCIPLINE (Cont'd.)**

The Superintendent will have the authority to approve released time for conferences and visitations, and reimbursements for expenses, provided such activities are within budget allocations.

NOTE: Refer also to Regulations #7313R -- Guidelines For Student Suspensions  
#7313R.1 -- Superintendent's Hearing/Suspensions in Excess of  
Five (5) School Days  
*District Code of Conduct on School Property*

**SUBJECT: GUIDELINES FOR STUDENT SUSPENSIONS**

- 1) Keep careful records of all violations of school regulations. This should include names, dates, circumstances, investigation and disposition.
- 2) Utilize support personnel to find ways of helping the student and/or parents/person(s) in parental relation to solve the problem (teachers, guidance, psychologists, social worker, attendance officer, etc.).
- 3) Utilize all school and community agencies which might prove helpful.
- 4) Record all attempts to deal with problems, including conferences with parents/person(s) in parental relation, teacher observations, record of referrals to other personnel and agencies and their reports.
- 5) Teachers shall immediately report or refer a violent student to the Principal or Superintendent for a violation of the *District's Code of Conduct* and a minimum suspension period.
- 6) A student may be suspended:
  - a. Who is insubordinate or disorderly, or violent or disruptive, or whose conduct otherwise endangers the safety, morals, health and welfare of others, OR
  - b. Whose physical or mental condition endangers the health, safety or morals of himself/herself or of other minors.
- 7) When the Principal has exhausted all available alternatives and resources and feels that the student's continued presence in school would constitute a threat or danger to himself/herself or other students or that the student is "violent and/or disruptive" as defined in accordance with law and Commissioner's Regulations, the matter should also be referred to the Superintendent of Schools.
  - a. A "violent student" is defined in Education Law as an elementary or secondary student under twenty-one (21) years of age who:
    - (1) Commits an act of violence upon a teacher, administrator or other school employee;
    - (2) Commits, while on Port Byron Central School District property, an act of violence upon another student or any other person lawfully upon said property;

(Continued)



## Students

**SUBJECT: GUIDELINES FOR STUDENT SUSPENSIONS (Cont'd.)**

- (3) Possesses, while on Port Byron Central School District property, a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death;
- (4) Displays, while on Port Byron Central School District property, what appears to be a gun, knife, explosive or incendiary bomb or other dangerous instrument capable of causing death or physical injury;
- (5) Threatens, while on Port Byron Central School District property, to use any instrument that appears capable of causing physical injury or death;
- (6) Knowingly and intentionally damages or destroys the personal property of a teacher, administrator, other Port Byron Central School District employee or any person lawfully upon Port Byron Central School District property; or
- (7) Knowingly and intentionally damages or destroys Port Byron Central School District property.

Teachers are required to **immediately** report and refer violent students to the Principal or Superintendent for a violation of the *District's Code of Conduct* and a minimum suspension period pursuant to Education Law Section 2801. However, the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law.

- b. A "disruptive student" is defined in Education Law as an elementary or secondary student under twenty-one (21) years of age who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

As further enumerated in Commissioner's Regulations, "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom" shall mean engaging in conduct which results in the removal of the student from the classroom by the teacher(s) pursuant to Education Law and the provisions set forth in the *District's Code of Conduct* on four (4) or more occasions during a semester, or three (3) or more occasions during a trimester, as applicable.

Pursuant to the *District's Code of Conduct*, a minimum suspension period shall be established for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom. However, the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law.

(Continued)

**SUBJECT: GUIDELINES FOR STUDENT SUSPENSIONS (Cont'd.)****Suspension: Five School Days or Less**

- 1) When the Superintendent or the Principal (the "suspending authority") proposes to suspend a student for five (5) school days or less, the suspending authority shall provide the student with **notice** of the charged misconduct. If the student denies the misconduct, the suspending authority shall provide an **explanation** of the basis for the suspension. When suspension of a student for a period of five (5) school days or less is proposed, administration shall also immediately notify the parent/person in parental relation in writing that the student *may be* suspended from school.
- 2) Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of the decision to propose suspension at the last known address or addresses of the parents/persons in parental relation.

Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/persons in parental relation.

- 3) Such notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the student and the parent/person in parental relation of their right to request an immediate informal conference with the Principal in accordance with the provisions of Education Law Section 3214(3)(b). Both the notice and the informal conference shall be in the dominant language or mode of communication used by the parent/person in parental relation. At the informal conference, the student and/or parent/person in parental relation shall be authorized to present the student's version of the event and to ask questions of the complaining witnesses.
- 4) The notice and opportunity for informal conference shall take place **prior to** suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practical.
- 5) Regardless of the length of a student's suspension, if a parent/person in parental relation wishes to appeal the suspension of such student by the Principal and/or Superintendent, such appeal must be made to the Board of Education, if necessary, prior to commencing an appeal to the Commissioner of Education.

(Continued)

**SUBJECT: GUIDELINES FOR STUDENT SUSPENSIONS (Cont'd.)****Procedure after Suspension**

When a student has been suspended and is of compulsory attendance age, immediate steps shall be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes. Although the alternative instruction need not match in every respect the instructional program previously offered to the student, it must be adequate enough so that the student may complete his/her course work.

When a student has been suspended, the suspension may be revoked by the Board of Education whenever it appears to be for the best interest of the school and the student to do so. The Board of Education may also condition a student's early return to school and suspension revocation on the student's voluntary participation in counseling or specialized classes, including anger management or dispute resolution, where applicable.

NOTE: Refer also to Regulations #7310R -- Discipline  
#7313R.1 -- Superintendent's Hearing/Suspensions in Excess of Five (5) School Days

Students

**SUBJECT: SUPERINTENDENT'S HEARING/SUSPENSIONS IN EXCESS OF FIVE (5)  
SCHOOL DAYS**

A student may not be suspended for a period in excess of five (5) school days unless he/she and the parent/person in parental relation to him/her shall have had an opportunity for a Superintendent's Hearing at which the student shall have the right to be represented by an attorney, the right to present witnesses and other evidence on his/her own behalf and the right to cross-examine witnesses against him/her. The notice of the hearing should advise the student of the grounds for the charges in specific enough terms to enable him/her to anticipate reasonably the subject content of the proposed hearing and to prepare a defense. The administrator bringing the charges must furnish the Superintendent of Schools with all records and written report on the facts and charges.

The student should be allowed to remain in school prior to the hearing unless his/her presence in school poses a clear danger to his/her physical or emotional safety, to other students, faculty or institutional property, or to the continuation of the learning process.

The student may bring a parent/person in parental relation with him/her to the hearing, and both the student and the person invoking the hearing procedure may be represented by counsel. An interpreter should be available, if needed.

At the hearing, persons having direct knowledge of the facts should be called to testify. Hearsay evidence may be admitted but alone is not sufficient, notwithstanding the administrative nature of the proceeding. There must be some direct evidence of guilt of the charges. The burden of proving guilt rests upon the person making the charge, and the student is entitled to a presumption of innocence of wrongdoing unless the contrary is proved. The student may testify in his/her own behalf and is free to cross-examine witnesses against him/her.

Both the Superintendent of Schools and the Board of Education are authorized to appoint a hearing officer to conduct student disciplinary hearings. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline. The report of the hearing officer is advisory only, and the Superintendent of Schools or Board may accept or reject all or any part of such report.

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

(Continued)

**SUBJECT: SUPERINTENDENT'S HEARING/SUSPENSIONS IN EXCESS OF FIVE (5)  
SCHOOL DAYS (Cont'd.)**

A record of the hearing shall be maintained, but no stenographic transcript shall be required and a tape recording shall be deemed a satisfactory record.

Any decision by the Superintendent of Schools can be appealed to the Board of Education, and from the Board of Education to the Commissioner of Education, or through the courts.

NOTE: Refer also to Regulations #7310R -- Discipline  
#7313R -- Guidelines for Student Suspensions

Students

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES  
(ACCEPTABLE USE GUIDELINES)****Program Implementation**

The Port Byron Central School District recognizes that effective use of technology is important to our students and will be essential to them as adults. Consequently, the School System will provide access to various computerized information resources through the District's computer system (DCS hereafter) consisting of software, hardware, computer networks and electronic communications systems. This may include access to electronic mail, so called "on-line services" and "Internet." The District shall provide personnel support for such usage.

The DCS is for educational and/or research use only and must be consistent with the goals and purposes of the Port Byron Central School District. The standards of acceptable use as well as prohibited conduct by students accessing the DCS, as outlined in District policy and regulation, are not intended to be all-inclusive. Students are responsible for good behavior on school computer networks just as they are in a classroom or a school hallway. In addition to the specific standards of student conduct delineated in this regulation, the general requirements of acceptable student behavior expected under the District's school conduct and discipline policy and the Code of Conduct also apply to student access to the DCS. Communications on the network are often public in nature. General school rules for behavior and communications apply.

Legal and ethical implications of software use will be taught to students of all levels where there is such software use. In addition, the Building Principal or his/her designee and/or classroom teacher will be responsible for informing District students of rules and regulations governing student access to the DCS.

In order to match electronic resources as closely as possible to the approved District curriculum, District personnel will review and evaluate resources in order to offer "home pages" and menus of materials which comply with Board guidelines governing the selection of instructional materials. In this manner, staff will provide developmentally appropriate guides to students as they make use of telecommunications and electronic information resources to conduct research and other studies related to the District curriculum. As much as possible, access to the District's computerized information resources will be designed in ways which point students to those which have been reviewed and evaluated prior to use. While students may be able to move beyond those resources to others which have not been evaluated by staff, students shall be provided with guidelines and lists of resources particularly suited to the learning objectives.

**Standards of Conduct Governing Student Access to the District Computer System**

Inappropriate use of the DCS may result in disciplinary action, including suspension or cancellation of access. Prior to suspension or revocation of access to the DCS, students will be

(Continued)

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES  
(ACCEPTABLE USE GUIDELINES) (Cont'd.)**

afforded applicable due process rights. Each student who is granted access will be responsible for that usage. The DCS is provided for students in support of their educational program and to conduct research and communicate with others. Student access to external computer networks not controlled by the District is provided to students who act in a considerate and responsible manner. Individual users of the District's computerized information resources are responsible for their behavior and communications over the District computer network. It is presumed that users will comply with District standards and will honor the agreements they have signed.

Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered to be Port Byron Central School District property and subject to control and inspection. The Computer Coordinator may access all such files and communications without prior notice to insure system integrity and that users are complying with the requirements of District policy and regulations regarding student access to the DCS. Students should **NOT** expect that information stored on the DCS will be private.

During school, teachers will guide students toward appropriate materials. Outside of school, parents/guardians bear responsibility for such guidance as they do with information sources such as television, telephones, movies, radio and other potentially offensive/controversial media.

Use of the DCS which violates any aspect of Port Byron Central School District policy; the Code of Conduct; and federal, state or local laws or regulations is strictly prohibited and may result in disciplinary action in compliance with applicable District guidelines and/or federal, state and local law including, but not limited to, suspension and/or revocation of access to the DCS. In addition to the District's general requirements governing student behavior, specific activities shall be prohibited by student users of the DCS including, but not limited to, the following:

- 1) Using the DCS to obtain, view, download, send, print, display or otherwise gain access to or to transmit materials that are unlawful, obscene, pornographic or abusive.
- 2) Use of obscene or vulgar language.
- 3) Harassing, insulting, bullying, threatening or attacking others.
- 4) Damaging, disabling or otherwise interfering with the operation of computers, computer systems, software or related equipment through physical action or by electronic means.
- 5) Using unauthorized software on the DCS.

(Continued)

Students

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES  
(ACCEPTABLE USE GUIDELINES) (Cont'd.)**

- 6) Changing, copying, renaming, deleting, reading or otherwise accessing files or software not created by the student without express permission from the Computer Coordinator.
- 7) Violating copyright law, including the illegal file sharing of music, videos and software.
- 8) Employing the DCS for non-educational, commercial purposes, product advertisement or political lobbying.
- 9) Disclosing an individual password to others or using others' passwords.
- 10) Transmitting material, information or software in violation of any District policy or regulation, the District Code of Conduct, and/or federal, state and local law or regulation.
- 11) Revealing personal information about oneself or of other students including, but not limited to, disclosure of home address and/or telephone number.
- 12) Accessing personal, interactive sites (such as Myspace blogs) unless under the direct supervision of a staff member. This includes the use of a student's personal cell phone or digital device to access such social networking sites.
- 13) Creating or using a website or blog which may cause a substantial disruption in the school environment or interfere with the rights of others.
- 14) Using digital device (such as cell or camera phones), electronic technology and/or media to facilitate cheating, plagiarism, etc.

Network accounts are to be used only by the authorized owner of the account. Any user of the DCS that accesses another network or computer resources shall be subject to that networks acceptable use policy.

If a student or a student's parent/guardian has a District network account, a non-district network account, or any other account or program which will enable direct or indirect access to a District computer, any access to the DCS in violation of District policy and/or regulation may result in student discipline. Indirect access to a District computer shall mean using a non-district computer in a manner which results in the user gaining access to a District computer, including access to any and all information, records or other material contained or stored in a District computer.

(Continued)



**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES  
(ACCEPTABLE USE GUIDELINES) (Cont'd.)**

**Sanctions**

- 1) Violations may result in suspension and/or revocation of student access to the DCS as determined in accordance with appropriate due process procedures.
- 2) Additional disciplinary action may be determined at the building level in accordance with existing practices and procedures regarding inappropriate language or behavior, as well as federal, state and local law.
- 3) When applicable, law enforcement agencies may be involved.

**Security**

Security on any computer system is a high priority, especially when the system involves many users. Users of the DCS identifying a security problem on the District's system must notify the teacher in charge. A student is not to demonstrate the problem to other users. Attempts to log on to the DCS as a Computer Coordinator may result in restriction or suspension 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 DCS. Further, any violations regarding the use and application of the DCS shall be reported by the student to the teacher in charge.

**Notification/Authorization**

Student access to the DCS will automatically be provided unless the parent has submitted written notification to the District that such access not be permitted. Procedures will be established to define the process by which parents may submit a written request to deny or rescind student use of the DCS in accordance with law, Commissioner's Regulations and/or District policies and procedures. (Utilize Form #7315F -- Parent/Guardian Notification/Request To Deny Computer Usage).

**PORT BYRON CENTRAL SCHOOL DISTRICT  
COMPUTERIZED INFORMATION RESOURCES  
PARENT/GUARDIAN NOTIFICATION/REQUEST TO DENY COMPUTER USAGE**

**PARENT/GUARDIAN NOTIFICATION REGARDING COMPUTER USAGE**

In order to become a user of the Port Byron Central School District's computer facilities, equipment, and Internet accounts, I understand that it is necessary to comply with District policy and regulations for the use of technology as presently in force and as may be amended from time to time. A violation of the District's policy and/or regulations regarding use of computerized information resources ("Acceptable Use Guidelines") may result in the loss of computer access, disciplinary action and/or prosecution in accordance with law, regulation and/or the District Code of Conduct. I further understand that access to the computer facilities may include filtered access to the Internet.

I understand that individuals and families may be liable for violations of District policies and regulations/procedures for such use. While every reasonable effort will be made by School District personnel to monitor proper usage and provide Internet filters to questionable materials, it is the parent's responsibility for guidance of Internet use – setting and conveying standards for their son/daughter to follow when selecting, sharing or exploring information and media. Students who abuse the acceptable use of technology on the Internet may be removed from access in accordance with applicable due process procedures.

I have reviewed the Port Byron Central School District Acceptable Use Policy and Regulations for use of technology with my son/daughter. In consideration of the use of the Port Byron Central School District networks and in consideration for having access to the information contained on them and an Internet account, I release the Port Byron Central School District from any claims of any nature arising from my son/daughter's use of the Internet.

**PARENT/GUARDIAN REQUEST TO DENY COMPUTER USAGE**

In order to achieve the career development and technical education (occupational) learning standards articulated by the New York State Department of Education, students will be provided access to instructional materials and processes available only through the use of computers. **I understand that if I do not request, in writing, that my child not use computers, an account will be created to facilitate such access.**

Parental requests to deny student use of District computers will be considered in accordance with law and/or regulations.

Students

**SUBJECT: SUSPENSION FROM BUS TRANSPORTATION**

The Port Byron Central School District provides transportation to students in grades K through 12 within the guidelines established in Board of Education Policy. Every student eligible for transportation is entitled to be safely transported to and from school on a daily basis. At the same time, each student is expected to abide by the rules and regulations for appropriate school bus conduct.

In accordance with the responsibility of the Board of Education to maintain order and discipline and to assure student safety, the following regulations regarding suspension of students being transported by the District shall be followed.

**Bus Drivers**

Bus drivers have the responsibility to maintain reasonable behavior of students while riding school buses. However, school bus drivers may not suspend students from bus transportation. If a student engages in disorderly or insubordinate conduct while on a school bus, the driver shall refer the student to the child's school Principal for appropriate action using a form developed for this purpose (Form #7340F -- School Bus Incident Referral).

**Disciplinary Action**

Upon receipt of a transportation disciplinary referral, the Principal will promptly notify the student's parent(s)/guardian(s) by forwarding a copy of the referral form.

Before a student can be disciplined for acts of misconduct committed while on a school bus, there must be a reasonable degree of certainty that the student was the perpetrator of, or was otherwise involved in, such conduct. The Principal will base his/her determination upon interviews with the student and any eyewitnesses involved, including other students, teachers, bus drivers, and/or transportation officials.

The Principal may impose an appropriate disciplinary measure in accordance with the District's Code of Conduct, including but not limited to:

- 1) Verbal and/or written warning of the potential for suspension of transportation privileges if the student misbehaves on the bus again;
- 2) Detention;
- 3) In-school suspension;
- 4) Short or long term suspension from transportation privileges, in accordance with due process procedures as outlined below.

(Continued)

## Students

**SUBJECT: SUSPENSION FROM BUS TRANSPORTATION (Cont'd.)**

The particular disciplinary measure that will be imposed (including the length of any suspension from transportation privileges) shall be based upon consideration of the nature of the particular misconduct, the degree of potential harm to other students, the number of times a student has been previously determined to have misbehaved on a school bus, or any other factors deemed applicable by the Principal. While these disciplinary measures are intended to provide for a range of sanctions of increasing severity, the Principal reserves the authority to impose a long term suspension from transportation privileges (rather than a lesser penalty such as a warning) for "first time" offenders in cases of extremely dangerous conduct.

**Due Process Procedures**

Only the Board of Education, the Superintendent, or his/her designee has the authority to suspend the transportation privileges of students who are disorderly or insubordinate. In accordance with District policy, the school Principal has been delegated the authority to suspend students from bus transportation.

No student shall be suspended from riding the bus, for any period of time, until the Principal has:

- 1) Prior to the imposition of the suspension, granted to the student and the parent(s)/guardian(s) an opportunity for an informal conference to discuss the factual situation underlying the threatened suspension, and
- 2) Provided the student and the parent(s)/guardian(s) adequate notice of such conference.

The decision of the Principal with regard to any disciplinary action imposed may be appealed to the Superintendent of Schools. The decision of the Superintendent may be appealed to the Board of Education.

If a student with a disability, who receives transportation as a related service as part of his/her Individualized Education Program or Section 504/ADA Accommodation Plan, is being considered for suspension from transportation, and that suspension would effectively result in a change in placement, the student shall be referred to the Committee on Special Education or Section 504 Team, whichever is applicable.

**Alternate Arrangements**

Generally, parent(s)/guardian(s) will be required to make alternative transportation arrangements for their children who have been suspended from riding the bus. However, the effect of a suspension from transportation on the student's ability to attend school will be considered. If a suspension from transportation effectively results in a suspension from attendance because of the distance between the home and the school and the absence of alternative public or private means of transportation, the district shall make appropriate arrangements to provide for the student's education.

## Students

**SUBJECT: BUS RULES AND REGULATIONS**

<u>Responsibility</u>	<u>Action</u>
Bus Driver	1) a. Warns student regarding unacceptable bus behavior. b. Discusses the situation with the student and reviews consequences of behavior. c. May communicate with the parents/guardians of the student. d. May complete a School Bus Incident Referral Form (#7340F) detailing specific violations of rules. Submits form to respective Principal.
Student	2) a. Behavior on the bus improves and the problem is resolved. <p style="text-align: center;">or</p> b. Further report of violations of bus rider regulations is necessary.
Building Principal/Designee	3) a. Upon receipt of transportation disciplinary referral, notifies student's parents/guardians by forwarding copy of the referral form. b. Investigates misconduct. c. Imposes appropriate disciplinary measure proportionate to offense. (1) May make the decision to suspend bus riding privilege for prescribed length of time; prior to imposition of suspension grants student and parents/guardians opportunity for informal conference to discuss the factual situation underlying the threatened

(Continued)

Students

**SUBJECT: BUS RULES AND REGULATIONS (Cont'd.)**ResponsibilityAction

Building Principal/Designee (Cont'd.)

suspension; provides adequate notice of such conference.

or

- (2) After meeting with the parents/guardians and student, and/or the bus driver (if necessary) decides that the problem is resolved and receives assurances that regulations will be observed.
- d. Keeps a written record of all bus disciplinary cases which he/she handles.
- e. Other actions as may be deemed appropriate.

**PORT BYRON CENTRAL SCHOOL DISTRICT  
SCHOOL BUS INCIDENT REFERRAL FORM**

Date \_\_\_\_\_

Student's Name \_\_\_\_\_ Student's School \_\_\_\_\_

Grade \_\_\_\_\_ Teacher \_\_\_\_\_ Bus No. \_\_\_\_\_

Date of Incident \_\_\_\_\_ Time of Incident \_\_\_\_\_

Driver Explanation of Problem \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature of Driver

Student Conference with Principal \_\_\_\_\_

\_\_\_\_\_

**ACTION TAKEN**

- |   |   |
|---|---|
| <input type="checkbox"/> Warning to student                 | <input type="checkbox"/> Detention for _____ days |
| <input type="checkbox"/> Conference with driver and student | <input type="checkbox"/> Bus clean up             |
| <input type="checkbox"/> Telephone call to parent/guardian  | <input type="checkbox"/> In-school suspension     |
| <input type="checkbox"/> Conference with parent/guardian    |   |
| <input type="checkbox"/> Suspension from bus for _____ days |   |

Date of Notice of Informal Conference to Parents/Guardians \_\_\_\_\_

Date of Informal Conference with Student/Parents/Guardians \_\_\_\_\_

Principal's Comments \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Other \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature of Principal

\_\_\_\_\_  
Date

## Students

**SUBJECT: CHAPERONE GUIDELINES**

The purpose of a chaperone is to keep order and see to the safety and conduct of those students involved in the event. Chaperones for all activities shall be recommended in advance to the Building Principal by the sponsoring advisor.

- 1) Chaperones shall follow the direction of the teacher(s)/advisor(s).
- 2) Chaperones shall be responsible for the safety and assistance of those students who are assigned to their charge and will be aware of their whereabouts at all times.
- 3) Chaperones will immediately advise the teacher in charge of the activity of any intervening circumstances which would prevent a student from being transported back to the District. Arrangements will then be made for a representative of the District to remain with the student until the student has been delivered to his/her parent or legal guardian.
- 4) Chaperones shall attend to the needs of students outside of their supervision assignment only in the event of an emergency, or if asked to do so by the teacher(s)/advisor(s). Emergencies are defined as those situations that involve potential and/or certain threat to a student's safety.
- 5) Chaperones shall at no time use corporal punishment to correct a student's behavior.
- 6) Chaperones shall model appropriate verbal and physical conduct (as measured by the school's standards) while serving as a chaperone and while present on school premises or at school activities.



**SUBJECT: EXTRACURRICULAR ACTIVITIES GUIDELINES****Application for Approval of Building Use**

It will be the responsibility of the Principal to approve all class/club activities. The class/club advisor and/or class/club president will be responsible for obtaining and filling out the necessary District form\*. This form must be signed by both the president of the organization and the respective advisor. The completed form must be submitted to the Principal at least one (1) week in advance of the activity being requested.

**Supervision of Class/Club Activities**

It is the responsibility of the respective class and/or club advisor to provide proper supervision of his/her members at all times. The following is a list of specific areas requiring definite supervision:

- 1) Direct supervision of members when being transported to and from activities/events on a school bus. In cases where intervening circumstances make transportation of a student back to the point of departure or to the appropriate school in the District impractical, a representative of the School District shall remain with the student until such student's parent or legal guardian has been contacted and informed of the intervening circumstances which make such transportation impractical; and the student has been delivered to his/her parent or legal guardian.
- 2) Direct supervision of members at all class and/or club activities. The advisor must be physically present at these activities.
- 3) Members are not to be allowed in the school building at any time without direct supervision from the respective class/club advisor.
- 4) When an event or activity is held in the school building, students will not be allowed in the building without the physical presence of the advisor. When the event/activity is completed, the advisor is to be the last to leave the building. Upon leaving, it is the responsibility of the advisor to see that all lights are turned off and that windows and doors are locked.

**Posters and Advertising**

All posters and/or advertising to announce fund raising activities or events must be approved by the advisor and Principal. This approval is to be made by both the advisor and Principal placing their initials on the respective posters or advertising. Both sets of the initials must appear on posters and advertising prior to being made public.

(Continued)

**SUBJECT: EXTRACURRICULAR ACTIVITIES GUIDELINES (Cont'd.)****Clean Up Procedures Following Class/Club Activity**

Following an activity/event, it will be the responsibility of the respective class advisor to see that the area utilized is properly cleaned up. This is to include: tables, chairs and/or desks replaced, with all papers, cans and other refuse disposed of properly. The areas utilized by any organization are to be left as they were found at the beginning of the activity.

**Accident Reporting and Student Insurance Procedures**

All accidents occurring during an extracurricular activity are to be reported to the school registered professional nurse. An accident of a serious nature is to be reported immediately to the Superintendent.

**Fund Raising**

To provide for the operation of class/club organizations, fund raising activities will be necessary. All class/club fund raising activities must be approved by the Principal in advance. All funds raised through approved fund raising activities are to be deposited within two (2) school days of the fund raising activity. The appropriate extracurricular accounting procedures are to be followed.

**Starting a New Class/Club Organization**

The following procedures have been established for the creation of a new class/club organization:

- 1) A complete description of the proposed class/club organization must be submitted to the Superintendent for approval. This description is to include:
  - a. Philosophy of Organization,
  - b. Goals of Organization,
  - c. Name of Faculty Advisor,
  - d. Names of Officers.
- 2) A faculty advisor is to be obtained who is willing to fulfill all responsibilities outlined in subheading "Supervision of Class/Club Activities" of this regulation.
- 3) Class/club officers are to be nominated and voted upon by the members of the proposed organizations.
- 4) A proposed class/club organization with less than six (6) members will not be approved.

(Continued)

**SUBJECT: EXTRACURRICULAR ACTIVITIES GUIDELINES (Cont'd.)**

- 5) The Superintendent reserves the right to accept or deny the creation of any proposed class/club organization.

**Discontinuing Activities**

Extraclassroom accounts that have been inactive for six (6) consecutive months will be declared closed by the Board of Education. Unused balances will be transferred to general student organization fund(s).

**Annual Organization Meeting**

During the first two (2) weeks of each school year, an organization meeting will be held involving all co-curricular organizations. The agenda for this meeting will involve:

- 1) Review of District co-curricular guidelines.
- 2) Scheduling of annual class/club activities.
- 3) Questions and answers.

It will be expected that ALL class advisors and elected organization leaders will be present at the Annual Organization Meeting.

**Co-curricular Eligibility Procedures**

Participants listed as ineligible will not be allowed to participate in class or club activities until the posting of the next week's eligibility results if, at that time, they meet the eligibility standards.

**SUBJECT: STUDENT ORGANIZATIONS: LIMITED OPEN FORUM**

The Equal Access Act of 1984 states that:

It shall be unlawful for any public secondary school which receives Federal financial assistance and which has a limited open forum to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings (20 USC Section 4071[a]).

**Definitions**

- 1) "Limited Open Forum" - "A public secondary school has a limited open forum whenever such school grants an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises" (20 USC Section 4071[b]).
- 2) "Meeting" includes "those activities of student groups which are permitted under a school's limited open forum and are not directly related to the school curriculum" (20 USC Section 4072[3]).
- 3) "Noninstructional Time" is defined as "time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends" (20 USC Section 4072[4]).
- 4) "Curriculum Related Student Groups" - Noncurriculum related student groups, interpreted by the United States Supreme Court in Westside Community Board of Education v. Mergens, means "any student group that does not directly relate to the body of courses offered by the school." The Court indicated that curriculum related student groups are those in which:
  - a. Subject matter of the group is actually taught, or soon will be taught, in a regularly offered course;
  - b. Subject matter of the group concerns the body of courses as a whole;
  - c. Participation in the group is required for a particular course; or
  - d. Participation in the group results in academic credit.

At the secondary level, student groups protected under the Equal Access Act shall be permitted to meet on school premises during noninstructional time under the following conditions:

- 1) A meeting is student-initiated and open to all students. Student attendance at such a meeting must be voluntary.

(Continued)

## Students

**SUBJECT: STUDENT ORGANIZATIONS: LIMITED OPEN FORUM (Cont'd.)**

- 2) School employees may be present only for custodial purposes; they may not participate or provide sponsorship.\*

\*Sponsorship is defined as "the act of promoting, leading, or participating in a meeting. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes does not constitute sponsorship of the meeting." (20 USC Section 4072[2]).

- 3) A meeting does not include any activity that materially and substantially interferes with the orderly conduct of educational activities within the school.
- 4) Unless otherwise allowed by current applicable law, membership shall not be restricted on the basis of race, sex, sexual orientation, national origin, disability or any other arbitrary criteria.
- 5) It is understood that the content of a student meeting is not sponsored by the Port Byron Central School District.
- 6) While students may invite outside speakers to meetings, nonschool persons may not direct, conduct, control or regularly attend such meetings or activities of student groups.
- 7) A request to meet must be filed in advance with the Superintendent. Once approval is obtained, a student group may continue to meet for the remainder of the school year, unless such group fails to abide by the conditions stated within Board policy or administrative regulation. A hearing shall be provided, however, before a decision is reached to discipline or ban a student organization.

**SUBJECT: STUDENT INQUIRY AND EXPRESSION****Speech**

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

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

**Access to Communication Resources**

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

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

**Student Publications**

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

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

Students

**SUBJECT: SELECTION/CLASSIFICATION PROCESS FOR INTERSCHOLASTIC ATHLETICS**

Students in grades no lower than seventh (7th) may compete on a senior high school team and senior high school students may compete on any team in grades no lower than seventh (7th).

Participating students shall be eligible to compete during five (5) consecutive seasons of each sport after their entry into the eighth (8th) grade or six (6) consecutive seasons of each sport after their entry into the seventh (7th) grade.

Only those students who do not meet the age and grade criteria need to meet the Selection/Classification Standard.

Accurate school files must be kept on each student enrolled in the Selection/Classification Process. The Athletic Director must inform opponents (league, section) of those students who became eligible as participants using this process.

The Board approves the use of the selection/classification process for all secondary school interscholastic team members. The Board directs the Superintendent to implement the procedures and maintain a file of those students deemed eligible as a result of those procedures.

**Seventh and Eighth Grade**

Students at the seventh (7th) and eighth (8th) grade level who meet the maturity and physical fitness standards for selection/classification will be eligible to participate in Varsity and Junior Varsity competition in the following manner:

- 1) Seventh grade level students will participate on Junior Varsity teams only. If a particular sport does not field a Junior Varsity team, then seventh grade students would not be allowed to participate in that sport.
- 2) Eighth grade students may participate in Varsity and Junior Varsity competition; however, the coach will make all reasonable effort to assure that Senior High students will be given ample opportunity for participation.
- 3) A special parental permission slip will be required for all seventh grade students playing on Junior Varsity teams, and a special parental permission slip will be required for all eighth grade students playing on Junior Varsity or Varsity teams.
- 4) The Athletic Director of the Port Byron Central School District will review this regulation with his/her staff on an annual basis by October 1.

(Continued)

Students

**SUBJECT: SELECTION/CLASSIFICATION PROCESS FOR INTERSCHOLASTIC ATHLETICS (Cont'd.)**

The intent of the selection/classification program is to provide safe and suitable participation at an appropriate level of competition for students in grades seven (7) and eight (8).

The selection/classification process shall not be used to promote students to higher levels of competition on a routine basis for the sole purpose of filling positions on Varsity and Junior Varsity teams. Proper placement of students is important.

Physical fitness tests will be administered by the school Athletic Director, or a certified Physical Education teacher under his/her direction. All examinations will be signed by the Athletic Director and the Physical Education Teacher who administers the tests. The primary responsibility in this area rests with the Athletic Director and all testing must be supervised by him/her. Students must achieve the raw score for each physical fitness test item required under the New York State guidelines.

Physical fitness testing for Junior High School students will be administered once during each of the following months: September, February and June.

All students who pass the physical fitness test will be examined by the school doctor for the maturity evaluation. All students who pass both portions of these evaluations will be eligible for participation.

All records of testing and evaluation will be filed in the Athletic Director's file.



Students

**SUBJECT: GUIDELINES FOR MIXED COMPETITION ON INTERSCHOLASTIC ATHLETIC TEAMS**

Equal opportunity to participate in interscholastic competition, either on separate teams or in mixed competition on the same team, shall be provided to male and female students, except as enumerated in Commissioner's Regulations and as indicated below. Where separate competition is not provided for male and female students in a specific sport, no student shall be excluded from such competition solely by reason of sex, except in accordance with Commissioner's Regulations.

The Regulations of the Commissioner provide for students involved in mixed competition to be placed on teams at appropriate levels of competition based upon the individual's medical history, maturity, physical data, fitness scores, and skills. These guidelines are to be used for both junior high school and senior high school programs:

- 1) If a *team is organized primarily for one sex* and members of the opposite sex are also members, the team should still be classified as either a males' or females' team and continue playing in the same type league.
- 2) If a team was *formed originally for one sex* but is composed of a significant number of students of the opposite sex, it is recommended that separate teams be formed for that sport. This would allow for the greatest number of students to participate and not limit opportunities or have a disproportionate effect on any one sex.
- 3) When there are *separate teams for each sex* in a specific sport, a male may not tryout for a females' team. The Superintendent of Schools may permit a female to tryout for a male team. However, in the sports of baseball, basketball, boxing, field hockey, football, ice hockey, lacrosse, rugby, soccer, speedball, team handball, power volleyball where the height of the net is set at less than eight (8) feet, and wrestling, the fitness of a given student to participate in mixed competition is subject to the review and approval of a panel as specified in paragraph 5) of this regulation. Where separate teams are provided, a female who wishes to tryout for a male team in these sports must have the approval of the Superintendent and the review panel. This type of crossover should be based upon that female's athletic ability to compete successfully.
- 4) The sport of boxing is identified in Commissioner's Regulations because it appears in the Title IX Federal Regulations. It is not an indication that the State Education Department considers boxing a desirable sport for secondary students.

(Continued)

Students

**SUBJECT: GUIDELINES FOR MIXED COMPETITION ON INTERSCHOLASTIC ATHLETIC TEAMS (Cont'd.)**

- 5) Mixed competition in a sport identified in paragraph 3) of this regulation is subject to *review and approval by a panel*. This panel must include the school physician and a physical education teacher appointed by the Principal and may include a physician chosen by the student's parent(s)/guardian(s). This panel is responsible for determining the readiness of the student in terms of the medical health, maturity, fitness, and skill of the individual in relationship to other members of the team. The intent of the Commissioner's Regulations is to match the student's readiness with an appropriate placement, as well as to provide the student with a successful competitive opportunity. When the physical abilities of the individual are deemed by the panel to be short of or exceed the physical abilities of other team members, thereby creating a hazardous condition or unfair advantage for that student or other members of the team, denial of participation would be appropriate.

These guidelines apply only to a student's eligibility to *tryout* for a team of the opposite sex. The coach must decide if the student is to remain on the team or be dropped from the team in the same manner as all other students trying out for the team. If a coach has a "no cut" policy, the student of the opposite sex must be allowed to remain on the team the same as other students.

**SUBJECT: MIXED COMPETITION REVIEW PANEL GUIDELINES**

Upon a request to the school authorities for a student to participate in mixed competition, as provided in the Regulations of the Commissioner of Education, a review panel shall be formed. The Athletic Director should coordinate the activities of the review panel. The information reported on the *Individual Athletic Profile for Mixed Competition* (Form #7420F.2), shall be used by the review panel in making a determination.

**Completing the Athletic Profile**Part I: School Information

Fill in the information as indicated.

Review Panel

- 1) A *school physician* and a *physical education teacher* (designated by the Principal) shall serve on the review panel as school representatives. The parent(s)/guardian(s) of the student shall also be given the option of having a *physician of choice* serve on the panel. If the parent(s)/guardian(s) elects not to have a physician on the panel and a disagreement on the determination of participation by the student develops, the parent(s)/guardian(s) should be so advised. If the parent(s)/guardian(s) still opts not to select a physician for the panel, it is recommended that the school Principal appoint another physician so there are two physicians and a physical education teacher on the panel as intended by Commissioner's Regulations.
- 2) The review panel should convene as soon as feasible in order to give the student a reasonable opportunity for an early tryout for the team, if approved to do so.

Part II: Student Information

The Athletic Director should be responsible for providing the panel with all available information.

Part III: Physical Education and Medical History

- 1) The information on the physical education history of the student should be obtained from the physical education teachers who have had the student in classes.
- 2) The school registered professional nurse should provide the information on the medical history of the student by reference to the available health records.

(Continued)

**SUBJECT: MIXED COMPETITION REVIEW PANEL GUIDELINES (Cont'd.)**Part IV: Physical Data

- 1) The school physician shall provide the information obtained as part of the normal health examination for participation in athletics.
- 2) The developmental age or maturity level of the student can be established by using the Developmental Screening Procedures used in the Selection/Classification Program.
- 3) A determination of general body type should be made by the physician during the health examination. Comments on joint structure would also be helpful.
- 4) If the school physician determines during the health examination that the student has a physical impairment which would make it unsafe for the student to participate in the sport, the review panel need not convene.

Part V: Athletic Performance Testing (Fitness)

- 1) The Athletic Performance Test used in the Selection/Classification Program should be used as a means of assessing the student's fitness level.
- 2) Scores achieved on this test shall be recorded on the profile form where indicated. The test should be administered by a physical education teacher.
- 3) When reviewing the test scores, the panel needs to be made aware that the relative importance of the test item to the demands of the sport in question is reflected in Selection/Classification Standards.
- 4) When reviewing the test scores, the panel should refer to the standards related to the sex of the team and the level of play at which the student wishes to play.
- 5) *The Athletic Performance Standards of the Selection/Classification Program are not intended as qualifying or disqualifying scores for mixed competition. The scores that appear in the chart are not absolute requirements for the panel to consider.* The scores only provide a reference as to what could normally be found among the members of the team for that sex at that level of play. If the scores of the student differ from the standards, the panel should assess the significance of that difference for the student being considered. Known strengths and abilities of the team in question should also be considered.

(Continued)

**SUBJECT: MIXED COMPETITION REVIEW PANEL GUIDELINES (Cont'd.)**Part VI: Panel Decision

- 1) Once the decision of the panel has been made, the student and parent(s)/guardian(s) shall be advised.
- 2) A "YES" decision means that the student may tryout for the team. The coach will then either allow the student to remain on the team or be dropped by using the normal tryout criteria used for all other students trying out for the team.
- 3) *The panel decision applies only to the sport and season for which the application was made. Subsequent seasons or sports will require another review.* Therefore, all students that have been previously approved to participate in a mixed competition situation *must* be reapproved each season for each sport in which he/she wishes to participate. This practice is predominantly a safety issue as it is evident that a student's athletic profile could change dramatically from one year to the next. Participation in mixed competition in any other sports or levels will again require panel approval.

**PORT BYRON CENTRAL SCHOOL DISTRICT  
ATHLETIC PERMISSION FORM**

I, the parent/guardian of \_\_\_\_\_ (student) \_\_\_\_\_ (grade)

hereby grant him/her permission to be a candidate for the \_\_\_\_\_  
(Level: V/JV/MOD/FROSH)

\_\_\_\_\_ at Port Byron Central School District.  
(team)

We recognize the necessity of a thorough conditioning period during the early part of the season to prepare athletes for competition, and to reduce possibilities of serious injuries.

We understand that he/she will be expected to attend practice sessions regularly as scheduled by the team coach. Transportation will not be provided by the school after these practices.

It is not the policy of the school to bar a student from an athletic squad for any reason which would not bar them from an academic class or other school activity except for recognized eligibility rules. While it is strongly recommended that athletes be covered for injuries by their own accident insurance policy, a student will not be barred from participation without it. The school does carry an accident insurance policy on athletes, which, in the event of medical costs resulting from a student's accident, will provide partial reimbursement or will supplement the family's insurance coverage.

\_\_\_\_\_  
Emergency Phone Number

\_\_\_\_\_  
Home Phone Number

In case of emergency, **I do - do not** give permission for emergency treatment by a physician.  
(circle one)

CHECK ONE:     Coverage for injuries incurred in sports has been provided through a \_\_\_\_\_ policy.  
(name of insurance)

Permission is granted to participate without separate accident insurance coverage.

\_\_\_\_\_  
Signature Parent/Guardian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature School Registered Professional Nurse

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature Athletic Director

\_\_\_\_\_  
Date

Copies:    School Nurse  
              Athletic Director  
              Coach

NYSED requires an annual physical exam for new entrants, students in Grades K, 2, 4, 7 and 10, sports, working permits and triennially for the Committee on Special Education (CSE).

**Port Byron Central Schools  
HEALTH CERTIFICATE / APPRAISAL FORM**

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
School: \_\_\_\_\_ Gender:  M  F Grade: \_\_\_\_\_

**IMMUNIZATIONS / HEALTH HISTORY**

Immunization record attached  
 No immunizations given today  
 Immunizations given since last Health Appraisal:

Sickle Cell Screen:  Positive  Negative  Not done Date: \_\_\_\_\_  
 PPD:  Positive  Negative  Not done Date: \_\_\_\_\_  
 Elevated Lead:  Yes  No  Not done Date: \_\_\_\_\_  
 Dental Referral  Yes  No  Not done Date: \_\_\_\_\_

Significant Medical/Surgical History:  See attached \_\_\_\_\_

Allergies:  LIFE THREATENING  Food: \_\_\_\_\_  Insect: \_\_\_\_\_  Other: \_\_\_\_\_  
 Seasonal  Medication: \_\_\_\_\_

**PHYSICAL EXAM**

Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Blood Pressure: \_\_\_\_\_ Date of Exam: \_\_\_\_\_

Body Mass Index: _____ Weight Status Category (BMI Percentile): <input type="checkbox"/> less than 5 <sup>th</sup> <input type="checkbox"/> 5 <sup>th</sup> through 49 <sup>th</sup> <input type="checkbox"/> 50 <sup>th</sup> through 84 <sup>th</sup> <input type="checkbox"/> 85 <sup>th</sup> through 94 <sup>th</sup> <input type="checkbox"/> 95 <sup>th</sup> through 98 <sup>th</sup> <input type="checkbox"/> 99 <sup>th</sup> and higher	Vision - without glasses/contact lenses	R	L	<i>Referral</i>
	Vision - with glasses/contact lenses	R	L	
	Vision - Near Point	R	L	
	Hearing <input type="checkbox"/> Pass 20 db sc both ears or:	R	L	

EXAM ENTIRELY NORMAL Tanner: I. II. III. IV. V. Scoliosis:  Negative  Positive: \_\_\_\_\_  
 Specify any abnormality (use reverse of form if needed): \_\_\_\_\_

**MEDICATIONS**

Medications (list all):  None  Additional medications listed on reverse of form

Name: \_\_\_\_\_ Dosage/Time: \_\_\_\_\_  
 Name: \_\_\_\_\_ Dosage/Time: \_\_\_\_\_

If AM dose is missed at home: \_\_\_\_\_

I assess this student to be self-directed  Yes  No Student may self carry and self administer medication  Yes  No  
 Note: Nurse will also assess self-direction for the school setting. Please advise parent to send in additional medication in the event that emergency sheltering is necessary at school or if the morning medication has not been given.

**PHYSICAL EDUCATION / SPORTS / PLAYGROUND / WORK QUALIFICATION / CSE CONSIDERATION**

Free from contagions & physically qualified for all physical education, sports, playground, work & school activities OR only as checked:  
 \_\_\_ Limited contact: cheerlead, gymnastics, ski, volleyball, cross-country, handball, fence, baseball, floor hockey, softball.  
 \_\_\_ Non-contact: badminton, bowl, golf, swim, table tennis, tennis, archery, riflery, weight train, crew, dance, track, run, walk, rope jump.

Specify medical accommodations needed for school: \_\_\_\_\_  None

Known or suspected disability: \_\_\_\_\_  Please monitor

Restrictions: \_\_\_\_\_  Please monitor

Protective equipment required:  Athletic Cup  Sport goggles/impact resistant eyewear  Other: \_\_\_\_\_

**OPTIONAL INFORMATION, if known**

Specify current diseases:  Asthma Diabetes:  Type 1  Type 2  Hyperlipidemia  Hypertension  
 Other: \_\_\_\_\_

Provider's Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ (Stamp below)  
 Provider's Name/Address: \_\_\_\_\_ Fax: \_\_\_\_\_

(Continued)

**PORT BYRON CENTRAL SCHOOLS  
HEALTH CERTIFICATE/APPRaisal FORM (Cont'd.)**

7420F.1  
2 of 2

STUDENT NAME: \_\_\_\_\_ GRADE: \_\_\_\_\_  
 PARENT/GUARDIAN: \_\_\_\_\_ PHONE: HOME \_\_\_\_\_ WORK \_\_\_\_\_  
 EMERGENCY CONTACT: \_\_\_\_\_ PHONE: \_\_\_\_\_  
 PHYSICIAN NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_  
 DATE OF LAST TETANUS SHOT: \_\_\_\_\_

TO PARENT OR GUARDIAN:

Participation in athletics is voluntary and is not a required part of the regular physical education program. All athletes must have a sports physical by our school physician or present a physical from your private physician to our school doctor for his approval (New York State Department of Education Mandate). No student may participate in a school sport without an approved physical and health history.

THIS FORM MUST BE COMPLETED AND RETURNED ON OR BEFORE  
THE DAY THE ATHLETE HAS HIS/HER PHYSICAL.

Has your child ever had: (please check and provide details i.e., date, treatment prescribed, Physician's Name, current status of the problem etc.) If medication is prescribed as necessary when symptom arises, parent and physician must sign Medication Authorization form.

Does your child have any of the following?

	YES	NO		YES	NO
Allergies/Hay Fever	_____	_____	Elevated Blood Pressure	_____	_____
Bee Sting Allergy	_____	_____	Headaches	_____	_____
Asthma	_____	_____	Head Injury/Concussion	_____	_____
Anemia	_____	_____	Heart Problem/Murmur-Chest Pain	_____	_____
Arthritis	_____	_____	Nose Bleeds/Frequent or Severe	_____	_____
Bladder/Kidney Problems or Injury	_____	_____	Ankle Injury	_____	_____
Convulsions/Seizures	_____	_____	Back Pain/Injury	_____	_____
Fainting Spells	_____	_____	Fracture-Dislocation Bones/Joints	_____	_____
Diabetes	_____	_____	Knee Pain/Injury	_____	_____
Ear Problems/Hearing Loss	_____	_____	Neck Injury	_____	_____
Eye Problems/Vision Loss	_____	_____	Nose Fracture	_____	_____
Injury to the Spleen	_____	_____	Rheumatic Fever	_____	_____
Joint Sprain/Ligament Tear/ Muscle Pull	_____	_____	Stomach Ulcer	_____	_____
One Testicle	_____	_____	Rapid Heartbeat	_____	_____
One Kidney	_____	_____	Ill for 5 consecutive days	_____	_____
Hospitalization	_____	_____	Frequent absences or lateness	_____	_____
Emergency Room Visit	_____	_____	Sudden Death of Family Member under fifty years of age?	_____	_____
Present Illness	_____	_____	Orthodontic Appliance	_____	_____
Daily Medication	_____	_____	Capped Teeth	_____	_____
On Medication Now	_____	_____	Contact Lens	_____	_____
Fainted During Exercise	_____	_____	Glasses for Sports	_____	_____

I agree with the above answers and consent to participation of my child in the interscholastic program of his/her school including practice sessions and travel to and from athletic contest, as well as the mandated physical clearance by our school doctors.

I understand that I am responsible for medical care for accident/injury. The school does not provide insurance coverage.

I also agree to emergency medical treatment as deemed necessary by the physicians designated by school authorities.

PARENT/GUARDIAN SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
FORM HH



**PORT BYRON CENTRAL SCHOOL DISTRICT  
INDIVIDUAL ATHLETIC PROFILE FOR MIXED COMPETITION**  
(Please type or print.)

**Part I: School Information**

Date: \_\_\_\_\_

District \_\_\_\_\_ Superintendent \_\_\_\_\_

City \_\_\_\_\_ Athletic Director \_\_\_\_\_

School Physician \_\_\_\_\_ Family Physician \_\_\_\_\_

Physical Education Teacher \_\_\_\_\_

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**Part II: Student Information**

Previous mixed competition? \_\_\_\_ Yes \_\_\_\_ No

Name \_\_\_\_\_ What sport and level? \_\_\_\_\_

Age \_\_\_\_\_ Grade \_\_\_\_\_ Sport and level being requested? \_\_\_\_\_

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**Part III: Physical Education and Medical History**

Is the student enrolled in regular physical education without restrictions? \_\_\_\_ Yes \_\_\_\_ No

If NO, explain \_\_\_\_\_

History of conditions, injuries or illness that would be restricting? \_\_\_\_ Yes \_\_\_\_ No

If YES, explain \_\_\_\_\_

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**Part IV: Physical Data**

Weight \_\_\_\_\_ lbs. Height \_\_\_\_\_ Feet \_\_\_\_\_ Inches Maturity Level \_\_\_\_\_

Body Type (Y check): Mesomorph \_\_\_\_\_ Endomorph \_\_\_\_\_ Ectomorph \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Continued)

**PORT BYRON CENTRAL SCHOOL DISTRICT  
INDIVIDUAL ATHLETIC PROFILE FOR MIXED COMPETITION (Cont'd.)**

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**Part V: Athletic Performance Test Scores**

Shuttle Run \_\_\_\_\_ Stomach Curls \_\_\_\_\_  
Long Jump \_\_\_\_\_ 50 Yard Dash \_\_\_\_\_  
Flexed Arm Hang \_\_\_\_\_ 1.5 Mile Run \_\_\_\_\_

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**Part VI: Panel Decision**

Approved for tryout: \_\_\_\_\_ Yes \_\_\_\_\_ No

Reason(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**Panel Members:**

School Physician (print or type name) \_\_\_\_\_

Signature \_\_\_\_\_

Physical Education Teacher (print or type name) \_\_\_\_\_

Signature \_\_\_\_\_

Family Physician or other appointee (print or type name) \_\_\_\_\_

Signature \_\_\_\_\_



**PORT BYRON CENTRAL SCHOOL DISTRICT  
ATHLETIC DEPARTMENT ELIGIBILITY CODE**

7420F.4

- 1) The school administration may remove a student from an activity for any period of time or use other penalties for disciplinary reasons.
- 2) Each coach will establish his/her own discipline and training rules. These rules will include but are not limited to the following:
  - a. Not use alcoholic beverages
  - b. Not use controlled substances
  - c. Not use tobacco products
  - d. Not be involved in illegal or inappropriate activities

\*Violations of any of the above rules will result in automatic dismissal from a team. The coach may dismiss a player for other infractions of his/her rules.

- 3) Each coach will handle the discipline of his/her players. Being dropped from a team will begin the following automatic penalties:
  - a. The first time a player is dropped from a team by a coach, he/she will be on probation during the next sport season in which he/she participates.
  - b. If he/she is dropped from a team a second time by a coach, he/she will not be eligible to participate in the next sports season that he/she participated in.
  - c. If a player is dropped from a team for the third time in his/her athletic career he/she will not participate on an athletic team for the next twelve (12) months. He/she will also have his/her athletic history reviewed by the Superintendent.
  - d. The penalties are automatic.
- 4) Seniors involved in discipline problems during their last sport season will be referred to the administration.

**I, \_\_\_\_\_, have read the above rules and agree to follow them.**

\_\_\_\_\_  
Athlete's Signature

\_\_\_\_\_  
Date

**Permission to Participate in Athletics:**

I hereby give permission for \_\_\_\_\_ to participate in the following school sports: \_\_\_\_\_ and as a participant, to travel under the coach's direction and authority from time of departure until return. I will be responsible for all uniforms and equipment issued to my child. I will return the equipment and uniform or pay the replacement cost.

I have read and understand all the above rules.

Beginning July 1, 1996 the Port Byron Central School District will no longer provide student supplemental accident insurance. Any injury that my child may sustain must be handled by my personal insurance policy and I will be responsible for all expenses not covered.

\_\_\_\_\_  
Signature of Parent/Guardian

\_\_\_\_\_  
Date

**PORT BYRON CENTRAL SCHOOL DISTRICT  
INTERVAL HEALTH HISTORY FOR SPORTS PARTICIPATION**

**Part A: To be completed by student and coach**

Student Name: \_\_\_\_\_  
Sport: \_\_\_\_\_

Grade: \_\_\_\_\_  
Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**Part B: To be completed by the parent or guardian**

Health History since last physical:

- 1) Any injuries requiring medical attention? \_\_\_\_\_ YES \_\_\_\_\_ NO
- 2) Any illness lasting more than five (5) days? \_\_\_\_\_ YES \_\_\_\_\_ NO
- 3) Take any medication at this time? \_\_\_\_\_ YES \_\_\_\_\_ NO
- 4) Any surgical operations or fractures? \_\_\_\_\_ YES \_\_\_\_\_ NO
- 5) Any treatment in the hospital/emergency room? \_\_\_\_\_ YES \_\_\_\_\_ NO
- 6) Developed any allergies? \_\_\_\_\_ YES \_\_\_\_\_ NO
- 7) Any chronic disease? \_\_\_\_\_ YES \_\_\_\_\_ NO

If "YES" to any question please give date and explanation.

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**Part C: Parental Permission**

I, the undersigned, clearly understand these questions are asked in order to decide if my child can safely participate in sports. The answers are correct as of this date and he/she has my permission to participate. I also understand that I am responsible for medical care for an accident/injury. The school does not provide insurance coverage.

Signed: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**Part D: To be completed by School Health Office**

SPORTS PARTICIPATION (check):

\_\_\_\_\_ Approved

\_\_\_\_\_ Refer to School Physician

Signed: \_\_\_\_\_, R.N.

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

(Continued)

**PORT BYRON CENTRAL SCHOOL DISTRICT  
INTERVAL HEALTH HISTORY FOR SPORTS PARTICIPATION (Cont'd.)**

Prior to the start of try out sessions or practice at the beginning of each season, a health history review for each athlete must be conducted unless the student received a full medical examination within thirty (30) days of the start of the season.

**If referred to the School Physician/Nurse Practitioner (check):**

\_\_\_\_\_ Requalified

\_\_\_\_\_ Disqualified

Signed: \_\_\_\_\_  
School Physician/Nurse Practitioner

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

## Students

**SUBJECT: FUND RAISING BY STUDENTS**

- 1) Fund raising is defined as selling merchandise or services in school, on school grounds, or in the community which the school serves.
  - a. No fund raiser should be planned without permission of an administrator.
  - b. An agreement or contract should not be signed by a teacher or student; agreements and contracts must be signed by the Building Principal.
- 2) Requests for fund raisers or fund raising events should be submitted by June 1 for the first semester, and November 1 for the second semester. No fund raiser should go beyond the discussion stage without specific approval from an administrator.
  - a. Advance planning will allow adequate publicity of fund raising activities and prevent misrepresentation of our fund raising activities in the school community.

If an organization or group has a fund raising proposal rejected, they will receive written notice and be given the opportunity to request alternate fund raising times or events.

A tentative calendar of fund raising events will be published before the close of school each June.
  - b. To initiate a fund raising event, a written request should be presented to the School Office to reserve a tentative spot on the calendar.
  - c. When no conflict exists on the calendar, the request will then be forwarded to the Principal who may sign the request and forward the request to the Superintendent. Either administrator may reject a request.
  - d. When the volume of requests results in conflicts for the same activity/event or overloading of the calendar, a committee composed of the advisors of the groups with conflicting requests, and an administrator, will meet and resolve the impasse.
  - e. Requests for fund raising requests/events will be acted upon by the administrator within a week.
  - f. Exceptions to the June 1/November 1 deadlines may be made upon request of an advisor and the approval of an administrator.

(Continued)

**SUBJECT: FUND RAISING BY STUDENTS (Cont'd.)**

- 3) Fund raising should benefit students collectively or in recognized groups. Fund raisers/events should not be for the benefit of individual students.
- a. Property purchased as a result of a fund raiser/event is for the use of students when they are part of student groups and should not be used to purchase personal consumable items. The materials or supplies become the property of Port Byron Central School District and must be available for reasonable use by other student groups.
  - b. Certain services for students, such as training and entrance fees, may be paid for by funds derived from fund raisers/events, upon the recommendation of the advisor/coach and with the consent of an administrator.
  - c. Fund raising should be limited to educational purposes, either directly or indirectly. Fund raising for purposes of amusement will be given the least priority.
  - d. Approval of a fund raising activity/event is for that request only. Future fund raising requests will be approved based upon total criteria contained in this regulation. Preference will be given to groups who have previously put on activities/events judged satisfactory by the administration.
  - e. The approved organization or group sponsoring a fund raising activity will be responsible for:
    - (1) Security, if the need is determined by the administration.
    - (2) Prompt and reasonable clean-up of any indoor/outdoor area used by the group, or payment for custodial services rendered.
    - (3) Chaperones; however, teacher paid chaperones may be provided by the Port Byron Central School District.
    - (4) Setting up an accountable ticket system, a system to securely handle all funds, adequate workers to put on the activity, the preparation of all report forms and the prompt payment of all bills in the prescribed manner.
    - (5) Those groups which complete all of their responsibilities appropriately, in the opinion of the administration, may then apply for the same or similar activity in the following year.

(Continued)



## Students

**SUBJECT: FUND RAISING BY STUDENTS (Cont'd.)**

- 4) Under no circumstances may staff require, or give the impression that they are requiring, students to sell items or pay a fee to defray a portion of the expenses of the District's educational program.
- 5) Groups or organizations are responsible for the collection of any appropriate sales taxes and remission of the same to the New York State Division of Sales Tax.
- 6) When conflicts arise between groups/organizations for the same or similar fund raisers/events, the following criteria, in general, shall apply:
  - a. The past performance of a group/organization in carrying out their fund raising responsibilities as outlined in this regulation, will be considered.
  - b. The purpose for which the funds are being generated will be a factor.
  - c. Broader-based student groups shall be given consideration over groups of narrower student focus.
- 7) Fund raisers/events will not be approved by the administration without a very specific purpose for the use of the funds and as specified in the Request for Fund Raising Activity (Form #7450F).
  - a. Deviations for the spending of the funds must be approved by the administration.
  - b. Appropriate publicity must be given to any splitting of funds so that the public is fully aware of who will be receiving shares of the funds generated.
  - c. Any equipment/materials and supplies purchased by the group must be approved by an administrator in advance of ordering. In the area of sports equipment or materials and supplies, the Athletic Director shall also agree to the appropriateness of a purchase prior to ordering.

**PORT BYRON CENTRAL SCHOOL DISTRICT  
REQUEST FOR FUND RAISING ACTIVITY**

Organization: \_\_\_\_\_ School Year: \_\_\_\_\_

Advisor: \_\_\_\_\_

Funds will be used to: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Estimated Amount Needed: \_\_\_\_\_

Activity Requested: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Duration of Activity: \_\_\_\_\_

Date(s) Requested: \_\_\_\_\_

-----

Approved: \_\_\_\_\_, Building Principal

Date(s) Allocated: \_\_\_\_\_

Disapproved for the following reason(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**[PORT BYRON CENTRAL SCHOOL DISTRICT]**

**CONSTITUTIONALLY PROTECTED PRAYER CERTIFICATION**

Title 1 State Coordinating Office  
New York State Education Department  
Room 461  
Education Building Annex  
Albany, New York 12234

As a condition of receiving federal funds under the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001 (NCLB), the local educational agency hereby certifies that no policy of the local educational agency prevents, or otherwise denies participation in, constitutionally protected prayer in public elementary schools and secondary schools, as detailed in the current guidance issued pursuant to NCLB Section 9524(a).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title of Authorized Representative

\_\_\_\_\_  
Name of Local Educational Agency

Students

**SUBJECT: IMMUNIZATION GUIDELINES**

- 1) As used in this regulation, unless the context requires otherwise:
  - a. The term "school" means and includes any public, private or parochial child caring center, day nursery, day care agency, nursery school, kindergarten, elementary, intermediate or secondary school.
  - b. The term "child" shall mean and include any child between the ages of two (2) months and eighteen (18) years and every child entering school.
  - c. The term "person in parental relation to a child" shall mean and include his/her father or mother, by birth or adoption, his/her legally appointed guardian or his/her custodian. A person shall be regarded as the custodian of a child if he/she has assumed the charge and care of the child because the parents or legally appointed guardian of the minor have died, are imprisoned, are mentally ill, or have been committed to an institution, or because they have abandoned or deserted such child, are living outside the state or their whereabouts are unknown, or have designated the person pursuant to General Obligations Law Title 15-A.
- 2) Every person in parental relation to a child in this state shall have administered to such child an adequate dose or doses of an immunizing agent as prescribed by Public Health Law Section 2164.
- 3) The person in parental relation to any such child who has not previously received such immunization shall present the child to a health practitioner and request him/her to administer the necessary immunization.
- 4) If any person in parental relation to such child is unable to pay for the services of a private health practitioner, such person shall present such child to the Health Officer of the county in which the child resides who shall then administer the immunizing agent without charge.
- 5) The health practitioner who administers such immunizing agent to any such child shall give a certificate of such immunization to the person in parental relation to such child.
- 6) In the event that a person in parental relation to a child makes application for admission of such child to a school and there exists no certificate or other acceptable evidence of the child's required immunizations, the Principal of the school shall inform such person of the necessity to have the child immunized, that such immunization may be administered by any health practitioner, or that the child may be immunized without charge by the Health Officer in the county where the child resides. If such person does not wish to select a health practitioner to administer the immunization, he/she shall be provided with a form which shall give notice that as

(Continued)

## Students

**SUBJECT: IMMUNIZATION GUIDELINES (Cont'd.)**

a prerequisite to processing the application for admission to the school, such person shall state a valid reason for withholding consent or consent shall be given for immunization to be administered by a Health Officer in the public employ, or by a school physician or school's registered professional nurse. The form shall provide for the execution of a consent by such person, and it shall also state that such person need not execute such consent if paragraphs 8) or 9) of this regulation apply to such child.

- 7) No Principal of a school shall permit any child to be admitted to such school or to attend such school in excess of fourteen (14) days without the certificate provided for in paragraph 5) of this regulation or some other acceptable evidence of the required immunization. However, this period may be extended to not more than thirty (30) days for a student transferring from out-of-state or from another country and can show a good faith effort to get the necessary certification or other evidence of immunization.
- 8) If any physician licensed to practice medicine in this state certifies that immunization may be detrimental to a child's health, the requirements of these regulations shall be inapplicable until such immunization is found no longer to be detrimental to the child's health.
- 9) These regulations shall not apply to children whose parent, parents, or guardian hold genuine and sincere religious beliefs which are contrary to the practices herein required, and no certificate shall be required as a prerequisite to such children being admitted or received into school or attending school. The Building Principal is charged with the responsibility of determining, on a case-by-case basis, whether a parent/guardian is entitled to invoke the religious exemption from required immunizations.

A form for parents/guardians to utilize to request a religious exemption to immunizations may be found at website:

<http://www.emsc.nysed.gov/sss/HealthServices/requestreligiouseximmunprocedures.htm>

NOTE: Refer to Procedure #7511P -- [School District Procedure for Implementing Requests for Religious Exemption to Immunization](#)

Students

**SUBJECT: SCHOOL DISTRICT PROCEDURE FOR IMPLEMENTING REQUESTS FOR RELIGIOUS EXEMPTION TO IMMUNIZATION**

<u>Responsibility</u>	<u>Action</u>
School Nurse or Principal's Designee	1) a. Upon request, issues a Request for Religious Exemption to Immunization Parent/Guardian Statement Form to parent/guardian. A form for this use may be found at website: <a href="http://www.emsc.nysed.gov/sss/HealthServices/requestreligiousexemptimmunization.htm">http://www.emsc.nysed.gov/sss/HealthServices/requestreligiousexemptimmunization.htm</a> b. Provides parent/guardian with Centers for Disease Control/NYS Department of Health informational immunization materials. c. Provides guidance, if requested for the above form's completion.
Parent/guardian	2) Returns signed and notarized form to the school nurse or Principal's designee.
Building Principal	3) Reviews each request for a religious exemption to immunization. 4) If after review of the parental/guardian statement, questions remain about the existence of a sincerely held religious belief, may request supporting documents such as: <ol style="list-style-type: none"> <li>a. A letter from an authorized representative of the church, temple, religious institution etc. attended by the parent/guardian, literature from the church, temple, religious institution etc. explaining doctrine/beliefs that prohibit immunization; (Note: Parents/guardians need not necessarily be a member of an organized religion or religious institution to obtain a religious exemption.)</li> </ol>

(Continued)

Students

**SUBJECT: SCHOOL DISTRICT PROCEDURE FOR IMPLEMENTING REQUESTS FOR RELIGIOUS EXEMPTION TO IMMUNIZATION (Cont'd.)**

<u>Responsibility</u>	<u>Action</u>
Building Principal (Cont'd.)	<ul style="list-style-type: none"> <li>b. Other writings or sources upon which the parent/guardian relied in formulating religious beliefs that prohibit immunization;</li> <li>c. A copy of any parental/guardian statements to healthcare providers or school district officials in a district of prior residence explaining the religious bases for refusing immunization;</li> <li>d. Any documents or other information the parent/guardian may be willing to provide that reflect a sincerely held religious objection to immunization; (for example: disclosure of whether the parent or other children have been immunized, current position on receiving or refusing other kinds of medical treatment).</li> </ul>
Parent/guardian	5) May request a meeting with the Principal in order to provide further information about his/her sincerely held religious beliefs.
Building Principal	6) Informs the parent/guardian in writing regarding the approval or denial of the exemption request with copies to the school nurse or Principal's designees and the School Superintendent. If the request is denied, the parent/guardian notification letter must include the specific reason(s) for denial.
Parent/guardian	7) If the exemption is denied, may appeal the denial to the Commissioner of Education within thirty (30) days of the decision.

**PORT BYRON CENTRAL SCHOOL DISTRICT  
HEALTH SCREENING GUIDELINES**

Parents/persons in parental relation to be notified in writing of vision and hearing tests and existence of any disability or condition which may impact on health or educational progress. Positive results from scoliosis screening to be provided within ninety (90) days of finding. No screening required if student or parent/person in parental relation objects based upon genuine and sincere religious beliefs.

	<b>New Entrants</b>	<b>Students with Low Test Scores</b>	<b>Pre-K or K</b>	<b>Gr. 1</b>	<b>Gr. 2</b>	<b>Gr. 3</b>	<b>Gr. 4</b>	<b>Gr. 5</b>	<b>Gr. 6</b>	<b>Gr. 7</b>	<b>Gr. 8</b>	<b>Gr. 9</b>	<b>Gr. 10</b>
<b>Scoliosis Screening</b>	<b>*X</b>							<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	
<b>Vision Screening</b>	<b>*X</b>	<b>****</b>											
<i>--Color Perception</i>	<b>X</b>	<b>****</b>											
<i>--Near Vision</i>	<b>X</b>	<b>****</b>											
<i>--Hyperopia</i>	<b>X</b>	<b>****</b>											
<i>--Distance Acuity</i>	<b>X</b>	<b>****</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>		<b>X</b>		<b>X</b>			<b>X</b>
<b>Hearing Screening</b>	<b>*X</b>	<b>****</b>	<b>X</b>	<b>X</b>		<b>X</b>		<b>X</b>		<b>X</b>			<b>X</b>
<b>Sickle Cell Anemia</b>	If determined necessary or desirable, a one-time test.												
<b>**Health Appraisals</b>	<b>X</b>		<b>X</b>		<b>X</b>		<b>X</b>			<b>X</b>			<b>X</b>
<b>***Health &amp; Dental (2008) Certificates</b>	<b>X</b>				<b>X</b>		<b>X</b>			<b>X</b>			<b>X</b>
<b>Athletic Appraisal</b>	Certificate of physical fitness prior to student's first sport of the school year, and then only if injured or ill prior to participation in second sport.												

\*By December 1 of the school year or within fifteen (15) days of transfer.

\*\*To be conducted no more than twelve (12) months prior to the commencement of the school year.

\*\*\*To be presented within thirty (30) days of entrance to school for new entrants, or within thirty (30) days of entry into indicated grade level.

\*\*\*\*Within thirty (30) days of availability of test scores.



## PORT BYRON CENTRAL SCHOOL DISTRICT

### HEALTH CERTIFICATE / APPRAISAL FORM

*NYSED requires an annual physical exam for new entrants, students in Grades K, 2, 4, 7 and 10, sports, working permits and triennially for the Committee on Special Education (CSE).*

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

School: \_\_\_\_\_ Gender:  M  F Grade: \_\_\_\_\_

#### IMMUNIZATIONS / HEALTH HISTORY

Immunization record attached  
 No immunizations given today  
 Immunizations given since last Health Appraisal:

Sickle Cell Screen:  Positive  Negative  Not done Date: \_\_\_\_\_  
 PPD:  Positive  Negative  Not done Date: \_\_\_\_\_  
 Elevated Lead:  Yes  No  Not done Date: \_\_\_\_\_  
 Dental Referral  Yes  No  Not done Date: \_\_\_\_\_

Significant Medical/Surgical History:  See attached \_\_\_\_\_

Allergies:  LIFE THREATENING  Food: \_\_\_\_\_  Insect: \_\_\_\_\_  Other: \_\_\_\_\_  
 Seasonal  Medication: \_\_\_\_\_

#### PHYSICAL EXAM

Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Blood Pressure: \_\_\_\_\_ Date of Exam: \_\_\_\_\_

*Referral*

Body Mass Index: _____ . _____	Vision - without glasses/contact lenses	R	L	
Weight Status Category (BMI Percentile):	Vision - with glasses/contact lenses	R	L	
<input type="checkbox"/> less than 5 <sup>th</sup> <input type="checkbox"/> 5 <sup>th</sup> through 49 <sup>th</sup> <input type="checkbox"/> 50 <sup>th</sup> through 84 <sup>th</sup>	Vision - Near Point	R	L	
<input type="checkbox"/> 85 <sup>th</sup> through 94 <sup>th</sup> <input type="checkbox"/> 95 <sup>th</sup> through 98 <sup>th</sup> <input type="checkbox"/> 99 <sup>th</sup> and higher	Hearing <input type="checkbox"/> Pass 20 db sc both ears or:	R	L	

EXAM ENTIRELY NORMAL    Tanner: I. II. III. IV. V.    Scoliosis:  Negative  Positive: \_\_\_\_\_

Specify any abnormality (use reverse of form if needed): \_\_\_\_\_

#### MEDICATIONS

Medications (list all):  None  Additional medications listed on reverse of form

Name: \_\_\_\_\_ Dosage/Time: \_\_\_\_\_

Name: \_\_\_\_\_ Dosage/Time: \_\_\_\_\_

If AM dose is missed at home: \_\_\_\_\_

I assess this student to be self-directed  Yes  No    Student may self carry and self administer medication  Yes  No

Note: Nurse will also assess self-direction for the school setting. Please advise parent to send in additional medication in the event that emergency sheltering is necessary at school or if the morning medication has not been given.

#### PHYSICAL EDUCATION / SPORTS / PLAYGROUND / WORK QUALIFICATION / CSE CONSIDERATION

Free from contagions & physically qualified for all physical education, sports, playground, work & school activities OR only as checked:

\_\_\_ Limited contact: cheerlead, gymnastics, ski, volleyball, cross-country, handball, fence, baseball, floor hockey, softball.

\_\_\_ Non-contact: badminton, bowl, golf, swim, table tennis, tennis, archery, riflery, weight train, crew, dance, track, run, walk, rope jump.

Specify medical accommodations needed for school: \_\_\_\_\_  None

Known or suspected disability: \_\_\_\_\_  Please monitor

Restrictions: \_\_\_\_\_  Please monitor

Protective equipment required:  Athletic Cup  Sport goggles/impact resistant eyewear  Other: \_\_\_\_\_

#### OPTIONAL INFORMATION, if known

Specify current diseases:  Asthma    Diabetes:  Type 1  Type 2     Hyperlipidemia     Hypertension  
 Other: \_\_\_\_\_

Provider's Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ (Stamp below)

Provider's Name/Address: \_\_\_\_\_ Fax: \_\_\_\_\_

Parent Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*This exam complies with NYSED requirements above and is valid for twelve months, with the exception of any illness or injury lasting more than five days that will require review by private healthcare provider and the school medical director.*

**SUBJECT: GUIDELINES FOR ADMINISTERING MEDICATION IN SCHOOLS****Glossary**Controlled Substances

Certain drugs with abuse potential that are regulated by State and Federal Government in a manner more restrictive than other drugs. A complete list of controlled substances in New York is set forth at New York State Public Health Law, Section 3306.

Double-Lock

A system of two separate locks to secure medications, especially controlled substances (i.e., a locked box within a locked cabinet).

Licensed Practical Nurse

An individual licensed pursuant to Article 139 of the Education Law ("The Nurse Practice Act") performing tasks and responsibilities within the framework of case finding, health teaching, health counseling and the provision of supportive and restorative care under the direction of a registered professional nurse or licensed physician, dentist or other licensed health care provider.

Licensed Prescriber

Health care professionals who have authority to prescribe medications in their practice including physicians, dentists, podiatrists, nurse practitioners, physician assistants or specialist assistants, optometrists, and midwives.

Medication

As used in these guidelines will refer to both prescription and nonprescription drugs.

Nonprescription Drugs

Medications which may be obtained over the counter without a prescription. These medications are sometimes referred to as over-the-counter (OTC) drugs and include, but are not limited to, oral, inhalation, and topical forms.

Prescription Drugs

Drugs requiring a written order for dispensing signed by a licensed prescriber.

(Continued)

**SUBJECT: GUIDELINES FOR ADMINISTERING MEDICATION IN SCHOOLS (Cont'd.)**PRN

As needed.

Route of Administration

Route through the body whereby a medication is administered including oral, subcutaneous, intramuscular, intravenous, inhalant.

School Nursing Personnel

Registered professional nurses licensed pursuant to Article 139 of the Education Law including school nurses, school nurse-teachers, school nurse-practitioners, or other specialty nurse practitioners employed by the School District or BOCES pursuant to Education Law Section 902.

Self-directed

An individual who is capable and competent to understand a personal care procedure, can correctly administer it to himself/herself each time it is required, has the ability to make choices about the activity, understands the impact of these choices, and assumes responsibility for the results of the choices.

Under the Direction

"Under the direction" means that a registered professional nurse should be present on the premises or will immediately respond by written and/or verbal communication when professional services are rendered by a licensed practical nurse. The degree of supervision shall be appropriate to the circumstances. This term implies an active process of directing, guiding and influencing the outcome of an individual's performance of an activity. "Under the direction" is generally categorized as onsite (the registered professional nurse is physically present or immediately available while the activity is being performed) or off-site (the registered professional nurse has the ability to provide direction through written and/or verbal communications). The degree of direction is appropriate to the circumstance.

**Procedures**

A program for the administration of medication to students in school must be managed and supervised by school nursing personnel.

(Continued)

## Students

**SUBJECT: GUIDELINES FOR ADMINISTERING MEDICATION IN SCHOOLS (Cont'd.)**

- 1) Only those medications which are necessary to maintain the student in school and which must be given during school hours should be administered. Any student who is required to take medication during the regular school day or while participating in school-sponsored activities (e.g., field trips, athletics) should comply with all procedures.
- 2) Any prescribed medication which requires administration through a subcutaneous, intramuscular, intravenous or rectal route or prescribed medications being administered through pumps, tubes or nebulizers; or oral, topical or inhalant medication needed by non-self-directed students *must be given by school nursing personnel or licensed practical nurses under the direction of school nursing personnel. Administration of such prescribed medications may not be performed by unlicensed persons.*
- 3) Unlicensed persons in the school setting, following assignment and in conjunction with approval by school nursing personnel, may assist self-directed students with the taking of their own oral, topical and inhalant medication. School nursing personnel and the administration should assure that the unlicensed person receives the training and supervision needed to perform these tasks in a safe and effective manner.
- 4) Best practices indicate that all schools should be staffed with a registered professional nurse.
- 5) A written order from a duly licensed prescriber and written parental permission to administer the medication are required.

**Written Order from a Licensed Prescriber Is Required**

All medications, including nonprescription drugs, given in school shall be prescribed by a licensed prescriber on an individual basis as determined by the student's health status.

- 1) Written orders for prescription and nonprescription medications should minimally include:
  - a. Student's name and date of birth.
  - b. Diagnosis.
  - c. Name of medication.
  - d. Dosage and route of administration.
  - e. Self-administration orders -- if indicated.
  - f. Frequency and time of administration.
  - g. For prn (as necessary) medications -- conditions under which medication should be administered.
  - h. Potential adverse reactions - if indicated.

(Continued)

**SUBJECT: GUIDELINES FOR ADMINISTERING MEDICATION IN SCHOOLS (Cont'd.)**

- i. Date written.
  - j. Prescriber's name, title, and signature.
  - k. Prescriber's phone number.
- 2) Special considerations
- a. Medication orders must be renewed annually or when there is a change in medication or dosage.
  - b. The pharmacy label does not constitute a written order and *cannot* be used in lieu of a written order from a licensed prescriber.
  - c. When a properly labeled medication comes to the health office accompanied by a written request from the parent/person in parental relation for administration of the medication, but without a written order from a licensed prescriber, the following procedure should be followed:
    - (1) Contact parent/person in parental relation regarding need for written order from a licensed prescriber.
    - (2) Contact licensed prescriber to obtain verbal permission to administer medication.
    - (3) Request fax or written orders to be received within forty-eight (48) hours.
    - (4) Contact parent/person in parental relation and discontinue medication if written orders are not received in forty-eight (48) hours.
    - (5) Document above steps.

**Written Statement from Parent or Guardian Is Required**

A written statement from the parent or person in parental relation requesting administration of the medication in school as ordered by the licensed prescriber is required. The parent or person in parental relation must assume responsibility to have the medication delivered directly to the health office in a properly labeled original container.

(Continued)

**SUBJECT: GUIDELINES FOR ADMINISTERING MEDICATION IN SCHOOLS (Cont'd.)**1) *Prescription medications*

The pharmacy label must display:

- a. Student name.
- b. Name and phone number of pharmacy.
- c. Licensed prescriber's name.
- d. Date and number of refills.
- e. Name of medication/dosage.
- f. Frequency of administration.
- g. Route of administration and/or other directions.

- 2) *Over-the-counter medications* must be in the original manufacturer's container/package with the student's name affixed to the container. The same applies to drug samples.
- 3) For certain medications, especially *controlled substances*, the school registered professional nurse should count the medication upon receipt from the parent/person in parental relation and periodically thereafter. This is not a legal requirement but constitutes a sound practice when handling controlled substances. Discrepancies should be reported to the parent immediately. The school administration should be informed of any discrepancies when such discoveries occur. Close supervision of the taking of controlled medication is advised.
- 4) Medications should not be transported daily to and from school. Parents/persons in parental relation should be advised to ask the pharmacist for two (2) containers - one to remain at home and one at school.

Medication is to be stored in a locked cabinet or separate locked drawer in the health office. Medication requiring refrigeration should be refrigerated in a secure area.

Medication Administration

All students requiring medication during school hours should receive their medication in the health office except in those instances where students are allowed to carry their own medication and self-administer.

(Continued)

**SUBJECT: GUIDELINES FOR ADMINISTERING MEDICATION IN SCHOOLS (Cont'd.)**Carry and Self-Administer Medication

School nursing personnel may receive a request to permit a student to carry and self-administer his/her own medication. Under certain conditions this may be allowed. Such decisions should be made on an *individual basis*. The criteria for determining when a student can self-administer medication are:

- 1) Severity of health care problems, particularly asthmatic or allergic conditions.
- 2) Licensed prescriber's order directing that the student be allowed to carry his/her medication and self-administer.
- 3) Parent/person in parental relation statement requesting compliance with licensed prescriber's order.
- 4) Student has been instructed in the procedure of self-administration and can assume responsibility for carrying properly labeled medication in original container on his/her person or keeping in school or physical education locker.
- 5) School nursing assessment that student is self-directed to carry and self-administer his/her medication properly.
- 6) Parent/person in parental relation contact made to clarify parental/person in parental relation responsibility regarding the monitoring of the child on an ongoing/daily basis to ensure that the child is carrying and taking the medication as ordered. This contact should be documented.

Any student self-administering medication without proper authorization should be counseled by the school nursing personnel. In addition, the parents/persons in parental relation should be notified. In some instances school administration should also be informed. Periodic reevaluation of the effectiveness of the procedure should be instituted.

Emergency Medication

The requirements allowing registered professional nurses to administer agents used in the emergency treatment of anaphylaxis include:

- 1) Following non-patient specific standing orders and protocols authorized by a physician or a nurse practitioner.
- 2) Maintaining or ensuring the maintenance of a copy of the standing order(s) and protocol(s) that authorizes them to administer anaphylactic treatment agents.

(Continued)

**SUBJECT: GUIDELINES FOR ADMINISTERING MEDICATION IN SCHOOLS (Cont'd.)**

However, the administration of emergency medication (injectable and/or oral) to a student for extreme hypersensitivity may be performed by a school staff member responding to an emergency situation when such use has been prescribed by a licensed prescriber. However, a registered professional nurse/nurse practitioner/physician/physician's assistant *must* have trained the staff member to administer the emergency medication for that particular emergency situation (e.g., "epi-pen") and given him/her approval to assist the student in the event of an emergency anaphylactic reaction. Such a response would fall under the Good Samaritan exemption for rendering emergency care during a life threatening situation.

Procedures for Taking Oral, Topical or Inhalant Medications Off School Grounds or After School Hours While Participating in a *School-Sponsored Activity*

The school nursing personnel should assure:

- 1) Oversight of self-administration to:
  - a. Student who is self-directed;
  - b. Voluntary staff member who has been appropriately instructed by the school nursing personnel to assist self-directed student. (Note: Consistent with good practice, the employee's willingness to perform the task should be considered in making the assignment.)
- 2) Preparation of medication:

When oral medication is to be given off school grounds or after school hours, it should be placed in a single dose medication envelope by school nursing personnel and properly labeled with:

- a. Student's name.
- b. Name of medication and dosage.
- c. Date and time to be given.
- d. Special instructions.
- e. Possible side effects.

(Continued)



Students

**SUBJECT: GUIDELINES FOR ADMINISTERING MEDICATION IN SCHOOLS (Cont'd.)**

Administration of oral, topical or inhalant medications to non-self-directed students and *injectable medications* to any one must remain the responsibility of the school registered professional nurse, licensed practical nurse under the direction of a school's registered professional nurse, physician, or parent/person in parental relation. However, Epi-Pen type injectables may be administered by an LPN in the absence of an RN. Epi-pens must be pre-measured and self-inject in emergency situations.

**Herbal Remedies, Dietary Supplements, Natural Products and Other Non-FDA Sanctioned Requests**

Requests for use of herbal remedies, dietary supplements and natural products do not need to be honored by a school district or school registered professional nurse as they are not sanctioned by the FDA. Such matters should be explained to the parent and their cooperation sought to have such medications administered outside of school. An appropriate notation should be made on the student's health record.

**Emergency Building Evacuation and Medications**

Good nursing practice dictates that each health office be supplied with a readily accessible, easily carried, and recognizable emergency pack that includes supplies for basic first aid, including supplies for infection control, a stock Epi-pen with non-patient specific orders and a glucose source, such as glucose gel or honey sticks. A plan for communicating with the Principal should be established. A list of all students with significant medical conditions and medical orders for prescription medication, including emergency contact numbers, should be kept in the emergency pack.

**Responsibilities of School Nursing Personnel****General**

- 1) Facilitate policies and procedures regarding the administration of medication in schools.
- 2) Ensure proper and appropriate techniques for the administration of medication in schools.
- 3) Provide and/or document adequate in-service education for unlicensed persons assisting students with self-medication.
- 4) Maintain adequate and secure storage of all medications.
- 5) Document or assure documentation by other licensed or unlicensed persons for each dose of medication given or taken on a daily log and periodically summarize in each student's cumulative health record.

(Continued)

Students

**SUBJECT: GUIDELINES FOR ADMINISTERING MEDICATION IN SCHOOLS (Cont'd.)**

- 6) Perform intermittent evaluation of the practices and procedures related to the administration of medications and modify as needed.

Specific for each student

- 1) Observe and evaluate the student's health status and response to medication, informing parents/persons in parental relation or prescriber as deemed necessary.
- 2) Educate the student regarding the importance of medication and encourage the student's self-directed involvement in the process including coming to the health office on time and receiving or taking medications. If a student forgets, it is recommended that the school registered professional nurse call for the student to ensure that medication is not missed. Parents/persons in parental relation should be advised if their child is not fully participating in the established school procedure.
- 3) Involve school staff only as needed to ensure student safety and only where disclosure of the health information is permitted by law.

**Storage of Medication**

No medication should be brought into school without knowledge of the health office. Publicized procedures that facilitate this practice so that parents and students do not feel the need to hide medication or to circumvent cumbersome procedures are essential.

All medications, except as otherwise arranged, should be properly stored and secured within a health office cabinet, drawer or refrigerator designated for medications only. This site must include a lock for the cabinet, drawer and refrigerator, as well as a lock to the outside health office door. Controlled substances must always be secured and must never be left open or accessible to the public at any time. Even self-directed students should not be given unsupervised access to controlled substances under the care of the school.

Whenever possible, medication storage units ideally should be secured to the wall or floor, and should not have breakable glass doors. Ideally, all medications should be stored in a health office. However, there may be instances when either requests are made by a parent and physician for a student to carry and self-administer medications because of the emerging nature of the health problem or the severity of the health condition.

(Continued)

**SUBJECT: GUIDELINES FOR ADMINISTERING MEDICATION IN SCHOOLS (Cont'd.)****Disposal of Medications**

If a medication regimen is changed or discontinued, and/or at the end of each school year, the medication must be returned to the parent/person in parental relation or be properly disposed. Parents/persons in parental relation should be notified of options such as:

- 1) Disposal of medication by flushing in presence of witness; or
- 2) Parent/person in parental relation or responsible designee picking up medication from health office.

**Summer School Medication Order Extensions**

A medication order may be extended into the summer school session if needed. The parent/guardian must submit a written request to the school nurse by June 1 prior to the summer session. The order must be the same as that provided for the regular school session; should any change be needed, written notification from the physician is required. New medications require a new form to be submitted.

**Disposal of Needles and Syringes**

Needles and syringes should be disposed of in a manner consistent with the following guidelines:

- 1) Needles should not be recapped and should not be purposely bent or broken.
- 2) Disposable syringes and needles (and other sharp items) should be placed in approved sharps' containers and labeled "**BIOHAZARD.**"
- 3) Arrangements should be made with custodial staff or an appropriate agency to dispose of containers at periodic intervals according to established procedures of the school regarding regulated medical waste.

**Record Keeping**

School nursing personnel should maintain accurate records of the medication administered, any special circumstances related to the procedure, and student's reactions/responses.

The following procedure for record keeping is recommended:

- 1) Retain the written order from the prescriber.

(Continued)

**SUBJECT: GUIDELINES FOR ADMINISTERING MEDICATION IN SCHOOLS (Cont'd.)**

- 2) Retain the parent/person in parental relation request letter.
- 3) Retain pertinent information about medication on cumulative health record.
- 4) Maintain an individual daily medication record for each student taking medication during time frame medication is being given.
- 5) Periodically summarize daily medication record on cumulative health record.

**Student and Parent/Guardian Education**

School nursing personnel can avoid many communication problems by widely circulating the requirements for administration of medication in school. Suggestions for publicizing the requirements for administration of medication in school include:

- 1) Student-parent handbook.
- 2) School publications/calendars.
- 3) Local newspapers.
- 4) Insert with report cards.
- 5) Mailing to physicians and/or local medical societies.
- 6) Individual parent or person in parental relation/student counseling.
- 7) Pharmacies.

**PORT BYRON CENTRAL SCHOOL DISTRICT  
PARENT AND PHYSICIAN'S AUTHORIZATION FOR  
ADMINISTRATION OF MEDICATION IN SCHOOL AND SCHOOL ACTIVITIES**

**A. To be completed by the parent or guardian:**

I request that my child, \_\_\_\_\_ DOB \_\_\_\_\_  
GRADE \_\_\_\_\_ receive the medication as prescribed below by our physician.

The medication is to be personally delivered by me (parent or guardian) in the original labeled pharmacy container stating the specific name of the medication and dispensing orders.

Signature (Parent/Guardian): \_\_\_\_\_

Telephone: Home \_\_\_\_\_ Work \_\_\_\_\_ Date \_\_\_\_\_

**B. To be completed by physician**

I request that my patient, as listed below, receive the following medication:

Name of Student: \_\_\_\_\_ DOB: \_\_\_\_\_

Diagnosis: \_\_\_\_\_

MEDICATION	DOSAGE	FREQUENCY/TIME TO BE TAKEN	ROUTE OF ADMINISTRATION

Duration of Treatment: \_\_\_\_\_

\*Order may extend to a summer school session if needed [ ] Yes [ ] No

Possible Side Effects and Adverse Reactions (if any): \_\_\_\_\_

**PLEASE CHECK ONE:**

[ ] I deem this child to be **self directed** and understand that the school nurse, or other designated person in the case of the absence of the school nurse, will administer the medication, including field trips.

[ ] I deem this child to be **non self-directed** and understand that administration of oral topical, inhalant and injectable medications must remain the responsibility of the school nurse, licensed practical nurse under the direction of a school nurse, physician, or parent.

Physician's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

**Plan reviewed with parent(s)/guardian(s):**

Parent Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\*Parent/Guardian must submit written request to School Nurse by June 1 prior to summer session.

**PORT BYRON CENTRAL SCHOOL DISTRICT  
SELF-MEDICATION RELEASE FORM**

Date: \_\_\_\_\_

Student's Name: \_\_\_\_\_

has been instructed in the proper use of the following medication procedures: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**We (Physician's signature)** \_\_\_\_\_ and

**(Parent or Person in Parental Relation's signature)** \_\_\_\_\_

request that **(Student's name)** \_\_\_\_\_ be permitted to

carry the medication on his/her person or to keep same in his/her locker or physical education locker, as we consider him/her responsible. He/she has been instructed in and understands the purpose and appropriate method and frequency of use. He/she understands the importance of immediately notifying the teacher or school registered professional nurse of the use of an anaphylactic medication.

Note: This form must be completed *in addition* to the routine District medication form for those students who request permission to carry their own medication on campus or keep this medication in a school or physical education locker.

**PORT BYRON CENTRAL SCHOOL DISTRICT  
MEDICATION INCIDENT REPORT FORM**

Date of Report: \_\_\_\_\_ Student's Name: \_\_\_\_\_

Student's Telephone #: ( ) \_\_\_\_\_ Grade: \_\_\_\_\_ Gender: [ ] M [ ] F

Student's Home Address: \_\_\_\_\_  
Street City State Zip

Date Error Occurred: \_\_\_\_\_ Time Noted: \_\_\_\_\_ [ ] a.m. [ ] p.m.  
month/day/year

Name of Licensed Prescriber: \_\_\_\_\_

Medication: \_\_\_\_\_ Dose: \_\_\_\_\_ Route: \_\_\_\_\_ Time: \_\_\_\_\_

**Describe the error and how it occurred.** Use reverse side if necessary: \_\_\_\_\_

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**ACTION TAKEN:**

Licensed Prescriber Notified: [ ] Yes [ ] No	Date Notified (month/day/year)	Time notified:
Parent/Person in Parental Relation Notified: [ ] Yes [ ] No	Date Notified (month/day/year)	Time notified:
Other Persons Notified:		

**Describe the outcome:**

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Name (print): \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Students

**SUBJECT: HANDLING OF STUDENT ILLNESSES AND INJURIES**

- 1) All accidents to students or teachers should be referred to the Health Office for first aid immediately.
- 2) Safety in the classroom should be emphasized and practiced continuously.
- 3) Any accident involving students, no matter how trivial it may seem at the time, should be reported to the Health Office.
- 4) School Athletics - The coach or instructor in charge will be responsible for the caring of the injured party and completing and submitting the accident report form and notifying the school's registered professional nurse.
- 5) Teachers are responsible for the safety of the students they are supervising.

<u>Responsibility</u>	<u>Action</u>
Teacher	<ol style="list-style-type: none"> <li>1) a. Sends sick or injured student to school's registered professional nurse or has another person accompany student to nurse, or summons nurse, depending on extent of illness/injury.</li> <li>b. If nurse is unavailable, administers first aid.</li> </ol>
School Registered Professional Nurse	<ol style="list-style-type: none"> <li>2) Notifies parent/person in parental relation of illness where appropriate. If parent/person in parental relation is unavailable, notifies person whom parent/person in parental relation has designated to assume responsibility.</li> </ol>
School Registered Professional Nurse/ Building Principal/Designee	<ol style="list-style-type: none"> <li>3) Requests parent/person in parental relation to take student home. In extreme emergency where unable to reach parent/person in parental relation or other person designated by parent/person in parental relation, calls the local Emergency Ambulance Squad.</li> </ol>



**PORT BYRON CENTRAL SCHOOL DISTRICT  
ACCIDENT REPORT**

School \_\_\_\_\_

This accident report confirmed by \_\_\_\_\_, Supervising Adult.

Date \_\_\_\_\_ Reviewed by \_\_\_\_\_

Principal \_\_\_\_\_ Date \_\_\_\_\_

Name of injured \_\_\_\_\_ Grade \_\_\_\_\_ Age \_\_\_\_\_

Address \_\_\_\_\_ Telephone \_\_\_\_\_

Where did accident occur? \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

What is the extent of injury? (Give specific information as to exact location of injury on body.)

\_\_\_\_\_

Were parents/persons in parental relation notified? \_\_\_ How? \_\_\_\_\_ When? \_\_\_\_\_

Was physician or school's registered professional nurse called? \_\_\_\_\_ (Give names and details)

\_\_\_\_\_

How did accident happen? (Include any defective or dangerous condition involved.) Use back of sheet if necessary.

\_\_\_\_\_

\_\_\_\_\_

Who was the adult in supervision at time of accident? \_\_\_\_\_

What are the names of witnesses who saw the accident? (If none, state so) \_\_\_\_\_

\_\_\_\_\_

Was accident reported by the student to the adult in supervision? \_\_\_\_\_

What was group activity at time of accident? \_\_\_\_\_

Who gave first aid care? \_\_\_\_\_

What first-aid care was given? \_\_\_\_\_

\_\_\_\_\_  
Date of Report

\_\_\_\_\_  
Adult Reporting

\_\_\_\_\_  
Position of Reporter

Students

**SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT**

Pursuant to Board of Education Policy and Social Services Law, the School District staff should be on the alert for the purpose of identifying abused and neglected/maltreated children and reporting such findings as required. For the purpose of discerning whether or not a child is abused or neglected/maltreated the following definitions should be considered.

**Definitions**

An "abused child" means a child less than eighteen (18) years of age whose parent or other person legally responsible for care, 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, serious protracted disfigurement, protracted impairment of physical or emotional health or protracted loss of impairment of the function of any bodily organ. Child abuse also refers to the situation where the parent, or other person legally responsible, creates or allows to be created a substantial risk of physical injury to a child, by other than accidental means, which would be likely to cause death or serious protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ. Sex offenses against a child, as defined in the Penal Law, shall also constitute a basis for finding that a child has been abused.

A "maltreated child" includes a child under the age of eighteen (18) defined as a neglected child under the Family Court Act or who had serious physical injury inflicted upon him/her by other than accidental means. In general terms, a neglected child is one whose physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of neglect by a parent, or other person legally responsible for his/her care, to exercise a minimum degree of care in the areas of providing food, clothing, shelter, education, medical, dental, optometric or surgical care. Child neglect is also indicated where there has been the unreasonable infliction of harm, or substantial risk thereof, including the infliction of excessive corporal punishment, drug misuse or abuse, alcohol abuse or abandonment of the child.

1) Persons Obligated to Report Cases of Suspected Child Abuse or Neglected/Maltreatment

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

All mandated reporters shall make the report themselves and then immediately notify the Building Principal or his/her designee. The Building Principal or his/her designee shall be responsible for all subsequent administration necessitated by the report.

(Continued)

**SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd.)**2) Reporting Procedure

Reports of suspected child abuse, maltreatment or neglect shall be made immediately, by telephone or by telephone facsimile machine on a form supplied by the Commissioner of Social Services. The oral report shall be made to the Statewide Central Register of Child Abuse. The telephone facsimile report shall be made to a special telephone facsimile number for use only by persons mandated by law to make reports, as set forth below. (Section 415, Social Services Law). The written report shall be made within forty-eight (48) hours after the oral report to the appropriate Local Child Protective Service on forms prescribed by and supplied by the Commissioner of Social Services. (Forms are available on website: <http://www.ocfs.state.ny.us/main/forms/cps>)

Oral Report to: New York State Central Register of Child Abuse and Maltreatment  
(1-800-635-1522).

Written Report to: County Department of Social Services, Child Protective Services.

Telephone Facsimile Report to: Special telephone facsimile number: Upon request.

3) Report Requirements

Each report shall include the name and address of the child and his/her parents/guardians or other person responsible for his/her care, if known; the child's age, sex and race; the nature and extent of the child's injuries, abuse or maltreatment, including any evidence of prior injury, abuse or maltreatment to the child or his/her siblings; the name of the person or persons responsible for causing the injury, abuse or maltreatment, if known; family composition; the source of the report; the person making the report and where he/she can be reached; the actions taken by the reporting source, including the taking of photographs and any other information which the Commissioner may, by regulation, require or the person making the report believes might be helpful in the furtherance of the investigation.

4) Taking Photographs

The law allows for the photographing at public expense of the areas of trauma visible on a child who has been abused or maltreated. All photographing should be conducted with the authorization of the Building Principal who shall, to the extent practicable, do so upon notification of the Superintendent or his/her designee. All photographs shall be sent to the Child Protective Service at the time that the written report, referenced in paragraph 3) of this regulation, is sent or as soon thereafter as possible.

(Continued)

Students

**SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd.)**

A digital camera may be used to photograph injuries related to suspected cases of abuse. In the event a court case ensued, the person taking the picture would have to sign an affidavit testifying to the contents of the picture. The nurse should ensure that his/her documentation reflects the physical findings evident in the photograph as well as any physical care given in relation to the injury.

5) Access to School Records by the Child Protective Services

The District may disclose personally identifiable information from the educational records of a student to Child Protective Services personnel when it is necessary to protect the health or safety of the student or other individuals. In deciding whether or not the disclosure should be made, the seriousness of the threat to the health or safety of the student or other individuals, the need for the information to meet the emergency and the extent to which time is of the essence should be considered. (Family Educational Rights and Privacy Act of 1974).

6) Student Interviews by Child Protective Services Personnel on School Property

The Building Principal may allow a Department of Social Services Child Protective Services employee to interview, in school, any student concerning whom a report of suspected abuse or maltreatment has been made regardless of the source of the report. A school official should be present during the interview unless it is decided that the presence of the school official is not essential to protect the interests of the student and that the Department of Social Services worker's job can best be accomplished by conducting the interview without the school official present.

7) Taking a Child Into Protective Custody

School officials and staff members do not have the power to take a child into protective custody under the Social Services Law or Education Law. A peace officer, police officer, law enforcement official, agent of a duly incorporated society for the prevention of cruelty to children or a designated employee of the County Department of Social Services may take a child into protective custody without the consent of a parent or guardian. The Building Principal shall cooperate with any of the officials referenced above who produces official documentation indicating that a student be taken into protective custody. Release of a child to such official(s) must be authorized by the Superintendent of Schools or his/her designee.

(Continued)

**SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd.)**8) Confidentiality of Reports

Reports of suspected child abuse and neglect/maltreatment are confidential and may only be made available to those individuals who are specified by law. Prior to the release of a report, the Freedom of Information Law Records Access Officer should consult with the Superintendent of Schools and the school attorney regarding the propriety of releasing the report even to one specified by law as being entitled to receive the report. The Commissioner of Social Services may intervene to prohibit the release of a report by determining that to do so would be detrimental to the safety interests of the reporter.

9) Reporting of a Child's Death

A post-mortem report for investigation must be made to the medical examiner or coroner in the event that a child dies as a result of abuse or maltreatment. If such death occurs at school, the report for investigation shall be made by the Superintendent of Schools to the appropriate medical authority. (Section 418, Social Services Law).

10) Immunity from Liability

The law provides school officials who act in good faith in the making of a report or the taking of photographs with immunity from liability. The immunity from liability extends to civil or criminal liability that might otherwise result from such actions. The law establishes a presumption of immunity from liability. (Section 419, Social Services Law).

11) Penalties for Failure to Report

Any mandated reporter who willfully fails to report a case of suspected child abuse, maltreatment and neglect shall be guilty of a Class A Misdemeanor. In addition, any mandated reporter who knowingly and willfully fails to make such a report shall be civilly liable for the damages proximately caused by such failure to report. (Section 420, Social Services Law).

12) Obligations for Provision of Services and Procedures to Safeguard Life and Health

If, during the course of an investigation of suspected child abuse or neglect/maltreatment, the Building Principal determines that a child's health or safety is threatened, the Building Principal shall immediately contact the Superintendent who will immediately contact the Child Protective Service and police to recommend having the child placed in protective custody pursuant to paragraph 7) of this regulation.

(Continued)

Students

**SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd.)**13) Training Programs for Current and New School Officials

The Superintendent/designee shall establish and implement, on an ongoing basis, a training program for all current and new school officials concerning their reporting responsibilities for suspected child abuse and neglect/maltreatment and the District procedures described herein. (Section 3209-a, Education Law).

14) Training on Recognizing Unlawful Methamphetamine Laboratories

The Superintendent/designee shall provide information on recognizing the signs of a clandestine methamphetamine laboratory to all mandated reporters who visit children's homes as part of their usual professional responsibilities. If an employee suspects a methamphetamine laboratory, he/she should leave the premises immediately and contact local law enforcement. (Section 413(4), Social Services Law).

15) Distribution of Policy and Regulations

The Superintendent/designee shall distribute copies of the policy and regulations regarding child abuse and neglect/maltreatment reporting requirements to all current and new school officials. (Section 3209-a, Education Law).

**Prohibition of Retaliatory Personnel Action**

The School District is prohibited from taking any retaliatory personnel action against an employee because such employee believes that he/she has reasonable cause to suspect that a child is an abused or neglected/maltreated child and that employee makes a report to SCR pursuant to Social Services Law Section 413(1). Further, no school or school official shall impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

Pursuant to Labor Law Section 740(1)(e), "retaliatory personnel action" means the discharge, suspension or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

NOTE: Refer also to Regulation #7530R.2 -- Child Abuse in an Educational Setting and Prohibition of Silent Resignations

**PORT BYRON CENTRAL SCHOOL DISTRICT  
PHYSICAL AND BEHAVIORAL INDICATORS OF  
CHILD ABUSE AND NEGLECT**

The finding of any of the "Physical or Behavioral Indicators" given in this table does not inescapably imply the presence of child abuse or neglect. Rather, these indicators represent behavioral patterns or features which are often found in abused and neglected children. The presence of one or more of these indicators should simply alert the clinician to the possibility that abuse or neglect have occurred.

<b>TYPE OF CHILD ABUSE/NEGLECT</b>	<b>PHYSICAL INDICATORS</b>	<b>BEHAVIORAL INDICATORS</b>
Physical Abuses	<p>Unexplained Bruises and Welts</p> <ul style="list-style-type: none"> <li>-on face, lips, mouth</li> <li>-on torso, back, buttocks, thighs</li> <li>-in various stages of healing</li> <li>-clustered, forming regular patterns</li> <li>-reflecting shape of article used to inflict (electric cord, belt buckle)</li> <li>-on several different surface areas</li> <li>-regularly appear after absence, weekend or vacation</li> </ul> <p>Unexplained Burns:</p> <ul style="list-style-type: none"> <li>-cigar, cigarette burns, especially on soles, palms, back or buttocks</li> <li>-immersion burns (sock-like, glove-like, doughnut shaped on buttocks or genitalia)</li> <li>-patterned like electric burner, iron, etc.</li> <li>-rope burns on arms, legs, neck or torso</li> </ul> <p>Unexplained Fractures;</p> <ul style="list-style-type: none"> <li>-to skull, nose, facial structure</li> <li>-in various stages of healing</li> <li>-multiple or spiral fractures</li> </ul> <p>Unexplained Lacerations or Abrasions:</p> <ul style="list-style-type: none"> <li>-to mouth, lips, gums, eyes</li> <li>-to external genitalia</li> </ul>	<p>Wary of Adult Contact</p> <p>Apprehensive When Other Children Cry</p> <p>Behavioral Extremes: -aggressiveness, or withdrawal</p> <p>Frightened of Parents/Guardians</p> <p>Afraid to go Home</p> <p>Reports Injury by Parents/Guardians</p>
Physical Neglect	<p>Consistent Hunger, Poor Hygiene, Inappropriate Dress</p> <p>Constant Lack of Supervision, Especially in Dangerous Activities or Long Periods</p> <p>Unattended Physical Problems or Medical Needs</p> <p>Abandonment</p>	<p>Begging, Stealing Food</p> <p>Extended Stays at School (early arrival and late departure)</p> <p>Constant Fatigue</p> <p>Listlessness or Falling Asleep in Class</p> <p>Alcohol or Drug Abuse</p> <p>Delinquency (e.g., thefts)</p> <p>States There is no Caretaker</p>

(Continued)

**PORT BYRON CENTRAL SCHOOL DISTRICT  
PHYSICAL AND BEHAVIORAL INDICATORS OF  
CHILD ABUSE AND NEGLECT (Cont'd.)**

<b>TYPE OF CHILD ABUSE/NEGLECT</b>	<b>PHYSICAL INDICATORS</b>	<b>BEHAVIORAL INDICATORS</b>
Sexual Abuse	Difficulty in Walking or Sitting Torn, Stained or Bloody Underclothing Pain or Itching in Genital Area Bruises or Bleeding in External Genitalia, Vaginal or Anal Areas Venereal Disease, Especially in Pre-teens Pregnancy	Unwilling to Change for Gym or Participate in Physical Education Class Withdrawal, Fantasy or Infantile Behavior Bizarre, Sophisticated, or Unusual Sexual Behavior Knowledge in Young Children Poor Peer Relationships Delinquent or Run Away Reports Sexual Assault by Caretaker
Emotional Maltreatment	Lags in Physical Development Failure to Thrive	Speech Disorders Habit Disorders (Anti-social, destructive, etc.) Conduct Disorders (Anti-social, destructive, etc.) Neurotic Traits (Sleep disorders, inhibition of play) Psychoneurotic Reactions (Hysteria, obsession, compulsion; phobias, hypochondria) Behavior Extremes: -compliant, passive -aggressive, demanding Overly Adaptive Behavior: -inappropriately adult -inappropriately infant Development Lags (Cognitive, emotional) Attempted Suicide

Taken with slight modifications from:

James Lauer, Ira Laurie, Marsha Salus, and Diane Broadhurst, "The Role of the Mental Health Professional in the Prevention and Treatment of Child Abuse and Neglect," National Center on Child Abuse and Neglect, DHEW Publications No. (OHDS) 79 – 30194, (1979).



Students

**SUBJECT: CHILD ABUSE IN AN EDUCATIONAL SETTING AND PROHIBITION OF SILENT RESIGNATIONS**

Pursuant to Board of Education policy and Education Law, Port Byron Central School District staff and school volunteers should be on the alert for the purpose of identifying abused and maltreated children, including abuse which occurs in an educational setting as enumerated in law; and reporting such findings as required. For the purpose of discerning whether or not child abuse has occurred, the following definitions should be considered.

**Definitions**

- 1) "Child abuse" shall mean any of the following acts committed in an educational setting by an employee or volunteer against a child:
  - a. Intentionally or recklessly inflicting physical injury, serious physical injury or death; or
  - b. Intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury or death; or
  - c. Any child sexual abuse, defined as conduct prohibited by Article 130 or 263 of the Penal Law; or
  - d. The commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Article 235 of the Penal Law.
- 2) "Child" shall mean a person under the age of twenty-one (21) years enrolled in a school district in this state, other than a school district within a city having a population of one million or more.
- 3) "Employee" shall mean any person receiving compensation from the Port Byron Central School District or employee of a contracted service provider or worker placed within the school under a public assistance employment program pursuant to Title 9-B of Article 5 of the Social Services Law and, consistent with the requirements of such law for the provisions of services to the District, its students or employees, directly or through contract, whereby services performed by such person involve direct student contact.
- 4) "Volunteer" shall mean any person, other than employee, who provides services to the Port Byron Central School District or a school in the District which involve direct student contact.

(Continued)

**SUBJECT: CHILD ABUSE IN AN EDUCATIONAL SETTING AND PROHIBITION OF SILENT RESIGNATIONS (Cont'd.)**

- 5) "Educational setting" shall mean:
- a. The building(s) and grounds of the Port Byron Central School District;
  - b. The vehicles provided by the Port Byron Central School District for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off Port Byron Central School District grounds;
  - c. All co-curricular and extracurricular activities sites; and
  - d. Any other location where direct contact between an employee or volunteer and a child has allegedly occurred.
- 6) "Administrator" or "school administrator" shall mean a Principal of a public school, charter school or board of cooperative educational services, or other chief school officer (e.g., Superintendent of Schools).
- 7) "Law enforcement authorities" shall mean a municipal police department, sheriff's department, the division of state police or any officer thereof. However, notwithstanding any other provision of law, law enforcement authorities shall not include any child protective service or any society for the prevention of cruelty to children as such terms are defined in Section 423 of the Social Services Law.
- 8) "Parent" shall mean either or both of a child's parents or other persons legally responsible for the child.
- 9) "Child sexual abuse" shall mean conduct prohibited by Article 130 or 263 of the Penal Law.

**Employees Obligated to Report Cases of Suspected Child Abuse in an Educational Setting**

Mandatory reporters pursuant to Education Law are teachers, school registered professional nurses, school guidance counselors, school psychologists, school social workers, Superintendents and other school administrators, School Board members, and other school personnel required to hold a teaching or administrative license or certificate.

(Continued)

Students

**SUBJECT: CHILD ABUSE IN AN EDUCATIONAL SETTING AND PROHIBITION OF SILENT RESIGNATIONS (Cont'd.)****Duties of Employees upon Receipt of an Allegation of Child Abuse in an Educational Setting**

In any case where an oral or written allegation is made to an employee specifically enumerated above that a child has been subjected to child abuse by an employee or volunteer in an educational setting, that person shall upon receipt of such allegation:

- 1) Promptly complete a written report of such allegation including the full name of the child alleged to be abused; the name of the child's parent; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. Such written report shall be completed on a form prescribed by the Commissioner of Education.
- 2) Except where the school administrator is the person receiving such oral or written allegation, the employee shall promptly *personally deliver* a copy of that written report to the school administrator of the school in which the child abuse allegedly occurred.
- 3) In any case where it is alleged that a child was abused by an employee or volunteer of a school other than a school within the school district of the child's attendance, the report of such allegations shall be promptly forwarded to the Superintendent of Schools of the school district of the child's attendance and the school district where the abuse allegedly occurred; whereupon, both School Superintendents shall comply with the reporting/notification requirements as mandated by law and enumerated below.

**Duties of School Administrators and Superintendents upon Receipt of a Written Report Alleging Child Abuse in an Educational Setting**

Upon receipt of a written report as described above alleging that a child has been abused in an educational setting, a school administrator or the Superintendent must then determine whether there is "reasonable suspicion" to believe that an act of such child abuse has occurred. Upon a determination that there is such reasonable suspicion, the school administrator or Superintendent shall comply with the following procedures:

**Where the Child Has Made the Allegation**

- 1) Promptly notify the parent of such child that an allegation of child abuse in an educational setting has been made regarding such child and promptly provide the parent with a written statement prepared pursuant to Commissioner's Regulations setting forth parental rights, responsibilities and procedures under the law;

(Continued)

Students

**SUBJECT: CHILD ABUSE IN AN EDUCATIONAL SETTING AND PROHIBITION OF SILENT RESIGNATIONS (Cont'd.)**

- 2) Where a school administrator receives a written report, promptly provide a copy of the report to the Superintendent; and
- 3) Promptly forward such report to appropriate law enforcement authorities.

In no event shall reporting to law enforcement authorities be delayed by reason of an inability to contact the Superintendent of Schools.

Where the Parent of the Child Has Made the Allegation

- 1) Promptly provide the parent of such child with a written statement prepared pursuant to Commissioner's Regulations setting forth parental rights, responsibilities and procedures under the law;
- 2) Where a school administrator receives a written report, promptly provide a copy of the report to the Superintendent; and
- 3) Promptly forward such report to appropriate law enforcement authorities.

In no event shall reporting to law enforcement authorities be delayed by reason of an inability to contact the Superintendent of Schools.

Where Someone Other Than the Child or the Parent of the Child Has Made the Allegation

- 1) Promptly notify the parent of the child that an allegation of child abuse in an educational setting has been made regarding his/her child and promptly provide the parent with a written statement prepared pursuant to Commissioner's Regulations setting forth parental rights, responsibilities and procedures under the law;
- 2) Ascertain from the person making the report the source and basis for such allegation;
- 3) Where a school administrator receives a written report, promptly provide a copy of the report to the Superintendent; and
- 4) Promptly forward such report to appropriate law enforcement authorities.

In no event shall reporting to law enforcement authorities be delayed by reason of an inability to contact the Superintendent of Schools.

(Continued)

Students

**SUBJECT: CHILD ABUSE IN AN EDUCATIONAL SETTING AND PROHIBITION OF SILENT RESIGNATIONS (Cont'd.)****Additional Duties of the Superintendent**

- 1) Where the Superintendent or school administrator forwards to law enforcement a report as mandated by law and enumerated above, the Superintendent must then forward such report to the Commissioner of Education where the employee or volunteer alleged to have committed an act of child abuse in an educational setting holds a certification or license issued by the State Education Department.
- 2) A report which is made pursuant to Education Law Article 23-B and does not, after investigation, result in a criminal conviction shall be expunged from any record which may be kept by a school or the School District with respect to the subject of such a report after a period of five (5) years from the date of the making of the report, or at such earlier time as the school or School District determines.

**Immunity from Liability**

Any employee or volunteer who reasonably and in good faith makes a report of allegations of child abuse in an educational setting to a person and in the manner enumerated in law and described above will have immunity from civil liability which might otherwise result by reason of such actions. Similarly, any school administrator or Superintendent who reasonably and in good faith makes a report of allegations of child abuse in an educational setting or reasonably and in good faith transmits such a report to a person or agency as required by the law will also have immunity from civil liability which might otherwise result by reason of such actions.

**Confidentiality of Reports**

Reports and other written material submitted pursuant to the law, and photographs taken concerning such reports in the possession of any person legally authorized to receive such information, *shall be confidential and shall not be redisclosed except* to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or pursuant to a court-ordered subpoena. The Superintendent and school administrators shall exercise reasonable care in preventing unauthorized disclosure of such records. Willful disclosure of a written record required to be kept confidential pursuant to the law to a person not authorized to receive or review such a record shall constitute a Class A misdemeanor.

(Continued)

Students

**SUBJECT: CHILD ABUSE IN AN EDUCATIONAL SETTING AND PROHIBITION OF SILENT RESIGNATIONS (Cont'd.)****Penalties for Failure to Report**

Willful failure of an employee to prepare and submit a written report of an allegation of child abuse as required in the law will be considered a Class A misdemeanor.

Willful failure of a school administrator or the Superintendent to submit a written report of child abuse to an appropriate law enforcement authority is also a Class A misdemeanor.

*Any failure* to submit a written report of child abuse to an appropriate law enforcement authority as required by law, *whether or not willful*, shall be punishable by a civil penalty (i.e., fine) of up to five thousand dollars (\$5000) upon an administrative determination by the Commissioner of Education.

**Notification by District Attorney**

Where a criminal investigation of an allegation of child abuse by an employee or volunteer is undertaken as a result of a written report forwarded by a school administrator or the Superintendent to law enforcement authorities, and where law enforcement authorities have provided such report to the District Attorney and have requested assistance, the District Attorney shall notify the Superintendent of Schools of the district where the acts of child abuse allegedly occurred and of the school district where the child is attending, if different, of an indictment or the filing of an accusatory instrument against the employee or volunteer against whom the allegation of child abuse in an educational setting was made.

The District Attorney shall notify the Superintendent of Schools of the district where the acts of child abuse allegedly occurred and of the school district, if different, where the child is attending of the disposition of the criminal case against such employee or volunteer or the suspension or termination of the criminal investigation of such employee or volunteer.

**Actions upon Criminal Conviction of a Licensed or Certified School Employee**

In the event that a licensed or certified school employee against whom an allegation of child abuse in an educational setting has been made is convicted of any crime involving child abuse in an educational setting, the District Attorney shall provide notice of such criminal conviction to the Commissioner, the Superintendent of Schools of the district where the acts of child abuse occurred and to the school district where the child is attending school, if different.

(Continued)

Students

**SUBJECT: CHILD ABUSE IN AN EDUCATIONAL SETTING AND PROHIBITION OF SILENT RESIGNATIONS (Cont'd.)**

Upon receiving notice of a conviction from the District Attorney, the Commissioner shall determine whether the individual possesses "good moral character" in accordance with Part 83 of the New York Code of Rules and Regulations. However, Education Law 3020-a proceedings are still required.

An employee or volunteer who has adverse action taken against him/her because of any reports made against them pursuant to this law are entitled to receive a copy of such report and respond to the allegations of child abuse. Any employee or volunteer is also entitled to seek disclosure of such report pursuant to Article 6 of the Public Officers Law (Freedom of Information Law).

**Responsibilities of the Commissioner of Education**

The Commissioner shall prepare a form for the recording and transmitting of allegations of child abuse in an educational setting as mandated pursuant to law. Additionally, the Commissioner shall promulgate rules and regulations for training necessary for the implementation of this law.

**Notification/Training for Teachers and Other School Officials**

The Port Byron Central School District shall annually provide to all teachers and all other school officials a written explanation concerning the reporting of child abuse in an educational setting, including the immunity provisions, as mandated pursuant to law and enumerated above. The District will implement, on an ongoing basis, a training program regarding the procedures set forth as enumerated in law and Commissioner's Regulations for all current and new teachers, school registered professional nurses, school counselors, school psychologists, school social workers, school administrators, other personnel required to hold a teaching or administrative certificate or license, and School Board members. Training programs and notification procedures implemented pursuant to this law shall not replace or negate other mandatory training/notification requirements addressing the reporting of child abuse pursuant to Education Law, the Family Court Act and the Social Services Law.

The Commissioner, with the assistance and cooperation of the Commissioner of Children and Family Services and the Commissioner of Criminal Justice Services, shall furnish the Port Byron Central School District with the required information. Such information shall be updated by the Commissioner at least once each school year.

(Continued)

**SUBJECT: CHILD ABUSE IN AN EDUCATIONAL SETTING AND PROHIBITION OF SILENT RESIGNATIONS (Cont'd.)**

**Prohibition of "Silent" (Unreported) Resignations**

The Superintendent and other school administrators shall not make any agreement to withhold from law enforcement authorities, the Superintendent or the Commissioner, where appropriate, information concerning allegations of child abuse in an educational setting against an employee or volunteer in exchange for that individual's resignation or voluntary suspension from his/her position.

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

If the Superintendent or a school administrator makes an agreement violative of this prohibition against "silent resignations," it shall constitute a Class E felony, and shall also be punishable by a civil penalty (i.e., fine) of up to twenty thousand dollars (\$20,000).

NOTE: Refer also to Regulation #7530R -- Child Abuse and Neglect/Maltreatment



Students

**SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT**ResponsibilityAction

Staff Member as a Mandated Reporter

- 1) When presented, while in their official capacity, with reasonable cause to suspect child abuse, neglect or maltreatment by a parent, guardian, custodian, or other person legally responsible for such child:
  - a. Immediately reports suspected child abuse, neglect or maltreatment to the New York State Central Register of Child Abuse and Maltreatment ("Hotline") by telephone (1-800-635-1522) or by a telephone facsimile machine (request number) to give oral report of suspected child abuse, neglect or maltreatment.
  - b. Notifies Building Principal or his/her designee of all incidents involving child abuse, neglect or maltreatment.
  - c. Provides the New York State Central Register the following information, if known:
    - (1) Name and address of the child, and child's parent's/guardian's age, sex, and race;
    - (2) Nature and extent of the child's injuries, abuse or maltreatment;
    - (3) Name of the person or persons responsible for causing the injury, abuse or maltreatment;
    - (4) Family composition;
    - (5) Source of the report;

(Continued)

Students

**SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd.)**

<u>Responsibility</u>	<u>Action</u>
Staff Member as a Mandated Reporter (Cont'd.)	<ul style="list-style-type: none"> <li>(6) Person making the report and where that person can be reached;</li> <li>(7) Any action taken by the reporting source;</li> <li>(8) Any additional information which may be helpful.</li> </ul> <ul style="list-style-type: none"> <li>d. The report shall include the name, title and contact information for every staff member believed to have direct knowledge of the allegations in the report.</li> <li>e. Requests and records Call ID number.</li> </ul>
Building Principal	<ul style="list-style-type: none"> <li>2) Takes responsibility for all subsequent administration of the report. <ul style="list-style-type: none"> <li>a. Ensures that a signed, written report is made within forty-eight (48) hours to the local County Department of Social Services Child Protective Unit on Form LDSS-2221A. The Form is available on the following website: <a href="http://www.ocfs.state.ny.us/main/forms/cps/">http://www.ocfs.state.ny.us/main/forms/cps/</a></li> <li>b. The written report shall include the name, title and contact information for every staff member believed to have direct knowledge of the allegations in the report.</li> </ul> </li> <li>3) Notifies Superintendent or his/her designee of all incidents of such child abuse, neglect or maltreatment.</li> </ul>

**SUBJECT: SUICIDE**

It cannot be emphasized strongly enough that children and adolescents, even those who appear physically mature, need support from those around them, particularly in helping them to develop positive self images and perceptions of their ability to handle problems.

**Prevention**

The prevention aspect begins by educating students, staff members and people in the community to the threat of suicide and to the need for and means of prevention. The following lists warning signs of suicide:

- 1) Previous suicide attempts;
- 2) Threats of suicide or statements about the wish to die;
- 3) Sudden changes in behavior or personality;
- 4) Changes in eating or sleeping patterns;
- 5) Alcohol or drug abuse;
- 6) Accident proneness/risk-taking behavior;
- 7) Acting out behaviors (fighting, breaking and entering, drugs, running away, promiscuity);
- 8) Giving away prized possessions or making final arrangements;
- 9) Withdrawal from usual social or family activities;
- 10) Unwanted pregnancy: affects boys and girls;
- 11) School indicators:
  - a. Sudden drop in grades;
  - b. Short term absences due to somatic complaints;
  - c. Social isolation;
  - d. Depressive themes or suicidal ideation in writing or art work.

School personnel can introduce discussion about suicide into many high school subjects such as health, social studies, literature, psychology, sociology, home economics and through other activities in the school such as staff development workshops and Superintendent's day programs.

(Continued)

**SUBJECT: SUICIDE (Cont'd.)****Intervention**

The second step is the intervention phase. This is begun by alerting local helping professionals that the school is planning to institute a suicide education and prevention program and that they may be called upon to provide immediate treatment services to an individual at risk of suicide.

Mental health personnel should be informed of the school's efforts and the possibility of demands upon their services and should be asked to participate in local programs. Records should be maintained as a legal precaution indicating:

- 1) The suicidal risk is recognized;
- 2) Specific measures have been taken to deal with the risk.

**Post-Intervention**

Coping with the aftermath of a suicide, the third step, is as critical as the other phases, yet few people are experienced and skilled in dealing with the effects of a suicide. Should a suicide occur, there must be an immediate local response to help the school through the aftermath by considering the following:

- 1) Eliminate the contagion effect;
- 2) Eliminate any modeling effect by others;
- 3) Prevent students' feelings of guilt or anxiety from overwhelming them.

It may be necessary, however, to go beyond the immediate locale to find someone skilled in helping an entire school population and surrounding community deal with the grief and shock of a student suicide.

If a suicide should occur, the entire school and community will find it difficult to deal with anything else for several days. Every effort should be made, however, to carry on with "business as usual."

Trained professionals are able to recognize significant signs of students at risk of suicide. Teachers, counselors and parents/guardians can learn to recognize them. When someone recognizes signs of potential suicide in the school building and District, such a suspicion should be reported to the DISTRICT INTERVENTION CRISIS TEAM. This team will consist of the school psychologist, school's registered professional nurse, student's counselor and the Building Principal. All staff need to be aware of the system and its importance.

**PORT BYRON CENTRAL SCHOOL DISTRICT  
EMERGENCY MEMO TO TEACHERS REGARDING TRAGIC INCIDENTS**

The following information will hopefully help you get through this most difficult day:

- 1) Don't expect to get your usual amount or quality of work done. Try to teach a lesson if you can, based on your feelings as well as those of your students. If this is not possible, a quiet class period is certainly appropriate.
- 2) It's okay for a teacher to feel uncomfortable about dealing with the situation. Call for help if you want it.
- 3) It is okay for teachers to show their feelings.
- 4) Both teachers and students need to support each other as much as possible.
- 5) Staff may be overwhelmingly upset, naturally, especially those who have had contact with the child, and so staff should have someone available to talk with. Of course there is much mutual support. The faculty lunchroom may be the most comfortable place to come for the faculty.
- 6) Get back to routines as soon as possible after children have had a chance to express their feelings.
- 7) Be aware of the facts regarding this situation to counteract rumors.
- 8) What may seem like inappropriate feelings expressed by some children reflect real feelings which we may not immediately understand. There is no inappropriate immediate response. Children can be helped to empathize with others and express honest feelings appropriately.

Expect the entire range of emotional reactions from hysterical behavior to joking. All reactions are normal.

Teachers may get the feeling that there are some students who are using this tragedy to avoid school responsibility. It is our experience, however, that these students are in the minority. We all need to be careful not to judge the feelings or motivations of others.

- 9) If a child expresses his/her feeling that he/she should have done something to prevent the death, listen to what he/she has to say, don't shut him/her off until he/she has expressed himself/herself, and let him/her know he/she was not responsible.

If there is a possibility of suicide, do not glamorize, or romanticize or speculate what might have happened. When children speculate, ask them if they know for sure what happened, listen, and point out gently and without criticism what we know and don't know.

- 10) Think about who children can talk with, at home, at school.

(Continued)

**PORT BYRON CENTRAL SCHOOL DISTRICT  
EMERGENCY MEMO TO TEACHERS REGARDING TRAGIC INCIDENTS (Cont'd.)**

- 11) For those students who are extremely upset, locations have been set up in various parts of the building where support staff are available to assist them. Students should not be in the corridors unsupervised, but rather sent to designated areas in the building. They will be returned to class when they are ready to do so. The names of these students will be kept in a confidential log and:
  - a. Their parents/guardians will be notified immediately;
  - b. Individual follow up sessions will be scheduled with them by members of the support staff.
- 12) What can the children do to express sympathy to the family? Write notes of sympathy. Some children may be attending the funeral with an adult.
- 13) All services available to students are available for staff as well.

**SUBJECT: STUDENT DISCRIMINATION GRIEVANCE GUIDELINES****General Statement**

The Port Byron Central School District does not discriminate on the basis of sex, sexual orientation, age, marital status, military status, political affiliation, race, creed or religion, color, national origin, disability, or use of a recognized guide dog, hearing dog or service dog in the employment and educational opportunities it offers, including career and technical educational opportunities as required by Title IX of the 1972 Educational Amendments and Section 504 of the Rehabilitation Act of 1973.

**Guidelines**

Students of the Port Byron Central School District are protected from discrimination in the following areas:

- 1) Admission to schools
- 2) Access to enrollment in courses
- 3) Access to and use of school facilities
- 4) Counseling and guidance materials, tests, and practices
- 5) Career and technical education
- 6) Physical education
- 7) Competitive athletics
- 8) Graduation requirements
- 9) Student rules, regulations, and benefits
- 10) Treatment as a married and/or pregnant student
- 11) Financial assistance
- 12) Health services
- 13) School-sponsored extracurricular activities
- 14) Most other aids, benefits, or services

**Grievance Process**

Any student suspecting discrimination on the basis of sex, sexual orientation, age, marital status, military status, political affiliation, race, creed or religion, color, national origin, disability, or use of a recognized guide dog, hearing dog or service dog may make a claim of discrimination. This claim or grievance is filed with the Superintendent/designee, who will assist with the grievance process if necessary. The following information should be included on the grievance:

- 1) The exact nature of the grievance - actions, policies, or practices believed to be discriminatory and any person believed to be responsible.

(Continued)

Students

**SUBJECT: STUDENT DISCRIMINATION GRIEVANCE GUIDELINES (Cont'd.)**

- 2) The date, time and place of the alleged discriminatory action(s).
- 3) The names of witnesses or persons who have knowledge about the grievance.
- 4) Any available written documentation or evidence that is relevant to the grievance.
- 5) The actions that could be taken to correct the grievance.

The Superintendent/designee shall cause a review of the grievance to be conducted (including necessary meetings and interviews) and a written response mailed to the complainant within ten school days after receipt of the complaint.

If it is agreed that discrimination occurred, corrective action will be taken to restore denied rights.

If there is not agreement, a written appeal may be submitted to the Board of Education indicating the reasons for disagreement. The Board of Education shall consider the appeal at its next regularly scheduled meeting following receipt of the appeal.

A complaint of illegal discrimination may also be filed with the Federal Office for Civil Rights, United States Department of Education.

**Prohibition of Retaliatory Behavior**

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination. Follow-up inquiries shall be made to ensure that discrimination has not resumed and that all those involved in the investigation of the discrimination complaint have not suffered retaliation.

NOTE: Refer also to Regulation #3420R -- Anti-Harassment in the School District



2009

7551R

Students

**SUBJECT: SEXUAL HARASSMENT OF STUDENTS**

Refer to Section #6121 for regulations and forms relating to Sexual Harassment.

Students

**SUBJECT: BULLYING: PEER ABUSE IN THE SCHOOLS**

The School District is committed to creating and maintaining a learning environment which is free of discrimination and intimidation. Based upon the principle that every student is entitled to be treated with dignity and respect, bullying of a student by another student is strictly prohibited on school property, in school buildings, on school buses, at school sponsored events and/or activities whether occurring on or off campus. Bullying, like other disruptive or violent behavior, is conduct that interferes with the student's ability to learn as well as the school's ability to educate its students in a safe and secure environment. The prohibition of bullying - along with the range of possible intervention activities and/or sanctions for such misconduct - will be included in the *District Code of Conduct* for all grade levels. Any student who is in violation of District policy and/or regulation prohibiting bullying behavior will be subject to appropriate disciplinary measures (and/or intervention strategies as may be determined by administration) in accordance with applicable laws and/or regulations, District policy and administrative regulations and the *District Code of Conduct*.

**Definitions/Examples of Prohibited Conduct**

For purposes of this regulation, the term "bullying" among children is defined, in general, as: "a variety of negative acts carried out repeatedly over time. It involves a real or perceived imbalance of power, with a more powerful child or group attacking those who are less powerful." Bullying can take three forms:

- 1) Physical (including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings);
- 2) Verbal (including, but not limited to, taunting, malicious teasing, name calling, making threats);
- 3) Psychological (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation).

The District also prohibits "Internet bullying" (also referred to as "cyber-bullying") including the use of instant messaging, e-mail, web sites, chat rooms, and text messaging when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of District students or employees.

However, a single negative act as enumerated above may also constitute "bullying" (if not more serious misconduct) based upon the particular circumstances such as the seriousness of the act and/or the intent of the actor.

(Continued)

Students

**SUBJECT: BULLYING: PEER ABUSE IN THE SCHOOLS (Cont'd.)****Reporting of Complaints: General Guidelines**

- 1) Any student who believes that he/she is being subjected to bullying behavior, as well as any other person who has knowledge of or witnesses any possible occurrence of bullying, shall report the bullying to any staff member or the Building Principal.
- 2) The staff member/Building Principal to whom the report is made (or the staff member/Building Principal who witnesses bullying behavior) shall investigate the complaint and take appropriate action to include, as necessary, a referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of bullying. Investigations of allegations of bullying shall follow the procedures utilized for complaints of harassment within the School District, including the filing of "informal" and/or "formal" complaints and levels of appeal.
- 3) All allegations of bullying, whether written or verbal, formal or informal, will be investigated thoroughly, promptly and impartially in accordance with law and/or regulations, District policy, administrative regulations, and the *District Code of Conduct*.
- 4) To the extent possible, within legal constraints, all allegations of bullying behavior will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges and/or to notify law enforcement officials as warranted, and any disclosure will be provided on a "need to know" basis. *When school officials receive a complaint or report of alleged bullying behavior that may be criminal in nature or that could lead to in-school or out-of-school violence, law authorities should be immediately notified.*
- 5) Administration shall also refer to and use, as appropriate, existing policies and administrative regulations (such as those addressing harassment in the school setting, threats of violence in the school, hazing of students), the *District Code of Conduct* and the appropriate School Safety Plan when investigating allegations of bullying.
- 6) The Superintendent/designee is to be informed as soon as possible regarding all allegations and/or reports regarding bullying of students and the status of any investigations.
- 7) All investigations of allegations of bullying in the school setting, as well as any action taken, shall be appropriately documented in order to create a written record that demonstrates the District's efforts to reduce incidents of bullying and to facilitate the evaluation of the District's efforts to reduce such behavior.

(Continued)

Students

**SUBJECT: BULLYING: PEER ABUSE IN THE SCHOOLS (Cont'd.)**

- 8) Parents of students subjected to possible bullying behavior and/or students filing a complaint of bullying behavior, as well as parents of accused students, may be notified by the appropriate administrator of such occurrence and/or allegations as warranted and in accordance with legal guidelines. Applicable due process procedures will be followed depending upon the nature of the investigation and possible disciplinary sanctions, including due process procedures mandated pursuant to federal and state law and regulation if the accused student has been identified as having a disability or is suspected of having a disability.

**Prohibition of Retaliation**

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

**Knowingly Makes False Accusations**

Any individual who *knowingly* makes false accusations against a student as to allegations of bullying behavior may also face appropriate disciplinary action.

**District Responsibility/Training**

Principals in each school building and/or program supervisors will be responsible for informing students and staff on a yearly basis of District policy and regulations regarding the prohibition of bullying behavior by students.

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

Prevention and intervention techniques within the District to prevent bullying behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to bullies, victims and their parents to help ensure that the bullying stops.

(Continued)

**SUBJECT: BULLYING: PEER ABUSE IN THE SCHOOLS (Cont'd.)**Strategies to Reduce Bullying

The following is a list of suggested strategies and training classes to mediate bullying based upon information provided by the *Office of Juvenile Justice and Delinquency Prevention*:

- 1) Publicize rules against bullying and post them school-wide, accompanied by a range of possible sanctions. (Note: Sanctions for bullying are also to be addressed in the *District Code of Conduct*.)
- 2) Use student and adult mentors to assist victims and bullies. Build self-esteem and foster mutual understanding of and appreciation for differences in others.
- 3) Develop a buddy system that pairs students with a particular friend or older buddy with whom they share class schedule information and plans for the school day and on whom they can depend for help.
- 4) Provide an on-campus parents' center that recruits, coordinates and encourages parents to take part in the educational process, to volunteer and to assist in school activities and projects.
- 5) Add adult classes in parenting skills and student classes in anger management, assertiveness training and behavior modification training.
- 6) Disseminate the *District Code of Conduct* to teachers, students and parents as mandated pursuant to law and regulation.
- 7) Emphasize discipline that stresses appropriate behavior instead of reprimands that focus on punishing wrong behavior.
- 8) Build friendship groups that support children who are regularly bullied by peers.
- 9) Create peer mediation programs and teen courts to train students to mediate problems among themselves.
- 10) Make available conflict and dispute resolution curricula, in an age-appropriate manner, at designated grade levels.
- 11) Increase staff supervision in areas such as hallways, cafeterias, playgrounds and athletic playing fields, locker rooms, buses, as well as at school sponsored events - whether on or off campus in order to reduce the opportunity for bullying behavior by students.

(Continued)

Students

**SUBJECT: BULLYING: PEER ABUSE IN THE SCHOOLS (Cont'd.)**

- 12) Involve school counselors or mental-health professionals where appropriate.
- 13) Involve community members in the District's anti-bullying activities (e.g., convene meetings with leaders of the community to discuss the School District's anti-bullying program, involve media to help publicize the District's anti-bullying prevention and intervention activities, and engage community members as appropriate in the development of school-community activities to promote anti-bullying behavior.

**Dissemination/Publication of District's Prohibition against Bullying Behavior by District Students**

The District's policy and regulations prohibiting bullying behavior by students will be published in appropriate school publications such as teacher/employee handbooks, student handbooks and/or school calendars. A copy of District policy and regulations prohibiting bullying behavior by students will be available upon request. Further, the District prohibition of bullying by students - along with the range of possible intervention activities and/or sanctions for such misconduct - shall be included in the *District Code of Conduct* for all grade levels.

NOTE: Refer also to Regulations #3420R -- Anti-Harassment in the School District  
#7551R -- Sexual Harassment of Students  
#7553R -- Hazing of Students  
*District Code of Conduct*

Students

**SUBJECT: HAZING OF STUDENTS**

The School District is committed to creating and maintaining a safe, productive and positive learning environment within its schools which promotes civility and is free of discrimination and intimidation. Based upon the principle that every student is entitled to be treated with dignity and respect, the District finds that hazing activities are demeaning, abusive and/or illegal behaviors that harm victims and are inconsistent with the educational goals of the school. Hazing, like other disruptive or violent behavior, is conduct that interferes with the student's ability to learn as well as the school's ability to educate its students in a safe and secure environment. Hazing of a student by another student or group of students is strictly prohibited on school property; in school buildings; on school buses; by school sponsored groups, clubs or teams; and at school sponsored events and/or activities whether occurring on or off campus. Hazing of a student refers to soliciting, encouraging, aiding, or engaging in "hazing" behavior as defined pursuant to District policy, regulation and/or law. The prohibition of hazing - along with the range of possible intervention activities and/or sanctions for such misconduct - will be included in the *District Code of Conduct* for all grade levels. Any student who is in violation of District policy and/or regulation prohibiting hazing behavior will be subject to appropriate disciplinary measures (and/or intervention strategies as may be determined by administration) in accordance with applicable laws and/or regulations, District policy and administrative regulations and the *District Code of Conduct*.

**Definition/Examples of Prohibited Conduct**Definition

For purposes of this regulation, *the term "hazing" among students is defined as any humiliating or dangerous activity expected of a student to join a group, regardless of their willingness to participate.* Hazing behaviors include, but are not limited to, the following general categories:

- 1) Humiliation: socially offensive, isolating or uncooperative behaviors.
- 2) Substance abuse: abuse of alcohol, tobacco or illegal drugs.
- 3) Dangerous hazing: hurtful, aggressive, destructive, and disruptive behaviors.

Incorporated within this definition are various forms of physical, emotional and/or sexual abuse which may range in severity from teasing/embarrassing activities to life-threatening actions.

Even if the hazing victim participated "willingly" in the activity, or there was no "intent" by the hazer to harm or injure another individual, hazing is still hazing and against District policy, regulations and the *District Code of Conduct*, and may be in violation of New York State Law. However, hazing of students does not need to rise to the level of criminal activity for such conduct to be in violation of

(Continued)

Students

**SUBJECT: HAZING OF STUDENTS (Cont'd.)**

District rules and subject to appropriate disciplinary sanctions. Any hazing activity, whether by an individual or group, shall be presumed forced activity and in violation of District policy and regulations, regardless of the "willingness" of the student to participate.

Prohibited Conduct

Activities that may be considered as "hazing" pursuant to this regulation include, but are not limited to, the following:

- 1) Any act that recklessly or intentionally endangers the mental health, physical health or safety of a student which is performed as a condition of attaining/maintaining membership in any school sponsored group, club, team, and/or as a condition of participating in any school sponsored event or activity whether occurring on or off campus.
- 2) Forced consumption of food, alcohol, drugs, or other substances.
- 3) Forced exposure to the elements.
- 4) Activities intended to degrade, humiliate, embarrass, or shame.
- 5) Physical brutality/assault such as paddling or beating.
- 6) Sexual violation, including sexual simulation and sexual assault.
- 7) Assignment of "pranks" to be performed.
- 8) Forced calisthenics or other forced physical activity that could adversely affect the physical well being or safety of the individual.
- 9) Social isolation.
- 10) Personal servitude.
- 11) Sleep deprivation/restrictions on personal hygiene.
- 12) Nudity.
- 13) Kidnapping.
- 14) Binge drinking and drinking games.

(Continued)



Students

**SUBJECT: HAZING OF STUDENTS (Cont'd.)**

- 15) Yelling, swearing or insulting an individual.
- 16) Forced to wear embarrassing or humiliating attire in public.
- 17) Forced to engage in destructive and/or criminal acts such as vandalism, stealing and cheating.
- 18) Restraining an individual against his/her will.

**Reporting of Complaints/General Guidelines**

- 1) Any student who believes that he/she is being subjected to hazing behavior, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of hazing, shall report the incident to any staff member or the Building Principal. Anonymous student complaints of hazing behavior will also be investigated by the District.
- 2) The staff member/Building Principal to whom the report is made (or the staff member/Building Principal who witnesses hazing behavior) shall investigate the complaint and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of hazing. Investigations of allegations of hazing shall follow the procedures utilized for complaints of harassment within the School District, including the filing of "informal" and/or "formal" complaints and levels of appeal.
- 3) All allegations of hazing, whether written or verbal, formal or informal, will be investigated thoroughly, promptly and impartially in accordance with law and/or regulations, District policy, administrative regulations, and the *District Code of Conduct*.
- 4) To the extent possible, within legal constraints, all allegations of hazing behavior will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges and/or to notify law enforcement officials as warranted, and any disclosure will be provided on a "need to know" basis. *When school officials receive a complaint or report of alleged hazing behavior that may be criminal in nature or that could lead to in-school or out-of-school violence, law authorities should be immediately notified.*
- 5) Administration shall also refer to and use, as appropriate, existing policies and administrative regulations (such as those addressing harassment in the school setting, threats of violence in the school, bullying of students), the *District Code of Conduct* and the appropriate School Safety Plan when investigating allegations of hazing.

(Continued)

Students

**SUBJECT: HAZING OF STUDENTS (Cont'd.)**

- 6) The Superintendent/designee is to be informed as soon as possible regarding all allegations and/or reports regarding hazing of students and the status of any investigations.
- 7) All investigations of allegations of hazing in the school setting, as well as any action taken, shall be appropriately documented in order to create a written record that demonstrates the District's efforts to reduce incidents of hazing and to facilitate the evaluation of the District's efforts to reduce such behavior.
- 8) Parents of students subjected to possible hazing behavior and/or students filing a complaint of hazing behavior, as well as parents of accused students, may be notified by the appropriate administrator of such occurrence and/or allegations as warranted and in accordance with legal guidelines. Applicable due process procedures will be followed depending upon the nature of the investigation and possible disciplinary sanctions, including due process procedures mandated pursuant to federal and state law and regulation if the accused student has been identified as having a disability or is suspected of having a disability.

**Prohibition of Retaliation**

Regardless of the stage of the investigation, the victim will be instructed by the Complaint Officer to report immediately if the hazing behavior occurs again and/or if the alleged hazer retaliates against the victim. Any witnesses who cooperated in the investigation of the complaint will be similarly instructed to report to the Complaint Officer immediately as to any retaliatory action(s). Additionally, the designated Complaint Officer will make follow-up inquiries to ensure that hazing behavior has not resumed and that no reprisals or retaliatory behavior has occurred to those involved in the investigation. Any act of retaliation is prohibited and subject to appropriate disciplinary action by the District.

**Knowingly Makes False Accusations**

Students who *knowingly* make false accusations against another individual as to allegations of hazing may also face appropriate disciplinary action.

**District Responsibility/Training**

Principals in each school building and/or program supervisors will be responsible for informing students and staff on a yearly basis of District policy and regulations regarding the prohibition of hazing behavior by students.

(Continued)

Students

**SUBJECT: HAZING OF STUDENTS (Cont'd.)**

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

Prevention and intervention techniques shall be developed at the building-level as well as in the classroom and at school sponsored groups, clubs, teams, events and/or activities as determined by administration. Individual intervention will be provided by appropriate staff members to hazers, victims and their parents to help ensure that the hazing stops.

Strategies to Reduce Hazing

The following is a list of some suggested strategies to help prevent/remediate hazing incidents in the District:

- 1) Publicize within the school community rules against hazing and post them school-wide, accompanied by a range of possible sanctions. (Note: Sanctions for hazing are also to be addressed in the *District Code of Conduct*.) This will help establish a clear "anti-hazing" message to staff, students, parents, and the community in general that hazing activities are prohibited in the District.
- 2) Use student and adult mentors to assist victims and hazers. Help foster self-esteem, civility and respect.
- 3) Staff training should be provided that includes not only awareness of the definition of hazing, examples of such conduct, and its consequences; but also addresses the responsibilities of various staff members and others in the school community (e.g., administrators, teachers, coaches, student activity advisers, school counselors and/or psychologists, students, parents, and the community in general).
- 4) The District policy on hazing should be incorporated in staff and student handbooks.
- 5) Procedures for investigation of allegations of hazing are to be communicated and followed by staff. All reports of hazing should be investigated with prompt remedial action taken as appropriate.
- 6) Provide positive teambuilding activities for students with appropriate adult supervision.
- 7) Reconsider all "initiation" activities in all school groups, clubs and teams.

(Continued)

Students

**SUBJECT: HAZING OF STUDENTS (Cont'd.)**

- 8) Pay attention to students who are not participating, who are excluded or who express a desire for revenge.
- 9) Encourage students and parents to notify the District when hazing occurs. Similarly, referrals should be made to law enforcement officials when appropriate.
- 10) Ensure that there are ways to report hazing that protect a student's anonymity if so desired.
- 11) Provide student orientation programs at the start of each school year that address appropriate/inappropriate student conduct, including the District's prohibition of hazing.
- 12) Disseminate the *District Code of Conduct* to teachers, students and parents as mandated pursuant to law and regulation.
- 13) Require appropriate behavior as well as satisfactory academic performance as a condition of student participation in school sponsored groups, clubs, teams, events and/or activities.
- 14) Coaches and student activity advisers shall, on a regular basis, disseminate and communicate to student athletic teams, groups and clubs the District's policy prohibiting hazing, as well as the expectations for appropriate behavior and the possible consequences for violation of District policy and administrative regulations.
- 15) Require students and their parents to sign an agreement or contract acknowledging the District's prohibition of hazing activities and the range of possible consequences for engaging in such prohibited activity.

**Dissemination/Publication of District's Prohibition against Hazing Behavior by District Students**

The District's policy and regulations prohibiting hazing behavior by students will be published in appropriate school publications such as teacher/employee handbooks, student handbooks and/or school calendars. A copy of District policy and regulations prohibiting hazing behavior by students will also be available upon request. Further, the District prohibition of hazing by students - along with the range of possible intervention activities and/or sanctions for such misconduct - shall be included in the *District Code of Conduct* for all grade levels.

NOTE: Refer also to Regulations #3420R -- Anti-Harassment in the School District  
#7551R -- Sexual Harassment of Students  
#7552R -- Bullying: Peer Abuse in the Schools  
*District Code of Conduct*

Students

**SUBJECT: NOTIFICATION OF SEX OFFENDERS**

When the Port Byron Central School District receives information from local police authorities in accordance with New York State's Sex Offender Registration Act ("Megan's Law") regarding the presence of sex offenders in our school community, it will be District regulation to inform those designated staff members who may have contact with the sex offender in the course of their School District responsibilities of data received regarding such offenders. To ensure uniformity in complying with this regulation, the following guidelines will apply:

- 1) Each school Principal/supervisor shall make certain designated staff members aware of the information provided by local police authorities to the School District in accordance with the Sex Offender Registration Act. Such staff members may include, but are not limited to, teachers, office personnel, custodians, bus drivers, coaches, security personnel, and other staff as deemed appropriate by the applicable Building Principal/supervisor.
- 2) Such designated staff members will be allowed to view all information provided.
- 3) All other Port Byron Central School District employees will be notified of the availability of this information, and requests for information received by the District pursuant to "Megan's Law" are to be directed to the appropriate Building Principal/supervisor.
- 4) Information may be disseminated to the Port Byron Central School District from local law enforcement agencies as enumerated in Regulation #7560R.1 -- State Sex Offender Registry Community Notification Process.
- 5) Each Principal/supervisor shall maintain a file in his/her office that includes all information received from local law enforcement agencies regarding the presence of such sex offenders in the school community.
- 6) If an employee believes that he/she has seen such an offender within the school building, on school property, at school activities, on or near District bus routes, or believes the offender has come in contact with children, the employee is required to report such sightings to his/her Building Principal/supervisor. The Building Principal/supervisor shall then immediately inform the Superintendent who will contact local law enforcement authorities.
- 7) If for some reason the Building Principal/supervisor is not able to immediately contact the Superintendent, the Building Principal/supervisor shall be authorized to then inform the local law enforcement agency regarding this possible sighting of such paroled/released sex offender.

(Continued)

Students

**SUBJECT: NOTIFICATION OF SEX OFFENDERS (Cont'd.)**

- 8) Employees will not be allowed to automatically make personal copies of such information disseminated by local police. If an employee wants a personal copy of this information, he/she must file a written request with his/her Building Principal/supervisor.
- 9)
  - a. All non-school groups which regularly use District facilities and have children in attendance shall be identified by the administration, and the notification information shall be disseminated to the adult who has been identified as the supervisor of each such group. District administration will also forward such notification information to the Chief School Officer of each private and parochial school within the geographic boundaries of the Port Byron Central School District; or, in the alternative,
  - b. Port Byron Central School District administration may, in their discretion, provide applicable law enforcement officials with a list of the names and addresses of all non-school groups which regularly use District facilities and have children in attendance, and request that such law enforcement officials disseminate to such groups the information that has been released to the District in accordance with Megan's Law.
- 10) Parents/guardians of District students and other community residents will also be notified by administration of the availability of information provided by law enforcement officials to the District, pursuant to Megan's Law, concerning the presence of a sex offender in the school community. Community residents who desire such information are to direct their written requests to the District Office. District residents may also choose to contact the appropriate local law enforcement agency if they wish to learn additional information.
- 11) Administration shall refer all questions for further specifics concerning information on the paroled/released sex offender to the appropriate law enforcement agency and/or parole officer.

**Special Circumstances Whereby Sex Offenders May Enter Upon School Grounds**

As a mandatory condition of the sentence for sex offenders placed on probation or conditional discharge whose victim was under the age of eighteen (18) or who has been designated a Level 3 sex offender, the court requires that such sentenced offender refrain from knowingly entering into or upon school grounds or any other facility or institution primarily used for the care or treatment of persons under the age of eighteen (18) while one or more of such persons are present.

(Continued)

Students

**SUBJECT: NOTIFICATION OF SEX OFFENDERS (Cont'd.)**

However, by exception, entrance upon the premises shall be provided to the sentenced sex offender under the following conditions subject to the written authorization of his/her parole officer and the Superintendent or chief administrator of the facility for the limited purposes authorized by that person:

- 1) The offender is a registered student, participant or employee of the facility;
- 2) The offender is an employee of an entity contracted by the facility; or
- 3) The offender has a family member enrolled in the facility.

**Dissemination of Information to the Public**

In addition to the guidelines enumerated in this Regulation, all information contained within the Sex Offender Registry that is disseminated to the District pursuant to Megan's Law *may be disclosed by the District in its discretion*. Records acquired by the District from a source other than the Registry are subject to the provisions of the Freedom of Information Law, and written requests for such information are to be directed to the District Records Access Officer.

Students

**SUBJECT: STATE SEX OFFENDER REGISTRY COMMUNITY NOTIFICATION  
PROCESS**

In accordance with Correction Law Sections 168-D(3) and 168-I, each offender is classified a Risk Level according to the risk of reoffense. Common to each is the fact that the amount and type of information releasable is dependent upon the Risk Level of the sex offender. The first type of community notification is referred to as "local law enforcement notification" (Correction Law Section 168-I(6)). After registration, a local law enforcement agency is notified by the Division of Criminal Justice Services (DCJS) whenever a sex offender moves into its community. In accordance with the Sex Offender Registration Act (SORA), the local law enforcement agency may engage in a proactive community notification at its discretion regarding sex offenders depending on the level of risk.

**Risk Level 1 and Risk Level 2**

Risk level of the sex offender at Level 1 has been determined to be low. Risk level of the sex offender at level 2 has been determined to be moderate. In both such case, the law enforcement agency or agencies having jurisdiction and the law enforcement agency or agencies having had jurisdiction at the time of the offender's conviction shall be notified and may disseminate relevant information which shall include a photograph and description of the offender and which may include the following:

- 1) Name of the sex offender;
- 2) Approximate address based on the sex offender's zip code;
- 3) Background information including the offender's crime of conviction, modus of operation, and type of victim targeted;
- 4) Name and address of any institution of higher education at which the sex offender is enrolled, attends, is employed or resides; or
- 5) Description of special conditions imposed on the offender to any entity with vulnerable populations related to the nature of the offense committed by such sex offender. Any entity receiving information may disclose or further disseminate such information at its discretion.

In addition, regarding Level 2 sex offenders, this information shall also be provided in the Subdirectory of Level 2 and 3 Sex Offenders and, upon request, be made available to the public.

(Continued)



Students

**SUBJECT: STATE SEX OFFENDER REGISTRY COMMUNITY NOTIFICATION  
PROCESS (Cont'd.)****Risk Level 3**

Risk level of the sex offender at Level 3 has been determined to be high and there exists a threat to the public safety. In such case, the law enforcement agency or agencies having jurisdiction and the law enforcement agency or agencies having had jurisdiction at the time of the offender's conviction shall be notified and may disseminate relevant information which shall include a photograph and description of the offender and which may include the following:

- 1) Exact name and any aliases of the sex offender;
- 2) Exact address;
- 3) Address of the offender's place of employment;
- 4) Background information including the offenders' crime of conviction, modus of operation, type of victim targeted;
- 5) Name and address of any institution of higher education at which the sex offender is enrolled, attends, is employed or resides; or
- 6) Description of special conditions imposed on the offender to any entity with vulnerable populations related to the nature of the offense committed by such sex offender. Any entity receiving information may disclose or further disseminate such information at its discretion.

In addition, this information shall also be provided in the Subdirectory of Level 2 and 3 Sex Offenders and, upon request, be made available to the public.

(Continued)

Students

**SUBJECT: STATE SEX OFFENDER REGISTRY COMMUNITY NOTIFICATION  
PROCESS (Cont'd.)**

<b>Community Notification Method</b>	<b>Decision-maker</b>	<b>Risk Level 1</b>	<b>Risk Level 2</b>	<b>Risk Level 3</b>
Individual police or sheriff submissions.	Local law enforcement agencies are notified whenever a sex offender moves into their jurisdiction and may, in turn, notify the community (or School District) as allowed by the Act.	Yes. Can provide the name of the sex offender and ZIP code of residence. Cannot provide complete address.	Yes. Can provide the name of the sex offender and ZIP code of residence. Cannot provide complete address.	Yes. Can provide the name of the sex offender. Complete address can be provided.
Sex Offender Registry Information Line - 800 Number (1-800-262-3257)	Division of Criminal Justice Services (DCJS). Based on information provided by the caller.	Yes. Can confirm registry status and risk is low.	Yes. Can provide ZIP code of residence. Cannot provide complete address.	Yes. Complete address can be provided.
Subdirectory of Level 2 (moderate-risk) and Level 3 (high-risk) sex offenders is available on the Sex Offender Registry on DCJS Website at: <a href="http://www.criminaljustice.state.ny.us">http://www.criminaljustice.state.ny.us</a>  <b>NOTE:</b> Each local law enforcement agency receives from DCJS a copy (electronically or on a CD ROM) of the Subdirectory which is maintained on the site for the public to view on request.	Individual citizens	N/A. Level 1 not accessible.	Can access the Subdirectory by clicking on the "Search Subdirectory" button. Can search by name, county or zip code. All information, including the exact address is available via this subdirectory.	Can access the Subdirectory by clicking on the "Search Subdirectory" button. Can search by name, county or zip code. All information, including the exact address is available via this subdirectory

**SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE**

Any District student who is the victim of a violent criminal offense that occurred on the grounds of the District elementary or secondary school that the student attends, shall be allowed to attend a safe public school within the School District to the extent required by the Federal No Child Left Behind Act (NCLB) and state law and regulations.

**Definitions**

- 1) "Safe public school" shall mean a public school that has not been designated by the Commissioner of Education as a persistently dangerous public elementary or secondary school.
- 2) "Violent criminal offense" means a crime that:
  - a. Involves infliction of a serious physical injury upon another as defined in New York State Penal Law; or
  - b. A sex offense that involves forcible compulsion; or
  - c. Any other offense defined in the Penal Law that involves the use or threatened use of a deadly weapon.
- 3) "Serious physical injury," as defined in Penal Law Section 10.00(10), shall mean a "physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ."
- 4) "Deadly weapon," as defined in Penal Law Section 10.00(12), shall mean "any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, gravity knife, pilum ballistic knife, metal knuckle knife, dagger, billy, blackjack, or metal knuckles."

**Determination Whether Student is the Victim of a Violent Criminal Offense on School Grounds of the School the Student Attends**

It shall be the responsibility of the Superintendent to determine whether a student is the victim of a violent criminal offense that occurred on school grounds of the school the student attends.

- 1) The Superintendent shall, prior to making any such determination, consult with any law enforcement agency investigating the alleged violent criminal incident and consider any reports or records provided by such agency.

(Continued)

Students

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

Further, in accordance with the Safe Schools Against Violence in Education Act ("Project SAVE") the District's Code of Conduct, procedures shall be followed for notifying law enforcement agencies of Code violations that may constitute crimes.

- 2) A criminal conviction is not required prior to the Superintendent's determination that the student has been a victim of a violent criminal offense.
- 3) The Superintendent may also consult with the School District's attorney prior to making such a determination.
- 4) The Superintendent shall maintain written records of his/her investigation of the alleged criminal offense, while maintaining confidentiality to the extent possible in accordance with law.

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

**Notice to Parents/Persons in Parental Relation**

The School District, to the extent that it is required to provide school choice in accordance with applicable provisions of law and regulations, shall notify parents of, or persons in parental relation to, students who are victims of violent criminal offenses on school grounds of the school the student attends of the student's right to transfer to a safe public school within the District and the procedures for such transfer.

Such notice shall be, to the extent practicable, provided in the dominant language or mode of communication used by the parents or persons in parental relation to such student. **The District shall provide this notice within twenty-four (24) hours of the determination that the student has been the victim of a violent criminal offense on school grounds at the school he/she attends.**

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

(Continued)

Students

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

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

**Designation of Safe Public School**

**It shall be the responsibility of the School District to designate a safe public school or schools within the District** to which students may transfer. This designation is to be based upon objective criteria which may include a review of the data submitted through the Uniform Violent And Disruptive Incident Report (VADIR).

- 1) However, the District *is not required to designate a safe public school* where there are no public schools within the District at the same grade level or when transfer to a safe public school within the District is otherwise impossible.
- 2) Similarly, if the District has only one public school within the School System or only one public school at each grade level, the *School District shall not be required to designate a safe public school.*
- 3) While the receiving school shall be identified by the School District, administration may take into account the needs and preferences of the affected students and parents/persons in parental relation.
- 4) The District should offer the parents/persons in parental relation to a student determined to be a victim of a violent criminal offense an opportunity to transfer their child to a safe public school within the District within ten (10) calendar days of such determination by the District.
- 5) While the parents/persons in parental relation to the student must be offered the opportunity to transfer their child, they may elect to have their child remain at the school he/she currently attends.
- 6) Any student who transfers to a safe public school shall be enrolled in the classes and other activities of the public school to which such student transfers in the same manner as all other students at the public school.

(Continued)

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

- 7) Such student transfer to the receiving school must be at the same grade level as the school from which the student is transferring.
- 8) To the extent possible, the District shall allow transferring students to transfer to a school that is making adequate yearly progress and has not been identified as requiring school improvement, corrective action, or restructuring.

**Duration of Safe School Choice**

Any student who transfers to a safe public school shall be permitted to remain in such safe public school until the student has completed the highest grade level in the school transferred to, or for such other period prescribed by the U.S. Department of Education, whichever is less.

**Transportation**

The District shall provide transportation for any student permitted to transfer to a safe public school within the District designated by the School System within the transportation limits established pursuant to Education Law Sections 3635 and 4401(4).

Students

**SUBJECT: PRESCHOOL SPECIAL EDUCATION PROGRAM**

Once the Committee on Preschool Special Education (CPSE) receives a referral, the Committee shall immediately notify the parents/guardians that a referral has been received and that evaluative information is being sought regarding their child. Such written notice shall serve to provide parents/guardians:

- 1) Information about the need to evaluate, a description of the proposed evaluation and its intended purpose;
- 2) The opportunity for written consent for evaluation/re-evaluation to be conducted at an approved site chosen by the parents/guardians or to withhold consent at this time. Consent for initial evaluation is not construed as consent for initial provision of special education services;
- 3) Information regarding:
  - a. Due process rights;
  - b. Access to records;
  - c. The right to submit evaluative information;
  - d. The opportunity to participate in the Individualized Education Program (IEP) conference, including date, time and location of meeting;
  - e. The right to invite additional persons to the conference.

All information provided to parents/guardians will be in their dominant language or mode of communication. If parents/guardians fail to respond to a CPSE notice, a telephone call and/or on site visits will be initiated to ensure that parents/guardians have received and understand the request to consent.

Students

**SUBJECT: PRESCHOOL SPECIAL EDUCATION PROGRAM**

<u>Responsibility</u>	<u>Action</u>
Committee on Preschool Special Education (CPSE)	1) a. Receives referrals. b. Notifies parents/guardians immediately upon receipt of referral providing information about:  (1) A list of approved evaluators; (2) A request for consent; (3) Due process rights.
Parents/Guardians	2) Give written consent for evaluation/re-evaluation.
CPSE	3) a. If consent is not provided, implements the District's procedures to ensure that parents/guardians have received and understand the request for consent. If consent is still not provided, no evaluation is conducted and the process ends.  b. If consent to evaluate is provided, arranges for evaluation/assessment.  c. Gathers additional evaluative information.
Evaluator	4) Conducts individual evaluation and sends results, including recommendation, to all members of the CPSE and to the municipality designee.
CPSE	5) a. Within thirty (30) school days from receipt of consent to recommendation, holds meeting and reviews information.  b. Provides, at no cost, parents/guardians with a copy of evaluation report and documentation of determination of eligibility.

(Continued)



Students

**SUBJECT: PRESCHOOL SPECIAL EDUCATION PROGRAM (Cont'd.)**

<u>Responsibility</u>	<u>Action</u>
CPSE (Cont'd.)	<p>c. If child is determined <u>ineligible</u> for special education, provides written notice to parents/guardians and Board of Education;</p> <p style="text-align: center;">or</p> <p>d. If child is determined <u>eligible</u> for special education, develops, in conjunction with the parents/guardian and the child's teacher, the Individualized Education Program (IEP) and provides written notice to the parents/guardians and the Board of Education.</p> <p>The notice shall indicate that if the parent does <u>not</u> provide consent for initial provision of special education services, no further action will be taken by the CPSE until consent is obtained.</p>
Board of Education	<p>6) a. The Board of Education arranges for the appropriate special education programs and services to be provided to a student with a disability as recommended by the CPSE within thirty (30) school days of the CPSE recommendation.</p> <p>b. If the Board disagrees with the recommendation of the CPSE, it shall set forth in writing a statement of its reasons and send the recommendation back to the Committee, with notice of the need to schedule a timely meeting to review the Board's concerns and to revise the IEP as deemed appropriate. The Board shall provide to the student's parent/guardians a copy of the statement and notice required in accordance with Commissioner's Regulations.</p>

(Continued)

Students

**SUBJECT: PRESCHOOL SPECIAL EDUCATION PROGRAM (Cont'd.)**

<u>Responsibility</u>	<u>Action</u>
Board of Education (Cont'd.)	c. Within thirty (30) calendar days, notifies parents/guardians, municipality and the Commissioner of its determination.
Child	7) Upon parental/guardian consent, enters recommended setting for continued assessment and development.
CPSE	8) a. Within thirty (30) calendar days, provides special education personnel with any other relevant information. b. Five (5) calendar days prior, in writing, informs appropriate personnel of planning conference. c. Annually reviews and/or revises the IEP as appropriate.

**SUBJECT: LEAST RESTRICTIVE ENVIRONMENT****Definitions**

- 1) "Least restrictive environment" is the legal mandate of the Individuals with Disabilities Education Act (IDEA) and begins with the premise that students with disabilities should participate in the general education curriculum as appropriate, with transfer to more restrictive educational settings taking place only where such removal is necessary to carry out the student's education program.

Removal from the regular educational environment will occur only when the nature or severity of a student's disability is such that even with the use of supplementary aids and services, education in a regular classroom setting cannot be satisfactorily achieved.

To enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate, specially designed instruction and supplementary services may be provided in the regular class, including, as appropriate, related services, resource room programs and special class programs within the general education classroom.

- 2) "Related services" means developmental, corrective, and other supportive services as are required to assist a student with a disability and includes speech-language pathology, audiology services, interpreting services, psychological services, physical therapy, occupational therapy, counseling services (including rehabilitation counseling services), orientation and mobility services, medical services as defined in Commissioner's Regulations, parent counseling and training, school health services (including school nurse services), school social work, assistive technology services, appropriate access to recreation (including therapeutic recreation), other appropriate developmental or corrective support services, and other support services. Related services also include the early identification and assessment of disabling conditions in students. The term does not include a medical device that is surgically implanted, the optimization of the device's functioning (e.g., mapping), maintenance of that device, or the replacement of such device.
- 3) "School health services" means health services provided by either a qualified school nurse or other qualified person that are designed to enable a student with a disability to receive a free appropriate public education (FAPE) as described in the individualized education program (IEP) of the student.
- 4) "School nurse services" means services provided by a registered professional nurse that are designed to enable a student with a disability to receive a free appropriate public education (FAPE) as described in the IEP of the student.

(Continued)

Students

**SUBJECT: LEAST RESTRICTIVE ENVIRONMENT (Cont'd.)**

- 5) "Specially-designed instruction" means adapting, as appropriate to the needs of an eligible student with disabilities, the content, methodology, or delivery of instruction to address the unique needs that result from the student's disabilities; and to ensure access of the student to the general education curriculum, so that he/she can meet the educational standards that apply to all students.
- 6) "Supplementary aids and services" means aids, services, and other supports that are provided in regular education classes, other education-related settings and in extracurricular and nonacademic settings to enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate in accordance with the least restrictive environment.

Accordingly, the Committee on Special Education (CSE) and/or Committee on Preschool Special Education (CPSE), as applicable, shall determine, and the Port Byron Central School District shall provide, the accommodations, modifications, supports, and supplementary aids and services needed by each student with a disability to be involved in and progress in the general education curriculum, achieve the goals of the Individualized Education Program (IEP), and participate in State and District-wide assessments.

**Individualized Education Program**

In developing the recommendations for an IEP for a student eligible for special education services, the CSE or CPSE, as may be applicable, shall indicate, among other considerations/factors, a statement of the program modifications or supports for school personnel that will be provided for the student:

- 1) To advance appropriately toward attaining the annual goals;
- 2) To be involved and progress in the general education curriculum and to participate in extracurricular and other nonacademic activities; or, for preschool students, as appropriate, participation in appropriate activities;
- 3) To be educated and participate with other students with disabilities and nondisabled students in such activities.

The IEP shall also indicate the regular education classes in which the student will receive consultant teacher services.

In conformity with the least restrictive environment provisions of law and regulations:

- 1) Placement shall be based on the student's IEP and determined at least annually;

(Continued)

Students

**SUBJECT: LEAST RESTRICTIVE ENVIRONMENT (Cont'd.)**

- 2) Placement shall be as close as possible to the student's home, and unless the student's IEP requires some other arrangement, the student shall be educated in the school he/she would have attended if not disabled;
- 3) In selecting the least restrictive environment, consideration must be given to any potential harmful effect on the student or on the quality of services that he/she needs;
- 4) A student with a disability must not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

The District will ensure that each regular education teacher, special education teacher, related services provider, and other service provider who is responsible for the implementation of the student's IEP shall be provided a copy of the IEP (including amendments) prior to the implementation of the program. The District shall further ensure that each teacher and provider is informed prior to the implementation of the IEP of his/her specific responsibilities related to implementing the student's IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. A copy of the IEP shall be provided to the student's parents at no cost to the student's parents. (Refer to Regulation #7640R -- Guidelines for Providing Copies of Students' Individualized Education Programs (IEPs) and Informing School Personnel of IEP Responsibilities).

Additionally, the IEP shall provide:

- 1) An explanation of the extent, if any, to which the student will not participate in regular education programs; or
- 2) For preschool students, an explanation of the extent, if any, to which the student will not participate in appropriate activities with age-appropriate nondisabled peers; and
- 3) If the student is not participating in a regular physical education program, the extent to which the student will participate in specially-designed instruction in physical education, including adapted physical education.

No student shall be required to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substance Act as a condition of receiving an evaluation or services.

(Continued)

**SUBJECT: LEAST RESTRICTIVE ENVIRONMENT (Cont'd.)****Annual Review**

The annual review of each student with a disability shall be based upon a review of the student's IEP and other current information pertaining to the student's performance. The review shall include consideration of the educational progress and achievement of the student with a disability and the student's ability to participate in instructional programs in regular education and in the least restrictive environment. Further, such annual review shall revise the IEP as appropriate to address:

- 1) Any lack of expected progress toward the annual goals and in the general education curriculum, if appropriate;
- 2) The results of any reevaluation and any information about the student provided to, or by, the parents;
- 3) The student's anticipated needs;
- 4) Or other matters, including a student's need for test accommodations and/or modifications.

**SUBJECT: PREVENTION AND PREREFERRAL STRATEGIES IN GENERAL  
EDUCATION: APPROACHES TO INSTRUCTION AND BEHAVIORAL  
SUPPORT**

**Prereferral Strategies**

General education support services, instructional modifications, alternative instructional approaches, or alternative program options are developed to address the student's performance prior to a referral to special education.

- 1) A system is established to support the delivery of prevention and prereferral supports, services and modifications.
- 2) Appropriate opportunities exist for collaboration between general educators and special educators (e.g., time is set aside for this purpose).
- 3) It is based on a collaborative model and provides consultation and support to teachers and other school personnel, to assist parents/persons in parental relation to students and teachers in exploring alternative approaches for meeting the individual needs of any student prior to formal referral for special education. The student's strengths, environment, social history, language, and cultural diversity are considered in addition to the teacher's concerns.
- 4) Innovative ways to utilize existing resources to implement prevention and prereferral supports and services are used.

**Classroom Instructional Approach**

- 1) Set standards are consistent with school-wide proactive approach (positive behavioral supports/discipline, curriculum, and instruction).
- 2) Teach and reinforce positive pro-social behaviors and skills.
- 3) Provide immediate feedback, academically and socially.
- 4) Be proactive to prevent discipline problems.
- 5) Provide engaging instruction and positive behavioral supports to prevent academic and discipline problems *before* they can escalate.
- 6) Increase home-school communication.

(Continued)

Students

**SUBJECT: PREVENTION AND PREREFERRAL STRATEGIES IN GENERAL  
EDUCATION: APPROACHES TO INSTRUCTION AND BEHAVIORAL  
SUPPORT (Cont'd.)**

**Formation and Operation of Formal Instructional Support Services Teams or Other School Based Teams**

- 1) Criteria is established for the selection of Instructional Support Services Team members. Staff have been involved and agree to the selection process.
- 2) Instructional Support Services Teams include representatives from general and special education as well as other disciplines and include individuals with classroom experience.
- 3) Meetings of the Instructional Support Services Team establish a statement of purpose.
- 4) Instructional Support Services Teams establish goals for meetings and progress is assessed.
- 5) Members of the Instructional Support Services Team are knowledgeable about students who are in need of educational supports/intervention and/or remediation, and students with disabilities.

**Instructional Support Team Approach**

- 1) Define the problem.
- 2) Collect academic, achievement, and behavioral data.
- 3) Develop a hypothesis concerning the function of the academic or behavioral difficulty.
- 4) Design a plan using research-validated interventions.
- 5) Implement the plan.
- 6) Evaluate the interventions.
- 7) Modify the support plan as needed.

(Continued)



**SUBJECT: PREVENTION AND PREREFERRAL STRATEGIES IN GENERAL  
EDUCATION: APPROACHES TO INSTRUCTION AND BEHAVIORAL  
SUPPORT (Cont'd.)**

**Administration Facilitates the Process**

- 1) A mentoring and consultative system is in place and supported by administration.
- 2) There is accountability to ensure that the recommendations of the Instructional Support Services Teams are implemented in a timely and quality manner.
- 3) District-wide training for general and special educators is provided.

**Parents/Persons in Parental Relation to Students are Involved in the Development of Prereferral Strategies**

- 1) Parents/persons in parental relation to students are informed of their rights regarding special education.
- 2) Parents/persons in parental relation to students are notified regarding the purpose of the meeting.
- 3) Meetings are convenient and language is appropriate so that parents/persons in parental relation to students can contribute.

**General and Special Education Staff have Knowledge and Skills in Understanding the Distinction between Students Who Require General Education Support Services versus Students with Disabilities**

- 1) Staff have a competent understanding of the Least Restrictive Environment.
- 2) Staff have a competent understanding of the referral process.

**Collaboration between Outside Agencies and the School**

- 1) Provide wrap-around services.
- 2) Take advantage of agency cooperation.
- 3) Increase the use of specialized and individualized approaches in special education.

Students

**SUBJECT: GUIDELINES FOR PROVIDING COPIES OF STUDENTS' INDIVIDUALIZED EDUCATION PROGRAMS (IEPs) AND INFORMING SCHOOL PERSONNEL OF IEP RESPONSIBILITIES**

**Factors/Issues to Consider in the Development of Administrative Practices and Procedures**

School District administrators and other personnel, as applicable, should consider the following issues as they relate to the development of administrative practices and procedures to ensure copies of students' individualized education programs (IEPs) (including amendments) are provided and appropriate school personnel informed of their IEP implementation responsibilities.

- 1) If copies of a student's IEP will be provided in electronic or paper format.
- 2) What process (e.g., at the CSE or CPSE meeting) will be used to determine for each student which general education teachers, special education teachers, related service providers and other service providers have responsibility to implement the recommendations on a student's IEP. For purposes of implementing regulatory requirements, "*other service provider*" means a representative of another public school district, charter school, Board of Cooperative Educational Services (BOCES), child care institution school, Special Act school district, State-supported school, approved private in-state or out-of-state school, and an approved preschool provider where the student receives or will receive IEP services.
- 3) The factors (e.g., administrative, supervisory, timelines) or procedures (e.g., documentation, timelines) the Chairperson of the CSE or Subcommittee/CPSE should consider in the designation of the professional employee(s) of the School District who will inform the teachers and others of their IEP implementation responsibilities.
- 4) The procedures that will be used to ensure *supplementary school personnel (i.e., a teaching assistant or a teacher aide* as defined in Commissioner's Regulations) and each other provider responsible for assisting in the implementation of a student's IEP have an opportunity to review the IEP (including amendments), prior to its implementation, and have ongoing access to a copy provided to the special education teachers or related service providers.
- 5) The documentation the District will use to maintain a record of the personnel who have received IEP copies for each student.
- 6) The training and information the School District will provide to school personnel to ensure the confidentiality of such information.
- 7) The procedures that will be followed to ensure that copies of students' IEPs are stored in secure locations and retrieved or destroyed when such professionals are no longer responsible for implementing a student's IEP.

(Continued)

Students

**SUBJECT: GUIDELINES FOR PROVIDING COPIES OF STUDENTS' INDIVIDUALIZED EDUCATION PROGRAMS (IEPs) AND INFORMING SCHOOL PERSONNEL OF IEP RESPONSIBILITIES (Cont'd.)**

- 8) IEPs developed on or after September 1, 2009 will be on a form prescribed by the Commissioner.

**Confidentiality Requirements**

In accordance with the confidentiality requirements in the Individuals with Disabilities Education Act (IDEA) and the Family Educational Rights and Privacy Act (FERPA), any copy of a student's IEP must remain confidential and shall not be disclosed to any other person other than the parent of such student, except in accordance with federal and state laws and/or regulations.

Under FERPA, school districts may disclose personally identifiable information in a student's education records, including the student's IEP, to school personnel with "legitimate educational interests." An IEP contains important instructional information that teachers, related service providers, supplementary school personnel and others need to know to implement the IEP. An IEP often also contains sensitive personal information about the student. As paper or electronic copies of IEPs are provided and individuals are informed of their IEP implementation responsibilities, school personnel must take steps to protect the student's right to confidentiality.

Consistent with the federal confidentiality requirements, the School District must minimally:

- 1) Protect the confidentiality of the IEPs provided to teachers and others at collection, storage, disclosure and instructions stages;
- 2) Designate the official at the District who retains responsibility to ensure the confidentiality of the IEPs;
- 3) Ensure that all persons collecting or using the IEPs receive training or instruction regarding FERPA requirements;
- 4) Ensure that the teachers, related service providers and other service providers who the District determines to have a legitimate educational interest and who receive a copy of the IEP do not disclose personally identifiable information from the IEP of a student without consent of the parent; and
- 5) Upon request, provide the parents with a list of the types and locations of education records, including the IEPs, collected, maintained or used by the School District.

(Continued)

Students

**SUBJECT: GUIDELINES FOR PROVIDING COPIES OF STUDENTS' INDIVIDUALIZED EDUCATION PROGRAMS (IEPs) AND INFORMING SCHOOL PERSONNEL OF IEP RESPONSIBILITIES (Cont'd.)**

**Providing Copies of IEPs**

- 1) A copy of an IEP can be provided in electronic format. An electronic copy of an IEP could be a copy provided on a computer disk or in a computer file that provides the means to either print the document or to readily reference it on an ongoing basis. The format of the copy must be considered by the teacher, related service provider or other service provider to be his/her copy to which he/she can readily refer to implement the student's IEP. To ensure confidentiality, security systems must be implemented to prevent unauthorized internal and external access to the student's IEP when copies are transmitted and/or provided electronically.
- 2) A summarized version of an IEP cannot be provided to teachers and other providers as a basis for compliance with Education Law Section 4402(7) and implementing Commissioner's Regulations.
- 3) *Each teacher who is specifically responsible for implementing a service, accommodation and/or program modification to a student with a disability in accordance with the student's IEP must be provided a copy of the student's IEP (including amendments).* This may include any or all of the student's general education subject area teachers. However, the District is not required to provide a copy of a student's IEP to a general education teacher if that teacher is not required to implement a service, accommodation and/or program modification on the student's IEP. *The determination of those teachers who will need to have a copy of the student's confidential IEP should be made on a case-by-case basis.* It is recommended that this determination be made at the CSE or CPSE meeting for each student.
- 4) With regard to "other service providers" (as defined above), the District must ensure that there is no delay in the implementation of the IEP and, therefore, must provide a copy of the student's IEP to the representative of the other service provider prior to the student's enrollment.
- 5) When a District student is placed by the CSE outside the District (e.g., in an approved private school, BOCES, preschool program, or out-of-state residential program), the District must provide one copy of the student's IEP, prior to implementation, to such programs. It is then the responsibility of these other service providers to implement the IEP requirements of Section 200.4 of Commissioner's Regulations, including providing copies of the IEP to teachers and related service providers with IEP implementation responsibility, providing ongoing access to the IEP by supplementary school personnel and other providers responsible for the implementation of the IEP, and informing all individuals of their specific IEP implementation responsibilities.

(Continued)

Students

**SUBJECT: GUIDELINES FOR PROVIDING COPIES OF STUDENTS' INDIVIDUALIZED EDUCATION PROGRAMS (IEPs) AND INFORMING SCHOOL PERSONNEL OF IEP RESPONSIBILITIES (Cont'd.)**

- 6) Supplementary school personnel (i.e., teaching assistants and teacher aides) who have IEP implementation responsibilities for the student **must**, prior to implementation, **have the opportunity to review** the student's IEP (including amendments) and **be informed** of his/her specific IEP responsibilities by the professional staff person designated by the Chairperson of the CSE or Subcommittee/CPSE prior to the implementation of the IEP. In addition, the supplementary school personnel **must have ongoing access** to a copy of the IEP, which may be the IEP copy provided to the teacher or related service provider under whose direction the supplementary school personnel work. The District *may, at its discretion, provide a copy* of the IEP to supplementary school personnel.
- 7) If special transportation is listed on the IEP, the bus driver - as a support staff - *must be informed* of his/her specific IEP implementation responsibilities relevant to his/her assigned duties that results in direct contact with that student. However, the District is *not required to provide a copy* of the student's IEP.
- 8) The District shall provide the special education teachers and related service providers who are responsible to provide IEP programs and services to a student with a disability enrolled in a nonpublic school program with IEP copies and ensure supplementary school personnel and other providers with IEP implementation responsibilities have access to a copy of the IEP. *The nonpublic school receives a copy of the student's school record and, for a student with a disability, a copy of the IEP would be included in the school record.*
- 9) When the CSE recommends that a student be declassified and continue to receive accommodations, modifications and/or other support services, such recommendation must be documented on the student's last IEP, which must be made available to teachers and other service providers consistent with Education Law Section 4402(7) and implementing Commissioner's Regulations.
- 10) When a student's IEP has been revised during the school year, the District must disseminate copies of the revised IEP in accordance with law, regulatory requirements, and established administrative practices and procedures.

**Informing School Personnel of IEP Responsibilities**

- 1) The Chairperson of the CSE or Subcommittee/CPSE must designate one or, as appropriate, more than one professional staff person who will be responsible to inform school personnel of their IEP implementation responsibilities. This designation should be made on a student-by-student

(Continued)

## Students

**SUBJECT: GUIDELINES FOR PROVIDING COPIES OF STUDENTS' INDIVIDUALIZED EDUCATION PROGRAMS (IEPs) AND INFORMING SCHOOL PERSONNEL OF IEP RESPONSIBILITIES (Cont'd.)**

basis, based on who has knowledge of the student's disability and education program. In selecting the professional staff person(s), the Chairperson could select him/herself for this responsibility, another administrator, or a teacher, related service provider or other professional.

*Commissioner's Regulations allow more than one individual to be designated, thereby providing flexibility to address administrative, supervisory, timeliness, workload responsibilities, unique needs of the student and other issues.* For example, the Chairperson could designate the special education teacher to inform teaching assistants and teacher aides, the school psychologist to inform related service providers, the school Principal to inform the regular education teachers and auxiliary school personnel, and the Director of Special Education to inform transportation personnel.

- 2) Disseminating copies of the student's IEP, as appropriate, is one step to ensure the recommendations of the Committee for the student will be implemented. However, each individual with responsibility to provide a program, service, accommodation, modification or support must also be directly informed of his/her specific responsibilities. This *includes* the student's special education teachers, related service providers, regular education teachers, and other service providers who must receive copies of the IEP; teaching assistants and teacher aides who have IEP implementation responsibilities for the student and who must have the opportunity to review the student's IEP and have ongoing access to a copy of the IEP; as well as other school support personnel (e.g., bus drivers, cafeteria workers) who will have direct contact with the student based on his/her assigned duties and will have a responsibility to provide a service, accommodation and/or program modifications for the student in accordance with the IEP.
- 3) If designated school personnel are informed of their IEP implementation responsibilities in a written format and it contains confidential student information, appropriate safeguards shall be implemented to ensure the confidentiality of that information.
- 4) Administration shall implement procedures to document who and how professional staff and others were informed of their IEP implementation responsibilities to the extent it demonstrates compliance with Board of Education policy.

**SUBJECT: GUIDELINES FOR REFERRAL TO COMMITTEE ON SPECIAL EDUCATION (CSE)/COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE)**

- 1) The District must initiate a referral and promptly request parental consent to evaluate a student who has not made adequate progress after an appropriate period of time in the response to intervention process.
- 2) In addition, referrals and requests for referrals may be made as follows:
  - a. A referral for initial evaluation is made in writing to the Chairperson of the CSE/CPSE or the building administrator of the school the student attends or is eligible to attend by:
    - (1) A parent as defined in Commissioner's Regulations Section 200.1(ii);
    - (2) A designee of the school district in which the student resides;
    - (3) A designee of the public school district the student legally attends or is eligible to attend;
    - (4) The commissioner or designee of a public agency with responsibility for the education of the student; and/or
    - (5) A designee of an education program affiliated with a child care institution with committee on special education responsibility pursuant to Section 4002(3) of the Education Law.
  - b. A written request for referral of a student for an initial evaluation is made in writing to the school where the student resides or legally attends or is eligible to attend. Such request shall be immediately forwarded to the committee chairperson. The written request for referral may be made by:
    - (1) A professional staff member of the school district in which the student resides;
    - (2) A professional staff member of the public or private school the student legally attends or is eligible to attend;
    - (3) A licensed physician;
    - (4) A judicial officer;

(Continued)

## Students

**SUBJECT: GUIDELINES FOR REFERRAL TO COMMITTEE ON SPECIAL EDUCATION (CSE)/COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) (Cont'd.)**

- (5) A professional staff member of a public agency with responsibility for welfare, health or education of children; or
  - (6) A student who is eighteen years of age or older or an emancipated minor who is eligible to attend the public schools of the District.
- 3) The CSE/CPSE Chairperson notifies building administrator of referral and sends parent/person in parental relation written notice that evaluative information is being sought. Such advice shall include a description of the proposed evaluation, and information regarding all applicable due process rights. The notice shall also include a request for written parental consent to the proposed evaluation of a student not previously identified as having a disability.

Parental consent for initial evaluation must be received within thirty (30) calendar days of receipt of referral. If consent is not received, the Committee Chairperson will document all attempts at obtaining the consent, and, if appropriate, advise the Board of its rights to utilize due process proceedings to conduct an evaluation without parental consent.

- 4) A Comprehensive Evaluation consists of at least:
- a. Individual Psychological;
  - b. Physical Examination;
  - c. Social History;
  - d. Observation in the student's learning environment (including the regular classroom setting) or an environment appropriate for the student's age; and
  - e. Other appropriate assessments or evaluations, including a functional behavioral assessment (FBA) for a student whose behavior impedes his/her learning or that of others, as necessary to ascertain the physical, mental, behavioral and emotional factors which contribute to the suspected disability.
- 5) The District shall ensure that assessments and other evaluation materials used to assess the student:
- a. Unless it is clearly not feasible, are provided and administered in the form most likely to yield accurate information on what the student knows and can do academically, developmentally and functionally;

(Continued)



Students

**SUBJECT: GUIDELINES FOR REFERRAL TO COMMITTEE ON SPECIAL EDUCATION (CSE)/COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) (Cont'd.)**

- b. Are used for purposes for which the assessments or measures are valid and reliable;
  - c. Are administered by trained and knowledgeable personnel in accordance with instruction provided by the developers of the assessments; and
  - d. Are selected and administered so as not to be discriminatory on a racial or cultural basis.
- 6) For students who transfer from one school district to another in the same school year, assessments will be coordinated as expeditiously as possible with the student's prior and subsequent schools to ensure prompt completion of full evaluations.
- 7) When evaluations are complete, the CSE/CPSE which includes the student's parent/guardian and, where appropriate the student, meets to determine if the student is eligible or ineligible for Special Education and to develop a recommendation.
- 8) If the student has been determined to be eligible for special education services:
- a. CSE/CPSE develops, in conjunction with the child's parent/guardian and student (if appropriate) the Individualized Education Program (IEP) which may include a behavioral intervention plan. This becomes the student's program.
  - b. Parent/guardian consents in writing to placement (of a student who has not previously been identified as having a disability).
- 9) Board of Education notifies the parent/guardian of its review of the CSE/CPSE recommendation and arranges for appropriate special programs and services.
- 10) The CSE/CPSE shall arrange for an appropriate re-evaluation of each student with a disability:
- a. If the District determines that the educational or related services needs, including improved academic achievement and functional performance of the student, warrant re-evaluation;
  - b. If the student's parent or teacher request a re-evaluation;
  - c. At least once every three (3) years, unless the District and the parent/person in parental relation agree in writing that such re-evaluation is unnecessary. A re-evaluation shall not be conducted more frequently than once a year unless the parent and District CSE/CPSE representative agree.

(Continued)

Students

**SUBJECT: GUIDELINES FOR REFERRAL TO COMMITTEE ON SPECIAL EDUCATION (CSE)/COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) (Cont'd.)**

- 11) The CSE/CPSE may amend or rewrite the student's IEP after the annual review provided that:
- a. The parents/persons in parental relation request an amendment and the District agrees to such amendment in writing; or
  - b. The District provides the parents/persons in parental relation a written proposal to amend the IEP conveyed in understandable language (i.e., in their native language or other dominate mode of communication) and allowing them the opportunity to consult with appropriate school personnel or related service providers prior to an agreement to accept such amendments; or
  - c. The parents/persons in parental relation, having been provided prior written notice (notice of recommendation) of the changes, agree to the amendments without a meeting.

Students

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS**

The parent/person in parental relation of a student with a disability may file a written request with the Board for an impartial due process hearing with respect to any matter relating to the identification, evaluation, educational placement, provision of a free appropriate public education, manifestation determination or other matter relating to discipline. The Board may also initiate such hearing.

**Rotational Selection List of Impartial Hearing Officers**

The Board of Education will utilize the New York State Education Department's Impartial Hearing Reporting System (IHRS) to access the alphabetical list of the name of each Impartial Hearing Officer (IHO) who is certified by the Commissioner of Education and available to serve in the District.

Selection shall be made on a rotational basis beginning with the first name after the IHO who last served the District. If no IHO on the list has previously served the District, the first IHO on the list must be contacted.

**Selection of the IHO**

- 1) The Superintendent's Secretary/District Clerk must immediately (but not later than two (2) business days after receipt of the due process complaint notice or mailing of the due process complaint notice to the parent) initiate the process to select an IHO. The District selects the IHO through a rotational selection process in accordance with regulatory timelines.
- 2) The IHO may not accept appointment unless he/she is available to make a determination of sufficiency of a due process complaint notice within five (5) days of receiving such a request and (unless an extension is granted) to initiate the hearing in a timely fashion:
  - a. When the District files the due process complaint notice, the hearing or pre-hearing conference must commence within the first fourteen (14) days after the date the IHO is appointed;
  - b. When a parent files the due process complaint notice, the hearing or pre-hearing conference must commence within the first fourteen (14) days after whichever of the following occurs first:
    - (1) The date the IHO receives the parties' written waiver of the resolution meeting; or
    - (2) The IHO receives the parties' written confirmation that a mediation or resolution meeting was held but no agreement could be reached; or

(Continued)

## Students

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)**

- (3) The expiration of the thirty (30) day resolution period unless the parties agree in writing to continue mediation at the end of the thirty (30) day resolution period. In such case, the hearing or pre-hearing conference will commence within the first fourteen (14) days after the IHO is notified in writing that either party withdrew from mediation.
- 3) The Superintendent's Secretary/District Clerk will contact the first IHO per the District's rotational list and ask him/her if he/she is available for appointment; able to make a determination of sufficiency of a due process complaint notice within five (5) days of receiving such a request; able to convene the hearing within the fourteen (14) day timeframe specified in 2) above (unless an extension is granted); and able to conclude the hearing within forty-five (45) days after the date required for commencement of the impartial due process hearing specified in 2) above. For expedited hearings the deadline for starting the hearing is within twenty (20) school days of the date the complaint requesting the hearing was filed; for preschool hearings the timeframe is thirty (30) days after the receipt by the Board of a request for a hearing or after the initiation of such hearing by the Board.
- 4) If the first IHO selected from the rotational list declines appointment, or within twenty-four (24) hours of the District's documented attempt to contact him/her fails to respond, or is unreachable despite reasonable efforts by the District, the next IHO on the list shall be offered appointment until the appointment is accepted by an IHO.
- 5) IHOs may respond to the District via facsimile, electronic mail, certified overnight mail or telephone contact that is recorded and confirmed in writing.

Appointment of IHO/Scheduling of Hearing or Prehearing Conference

When the selected IHO indicates availability, the Board of Education must immediately appoint the IHO. To expedite this process the Board may designate one (1) or more of its members to appoint the IHO on behalf of the Board. Along with the appointment letter, the Board will forward:

- 1) A copy of its policy regarding compensation rates for IHOs and reimbursement of hearing related expenses including travel;
- 2) A copy of the date-stamped written request for the hearing or a copy of the written notice to the parent that the District is initiating the request;
- 3) The name, address and telephone number of the individual representing the School District at the impartial due process hearing;

(Continued)

Students

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)**

- 4) The name, address and telephone number of the individual representing the parent of the student, if available; and
- 5) Any other information that will facilitate contact between representatives of the parties.

**Impartial Due Process Procedure**

The request for an impartial due process hearing must be submitted within two (2) years of the date the parent or the District knew or should have known about the alleged action forming the basis of the complaint. However, the two (2) year timeline does not apply if the parent was prevented from requesting the hearing due to specific misrepresentations by the District that it had resolved the problem or the District's withholding of information from the parent that is required by Commissioner's Regulations.

The parent or the School District may request an impartial due process hearing by first submitting a due process complaint notice.

**Due Process Complaint Notification**

- 1) A hearing may not be held until a due process complaint notice is filed. Either the parent, the District, or the attorney representing either party may present a complaint with respect to any matter relating to the identification, evaluation or educational placement of a student with a disability or a student suspected of having a disability, or the provision of a free appropriate public education to such student.

This written due process complaint notice must include:

- a. The name of the student;
- b. The address of the student's residence or, in the case of a homeless student, available contact information;
- c. The name of the school the child is attending;
- d. A description of the nature of the problem of the student relating to the proposed or refused initiation or change, including facts relating to the problem; and
- e. A proposed resolution of the problem to the extent known and available to the party at the time.

(Continued)

Students

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)**

- 2) The due process complaint notice will be deemed sufficient unless the party receiving the notice notifies the other party and the IHO in writing within fifteen (15) days of receiving the notice that they believe the notice requirements have not been met.
- 3) Within five (5) days of the receipt of the notice of insufficiency, the IHO shall make a determination on the face of the notice of whether the notification meets the notice requirements and shall immediately notify the parties in writing of the determination.
- 4) If the District has not sent a prior written notice (notice of recommendation) to the parent regarding the subject matter of the complaint notice, the District will send a response to the parent within ten (10) days of receiving the complaint which includes:
  - a. An explanation of why the District proposed or refused to take the action raised in the complaint;
  - b. A description of other options the Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE) considered and why those options were rejected;
  - c. A description of each evaluation procedure, assessment, record, or report the District used as a basis for the proposed or refused action; and
  - d. A description of the factors relevant to the District's proposal or refusal.
- 5) Upon receipt or filing of the due process complaint notice, the District will provide the procedural safeguards notice to the parents. The District will also inform parents in writing of the availability of mediation and of any free or low-cost legal and other relevant services available in the area.
- 6) Within ten (10) days of receiving the complaint notice, the non-complaining party must send a response specifically addressing the issues raised in the notice.
- 7) A party may amend its due process complaint notice only if:
  - a. The other party consents in writing and is given the opportunity to resolve the complaint through a resolution process;
  - b. The IHO grants permission, but not later than five (5) days before the impartial due process hearing commences.

(Continued)

Students

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)**

Applicable timelines for the impartial due process hearing will recommence at the time of the filing of the amended notice.

- 8) No issues may be raised at the impartial due process hearing that were not raised in the due process complaint notice.

**Resolution Process**

- 1) Within fifteen (15) days of receiving the due process complaint notice from the parent and prior to the due process hearing itself, the District shall convene a meeting with the parents and relevant members of the CSE/CPSE, as determined by the District and the parent, who have specific knowledge of the facts identified in the complaint. A representative of the District who has decision-making authority must attend. The attorney for the District may not attend unless the parent is accompanied by an attorney. At this resolution meeting, the District has the opportunity to resolve the complaint after the parents discuss their complaint and the facts forming its basis.

The District will take steps to ensure that one or both of the parents of the student with a disability are present at the resolution meeting, including notifying parents of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the resolution meeting at a mutually agreed on time and place and in a location that is physically accessible to the parents.

- 2) When conducting meetings and carrying out administrative matters (such as scheduling), the parent and District may agree to use alternative means of meeting participation such as video conferences or conference calls.
- 3) The parent and District may agree in writing to waive the resolution process or agree to use the mediation process to resolve the dispute.
- 4) If a settlement is reached, the parties shall execute a legally binding agreement signed by the parent and the representative of the District who has authority to bind the District. This agreement is enforceable in court. However, either party may void the agreement within three (3) business days of the agreement's execution.
- 5) If the District has not resolved the due process complaint to the satisfaction of the parents within thirty (30) days of receipt of the complaint notice, the impartial hearing process may begin.

(Continued)

Students

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)**

- 6) Except where the parties have jointly agreed to waive the resolution process or use mediation, the failure of a parent filing a due process complaint to participate in the resolution meeting will delay the timeline for the resolution process and due process hearing until the meeting is held:
  - a. If the District is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made (and documented), the District may, at the conclusion of the thirty (30) day period, request that an impartial hearing officer dismiss the parents due process complaint.
  - b. If the District fails to hold the resolution meeting within fifteen (15) days of receipt of the parents' due process complaint or fails to participate in the resolution meeting, the parent may seek the intervention of the IHO to begin the due process hearing timeline.

Pre-Hearing Conference

A pre-hearing conference (which may take place via telephone) may be scheduled by the IHO to simplify or clarify issues; establish dates for the completion of the hearing; identify evidence to be entered into the record; identify witnesses expected to provide testimony; and/or address other administrative issues. A transcript or written summary of the pre-hearing conference shall be entered into the record by the IHO.

Impartial Due Process Hearings

In the event the complaint is not resolved in a resolution process, the Board will arrange for an impartial due process hearing to be conducted. When carrying out administrative matters relating to an impartial due process hearing, such as scheduling, exchange of witness lists and status conferences, the parent and District may agree to use alternative means of meeting participation such as video conferences or conference calls.

- 1) Hearings and pre-hearing conferences will be conducted at a time and place reasonably convenient to the parent and the student involved. Preferred locations are the school the student attends or the District Office.
- 2) The hearing shall be closed to the public unless the parent requests an open hearing. The parents determine whether the student will attend the hearing.
- 3) Where required, the District will provide interpreters of the deaf or interpreters fluent in the native language of the student's parent at all stages of the proceeding.

(Continued)



## Students

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)**

- 4) The IHO is authorized to administer oaths and issue subpoenas relating to the proceedings.
- 5) A written, or at the option of the parent, electronic verbatim record of the proceeding shall be maintained and made available to the parties.
- 6) The IHO, wherever practicable, shall enter into the record a stipulation of facts and/or joint exhibits agreed to by the parties.
- 7) The IHO may receive any oral, documentary or tangible evidence including testimony by telephone, provided that such testimony shall be made under oath and shall be subject to cross-examination. Also, the IHO may take direct testimony by affidavit in lieu of in-hearing testimony, provided that the witness giving such testimony shall be made available for cross-examination. Further, the IHO shall exclude evidence that he/she determines to be irrelevant, immaterial, unreliable or unduly repetitious.
- 8) The IHO may limit examination of a witness by either party if whose testimony the IHO determines to be irrelevant, immaterial or unduly repetitious. The IHO may limit the number of additional witnesses to avoid unduly repetitious testimony.
- 9) Each party shall have up to one (1) day to present its case unless the IHO determines that additional time is necessary for a full, fair disclosure of the facts required to arrive at the decision. Additional hearing days, if required, shall be scheduled on consecutive days wherever practicable.
- 10) The parties may be accompanied and advised by legal counsel and by individuals with special knowledge or training regarding students with disabilities.
- 11) At all stages of the proceeding, the IHO may assist an unrepresented party by providing information relating only to the hearing process. However, this shall not be construed to impair or limit the authority of an IHO to ask questions of counsel or witnesses for the purpose of clarification or completeness of the record.
- 12) The parties will have an opportunity to present evidence, compel the attendance of witnesses and confront and question all witnesses at the hearing.
- 13) Not less than five (5) business days before the hearing, each party shall disclose evidence that will be presented at the hearing, including all evaluations completed by that date and recommendations based on such evaluations. The IHO may bar any party that fails to comply with such requirement from introducing the relevant evaluation or recommendation if not disclosed to the other party prior to the hearing, unless the other party consents.

(Continued)

## Students

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)**

- 14) If the IHO requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense.
- 15) If by mutual agreement the parties deem the IHO to be incapacitated or otherwise unavailable or unwilling to continue the hearing or issue the decision, the Board shall rescind the appointment of the IHO and appoint a new IHO.
- 16) The student remains in his/her current placement during the pendency of the impartial due process hearing unless both parties agree or except as otherwise provided for expedited impartial due process hearings for certain disciplinary suspensions or removals of a student. For a preschool child not currently receiving special education services and programs, he/she may, during any impartial due process hearings or appeals, receive special education services and programs if the parent/person in parental relation and the District agree. However, during the pendency of an appeal for a preschool child who is transitioning from an Early Intervention (EI) program and is no longer eligible for the EI program due to age, the District is not required to provide the services the child had been receiving under EI. If found eligible for special education as a preschool student with a disability, and if the parent consents to the initial provision of services, the District will provide those programs and services that are not in dispute.
- 17) A decision made by the IHO must be made on substantive grounds based on a determination of whether the student received a free appropriate public education (FAPE).
- 18) In matters alleging procedural violations, the IHO may only find that the student did not receive a FAPE if the procedural inadequacies impeded the student's right to a FAPE, significantly impeded the parent's opportunity to participate in the decision-making process regarding the provision of a FAPE, or caused a deprivation of educational benefits. However, the IHO may nonetheless order the District to comply with appropriate procedural requirements.
- 19) The IHO renders and forwards the finding of fact and decision to the parties and to the State Education Department in accordance with regulatory timelines but not later than forty-five (45) days after the date required for commencement of the impartial due process hearing specified in 3) of the subheading "Selection of the IHO" in this regulation. For expedited hearings the deadline is within ten (10) school days after the hearing; for preschool hearings the timeframe is thirty (30) days after the receipt by the Board of a request for a hearing or after the initiation of such hearing by the Board.
- 20) The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

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**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)**

**Burden of Proof**

In accordance with New York State law, the burden of proof and persuasion in an impartial due process hearing dispute relative to a student's special education placement rests upon the school district. However, a parent/person in parental relation seeking tuition reimbursement for a unilateral parental placement shall have the burden of persuasion as to the appropriateness of the placement.

**Guardians ad Litem**

Unless a surrogate parent has been previously appointed, the IHO must appoint a guardian ad litem when he/she determines that the interests of the parent(s) are opposed to or are inconsistent with those of the student or whenever the interests of the student would be best protected by such appointment.

**Extensions of Time**

The IHO may grant a request for an extension only after fully considering the cumulative impact of the following factors:

- 1) The impact on the child's educational interest or well-being which might be occasioned by the delay;
- 2) The need of a party for additional time to prepare or present the party's position at the hearing in accordance with the requirements of due process;
- 3) Any financial or other detrimental consequences likely to be suffered by a party in the event of delay; and
- 4) Whether there has already been a delay in the proceeding through the actions of one of the parties.

Each extension may be for no more than thirty (30) days, and not more than one extension at a time may be granted.

No extension may be granted to an expedited impartial hearing timeline.

(Continued)

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)**

Agreement of the parties is not a sufficient basis for granting an extension. *Absent a compelling reason or a specific showing of substantial hardship, a request for an extension shall not be granted for the following reasons:*

- 1) School vacations;
- 2) A lack of availability resulting from the parties' and/or representatives' scheduling conflicts;
- 3) Settlement discussions between the parties; or
- 4) Other similar reasons.

The IHO shall respond in writing to each request for an extension. The response shall become part of the record. The IHO may render an oral decision to an oral request for an extension, but shall subsequently provide that decision in writing and include it as part of the record. For each extension granted, the IHO shall set a new date for rendering his/her decision, and notify the parties in writing of such date.

**Decision and Appeal**

The IHO renders and mails a copy of the written, or at the option of the parents, electronic findings of fact and the decision to the parties and to Vocational and Educational Services for Individuals with Disabilities (VESID) not later than forty-five (45) days [**thirty (30) days for preschool hearings**] from the date required for commencement of the impartial due process hearing. For expedited hearings these findings must be distributed within ten (10) school days after the hearing. The record and findings will be provided at no cost to the parents and all personally identifiable information shall be deleted from the copy forwarded to VESID.

In cases where extensions of time have been granted beyond the applicable required timelines, the decision must be rendered and mailed no later than fourteen (14) days from the date the IHO closes the record. The date the record is closed shall be indicated in the decision.

The IHO shall determine when the record is closed and notify the parties of the date the record is closed. The decision of the IHO shall be based solely upon the record of the proceedings before the IHO, and shall set forth the reasons and the factual basis for the determination.

The decision shall reference the hearing record to support the findings of fact. The IHO shall attach to the decision a list identifying each exhibit admitted into evidence. Such list shall identify each exhibit by date, number of pages and exhibit number or letter. In addition, the decision shall include an identification of all other items the IHO has entered into the record.

(Continued)

Students

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)**

The decision shall also include a statement advising the parents and the Board of Education of the right of any party involved in the hearing to obtain a review of such a decision by the State Review Officer in accordance with Commissioner's Regulations.

The decision of the IHO shall be binding upon both parties unless appealed to the State Review Officer.

**Confidentiality**

All issues relating to a request for and conduct of an impartial due process hearing must be kept confidential by all District staff.

**Compensation of Impartial Hearing Officers**

The District will be responsible for compensating the IHO for pre-hearing, hearing and post-hearing activities at the rate agreed upon at the time of the IHO's appointment. The rate of compensation may not exceed the maximum rate approved by the Director of the Division of the Budget. The District will also reimburse the IHO for travel and other hearing-related expenses (e.g., duplication and telephone costs) pursuant to an annually determined schedule.

At the completion of the impartial due process hearing, the IHO should submit an itemized bill of hourly charges and expenses which will be promptly paid by the District.

On an annual basis the District will forward a copy of its compensation rates to each IHO on the District's rotational list.

**Mediation**

The District will inform the parent, in writing, of the availability of mediation and any free or low-cost legal and other relevant services available in the area at the request of the parent or when an impartial due process hearing is requested.

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

(Continued)

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)****Expedited Due Process Hearings**

Expedited due process hearings shall be conducted at the request:

Of the District

- 1) To place a student with a disability in an interim alternative educational setting (IAES) where school personnel maintain it is dangerous for the student to remain in his/her current education placement; or
- 2) To place a student with a disability in an IAES during the pendency of due process hearings where school personnel maintain it is dangerous for the student to remain in his/her current education placement; or

Of the Parent

- 1) From a determination that the student's behavior was not a manifestation of the student's disability; or
- 2) Relating to any decision regarding a disciplinary change in placement including, but not limited to, a decision to place the student in an IAES.

An expedited due process hearing must occur within twenty (20) school days of the date the complaint requesting the hearing was filed. The IHO renders and mails the finding of fact and decision to the parties and to VESID within ten (10) school days after the last hearing date. The parents may opt to receive this information in electronic form. No extension to an expedited impartial hearing timeline may be granted.

**Recordkeeping and Reporting**

The District will record and report to the State Education Department required information relating to impartial due process hearings according to the manner and schedule specified by the State Education Department.

Web-based Reporting System

The Superintendent will designate a staff member(s) to be responsible for reporting such information as required relating to the impartial hearing process into the State Education Department's web-based reporting system.

(Continued)

Students

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)**

Pursuant to this requirement, the School District must enter certain enumerated data into the web-based reporting system beginning as soon as a request for an impartial due process hearing is received by the Board of Education. The District will also need to enter information on the progress of each case until the case is either decided, settled, withdrawn, or dismissed.

District Rotational List

The District will utilize the New York State Education Department's Impartial Hearing Reporting System to access the current District specific list of IHO names.

Initiation of Request for Hearing

The Superintendent's Secretary/District Clerk will date stamp and record on Impartial Due Process Hearing Record Sheet (Form #7670F) the receipt of the written request for an impartial due process hearing. The Superintendent's Secretary/District Clerk will also record on Impartial Due Process Hearing Record Sheet (Form #7670F) the date the parent is sent the procedural safeguards notice and information about mediation and legal representation.

IHO Selection and Appointment

The Superintendent's Secretary/District Clerk will document on Impartial Due Process Hearing Record Sheet (Form #7670F) each contact of and response by each potential IHO from the rotational list, the date of the appointment letter and the actual dates of the hearing.

Conduct and Result of Hearing

Additional information to be recorded on Impartial Due Process Hearing Record Sheet (Form #7670F) is as follows:

- 1) Anticipated date the IHO will render a decision;
- 2) Dates for any requests for extensions of the required timelines of 45/30/15 days;
- 3) Which party requested the extension(s);
- 4) Whether the extension(s) was granted or denied;
- 5) The reason for the grant or denial;

(Continued)

Students

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)**

- 6) The new decision date if an extension was granted;
- 7) The date the finding of fact and decision was rendered; and
- 8) The date the decision was implemented.

NOTE: For New York State Education Department Due Process Complaint Notice Form to Request an Impartial Due Process Hearing, see website:  
<http://www.vesid.nysed.gov/specialed/publications/policy/dueprocess7105.htm>



**PORT BYRON CENTRAL SCHOOL DISTRICT  
TIMELINE FOR DUE PROCESS COMPLAINT NOTICE AND CONDUCT OF IMPARTIAL DUE PROCESS HEARINGS**

	<b>1</b> Complainant (District or Parent) files notice *	<b>2</b> D sends procedural safeguards notice, mediation availability etc.	<b>3</b> D begins IHO selection process	<b>4</b> IHO accepts	<b>5</b> BOE appoints IHO	<b>6</b> Non-complainant sends response to complainant	<b>7</b> Notice deemed sufficient (unless notified)	<b>8</b> If receives notice of insufficiency ---- ----IHO determines sufficiency on face of motion or notice
<b>TYPE OF APPEAL</b>								
<b>School-age Child</b>	within 2 years of date parent knew or should have known of alleged action	upon receipt or filing of complaint, if not previously sent	immediately or within 2 <u>business</u> days of <b>1</b>	within 24 hours of <b>3</b>	immediately after <b>4</b>	within 10 <u>calendar</u> days of <b>1</b>	within 15 <u>calendar</u> days of <b>1</b>	within 5 <u>calendar</u> days of <b>7</b>
<b>Pre-school Child</b>								
<b>Expedited Due Process Hearing</b>								
	<b>9</b> If no prior written notice sent to parents regarding matter of complaint, D must send explanation	<b>10</b> Convene or waive resolution process	<b>11</b> If settlement reached execute binding written agreement	<b>12</b> If not resolved at resolution process move to Impartial Due Process Hearing	<b>13</b> Parties disclose evidence	<b>14</b> Hearing or Prehearing conference begins**	<b>15</b> IHO renders and mails decision **	<b>16</b> If extensions granted, IHO renders and mails decision
<b>TYPE OF APPEAL</b>								
<b>School-age Child</b>							within 45 <u>calendar</u> days of <b>10</b>	within 14 <u>calendar</u> days after IHO closes record
<b>Pre-school Child</b>	within 10 <u>calendar</u> days of <b>1</b>	within 15 <u>calendar</u> days of <b>1</b>	either party may void agreement within 3 <u>business</u> days	within 30 <u>calendar</u> days of <b>1</b>	5 <u>business</u> days prior to <b>14</b> (1st day of hearing)	**within 14 <u>calendar</u> days after <b>5</b>  (IHO appointed)	within 30 <u>calendar</u> days of <b>10</b>	within 14 <u>calendar</u> days after IHO closes record
<b>Expedited Due Process Hearing</b>		within 20 <u>school</u> days of <b>1</b>					within 10 <u>school</u> days of <b>14</b>	<b>No extensions permitted</b>

D stands for District. Mediation is available at all stages. District may establish procedures for Community Dispute Center to provide explanation of benefits of mediation.

\* Amendment to Notice allowed only if other party consents and there is opportunity to resolve through a resolution **process**, or if IHO grants permission, but no later than five (5) calendar days prior to **14**.

\*\* Unless extensions are granted. Each extension may not be greater than thirty (30) days.

**PORT BYRON CENTRAL SCHOOL DISTRICT  
IMPARTIAL DUE PROCESS HEARING RECORD SHEET**

7670F

**Student:** \_\_\_\_\_  
**Parent/Guardian:** \_\_\_\_\_  
**Impartial Hearing Officer:** \_\_\_\_\_

**Type of Hearing:**  
School Age \_\_\_\_\_  
Preschool \_\_\_\_\_  
Expedited \_\_\_\_\_

Due Process Complaint Notice received from parent/initiated by District \_\_\_\_\_/\_\_\_\_/\_\_\_\_

Procedural Safeguards Notice sent to parents \_\_\_\_\_/\_\_\_\_/\_\_\_\_

1st Impartial Hearing Officer contacted from District's rotational list \_\_\_\_\_/\_\_\_\_/\_\_\_\_  
1st IHO accepts \_\_\_\_, declines \_\_\_\_, no response \_\_\_\_ within 24 hours \_\_\_\_\_/\_\_\_\_/\_\_\_\_

2nd Impartial Hearing Officer contacted from District's rotational list \_\_\_\_\_/\_\_\_\_/\_\_\_\_  
2nd IHO accepts \_\_\_\_, declines \_\_\_\_, no response \_\_\_\_ within 24 hours \_\_\_\_\_/\_\_\_\_/\_\_\_\_

3rd Impartial Hearing Officer contacted from District's rotational list \_\_\_\_\_/\_\_\_\_/\_\_\_\_  
3rd IHO accepts \_\_\_\_, declines \_\_\_\_, no response \_\_\_\_ within 24 hours \_\_\_\_\_/\_\_\_\_/\_\_\_\_

IHO appointed by Board of Education \_\_\_\_\_/\_\_\_\_/\_\_\_\_  
Appointment letter with rates sent to IHO \_\_\_\_\_/\_\_\_\_/\_\_\_\_

Response sent to/received from parent \_\_\_\_\_/\_\_\_\_/\_\_\_\_

Complaint Notice deemed sufficient \_\_\_\_\_/\_\_\_\_/\_\_\_\_

Explanation regarding complaint sent to parents \_\_\_\_\_/\_\_\_\_/\_\_\_\_

Resolution session \_\_\_\_\_ Waived, \_\_\_\_\_ Convened \_\_\_\_\_/\_\_\_\_/\_\_\_\_

If settlement reached, binding written agreement signed \_\_\_\_\_/\_\_\_\_/\_\_\_\_

Neither party voided agreement within 3 business days \_\_\_\_\_/\_\_\_\_/\_\_\_\_

Parties disclose evidence \_\_\_\_\_/\_\_\_\_/\_\_\_\_

Prehearing conference held (if desired) \_\_\_\_\_/\_\_\_\_/\_\_\_\_

Hearing begins \_\_\_\_\_/\_\_\_\_/\_\_\_\_  
Additional hearing dates \_\_\_\_\_/\_\_\_\_/\_\_\_\_ \_\_\_\_\_/\_\_\_\_/\_\_\_\_

Anticipated Decision Date \_\_\_\_\_/\_\_\_\_/\_\_\_\_

Extension requested by \_\_\_\_\_/\_\_\_\_/\_\_\_\_  
Reason \_\_\_\_\_  
Granted \_\_\_\_\_ Reason \_\_\_\_\_  
Denied \_\_\_\_\_ Reason \_\_\_\_\_

New anticipated decision date due to extension \_\_\_\_\_/\_\_\_\_/\_\_\_\_

Finding of Fact and Decision rendered \_\_\_\_\_/\_\_\_\_/\_\_\_\_

Decision implemented \_\_\_\_\_/\_\_\_\_/\_\_\_\_

Students

**SUBJECT: INDEPENDENT EDUCATIONAL EVALUATIONS**

An "independent educational evaluation" (IEE) of a student, who has or is thought to have a disability, is an evaluation conducted by a qualified examiner who is not employed by the School District responsible for the education of the child.

"Public expense" means that the District either pays for the cost of the IEE or ensures that it is otherwise provided at no cost to the parent/guardian.

**Procedures**

- 1) If a parent/guardian wishes to obtain District agreement to pay for an independent educational evaluation prior to the independent evaluation actually being conducted, he/she must submit a written request that the District fund the IEE, within thirty (30) calendar days from the date of receipt of the District's evaluation. The District may request that the parent/guardian specify the areas of disagreement with the District's evaluation. However, the District may not refuse to reimburse a parent/guardian for the reasonable costs of an IEE that the parent/guardian has already obtained, solely because the parent/guardian did not notify the District prior to obtaining the IEE. Requests for reimbursement for the costs of an IEE already obtained by the parent/guardian must be submitted within thirty (30) calendar days from the date of receipt of the results of the IEE, in order to be considered.
- 2) In response to a request for funding of, or reimbursement for, an IEE, the District may file a due process complaint notice to request a hearing to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate or that the evaluation obtained by the parent did not meet School District criteria, the parent/guardian still has the right to an IEE, but not at public expense.
- 3) The District reserves the right to refuse to pay for, or provide reimbursement for, any individual assessment the cost of which exceeds the competitive rate for applicable services within the immediate geographic area. However, a parent/guardian will be provided the opportunity to demonstrate that their child's unique circumstances justify an IEE which exceeds the District's cost criteria. If the total cost of an IEE obtained by the parent/guardian exceeds the District's cost criteria and there is no justification for the excess cost, the IEE will be publicly funded only to the extent of the District's maximum allowable charge.
- 4) When an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria used by the District when it initiates an evaluation. In light of this requirement, the District will pay for, or provide reimbursement for, only those IEE's that are conducted by individuals who possess a current license or certification from the New York State Education Department in the area of the evaluation. In addition, the District wishes to restrict its payment of, or reimbursement for, IEE's to those conducted by qualified individuals

(Continued)

Students

**SUBJECT: INDEPENDENT EDUCATIONAL EVALUATIONS (Cont'd.)**

located within the county in which this School District is located, or in neighboring counties as determined by administration. The District has established a comprehensive list of qualified professionals in private practice or employees of other public agencies who meet the District's location and qualification criteria to whom parents/guardians may go to secure an independent evaluation. This list will be provided to parents/guardians upon request.

If the District's list is not exhaustive in terms of those minimally qualified to evaluate the specific needs of all students in the District, parents/guardians are free to select an evaluator of their own choosing, as long as the evaluator meets the District's geographic, qualification and reasonable cost criteria.

- 5) The District, upon receiving a request for payment of, or reimbursement for, an IEE, will forward a letter acknowledging the request to the parent/guardian. Any additional information needed by the District in reaching a decision regarding payment/reimbursement will be requested at this time.

If payment/reimbursement is denied, the reason(s) for the denial (along with notice of intent to initiate an impartial due process hearing, if applicable) will be provided to the parent/guardian in writing. If the District agrees to pay for, or reimburse the cost of, an IEE, the parents/guardians (along with the independent evaluator) will be notified by letter.

- 6) If the parent obtains an IEE at public expense or shares with the District an evaluation obtained at private expense that meets the District's criteria, the results must be considered when making any decision with respect to the provision of a free, appropriate, public education to the student. In addition, the results of an IEE may be presented by any party as evidence at an impartial due process hearing.
- 7) Parents/guardians, in selecting an independent evaluator, should request that the evaluator contact school officials to make arrangements for payment, classroom observations and/or discussion with the child's teachers.
- 8) If an Impartial Hearing Officer requests an IEE as part of an impartial due process hearing, the cost of the evaluation must be at public expense.

**Further Information**

The District has developed a policy and regulation on independent evaluations in order to ensure that the District is meeting its responsibility to provide independent evaluations at public expense. Parents/guardians can obtain further information on independent evaluations by contacting the Chairperson of the Committee on Special Education or the Committee on Preschool Education at the District.

(Continued)

2009

7680R  
3 of 3

Students

**SUBJECT: INDEPENDENT EDUCATIONAL EVALUATIONS (Cont'd.)**

Exceptions to the District's established geographic, qualification and reasonable cost criteria will be made only when the parent/guardian can demonstrate that unique circumstances justify an independent evaluation that does not fall within the District guidelines.

**Port Byron Central School District****NUMBER****ELEMENTARY AND SECONDARY INSTRUCTION**

2.1	Safety Conditions and Programs Regulation: Eye Safety Devices .....	8210R
2.7.1	Children's Internet Protection Act: Internet Content Filtering/ Safety Guidelines Regulation .....	8271R
2.8	Instruction for English Language Learners or Students with Limited English Proficiency Regulation .....	8280R

**INSTRUCTIONAL MATERIALS**

3.1	Selection of Library and Multimedia Materials Regulation: Instructional Materials Selection Criteria .....	8310R
3.3	Objection to Instructional Materials Regulation .....	8330R
	Form: Citizen's Request for Re-Evaluation of Instructional Materials .....	8330F
3.3.1	Controversial Issues Regulation .....	8331R
3.4	Textbooks/Workbooks/Calculators/Instructional Computer Hardware Regulation: Textbook Selection and Adoption .....	8340R
	Regulation: Loan of Instructional Computer Hardware .....	8340R.1
	Form: Text Adoption Form .....	8340F
3.5	Use of Copyrighted Materials Regulation: Fair Use of Copyrighted Material .....	8350R
	Regulation: Guidelines for Off-Air Recording of Broadcast Programming for Educational Purposes .....	8350R.1
	Regulation: Guidelines for Classroom Copying .....	8350R.2
	Regulation: Guidelines for Educational Uses of Music .....	8350R.3
	Regulation: Guidelines for Audiovisual Materials .....	8350R.4
	Regulation: Guidelines for Computer Software .....	8350R.5
	Procedure: Obtaining Permission to Use Copyrighted Materials .....	8350P
	Form: Request for Obtaining Permission to Use Copyrighted Material .....	8350F
	Form: Letter to Permissions Department .....	8350F.1
3.6	Religious Expression in the Instructional Program Regulation .....	8360R

## Instruction

**Port Byron Central School District****NUMBER****INSTRUCTIONAL ARRANGEMENTS**

4.3	Independent Study for Transfer Credit	
	Form: Independent Study Application.....	8430F
4.5	Home Tutoring (Homebound Instruction)	
	Regulation.....	8450R
	Form: Teacher's Report of Home Tutoring .....	8450F
4.6	Field Trips	
	Regulation.....	8460R
	Regulation: Out-of-Country Trips .....	8460R.1
	Regulation: Parental Permission: School Sponsored Trips .....	8460R.2
	Procedure: Field Trips (During School Hours).....	8460P
	Procedure: Field Trips (Overnight).....	8460P.1
	Procedure: Out-of-Country Trips.....	8460P.2
	Form: Curriculum Trip Request Form.....	8460F
	Form: Field Trip Parent/Guardian Consent/Medical Information .....	8460F.1
	Form: Transportation Request .....	8460F.2
4.7	Home Instruction (Home Schooling)	
	Regulation.....	8470R
	Regulation: Guidelines for the Provision of Services to Students who Receive Home Instruction (Home Schooling).....	8470R.1
	Chart: Public School District Responsibility for Providing Services to Nonpublic Schools and to Students on Home Instruction.....	8470R.2

**SUBJECT: EYE SAFETY DEVICES**

Every teacher, student and visitor is required to wear industrial quality eye protective devices whenever he/she is participating or observing in an instructional or experimental program in a shop or laboratory involving:

- 1) Hot solids, liquids, or molten metals;
- 2) Milling, sawing, turning, shaping, cutting, or stamping any solid materials;
- 3) Heat treatment, tempering, or kiln firing of any metal or other materials;
- 4) Gas or electric arc welding;
- 5) Repair or servicing of any vehicle;
- 6) Caustic or explosive chemicals or materials.

Eye safety devices within the meaning of this regulation shall include face shields, goggles, safety glasses, welding helmets, hoods and other specialized equipment meeting the standards of the American National Standard Practice for Occupational and Educational Eye and Face Protection, Z87.1, promulgated by the American National Standards Institute, Inc.

All safety devices are to be properly repaired, cleaned and stored. Also, said devices must be sterilized or otherwise treated to prevent the spread of germs or diseases when the user changes.

**Regulations for Specific Areas**Technology Classes

An eye protective device as supplied by the school shall be worn over the eyes at all times by students, teachers, and visitors except for the following situations:

- 1) During chalkboard lessons.
- 2) While student is drawing or planning at an approved planning station.
- 3) While welding, brazing, or torch cutting at which times other special eye and face protection is mandated.

(Continued)



**SUBJECT: EYE SAFETY DEVICES (Cont'd.)**Elementary Schools

Teachers and students must wear an eye protective device during lessons and demonstrations involving any situation coming under those listed in the general regulations.

Science Department

- 1) The eye protective device will be worn at all times by students in chemistry labs.
- 2) The eye protective device will be worn by all students in all other laboratory situations where:
  - a. The heating of solutions is part of the lab.
  - b. The handling of acids or caustic solutions is part of the lab.
  - c. Cutting, bending, or breaking of glass tubing or plate is part of the lab.
- 3) All teachers will wear eye protective devices in any situation where:
  - a. Any of the above situations are being demonstrated by a teacher for a class.
  - b. A teacher is supervising a class participating in any of the above activities.

Any exceptions to the Regulations for Specific Areas will require approval of the Building Principal.

## Instruction

**SUBJECT: CHILDREN'S INTERNET PROTECTION ACT: INTERNET CONTENT  
FILTERING/SAFETY GUIDELINES**

Internet access on the District's computer system is provided for staff and students as a means to enhance the educational mission and instructional programs of the School System, to further District goals and objectives, and to conduct research and communicate with others. In accordance with such educational mission and the instructional goals and objectives of the District, technology protection measures (i.e., filtering or blocking of access to certain material on the Internet) will be utilized on all District computers with Internet access to ensure the integrity of educational services and to address safety concerns regarding the online activities of minors. In accordance with The Children's Internet Protection Act (CIPA), the term "minor" shall mean any individual who has not attained the age of seventeen (17) years.

Consequently, the District, unless an authorized "override" (i.e., disabling of the blocking or filtering measure) is permitted as enumerated below, will block or filter Internet access for **both minors and adults** to visual depictions that are:

- 1) Obscene (as defined pursuant to CIPA and other applicable laws/regulations as may be appropriate);
- 2) Child pornography (as defined pursuant to CIPA and other applicable laws/regulations as may be appropriate);
- 3) For computers used by minors with Internet access, are harmful to minors. The term "harmful to minors" is defined, pursuant to CIPA, as any picture, image, graphic image file, or other visual depiction that:
  - a. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
  - b. Depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
  - c. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

In addition, the District will monitor, as deemed appropriate by the applicable building/program administrator and/or classroom teacher, access by minors to "inappropriate matter" on the Internet and World Wide Web. Per CIPA, the District is authorized to filter or block Internet access to other material determined to be inappropriate for minors. The determination of what is "inappropriate" for

(Continued)

## Instruction

**SUBJECT: CHILDREN'S INTERNET PROTECTION ACT: INTERNET CONTENT  
FILTERING/SAFETY GUIDELINES (Cont'd.)**

minors shall be made in accordance with District guidelines and, as appropriate, on a case-by-case determination depending upon the factors such as the age of the student, the material involved, and the educational purpose/research for which such material is utilized.

Further, in order to help ensure the safety and security of minors when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications, appropriate supervision will be provided by a classroom teacher and/or other appropriate District personnel; and notification will be given to minors regarding the prohibition as to unauthorized disclosure, use and dissemination of personal identification information regarding such students. Students will also be informed regarding unauthorized access to District computers and the Internet, including so-called "hacking," and other unlawful activities by minors online.

In accordance with New York State Education Law, the School District may provide, to students in grades kindergarten through twelve (12), instruction designed to promote the proper and safe use of the internet. The Commissioner shall provide technical assistance to assist in the development of curricula for such course of study which shall be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness, skills, information and support to aid in the safe usage of the internet.

In furtherance of the District's educational mission to enact safety measures to protect students when online, the District has adopted and will enforce its Internet Safety Policy that includes the operation of technology protection measure(s) with respect to any of its computers with Internet access as mandated by CIPA and also in accordance with the District's Acceptable Use Policies and Regulations. The District shall enforce the operation of such technology protection measure(s) during any use of District computers in accordance with CIPA and applicable Board policies and building procedures.

Furthermore, in accordance with law, the District Technology Coordinator may access all staff and student files, e-mail, and electronic storage areas to ensure system integrity and that users are complying with the requirements of CIPA and District policy and procedures. Additionally, dissemination and/or publication of the District's Acceptable Use Policy and Regulation will be utilized as one means to further ensure the implementation of safety measures and appropriate notification to staff and students as to acceptable, as well as prohibited, conduct when using District computers or accessing the Internet on such computers. The standards of acceptable use as well as prohibited conduct by staff and students when accessing District computers and the Internet, as outlined in the District's technology policies, are not intended to be all-inclusive. Staff and students who commit an act of misconduct which is not specifically addressed in District policy and/or regulation may also be subject to disciplinary action in accordance with law, the District Code of Conduct, and/or the applicable collective bargaining agreement. Legal action may also be initiated as deemed necessary by the Superintendent/designee.

(Continued)

## Instruction

**SUBJECT: CHILDREN'S INTERNET PROTECTION ACT: INTERNET CONTENT  
FILTERING/SAFETY GUIDELINES (Cont'd.)**

However, no filtering or blocking technology has a one hundred percent (100%) guarantee that all sites accessed by staff and students are immediately filtered in compliance with law and District procedures. Consequently, if District personnel and/or students find an accessed site that is questionable, the procedure is to contact the appropriate supervisor/teacher who will notify the Superintendent/designee. The Superintendent/designee will contact, as appropriate, the service/software provider and/or the District Technology Coordinator.

## Instruction

**SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS OR STUDENTS  
WITH LIMITED ENGLISH PROFICIENCY**

A student who by reason of foreign birth or ancestry speaks a language other than English, and scores at or below the fortieth percentile on an English language instrument approved by the Commissioner, is to be classified as an English Language Learner/Limited English Proficient student ELL/LEP.

**District Responsibilities**

In attempting to ensure that students who are ELL/LEP receive appropriate schooling in English and curriculum areas, the Port Byron Central School District shall:

- 1) In accordance with Part 117 of the Commissioner's Regulations, within two weeks of enrollment diagnostically screen every new entrant and reentrant with no available record of prior screening to determine whether they are possibly ELL/LEP in accordance with Section 3204 (2-a) of the Education Law. It will also be determined through such screening whether the student is of foreign birth or ancestry and comes from a home where language other than English is spoken as determined by the results of a home language questionnaire and an informal interview in English;
- 2) Ensure that ELL/LEP students suspected of having a disability are referred to the CSE and that a bilingual multidisciplinary assessment is conducted before the CSE identifies an ELL/LEP student as having a disability;
- 3) Ensure that students diagnostically determined to be ELL/LEP are annually evaluated. Such evaluation will include evaluation of each student's performance in content areas to measure the student's progress;
- 4) Ensure that all ELL/LEP students have access to appropriate instructional and support services, including guidance programs;
- 5) Ensure that all ELL/LEP students have equal opportunities to participate in all school programs and extracurricular activities as non-ELL/LEP students;
- 6) Annually provide the Commissioner with the following documents, in the form and by the dates prescribed by the Commissioner:
  - a. Results of the annual evaluation of ELL/LEP students, including test data and any additional data required by the Commissioner;

(Continued)

## Instruction

**SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS OR STUDENTS  
WITH LIMITED ENGLISH PROFICIENCY (Cont'd.)**

- b. An assurance:
  - (1) Of access to appropriate instructional and support services for ELL/LEP students, including guidance programs;
  - (2) That each ELL/LEP student has equal opportunities to participate in all school programs and extracurricular activities as non-LEP students;
  - (3) That the minimum ESL and ELA requirements for the freestanding ESL programs are adhered to;
  - (4) That the minimum English as a Second Language (ESL), English Language Arts (ELA) and Native Language Arts (NLA) requirements prescribed for bilingual education programs are adhered to;
  - (5) That teachers in the District's free-standing ESL and bilingual education programs are appropriately certified;
  - (6) The District will comply with the requirements of Commissioner's Regulations and the provisions of the Education Law governing programs for ELL/LEP students;
  - (7) That programs for ELL/LEP students will be administered in accordance with applicable federal and state law and regulations and the District's comprehensive plan;
- c. A report by building of the number of students identified as being limited English proficient in the preceding year, including their grade level, native language and instructional program;
- d. A report by building of the number of ELL/LEP students served in the preceding year, including their grade level, native language and instructional program;
- e. A report by building of the number and qualifications of teachers and support personnel providing services to ELL/LEP students;
- f. A fiscal report containing such data concerning the preceding school year as may be required by the Commissioner; and

(Continued)

## Instruction

**SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS OR STUDENTS WITH LIMITED ENGLISH PROFICIENCY (Cont'd.)**

- g. Beginning in July 2008 and annually thereafter, a report on the expenditure of state, local and federal funds in the prior year on programs, activities and services for ELL/LEP students.

**ELL/LEP Instruction**Bilingual Education Program

Should twenty (20) or more ELL/LEP students with the same native language at the same grade level be assigned to the same school building in the District, such students shall be provided with a bilingual program. Such program shall be composed of:

- 1) English as a second language (ESL) instruction which emphasizes understanding, listening, speaking, reading, writing, and communicating skills in English;
- 2) Course content instruction in both English and the native language; and
- 3) Native language arts instruction which emphasizes communication skills in the student's home language.

Free-standing English as a Second Language Instruction

Should fewer than twenty (20) ELL/LEP students with the same native language at the same grade level all attend the same school building in the District, such students shall be provided either with a freestanding English as a Second Language (ESL) program, or a bilingual education program. Such program shall be composed of:

- 1) Instruction which emphasizes understanding, listening, speaking, reading, writing, and communicating skills in English; and
- 2) Course content area instruction using ESL methods.

Such program need not provide a native language arts component designed to develop skills in the native language.

The District reserves the right to contract with a Board of Cooperative Educational Services (BOCES) or another school district to provide bilingual and/or ESL programs.

(Continued)

## Instruction

**SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS OR STUDENTS  
WITH LIMITED ENGLISH PROFICIENCY (Cont'd.)****Parental Notification**

The District will distribute to the parents or other persons in parental relation to ELL/LEP students, school-related information in English and the language they understand. Such parental information will also be provided for those educational services and/or notices mandated by No Child Left Behind (NCLB).

- 1) For new school entrants designated as ELL/LEP, the parent(s)/person(s) in parental relation shall be provided an orientation session on the state standards, assessments, school expectations and general program requirements for the bilingual education program and the free-standing English as a second language program. This orientation shall take place within the first semester of the child's enrollment in school and, when needed, shall be provided in the first language of the pupil's parent(s)/person(s) in parental relation.
- 2) Appropriate District personnel shall make an effort to meet at least twice a year with all parent(s)/person(s) in parental relation of ELL/LEP students to help them understand the goals of the program and how they might help their children.
- 3) Notice to parents will be provided no later than thirty (30) days after the beginning of the school year, or within two (2) weeks after enrollment for students newly identified after the beginning of the school year. The notice will be in a language that the parent can understand as well as English, and will:
  - a. State the reasons for identifying the student as limited English proficient,
  - b. Describe the student's level of proficiency and how the District determined that level,
  - c. Include information about the student's overall academic achievement,
  - d. Explain the instruction methods used in the student's ELL/LEP program compared to methods used in other available programs and how these methods meet the student's educational strengths and needs,
  - e. Describe how the program will specifically help the student learn English and meet age-appropriate academic achievement standards for grade promotion and graduation,
  - f. Describe how students transition from the ELL/LEP program into the regular classroom including specific exit requirements, transition rates, and secondary school graduation rates,

(Continued)



## Instruction

**SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS OR STUDENTS WITH LIMITED ENGLISH PROFICIENCY (Cont'd.)**

- g. In the case of a child with a disability, describe how the program meets the objectives of the child's IEP, and
- h. Explain parental right to remove their child from the ELL/LEP program, to choose an alternative program, and to get help in choosing a program. Parents have the option to withdraw their child/children only from a bilingual program provided that they meet with the school Principal along with the school or District supervisor of bilingual education to discuss and explain further the nature, purposes and educational values of the program and the skills required of personnel. At a minimum such student shall participate in a free-standing English as a second language program. Parents do not have the option to withdraw their child/children from an English as a second language program.

If the school building the student attends is unable to offer a bilingual education program due to an insufficient number of ELL/LEP students attending that school, the parent has the option to transfer the student to a school within the District that offers a bilingual program. If the parent chooses not to exercise the transfer option they will be informed that the student will participate in a free-standing ESL program.

**Support Services**

The District shall provide appropriate support services to students who are participating in either bilingual or freestanding ESL programs in order for such students to achieve and maintain a satisfactory level of academic performance. Such services may include, but need not be limited to, individual counseling, group counseling, home visits and parent/guardian counseling. Where appropriate, such services shall be provided in the first language of the student and the student's parent(s)/person(s) in parental relation.

**Transitional Services**

The District shall ensure a transition for former ELL/LEP students who are transferring from a bilingual or freestanding ESL program into an English mainstream program. Transitional services shall be provided for the first year after such students are placed in the English mainstream instructional program.

**In-Service Training**

The District shall provide in-service training to all personnel providing instruction or other services to ELL/LEP students in order to enhance staff appreciation for such students' native languages and cultures and their ability to provide appropriate instructional and support services.

(Continued)

**SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS OR STUDENTS  
WITH LIMITED ENGLISH PROFICIENCY (Cont'd.)**

**Services to ELL/LEP Students With Disabilities**

If a student's score on an English language assessment instrument approved by the Commissioner of Education is the result of a disability, the student shall be provided special education programs and services in accordance with the individualized education program (IEP) developed for such student(s). Such student shall also be eligible for all services described above, if such services are recommended in his/her IEP. These students will be counted as ELL/LEP students as well as students with a disability for purposes of calculating State aid.

**SUBJECT: INSTRUCTIONAL MATERIALS SELECTION CRITERIA****School Library/Library Media Center**

A school library/library media center shall be established and maintained in each school. The library in each elementary and secondary school shall meet the needs of the pupils, and shall provide an adequate complement to the instructional program in the various areas of the curriculum.

- 1) For secondary schools in which the average daily attendance is fewer than two hundred (200) pupils:
  - a. The library/library media center of a junior high school shall contain at least one thousand (1,000) titles;
  - b. The library/library media center of a high school shall contain at least one thousand (1,000) titles; and
  - c. The library/library media center of a junior-senior high school shall contain at least two thousand (2,000) titles.
- 2) The library/library media center of a secondary school in which the average daily attendance is more than two hundred (200) but fewer than five hundred (500) pupils shall contain at least three thousand (3,000) titles.
- 3) The library/library media center of a secondary school in which the average daily attendance is more than five hundred (500) but fewer than one thousand (1,000) shall contain at least five thousand (5,000) titles.
- 4) The library/library media center of a secondary school in which the average daily attendance is more than one thousand (1,000) pupils shall contain at least eight thousand (8,000) titles.

**Objectives of Evaluation and Selection**

The intense proliferation, broad range, and varying suitability of all forms of instructional materials which are available for purchase, demand careful evaluation before they are selected for use in the Port Byron Central School District. The primary objectives of our school library/media centers is to implement, enrich, and support the instructional program of our schools through selection of a wide range of materials, on all levels of difficulty, with diversity of appeal and presenting differing points of view. Likewise, the selection of any instructional materials which will be used in the Port Byron Central School District should be based upon the same criteria and evaluation procedures, as outlined in the selection policy and regulation.

(Continued)

## Instruction

**SUBJECT: INSTRUCTIONAL MATERIALS SELECTION CRITERIA (Cont'd.)**

Instructional materials as used in this regulation include all print and non-print materials used both in the classroom and library/media center to facilitate the learning process. This includes textbooks, workbooks, literature books, story books, charts, films, film loops, filmstrips, games, globes, kits, maps, model, microforms, pamphlets, pictures, recordings, slides, specimens, transparencies, videotapes, and the like. (No attempt is made to present specific criteria for the Board media of communications such as magazines and newspapers. However, evaluative sources such as the American Library Association's Periodicals for School Libraries are consulted before magazine or newspaper subscriptions are placed.)

We reaffirm and endorse the tenets of the School Library Bill of Rights of the American Association of School Libraries, which states that it is the responsibility of the library media center, and of all teachers to their students to:

- 1) Provide materials that will enrich and support the curriculum, taking into consideration the varied interests, abilities and maturity levels of the students served.
- 2) Provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards.
- 3) Provide materials on opposing sides of controversial issues so that young citizens may develop under guidance the practice of critical thinking and analysis of all media.
- 4) Provide materials representative of the many religious and cultural groups and their contributions to our American heritage.
- 5) Place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assume a comprehensive collection appropriate for the users of the Library Media Center.

**Responsibility for Selection of Materials**

The Board of Education is legally responsible for all matters relating to the operation of the Port Byron Central School District. While the legal responsibility for the purchase of all instructional materials is vested in the Board of Education, the responsibility for the selection of instructional materials is delegated through the Superintendent to the professionally trained personnel employed by the District.

Each School District shall employ a certified school Library Media Specialist, unless equivalent service is provided by an alternative arrangement approved by the Commissioner, in accordance with the following standards:

(Continued)

## Instruction

**SUBJECT: INSTRUCTIONAL MATERIALS SELECTION CRITERIA (Cont'd.)**

- 1) In a secondary school with an enrollment of not more than one hundred (100) pupils, a certified school Library Media Specialist should devote at least one school period each day to school library work.
- 2) In a secondary school with an enrollment of more than one hundred (100) but not more than three hundred (300) pupils, a certified school Library Media Specialist shall devote at least two school periods each day to school library work.
- 3) In a secondary school with an enrollment of more than three hundred (300) but not more than five hundred (500) pupils, a certified school Library Media Specialist shall devote at least one half of each school day to school library work.
- 4) In a secondary school with an enrollment of more than five hundred (500) but not more than seven hundred (700) pupils, a certified school Library Media Specialist shall devote at least five school periods each day to school library work.
- 5) In a secondary school with an enrollment of more than seven hundred (700) but less than one thousand (1000) pupils, a certified school Library Media Specialist shall devote the entire school day to school library work.
- 6) One additional full-time assistant certified school Library Media Specialist shall be employed in each secondary school for each additional one thousand (1000) pupils enrolled in such school.

The School Library Media Specialists have been charged with the responsibility of identifying, ordering, and organizing materials for the Library Media Centers which will implement, enrich, and support the educational programs of the school and will meet the needs, interests, goals, concerns, and abilities of the individual students.

The Curriculum Coordinators/Department Heads and teachers have been charged with the responsibility of identifying, ordering and organizing those materials (both print and non-print) which, in their professional opinion, will best facilitate the accomplishment of the goals and objectives of the Port Byron Central School District's curriculum. The District shall ensure that special education teachers will be included in the review of possible new material.

In carrying out their responsibilities, the school Library Media Specialist and instructional staff involve students, supervisors, administrators, the Board of Education and the community in the evaluation and selection process.

(Continued)

**SUBJECT: INSTRUCTIONAL MATERIALS SELECTION CRITERIA (Cont'd.)****Criteria for Evaluation and Selection of Instructional Materials**

The needs of the individual school, based upon knowledge of the curriculum and of the existing collection, as well as the requests of teachers, students and administrators are given primary consideration.

The needs of the individual student, especially as regards diversity of learning styles, and varying levels of ability, are also taken into consideration, and materials are selected to meet the needs of a diverse student population.

Each School District has the option of participating in the National Instructional Materials Access Center (NIMAC). Whether a district does or does not participate in NIMAC, the district will be responsible to ensure that each student who requires instructional materials in an alternate format will receive it in a timely manner and in a format that meets NIMAS standards (8 NYCRR Section 200.2(b)(10)). The NYS Education Department (NYSED) recommends that school districts choose to participate in NIMAC, because this national effort to centralize the distribution of instructional materials in alternate formats will help guarantee timely provision of such materials to students.

For school districts, Boards of Cooperative Educational Services (BOCES), State-operated schools, State-supported schools and approved private schools that choose to participate in NIMAC, **contracts with publishers executed on and after December 3, 2006** for textbooks and other printed core materials *must* include a provision that requires the publisher to produce NIMAS files and send them to the NIMAC (this will not add any cost to the contract).

For more information regarding NIMAC including model contract language, Steps for Coordinating with NIMAC and an IDEA Part B Assurances Application please see <http://www.vesid.nysed.gov/specialed/publications/persprep/NIMAS.pdf>.

Each title or item is judged as a whole work, on its individual merits and curricular needs. Judgments should be based upon the entire work, and not upon vulnerable minor episodes and parts of work. An item may be purchased if it is the most appropriate title to fit a given need, even if its rating is not high in all categories.

Both print and non-print materials are evaluated on the basis of:

- 1) Educational significance and importance of the subject matter.
- 2) Need and value to the collection for which the material is being evaluated.

(Continued)

**SUBJECT: INSTRUCTIONAL MATERIALS SELECTION CRITERIA (Cont'd.)**

- 3) Authoritativeness.
- 4) Reputation of the publisher or producer.
- 5) Reputation and the significance of the author/artist composer, etc.
- 6) Clarity, adequacy, and scope of the text or audio-visual presentation.
- 7) Validity, factual accuracy, objectivity, and timeliness or permanence of the text or audio-visual presentation.
- 8) Organization and presentation of contents.
- 9) Specific needs and objectives of the curriculum.
- 10) Appropriateness to a particular reading level.
- 11) Point of view, including unbiased treatment of minorities, ideologies, sex roles, etc.
- 12) High degree of readability and/or comprehensibility.
- 13) Potential user appeal.
- 14) Artistic quality and/or literary style.
- 15) Format and quality of materials.
- 16) Value commensurate with cost and/or need.

**Procedures for Evaluation and Selection**Library Media Centers

In selecting materials for purchase, the Library Media Specialist evaluates the existing collection and consults:

- 1) Reputable, unbiased, professionally prepared selection aids.
- 2) Specialists from all departments and/or all grade levels. However, the Library Media Specialist is not necessarily required to have read, listened to, or previewed every item selected.

(Continued)

## Instruction

**SUBJECT: INSTRUCTIONAL MATERIALS SELECTION CRITERIA (Cont'd.)**

In specific areas, these procedures are followed:

- 1) Free and inexpensive materials, as well as gift materials are judged by basic selection standards, and are accepted or rejected on the basis of these standards.
- 2) Multiple items of outstanding and much in demand media are purchased as needed.
- 3) Out of date or no longer useful materials are withdrawn from the collection and disposed of.
- 4) Sets of materials, and materials acquired by subscription are examined carefully, and are purchased only to fill a definite need.
- 5) Each item in a set or series is judged on its individual merits.

**Instructional Materials**

In requesting instructional materials for classroom use, the following procedure will be followed:

- 1) The teacher will complete the appropriate request and evaluation form for each recommendation.
- 2) Requests are routed from the teacher through appropriate channels.
- 3) The request and evaluation form along with a copy of the instructional material will be submitted to the Board of Education.
- 4) The Board of Education will act upon the request as soon as possible following the date of the teacher request.
- 5) Affected personnel will be informed of the Board of Education action as soon as possible following the Board of Education meeting.
- 6) The instructional material will be ordered through the channel that will supply the material in the shortest time and at least expense. Preference will be given to those vendors who agree to provide instructional materials in alternative formats.

(Continued)



**SUBJECT: INSTRUCTIONAL MATERIALS SELECTION CRITERIA (Cont'd.)****Student Use of Calculators**

The District can require students to provide their own "supplies" (defined as something which is consumed in use, loses its appearance and shape in use, expendable, and inexpensive). Examples include pencils, pens, paper, etc. Calculators do not fall into this category and must be considered like classroom teaching materials for which the District is authorized to levy a tax. In addition, the District may purchase, but must still provide, calculators even under a contingent budget.

As the New York State Education Department requires the use of calculators for intermediate and high school level mathematics and science assessments and are considered a necessary part of the educational program, the District must provide them. Under no circumstances should students be charged for a calculator or be otherwise required to purchase one in order to participate in the District's educational program.

NOTE: Refer also to Regulation #5410R -- Purchasing: Vendor Business Guidelines

## Instruction

**SUBJECT: OBJECTION TO INSTRUCTIONAL MATERIALS**

Complaints must be submitted in writing to the Superintendent/Building Principal on the Citizen's Request for Re-Evaluation of Instructional Materials (Form #8330F) provided for this purpose by the Port Byron Central School District or in a signed statement containing the following information:

- 1) Name and address of the complainant, if acting as an individual.
- 2) If complaint is made by an organization, the name and address of the individual complainant and of the organization he/she represents and a statement of the complainant's position in the organization.
- 3) Title, author, publisher, copyright date, and page(s) on which the alleged unsuitable material appears.
- 4) Quotations of the alleged unsuitable material with a clear statement of the writer's objections to the material.

Upon receipt of the complaint form, the Building Principal (who will notify the Superintendent of such complaint if the Superintendent has not previously received the information) will review the complaint with the school librarian and/or resource staff members and submit his/her findings and disposition in writing to the complainant. A copy of such findings will be sent to the Superintendent of Schools. Until a decision has been made, the book or materials shall remain in circulation.

Appeal by the complainant as a result of the decision by the Building Principal will be submitted in writing to the Superintendent of Schools. The Superintendent shall appoint a Special Review Committee composed of the school librarian, at least three (3) professional staff competent in the questioned field, and three (3) District residents. The Special Review Committee in its determinations will consider the source, purpose, and use of the material in question. After due deliberation, the Special Review Committee shall submit necessary data and/or materials and a report of its findings in writing to the Superintendent of Schools. The report need not be unanimous and may be composed of separate majority and minority reports. Appeals from this recommendation submitted by the Special Review Committee may be made through the Superintendent of Schools to the Board of Education.

**PORT BYRON CENTRAL SCHOOL DISTRICT  
CITIZEN'S REQUEST FOR RE-EVALUATION OF INSTRUCTIONAL MATERIALS**

Name \_\_\_\_\_

Address \_\_\_\_\_ Telephone \_\_\_\_\_

**REPRESENTING**

Self \_\_\_\_\_ Organization or group \_\_\_\_\_  
(Name)

**MATERIAL QUESTIONED**

**BOOK** Author \_\_\_\_\_ Hardcover \_\_\_\_\_ Paperback \_\_\_\_\_

Title \_\_\_\_\_ Publisher (if known) \_\_\_\_\_

**OTHER MATERIAL:** Kind of Media \_\_\_\_\_  
(film, filmstrip, record, etc.)

Please respond to the following questions. If sufficient space is not provided, please use additional sheets of paper.

1) Have you seen or read this material in its entirety? \_\_\_\_\_

If not, what parts have you seen or read? \_\_\_\_\_

2) To what do you object? Please cite specific passages, pages, etc. \_\_\_\_\_

\_\_\_\_\_

3) What do you believe is the main idea of this material? \_\_\_\_\_

\_\_\_\_\_

4) What do you feel might result from use of this material? \_\_\_\_\_

\_\_\_\_\_

5) What reviews of this material have you read? \_\_\_\_\_

6) For what other age group might this be suitable? \_\_\_\_\_

7) What action do you recommend that the school take on this material? \_\_\_\_\_

\_\_\_\_\_

8) In its place, what material do you recommend that would provide adequate information on the subject? \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

## Instruction

**SUBJECT: CONTROVERSIAL ISSUES**

- 1) Opportunities should be provided within the instructional program to study controversial issues under competent guidance. At all grade levels these opportunities should be provided students according to their maturity.
- 2) The study of controversial issues should at all times be objective and scholarly with a minimum emphasis on opinion. The teacher must approach the issue in an impartial and unprejudicial manner and must refrain from using the classroom to promote a partisan point of view. All sides to any issue should be presented.
- 3) Planning for the teaching of any controversial issue must be carried out with the acknowledgment of the building administrator as to the topic, materials used, guest speakers, etc. The administrator, being informed, is better able to support the teacher and the instruction regarding concerns, questions, and/or challenges to what is being attempted.

Students and/or parents/guardians are to be informed before beginning a planned unit of study which may be controversial in nature.

The intent of this regulation in no way implies that a spontaneous discussion of an issue can not be held when the occasion arises.

- 4) In discussing controversial issues, the teacher should keep in mind that the classroom is a forum and not a committee for producing resolutions or solutions. The class should feel no responsibility for reaching an agreement.
- 5) The consideration of any issue should require only as much time as is needed for satisfactory study by the class, but sufficient time should be provided to cover the issue adequately.
- 6) It is the teacher's responsibility to bring out the facts concerning controversial questions. He/she has the right to express an opinion, but in doing so it is important that students understand it is his/her opinion and is not to be accepted by them as an authoritative answer.
- 7) Any criticism and/or challenge to the teaching of a controversial issue is to be handled by the Building Principal with the teacher involved. If the complaint includes a challenge to instructional materials, the procedure for requesting reconsideration of library or instructional materials may be initiated.

## Instruction

**SUBJECT: TEXTBOOK SELECTION AND ADOPTION****Overview**

The textbook is an important instructional tool. It provides a common body of subject matter material designed to implement an approved course of study. All instructional materials, including textbooks, will be made available in a usable alternative format for each student with a disability at the same time as such materials are available to non-disabled students. The alternative format must meet the National Instructional Materials Accessibility Standard (NIMAS) defined in federal law.

**Procedure**

- 1) Requests for a new or supplementary textbook may originate with the individual teacher, administrator, department or grade level.
- 2) Requests for a change or addition in textbook material together with justification are to be directed to the Building Principal for review. If the request is approved by the Building Principal, the Selection Process as outlined will be used.

**Selection Process**

- 1) As curriculum is under constant review and change, concurrent studies should be conducted to find and to select the necessary texts and other instructional materials to support that curriculum.
- 2) When needs are defined, the securing of sample texts and related material from various sources is an important first step in the selection process.
- 3) Every effort should be made to utilize a selection committee. Teachers from related fields, reading and library specialists, and building administrators are other appropriate sources for committee membership.
- 4) An evaluation form is available for use in the review of textbooks.

**Approval**

A requisition describing the selected material is to be submitted to the Building Principal for approval.

The requisition is then submitted to the District Office for consideration in formulating a proposed budget. As required by law, any textbook being requisitioned that supersedes one that has been in use for a period of less than five (5) years must be approved by a three-fourths vote of the Board of Education.

## Instruction

**SUBJECT: LOAN OF INSTRUCTIONAL COMPUTER HARDWARE**

The School District shall loan, upon request of an individual or a group of individual students, to all students legally attending nonpublic elementary or secondary schools located in the School District, instructional computer hardware which is designated for use in any public elementary or secondary schools of the State or is approved by any school authorities as such term is defined in Education Law Section 2(12). Such instructional computer hardware is to be loaned free to such children, commencing with the 2007-2008 school year, subject to such rules and regulations as are or may be prescribed by the Board of Regents and school authorities.

The School District shall not be required to loan instructional computer hardware to nonpublic school students in excess of the instructional computer hardware acquired pursuant to Education Law Section 753. Instructional computer hardware shall be loaned on an equitable basis to children attending nonpublic schools in the District and to students with disabilities residing in the District who attend programs under the provisions of Education Law Sections 4401(2)(c), 4401(2)(e), 4401(2)(g), 4401(2)(i), and 4401(2)(l). However, the School District shall not be required to loan to children attending nonpublic schools in the District, or to such students with disabilities, instructional computer hardware purchased with local or federal funds or with State funds, other than Instructional Computer Hardware Aid funds.

Such instructional computer hardware shall be required for use as a learning aid in a particular class or program. Instructional computer hardware containing computer software programs which are religious in nature or content shall not be purchased or loaned by the School District.

Instructional computer hardware shall be loaned upon the individual written request of nonpublic school students, but such requests shall not be required of students attending public school districts. Requests may be presented directly to the lending District or, with the consent of the lending District, to an appropriate official of the nonpublic school which the student attends. The form of request used by a lending District may provide for a guarantee by a parent or guardian for the return of such hardware or, in the case of loss or damage, for payment of the value thereof.

School authorities shall adopt regulations specifying the date by which written requests for the purchase and loan of instructional computer hardware must be received by the District. Notice of the date shall be given to all nonpublic schools in the School District. Such date shall not be earlier than the first day of June of the school year prior to that for which such instructional computer hardware is being requested. For a child not attending a nonpublic school prior to June first, the parent/guardian may submit a written request for instructional computer hardware within thirty (30) days after such child is enrolled in the nonpublic school. In no event, however, shall a request made later than the times otherwise provided pursuant to Education Law Section 754 be denied where a reasonable explanation is given for the delay in making the request.

(Continued)

**SUBJECT: LOAN OF INSTRUCTIONAL COMPUTER HARDWARE (Cont'd.)**

The District has established a date by which such requests for the purchase and loan of instructional computer hardware must be received by the District unless otherwise authorized in accordance with law and Commissioner's Regulations.

Such instructional computer hardware shall remain the property of the lending District and shall bear an identifying label. The school authorities of each District shall establish lending procedures which apply to students in public and nonpublic schools, and shall inform the authorities of such schools of these procedures.

**Instructional Computer Hardware and Technology Equipment Apportionment**

The School District shall be eligible for an apportionment under the provisions of Education Law Section 753 for approved expenses for:

- 1) The purchase or lease of micro and/or mini computer equipment or terminals for instructional purposes; or
- 2) Technology equipment with a useful life used in conjunction with or in support of educational programs including but not limited to video, solar energy, robotic, satellite, laser and such other equipment as the Commissioner of Education shall approve; or
- 3) The repair of such equipment and training/staff development for instructional purposes.

(NOTE: Computer hardware expenses incurred for instructional purposes and eligible for State Aid pursuant to Education Law Section 3602(26) are defined in 8 NYCRR Section 175.25.)

Such aid shall be provided pursuant to the Instructional Computer Technology Plan developed by the District which specifies requirements for each School District's Technology Plan, including an assurance of the Superintendent of Schools, in a form prescribed by the Commissioner of Education, that the School District has provided for the loan of instructional computer hardware to students legally attending nonpublic schools pursuant to Education Law Section 754.

The School District shall not be required to purchase or otherwise acquire instructional computer hardware or technology equipment, the cost of which exceeds the amount of state aid provided pursuant to Education Law Section 753.

Expenses aided pursuant to Section 753 shall not be eligible for aid pursuant to any other provision of Education Law.

(Continued)

## Instruction

**SUBJECT: LOAN OF INSTRUCTIONAL COMPUTER HARDWARE (Cont'd.)**

The School District shall maintain a separate record of expenditures incurred from State aid received pursuant to Education Law Section 753 and the Rules of the Board of Regents Section 21.3.

**Instructional Computer Hardware**

Instructional computer hardware shall mean those items of equipment eligible for State aid pursuant to 8 NYCRR Section 175.25(b), including:

- 1) Mini-computers;
- 2) Microcomputers;
- 3) Peripheral devices, including printers, video display plotters, and desk storage units;
- 4) Telecommunications hardware, including modems;
- 5) Special hardware boards;
- 6) Cables;
- 7) Audio, video, touch-sensitive and other electronic to human machine interface hardware; and
- 8) Other such computer hardware that may be required for the operation of a computer-based instructional program. (Graphing or scientific calculators with a useful life and necessary to meet the State learning standards are considered other such computer hardware as may be required for the operation of a computer-based instructional program.)

Such instructional computer hardware shall remain the property of the lending District and shall bear an identifying label. The District has established lending procedures which apply to students in public and nonpublic schools, and shall inform the authorities of such schools of these procedures. The payment of tuition under Article 89 of the Education Law (relating to children with disabilities) is deemed to be an equitable loan to children for whom such tuition is paid, and the provisions of Section 21.3 of the Rules of the Board of Regents shall not apply.

All instructional computer hardware shall be returned to the official designated by the lending District as the custodian thereof upon the request of such official. The lending District may agree that such hardware may be stored upon the property of a nonpublic school, in which event the lending District shall furnish the nonpublic school with an inventory of the hardware loaned to the individual students attending such school, and the nonpublic school authorities shall advise the lending District of any hardware which has not been returned, with the name and last known address of the borrower.

(Continued)



## Instruction

**SUBJECT: LOAN OF INSTRUCTIONAL COMPUTER HARDWARE (Cont'd.)**

Instructional computer hardware shall be loaned free to all eligible students. No charges, except as provided for in Section 21.3(b)(3) (i.e., payment for loss or damage), may be levied against individual students, parents or schools for the cost of instructional computer hardware or for expenditures related to freight, postage, distribution, storage, recordkeeping or administration.

**Instructional Computer Technology Plans**

The School District has developed and maintains a plan, in a format prescribed by the Commissioner of Education, for the use of the instructional computer technology equipment.

The District's Instructional Computer Technology Plan includes:

- 1) A description of the number and type of instructional computer technologies to be used and how they will be applied to the overall K through 12 instructional program;
- 2) Provision for the maintenance and repair of equipment, consistent with the five-year capital assets preservation plan as provided for in Education Law Section 3602(6) and Commissioner's Regulations Section 155.1(a)(4);
- 3) Provision for staff development to demonstrate how classroom teachers will use instructional computer technology across the K through 12 curriculum; and
- 4) An assurance of the Superintendent of Schools, in a form prescribed by the Commissioner of Education, that the School District has provided for the loan of instructional computer hardware to students legally attending nonpublic schools pursuant to Education Law Section 754.

The District Plan may also provide for the School District's participation in any federal and State funded instructional technology initiatives, including but not limited to the universal service discount program pursuant to the Federal Telecommunications Act of 1996 and the Federal Technology Literacy Challenge Program.

**PORT BYRON CENTRAL SCHOOL DISTRICT  
TEXT ADOPTION FORM**

\_\_\_\_\_ Date \_\_\_\_\_ Department \_\_\_\_\_ Submitted by: \_\_\_\_\_

Current Text \_\_\_\_\_

Author(s) \_\_\_\_\_ Edition \_\_\_\_\_

Publishing Co. \_\_\_\_\_ Copyright \_\_\_\_\_

Proposed Text \_\_\_\_\_

Author(s) \_\_\_\_\_ Edition \_\_\_\_\_

Publishing Co. \_\_\_\_\_ Copyright \_\_\_\_\_

Readability Level \_\_\_\_\_

Grade level of targeted population \_\_\_\_\_ Approximate Number of Students \_\_\_\_\_

Cost of each text: \$ \_\_\_\_\_ Total Cost: \$ \_\_\_\_\_

Reasons for adoption of new text: (State the weaknesses of the current text and strengths of the new text. Also indicate what other texts were reviewed.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

List any auxiliary materials you plan to purchase along with the text. (Teacher's Manual, audiovisual aids, tests for duplication, workbooks, etc.). Indicate the expense involved for each and specify whether that expense is a one-time expense or annual.

Item _____	Cost _____	( ) Once	( ) Annual
Item _____	Cost _____	( ) Once	( ) Annual
Item _____	Cost _____	( ) Once	( ) Annual
Item _____	Cost _____	( ) Once	( ) Annual
Item _____	Cost _____	( ) Once	( ) Annual

Approval: Department Chairperson: \_\_\_\_\_

Building Principal: \_\_\_\_\_

Superintendent/Board: \_\_\_\_\_

## Instruction

**SUBJECT: FAIR USE OF COPYRIGHTED MATERIAL**

Pursuant to Section 107 of the Copyright Law (Fair Use provisions), the use of copyrighted material for criticism, comment, news reporting, teaching, scholarship, or research may be permitted under certain circumstances.

The following must be considered when applying the Fair Use provisions of the copyright law:

- 1) The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- 2) The nature of the copyrighted work;
- 3) The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and,
- 4) The effect of the use upon the potential market for or value of the copyrighted work.

These guidelines are not intended to define all possible practices that come within the standard of fair use but represent the minimum permissible standards of educational fair use under Section 107 of Title 17 of the United States Code.

It is advisable that written permission be obtained from the owners of the copyright before using any copyrighted material.

## Instruction

**SUBJECT: GUIDELINES FOR OFF-AIR RECORDING OF BROADCAST PROGRAMMING FOR EDUCATIONAL PURPOSES**

The purpose of these guidelines is to provide standards for both owners and users of copyrighted television programs. These guidelines apply only to off-air recording by non-profit education institutions.

- 1) A broadcast program may be recorded off the air simultaneously with broadcast transmission. The program may be retained for a period of forty-five (45) consecutive calendar days after the day of broadcast. Upon conclusion of this period, all off-air recordings must be erased or destroyed immediately.
- 2) During the first ten (10) consecutive school days the off-air recordings may be used once by individual teachers in the course of relevant teaching activities, and repeated once only when instructional reinforcement is necessary.
- 3) Off-air recordings may be made only at the request of and used by individual teachers. A program may be recorded only once for the same teacher.
- 4) A limited number of copies may be reproduced to meet the needs of all the teachers. Each copy shall be subject to the provisions governing the original recording.
- 5) After the first ten (10) consecutive days, off-air recordings may be used only for evaluation purposes; e.g., to determine curriculum needs and possible purchase of the recording.
- 6) An off-air recording need not be used in its entirety; however, alterations may not be made in the original recording.
- 7) All copies of the off-air recording must include the copyright notice from the broadcast program as recorded.
- 8) Educational institutions are expected to establish appropriate control procedures to maintain the integrity of these guidelines.

## Instruction

**SUBJECT: GUIDELINES FOR CLASSROOM COPYING****Allowed**

A single copy may be made, for a teacher's use to aid in teaching or preparing to teach, of the following:

- 1) A chapter from a book;
- 2) An article from a periodical or newspaper;
- 3) A short story, short essay or short poem;
- 4) A chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.

Multiple copies (not more than one (1) per student in the course) may be made if:

- 1) It is a poem of not more than two hundred fifty (250) words;
- 2) It is an excerpt from a longer poem, not to contain more than two hundred fifty (250) words;
- 3) It is an article, story or essay of less than twenty-five hundred (2500) words;
- 4) It is an excerpt from any prose work not to exceed one thousand (1000) words or ten percent (10%) of the complete work, whichever is less;
- 5) It is one (1) chart, graph, diagram, drawing, cartoon or picture per book or periodical issue;
- 6) The copying is at the instance and inspiration of the individual teacher, and the inspiration and decision to use the work and the moment that it is to be used are so close together in time that permission for use would not be received in time;
- 7) The copying of material is for one (1) course in the school in which the copies are made;
- 8) It is not more than one (1) short poem, article, story, essay or two (2) excerpts from the same author, nor more than three (3) works from the same collective works;
- 9) It does not exceed nine (9) instances of such multiple copying for one (1) course during one (1) class term.

(Continued)

**SUBJECT: GUIDELINES FOR CLASSROOM COPYING (Cont'd.)****Not Allowed**

A teacher or other staff member may not copy:

- 1) To create or replace or substitute for anthologies, compilations or collective works;
- 2) Works that are termed "consumable" such as workbooks, exercises, tests, and answer sheets;
- 3) To substitute for the purchase of books, publishers' reprints, or periodicals;
- 4) Materials in violation of the copyright law, even if directed by higher authority;
- 5) If it is the same item by the same teacher from term to term;
- 6) If students are charged more than the actual cost of the copying;
- 7) Without including the copyright notice.

## Instruction

**SUBJECT: GUIDELINES FOR EDUCATIONAL USES OF MUSIC****Allowed**

- 1) Only emergency copies may be made to replace lost or damaged purchased copies to be used at a performance when a purchased replacement would not arrive on time. This may be done provided a replacement copy is purchased in due course.
- 2) Sheet music may not be copied unless the music is on order and has not yet been received by the teacher. Any copies must be destroyed once the purchased materials are received.
- 3) Printed copies which have been purchased may be edited or simplified provided that the fundamental character of the work is not changed or altered.
- 4) A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes. This may be retained by the institution or teacher.
- 5) A single copy of a sound recording (tape, disc or cassette) or copyrighted music may be made from sound recordings owned by an educational institution or individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or teacher.

**Not Allowed**

A teacher or other staff member may not:

- 1) Copy to create or replace or substitute for anthologies, compilations or collective works.
- 2) Copy works or from works intended to be "consumable" in the course of study or of teaching such as workbooks, exercises, standardized test answer sheets and similar material.
- 3) Copy for the purpose of performance.
- 4) Copy for the purpose of substituting for the purchase of music.
- 5) Copy without the inclusion of the copyright notice which appears on the printed copy.

## Instruction

**SUBJECT: GUIDELINES FOR AUDIOVISUAL MATERIALS****Allowed**

A teacher or other staff member may:

- 1) Create a slide or overhead transparency series from multiple sources as long as creation does not exceed ten percent (10%) of photographs in one source (books, magazine, filmstrips, etc.) unless the source forbids photographic reproduction.
- 2) Create a single overhead transparency from a single page of a "consumable" workbook.
- 3) Reproduce selected slides from a series as long as reproduction does not exceed ten percent (10%) of total nor excerpting "the essence."
- 4) Excerpt sections of a film for a local videotape (not to be shown over cable) if excerpting does not exceed ten percent (10%) of the total nor "the essence" of the work.
- 5) Copy stories or literary excerpts on tape and duplicate them as long as similar material is not available for sale.

**Not Allowed**

A teacher or other staff member may not:

- 1) Duplicate tapes unless reproduction rights were given at time of purchase.
- 2) Reproduce musical works or convert to another format (e.g., record to tape).
- 3) Reproduce commercial materials individually or in sets (including multimedia kits), if available for sale separately.
- 4) Reproduce any audiovisual work in its entirety for any purpose.
- 5) Convert one media format to another unless permission is secured, including reading a story onto cassette tape for reading motivation.



**SUBJECT: GUIDELINES FOR COMPUTER SOFTWARE****Allowed**

A teacher or other staff member may:

- 1) Create new copies if an essential step in the utilization of the computer program.
- 2) Create new copies for archival purposes only to be held in case the working copy is destroyed or no longer functions.

**Not Allowed**

A teacher or other staff member may not:

- 1) Create new copies while using a disk-sharing system.
- 2) Create replacement copies from an archival or back-up copy.
- 3) Load a copyrighted program into several computers or a network from the same diskette and use them at the same time.
- 4) Make multiple copies of the printed documents that accompany copyrighted software.
- 5) Use illegally copied software in the schools or offices.

## Instruction

**SUBJECT: OBTAINING PERMISSION TO USE COPYRIGHTED MATERIALS**

<u>Responsibility</u>	<u>Action</u>
User	1) a. Locates a source containing the desired material.  b. Submits information to the District's copyright officer on the Request For Obtaining Permission To Use Copyrighted Material (Form #8350F).
Copyright Officer	2) a. Determines by looking in the source if the publisher owns the copyright or attributes it to someone else.  b. Writes to the owner of the copyright for written permission to use the material (Letter to Permissions Department - Form #8350F.1).  Includes in the letter: <ol style="list-style-type: none"> <li>(1) Request for written permission to use the material.</li> <li>(2) Specific information related to the material to be used.</li> <li>(3) Nature of the publication or use in which the material will be included.</li> <li>(4) Number of editions of publication to be published (if applicable).</li> <li>(5) Number of copies to be printed.</li> <li>(6) Approximate length of time the publication will be in use.</li> <li>(7) People to whom publication will be distributed.</li> </ol>

(Continued)

## Instruction

**SUBJECT: OBTAINING PERMISSION TO USE COPYRIGHTED MATERIALS (Cont'd.)**

<u>Responsibility</u>	<u>Action</u>
Copyright Officer (Cont'd.)	(8) Price of publication or intention to distribute gratis.  (9) Request for the acknowledgment from the publisher.  (10) Date by which information is needed.
Publishing Company	3) Responds in writing, granting or denying permission to use copyrighted material.
Copyright Officer	4) After receiving response from the owner of the copyright, notifies user of decision.
User	5) a. If granted permission, uses the material requested as per conditions outlined in the request or according to conditions set forth by the publishing company granting permission.  b. If denied, does not use the material.

**PORT BYRON CENTRAL SCHOOL DISTRICT  
REQUEST FOR OBTAINING PERMISSION TO USE COPYRIGHTED MATERIAL**

TO: District's Copyright Officer

FROM: Name \_\_\_\_\_

School \_\_\_\_\_

Address \_\_\_\_\_

Department \_\_\_\_\_

I am seeking permission to use the following copyrighted material:

Title \_\_\_\_\_

Author \_\_\_\_\_

Publisher \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Copyright Date \_\_\_\_\_

Nature of publication or use in which the material will be included \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Number of editions of publication to be published (if applicable) \_\_\_\_\_

Number of copies to be printed or reproduced \_\_\_\_\_

Approximate length of time the publication will be in use \_\_\_\_\_

People to whom publication will be distributed \_\_\_\_\_

Price of Publication: \_\_\_\_\_ Distributed Free of Charge

\_\_\_\_\_ Fee Charged \$\_\_\_\_\_.

**PORT BYRON CENTRAL SCHOOL DISTRICT**  
30 Maple Avenue  
Port Byron, New York 13140

**LETTER TO PERMISSIONS DEPARTMENT**

TO: Permissions Department

We request permission to copy the following copyrighted materials:

Materials to be copied \_\_\_\_\_

Number of copies to be made \_\_\_\_\_

Number of editions of publication to be published (if applicable) \_\_\_\_\_

Copy medium \_\_\_\_\_

Intended use of copies \_\_\_\_\_

Anticipated date of first use \_\_\_\_\_

Intended distribution of copies \_\_\_\_\_

If we have not heard from you within forty-five (45) days, we shall assume that permission to duplicate has been granted.

Thank you for your cooperation. I am enclosing a copy of this request for your files with my signature and a self-addressed envelope for the return of the original request.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

**TO BE COMPLETED BY COPYRIGHT OWNER/PUBLISHER AND RETURNED TO THE ADDRESS ABOVE**

Title \_\_\_\_\_ Date \_\_\_\_\_

Permission granted [ ]

Permission denied [ ]

Conditions or details \_\_\_\_\_

\_\_\_\_\_  
Signature \_\_\_\_\_

## Instruction

**SUBJECT: RELIGIOUS EXPRESSION IN THE INSTRUCTIONAL PROGRAM**

These regulations have been developed to provide guidance to District staff and students regarding religious expression in the public schools. Guidance beyond the statements in these regulations may be found in four basic principles which would apply to the topic of teaching about religion in schools:

- 1) Is it constitutionally permissible;
- 2) Is it educationally sound;
- 3) Is it culturally sensitive; and
- 4) Is it age appropriate?

**Student Prayer and Religious Discussion**

The Establishment Clause of the First Amendment does not prohibit purely private religious speech by students. Students, therefore, have the same right to engage in individual or group prayer and religious discussion during the school day as they do to engage in other comparable activity. For example, students may read their Bibles or other scriptures, say grace before meals, and pray before tests to the same extent they may engage in comparable nondisruptive activities. School authorities possess substantial discretion to impose rules of order and other pedagogical restrictions on student activities, but they may not structure or administer such rules to discriminate against religious activity or speech.

Generally, students may pray in a nondisruptive manner when not engaged in school activities or instruction, and subject to the rules that normally pertain in the applicable setting. Specifically, students in informal settings, such as cafeterias and hallways, may pray and discuss their religious views with each other, subject to the same rules of order as apply to other student activities and speech. Students may also speak to, and attempt to persuade, their peers about religious topics just as they do with regard to political topics. School officials, however, should intercede to stop student speech that constitutes harassment aimed at a student or a group of students.

Students may also participate in before or after school events with religious content on the same terms as they may participate in other noncurriculum activities on school premises. School officials may neither discourage nor encourage participation in such an event.

The right to engage in voluntary prayer or religious discussion free from discrimination does not include the right to have a captive audience listen, or to compel other students to participate. Teachers and school administrators should ensure that no student is in any way coerced to participate in religious activity.

(Continued)

## Instruction

**SUBJECT: RELIGIOUS EXPRESSION IN THE INSTRUCTIONAL PROGRAM (Cont'd.)****Graduation Prayer and Baccalaureates**

Under current Supreme Court decisions, school officials may not mandate or organize prayer at graduation, nor organize religious baccalaureate ceremonies. If a school generally opens its facilities to private groups, it must make its facilities available on the same terms to organizers of privately sponsored religious baccalaureate services.

**Official Neutrality Regarding Religious Activity**

Teachers and school administrators, when acting in those capacities, are representatives of the state and are prohibited by the establishment clause from soliciting or encouraging religious activity, and from participating in such activity with students. Teachers and administrators also are prohibited from discouraging activity because of its religious content, and from soliciting or encouraging anti-religious activity.

**Teaching About Religion**

Public schools may not provide religious instruction, but they may teach about religion, including the Bible or other scripture: the history of religion, comparative religion, the Bible (or other scripture)-as-literature, and the role of religion in the history of the United States and other countries all are permissible public school subjects. Similarly, it is permissible to consider religious influences on art, music, literature, and social studies. Although public schools may teach about religious holidays, including their religious aspects, and may celebrate the secular aspects of holidays, schools may not observe holidays as religious events or promote such observance by students.

**Student Assignments**

Students may express their beliefs about religion in the form of homework, artwork, and other written and oral assignments free of discrimination based on the religious content of their submissions. Such home and classroom work should be judged by ordinary academic standards of substance and relevance, and against other legitimate pedagogical concerns identified by the school.

**Religious Literature**

Students have a right to distribute religious literature to their schoolmates on the same terms as they are permitted to distribute other literature that is unrelated to school curriculum or activities. Schools may impose the same reasonable time, place, and manner or other constitutional restrictions on distribution of religious literature as they do on non-school literature generally, but they may not single out religious literature for special regulation.

(Continued)

**SUBJECT: RELIGIOUS EXPRESSION IN THE INSTRUCTIONAL PROGRAM (Cont'd.)****Religious Exemptions from Instruction**

Subject to applicable state laws, schools enjoy substantial discretion to excuse individual students from lessons that are objectionable to the student or the students' parents/guardians on religious or other conscientious grounds. However, students generally do not have a federal right to be excused from lessons that may be inconsistent with their religious beliefs or practices. School officials may neither encourage nor discourage students from availing themselves of such a religious exemption. However, if such exemption is granted, alternative activities may be provided that are of comparable instructional value.

**Released Time**

Subject to applicable state laws, schools have the discretion to dismiss students to off-premises religious instruction, provided that schools do not encourage or discourage participation or penalize those who do not attend. Schools may not allow religious instruction by outsiders on school premises during the school day.

**Teaching Values**

Though schools must be neutral with respect to religion, they may play an active role with respect to teaching civic values and virtue, and the moral code that holds us together as a community. The fact that some of these values are held also by religions does not make it unlawful to teach them in school.

**Student Dress**

Schools enjoy substantial discretion in adopting rules and regulations relating to student dress and school uniforms. Students generally have no federal right to be exempted from religiously neutral and generally applicable school dress rules based on their religious beliefs or practices; however, schools may not single out religious attire in general, or attire of a particular religion, for prohibition or regulation. Students may display religious messages on items of clothing to the same extent that they are permitted to display other comparable messages. Religious messages may not be singled out for suppression, but rather are subject to the same rules as generally apply to comparable messages.

**Equal Access Act**

The Equal Access Act is designed to ensure that, consistent with the First Amendment, student religious activities are accorded the same access to public school facilities as are student secular activities.

(Continued)



## Instruction

**SUBJECT: RELIGIOUS EXPRESSION IN THE INSTRUCTIONAL PROGRAM (Cont'd.)**General Provisions

Student religious groups at public secondary schools have the same right of access to school facilities as is enjoyed by other comparable student groups. Under the Equal Access Act, a school receiving federal funds that allows one or more student non-curriculum related clubs to meet on its premises during non-instructional time may not refuse access to student religious groups.

Prayer Services and Worship Exercises Covered

A meeting, as defined and protected by the Equal Access Act, may include a prayer service, Bible reading, or other worship exercise.

Equal Access to Means of Publicizing Meetings

A school receiving federal funds must allow student religious groups meeting under the Equal Access Act to use the school media -- including the public address system, the school newspaper, and the school bulletin board -- to announce their meetings on the same terms as other non-curriculum related student groups are allowed to use the school media. Any policy, rule or regulation concerning the use of school media must be applied to all non-curriculum related student groups in a nondiscriminatory manner. Schools, however, may inform students that certain groups are not school sponsored.

Lunch Time and Recess Covered

A school creates a limited open forum under the Equal Access Act, triggering equal access rights for religious groups, when it allows students to meet during their lunch periods or other non-instructional time during the school day, as well as when it allows students to meet before and after the school day.

**PORT BYRON CENTRAL SCHOOL DISTRICT  
INDEPENDENT STUDY APPLICATION**

Independent studies are offered for courses that are not scheduled during the regular school day. Requests for independent study must be made to the teacher and receive approval from the student's counselor and the high school Principal.

STUDENT \_\_\_\_\_ SUBJECT AREA \_\_\_\_\_

Describe the general nature of your proposal. What do you hope to achieve? What topics will you be working on? What do you believe the study will produce?

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What are the expected specific outcomes of this program?

- 1) \_\_\_\_\_  
\_\_\_\_\_
- 2) \_\_\_\_\_  
\_\_\_\_\_
- 3) \_\_\_\_\_  
\_\_\_\_\_
- 4) \_\_\_\_\_  
\_\_\_\_\_
- 5) \_\_\_\_\_  
\_\_\_\_\_

(Continued)

**PORT BYRON CENTRAL SCHOOL DISTRICT  
INDEPENDENT STUDY APPLICATION (Cont'd.)**

How often and where will student/teacher communication take place?

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Explain in detail the evaluation process to be used during the duration of this program.

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Expected Duration of Program \_\_\_\_\_ Credit Desired \_\_\_\_\_

**PROGRAM APPROVAL** (Signatures must be obtained in order)

- 1) COUNSELOR \_\_\_\_\_ DATE \_\_\_\_\_
- 2) TEACHER \_\_\_\_\_ DATE \_\_\_\_\_
- 3) STUDENT \_\_\_\_\_ DATE \_\_\_\_\_
- 4) PARENT/GUARDIAN \_\_\_\_\_ DATE \_\_\_\_\_
- 5) PRINCIPAL \_\_\_\_\_ DATE \_\_\_\_\_

Copies to:    1) Teacher  
                  2) Student Folder (Counselor)  
                  3) Student

**SUBJECT: HOME TUTORING (HOMEBOUND INSTRUCTION)****Guidelines**

- 1) Home or hospital instruction will be for those students who are physically unable to attend classes as well as all others who are provided for in Education Law.
- 2) The building administrator will make reasonable efforts to ensure that the provision of home tutoring services takes into consideration the impact of school absences on class attendance and grading (i.e., minimal attendance).
- 3) Teachers for home tutoring will be selected by the building administrator whenever needed.
- 4) Physician's certification, Committee on Special Education recommendation, or Superintendent's direction is necessary for home tutoring.
- 5) Home tutoring will terminate as soon as the individual student is able to attend regular classes.

**Responsibilities**

The parent/guardian makes a request in writing for home tutoring of a student after satisfying eligibility requirements. The request shall include the reasons why the student is unable to attend school, with supporting documentation, and approximately how long home tutoring will be needed.

The Superintendent/Committee on Special Education reviews the request and makes a decision. If decision is not to have home tutoring, the Superintendent notifies the parent/guardian of the student. If the decision is to have home tutoring, the Superintendent arranges the personnel and time schedule.

**PORT BYRON CENTRAL SCHOOL DISTRICT  
TEACHER'S REPORT OF HOME TUTORING**

STUDENT \_\_\_\_\_ GRADE \_\_\_\_\_

TEACHER'S NAME \_\_\_\_\_

SCHOOL LOCATION (If appropriate) \_\_\_\_\_

This report covers time for instruction given during the period:

\_\_\_\_\_, 20\_\_ to \_\_\_\_\_, 20\_\_

DATE

NO. HOUR(S)

DATE

NO. HOUR(S)

DATE	NO. HOUR(S)	DATE	NO. HOUR(S)

Total number of hours \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Teacher's Signature

Send to: District Office

## Instruction

**SUBJECT: FIELD TRIPS**

The following information is provided to assist staff in planning for field trips and transmitting requests for approval. All transportation involving District students must be processed and approved by the Building Principal, and in cases in which School District vehicles and/or drivers are to be used, approval of the Superintendent or his/her designee is also required.

The approved Field Trip Request Form must be on file in the Principal's office prior to the beginning of the trip. A copy is also to be on file in the Transportation Office before transportation can be scheduled. The forms must be kept on file for the duration of the school year.

**Definitions**

- 1) A field trip is an approved School District sponsored and planned activity, involving students, which takes place away from the traditional school setting. Included are all events and activities outside of the school for which participation, cooperation, or support of the activity is under the control of the school Principal. When a field trip is considered, it must be examined to assure that the trip is:
  - a. Appropriate to the curriculum;
  - b. Appropriate to the level of maturity of the students; and
  - c. Within a reasonable distance from the school.
- 2) Student transportation includes any mode of transportation necessary to transport students on an approved educational and/or recreational field trip. Such forms of transportation may include:
  - a. Private Contractor Charter Buses, etc.;
  - b. District School Buses;
  - c. Private Passenger Car.
- 3) Emergency situations are those instances when a staff member may be asked to provide transportation for a student under some unexpected emergency circumstances (e.g., student or family illness). An emergency covers those instances which occur without prior notice and preclude the provision of the District's usual means of transportation. In such instances, alternate transportation will be provided in accordance with law as enumerated in the subheading "Direct Supervision of Students" in this regulation.

(Continued)

## Instruction

**SUBJECT: FIELD TRIPS (Cont'd.)**

- 4) A Walking Field Trip is defined as those excursions that involve taking students off school grounds but within walking distance of the school so that no other form of transportation is needed.
- 5) Overnight Field Trips include local, out of state or out of country trips which require that students obtain overnight accommodations.

**Guidelines**

The following guidelines should be adhered to if a field trip or other group absence is planned:

- 1) Obtain and complete proper forms at least three (3) weeks prior to day trips and at least six (6) weeks prior to overnight trips.
- 2) Secure written parent/legal guardian permission, emergency contact(s) if the parent/legal guardian is unavailable, and any necessary medical information relating to the student's well being while participating in the field trip - including any medication that may need to be administered.
- 3) Notify cafeteria staff of the number of students who will be out of the building at lunch time. If you wish to order milk for a field trip, please contact the cafeteria two (2) days in advance.
- 4) For those students who remain at school, it is the teacher's responsibility to provide coverage by other faculty members and to provide any materials (plans) needed.
- 5) Teachers shall prepare and submit to the Attendance Officer by the morning before a scheduled trip a list of all students who will be on the field trip or other activity. Attendance should be taken at the beginning of the trip and the Attendance Officer notified of any students who are missing.
- 6) Student conduct is governed by the District's Code of Conduct, and disciplinary action may result for a student's violation of such Code.

(Continued)

## Instruction

**SUBJECT: FIELD TRIPS (Cont'd.)****Direct Supervision of Students**

Direct supervision of students must be provided to and from the field trip location as well as at the site. Students must be provided supervised transportation back to either the point of departure or to the appropriate school in the District unless the parent or legal guardian of a student participating in such event has provided the District with written notice, consistent with District policy, authorizing an alternative form of return transportation for such student or unless intervening circumstances make such transportation impractical. In cases where intervening circumstances make transportation of a student back to the point of departure or to the appropriate school in the District impractical, a representative of the School District shall remain with the student until such student's parent or legal guardian has been contacted and informed of the intervening circumstances which make such transportation impractical; and the student has been delivered to his/her parent or legal guardian.

**Chaperones**

Chaperones will immediately advise the teacher in charge of the activity of any intervening circumstances which would prevent a student from being transported back to the District. Arrangements will then be made for a representative of the District to remain with the student until the student has been delivered to his/her parent or legal guardian.

**Cancellation of Field Trips**

The Superintendent/designee may cancel previously approved field trips due to extenuating circumstances.



## Instruction

**SUBJECT: OUT-OF-COUNTRY TRIPS**

- 1) All out of country trips that use District funds, equipment, or personnel must be sanctioned by the Board of Education.
- 2) Federal funds will not be used for any out of country trips.
- 3) Students involved in out of country trips will be expected to behave in an exemplary manner at all times.
- 4) All out of country trips will be supervised by a staff member of the Port Byron Central School District.
- 5) Reports on out of country trips will be given to the Superintendent by the staff member in charge within a reasonable time after the trip has been concluded.

## Instruction

**SUBJECT: PARENTAL PERMISSION: SCHOOL SPONSORED TRIPS**

Authorized school sponsored trips are considered an integral part of the student's education. Attendance rules, therefore, are the same as for a regular school day.

Building Principals are responsible for authorizing school trips. Decisions are to be based on educational value, safety of staff and students, and availability of funds.

Written parental/legal guardian permission must be received for each school trip which includes any trip off the school premises.

## Instruction

**SUBJECT: FIELD TRIPS (DURING SCHOOL HOURS)**

<u>Responsibility</u>	<u>Action</u>
Teacher	1) a. Discusses field trip with Principal. b. Completes Field Trip Request Form/ Instructional Plan if necessary and submits formal written request to Principal at least three (3) weeks before trip.
Principal	2) a. Approves field trip. b. Forwards field trip request form to Superintendent.
Superintendent	3) a. Approves or disapproves request. b. If disapproves, notifies Principal.  or c. If approves, forwards request to Transportation Supervisor.
Teacher	4) a. Secures written parental/legal guardian permission. b. Selects chaperones. c. Collects any fees. d. Makes final arrangements.

## Instruction

**SUBJECT: FIELD TRIPS (OVERNIGHT)**

<u>Responsibility</u>	<u>Action</u>
Teacher	1) a. Discusses field trip with Principal. b. Submits Field Trip Request Form at least six (6) weeks prior to the scheduling of an overnight field trip if necessary, with details regarding lodging, meals, chaperones, etc. to the Building Principal.
Principal	2) a. If disapproves, returns field trip request and informs teacher of decision. b. If approves, forwards request to the Superintendent.
Superintendent	3) a. Approves or disapproves request. b. If approves, forwards request to Transportation Supervisor. c. If disapproves, returns request to Building Principal who notifies teacher of rejection. d. Notifies Building Principal of Board action.
Principal	4) Submits Superintendent's decision to teacher. If approved, makes appropriate arrangements with teacher.
Teacher	5) Makes final arrangements for trip.

## Instruction

**SUBJECT: OUT-OF-COUNTRY TRIPS**

<u>Responsibility</u>	<u>Action</u>
Organization	1) Submits request and rationale for out-of-country trip to the building administrator at least three (3) months prior to proposed trip.
Building Administrator	2) Notifies Superintendent of request for trip along with recommendation of rejection or approval.
Superintendent	3) a. Reviews request and recommendations of building administrator. b. Provides School Board with information regarding the request and rationale.
School Board	4) Makes decision on request for trip.
Superintendent	5) Notifies appropriate building administrator of Board decision.
Building Administrator	6) Notifies organization of Board decision.

**PORT BYRON CENTRAL SCHOOL DISTRICT  
CURRICULUM TRIP REQUEST FORM**

Teacher/Class making request:

Today's Date:

Destination:

Date of Trip:

Departure Time:

Number of Students:

Number of Adults:

Return Time:  
(Anticipated)

Wheelchair(s)?:

**Curriculum Link:** (Describe the objective of this trip and its link to state and/or local Curricula):

**CHECKLIST**

	This trip will affect school breakfast.
	This trip will result in the students not being present for lunch.
	I request that transportation provide a first aid kit.
	I will furnish a list of the students and adults on each bus to the School Office prior to leaving for the trip. <b>(Required)</b>

Approvals:

Principal \_\_\_\_\_

Transportation Supervisor \_\_\_\_\_

# regular buses \_\_\_\_\_  
 # large lift buses \_\_\_\_\_  
 # small lift buses \_\_\_\_\_

cc: (once all approvals given)  
 Teacher  
 Transportation  
 School Office  
 Cafeteria Manager

**PORT BYRON CENTRAL SCHOOL DISTRICT  
FIELD TRIP PARENT/GUARDIAN CONSENT/MEDICAL INFORMATION**

Dear \_\_\_\_\_,

Your child's class has scheduled a field trip activity on \_\_\_\_\_ to  
(date)  
\_\_\_\_\_  
(destination)

The group will be leaving at \_\_\_\_\_ a.m./p.m. and plans to return at \_\_\_\_\_ a.m./p.m. on  
\_\_\_\_\_.

Please sign and return the attached form by \_\_\_\_\_.  
(date)

Sincerely,

\_\_\_\_\_  
Teacher or Principal

**FIELD TRIP PARENTAL CONSENT**

I hereby give permission for my child, \_\_\_\_\_  
(child's full name)

to participate in a school sponsored education field trip to \_\_\_\_\_  
(place)

I understand that my child will leave on \_\_\_\_\_, \_\_\_\_\_  
(date) (time)

and is expected to return on \_\_\_\_\_, \_\_\_\_\_  
(date) (time)

**MEDICAL INFORMATION**

Name of family doctor \_\_\_\_\_

Doctor's phone number \_\_\_\_\_

Is your child taking any medication with him/her on the trip? \_\_\_\_\_

If so, what is it and who is expected to administer this medication? \_\_\_\_\_

Should emergency medical services be required for your child during the trip, medical personnel will be contacted immediately.

\_\_\_\_\_  
(Signature of Parent/Guardian)

\_\_\_\_\_  
(Telephone No.)

\_\_\_\_\_  
(Date)

**PORT BYRON CENTRAL SCHOOL DISTRICT**

<b>TRANSPORTATION REQUEST</b>		<b>INSTRUCTIONS</b>	
		1) Requests must be submitted prior to each trip and sent to the Transportation Department. 2) A separate request form must be filled out for each trip. 3) Send two copies to Transportation. 4) One copy will be returned by Transportation following approval.	
<b>THIS SECTION TO BE COMPLETED BY TEACHER/PRINCIPAL</b>			
Date Of Trip:	School:	Destination:	
Departure Time From School:	Return Time To School:	Group:	
Number of Riders:	Teacher in Charge:	Date Submitted:	Charge To:
Comments: (Include all Directions or Special Instructions)			
_____			
_____			
_____			
Approved by:	Title:	Date Approved:	
<b>THIS SECTION TO BE COMPLETED BY TRANSPORTATION DEPARTMENT</b>			
Date Received		Vehicle: [ ] Van [ ] Bus [ ] Coach	
Comments:			
_____			
_____			
_____			
Approved by:	Title:	Date Approved:	

White – Transportation    Blue – Transportation (Return to Office)    Yellow – Teacher    Pink - Office



## Instruction

**SUBJECT: HOME INSTRUCTION (HOME SCHOOLING)**

New York State Law provides parents/guardians the right to educate their child(ren) at home; however, it is the responsibility of the Board of Education to ensure that no child is deprived of an adequate educational program.

When parents/guardians choose to instruct their children at home, the Superintendent or his/her designee will determine the competency of instruction by analyzing the instructional program to see if it is substantially equivalent to that provided by the Port Byron Central School District.

Solely for the purpose of Education Law Section 3602-c, home-instructed students with disabilities are deemed to be students enrolled in and attending a non-public school, which enables them to receive special education services.

**Notice of Intention to Instruct at Home**

Parents/guardians must annually provide written notice to the Superintendent of their intention to instruct their child at home by July 1 of each school year.

If parents/guardians choose to provide home instruction or establish residence in the Port Byron Central School District after the start of the school year, they must provide written notice to the Superintendent within fourteen (14) days following the commencement of home instruction.

**Individualized Home Instruction Plan (IHIP)**

The Superintendent or his/her designee will provide parents/guardians a copy of Section 100.10 of the Commissioner's Regulations addressing home instruction and a form on which to submit an individualized home instruction plan for each child of compulsory attendance age who is to be taught at home. School authorities will provide assistance, if requested, to parents/guardians in preparation of the individualized home instruction plan.

Parents/guardians shall be responsible for the purchase and payment of all instructional materials used for home schooling, as the Port Byron Central School District is under no obligation to supply such materials. The District will, however, provide commercially published tests at no cost to the parents/guardians, if so requested, but only if the District uses and is in possession of said tests. If the parent/guardian chooses to use a test that has not been ordered for use in the public schools of the District, the District, upon request of the parent/guardian, will order the test. The parent/guardian will, however, be responsible for the cost of procuring it.

(Continued)

## Instruction

**SUBJECT: HOME INSTRUCTION (HOME SCHOOLING) (Cont'd.)****Administrative Review**

The Superintendent or his/her designee shall review completed IHIP forms and either notify parents/guardians that the IHIP is in compliance or provide written notice of any deficiency in the IHIP. If the individualized home instruction plan is determined not to be in compliance, parents/guardians must submit a revised IHIP which corrects any deficiencies.

The Superintendent reviews the revised IHIP and renders a decision, indicating in a written notice to the parents/guardians the reasons for such a determination. Such notice shall also contain the date of the next regularly scheduled meeting of the Board of Education that will be held at least ten (10) days after the mailing date of the notice, and shall inform parents/guardians of their right to present to the Board of Education proof of compliance. The Board of Education shall make a final determination of compliance or noncompliance.

Parents/guardians have the right to appeal the Board of Education's determination of noncompliance to the Commissioner of Education within thirty (30) days after receipt of such determination.

Upon completion of the administrative review, if the result is a finding of non-compliance, parents/guardians must immediately enroll their children in the public school system or provide written notice to the Superintendent of the arrangements made to provide the required instruction for each child.

The administrative review is completed when one of the following events has occurred:

- 1) The parents/guardians have failed to contest a determination of noncompliance by appealing to the Board of Education; or
- 2) The parents/guardians have failed to appeal the final Port Byron Central School District determination of noncompliance to the Commissioner of Education; or
- 3) The parents/guardians have received a decision of the Commissioner of Education which upholds the final District determination of noncompliance.

**Content of Individualized Home Instruction Plan**

An individualized home instruction plan for each child shall contain:

- 1) The child's name, age and grade level;

(Continued)

## Instruction

**SUBJECT: HOME INSTRUCTION (HOME SCHOOLING) (Cont'd.)**

- 2) A list of the syllabi, curriculum materials, textbooks, or plan of instruction to be used in each of the required subjects;
- 3) The dates for submission to the District of the parents'/guardians' quarterly reports. These reports shall be spaced in even and logical periods;
- 4) The names of the individuals providing instruction; and
- 5) A statement that the child will be meeting the compulsory educational requirements of Education Law Section 3205 through full-time study at a degree-granting institution, meaning enrollment for at least twelve (12) semester hours in a semester or its equivalent, if that is the case. In this situation, the IHIP shall identify the degree-granting institution and the subjects to be covered by that study.

**Required Courses**

A unit means six thousand four hundred eighty (6,480) minutes of instruction per school year.

Grades 1 through 6

Arithmetic	English Language
Reading	Geography
Spelling	United States History
Writing	Science
Health Education	Music
Physical Education	Visual Arts

Bilingual education and/or English as a Second Language where the need is indicated.

Grades 7 through 8

English (2 units)	Physical Education (on a regular basis)
Science (2 units)	Health Education (on a regular basis)
History and Geography (2 units)	Practical Arts (on a regular basis)
Mathematics (2 units)	Library Skills (on a regular basis)
Art (1/2 unit) Music (1/2 unit)	

The units required are cumulative requirements for both grades 7 and 8.

The following courses shall be taught at least once during the first eight grades: United States History, New York State History, and the Constitution of the United States and New York State.

(Continued)

## Instruction

**SUBJECT: HOME INSTRUCTION (HOME SCHOOLING) (Cont'd.)**Grades 9 through 12

English (4 units)	Physical Education (2 units)
Science (2 units)	Art and/or Music (1 unit)
Mathematics (2 units)	Health Education (1/2 unit)
Elective (3 units)	
Social Studies (4 units, which includes one unit of American History, 1/2 unit in participation in government, and 1/2 unit of economics)	

The units required are cumulative requirements for grades 9 through 12.

**Additional Subjects**

Educational Law Sections 801, 804, 806 and 808 also require the following subjects to be covered during grades K through 12:

- 1) Patriotism and citizenship;
- 2) Health education regarding alcohol, drug and tobacco misuse;
- 3) Highway safety and traffic regulations, including bicycle safety;
- 4) Fire and arson prevention and safety.

The program of health education shall also include (at least once in grades K through 6, once in grades 7 through 8, and once in grades 9 through 12) age appropriate instruction concerning the nature, methods of transmission and methods of prevention of acquired immune deficiency syndrome (AIDS).

**Attendance Requirements**

Each child shall receive the required amount of instruction as follows:

- 1) The substantial equivalent of one hundred eighty (180) days of instruction shall be provided each school year;
- 2) The cumulative hours of instruction for grades 1 through 6 shall be nine hundred (900) hours per year. The cumulative hours of instruction for grades 7 through 12 shall be nine hundred ninety (990) hours per year;
- 3) Absences shall be permitted on the same basis as provided in the policy of the Port Byron Central School District for its own students;

(Continued)

## Instruction

**SUBJECT: HOME INSTRUCTION (HOME SCHOOLING) (Cont'd.)**

- 4) Records of attendance shall be maintained by the parent/guardian and shall be made available to the District upon request;
- 5) Instruction provided at a site other than the primary residence of the parents/guardians shall be provided in a building which has not been determined to be in violation of the local building code.

**Quarterly Reports**

On or before the dates specified by the parent/guardian in the IHIP, a quarterly report for each child shall be furnished by the parent/guardian to the Port Byron Central School District. The quarterly report shall contain the following:

- 1) The number of hours of instruction during said quarter;
- 2) Description of the material covered in each subject listed in the IHIP;
- 3) Either a grade for the child in each subject or a written narrative evaluating the child's progress;
- 4) Written explanation in the event that less than eighty percent (80%) of the amount of the course materials as set forth in the IHIP planned for that quarter has been covered in any subject.

**Annual Assessment**

At the time of filing the fourth quarterly report as specified in the IHIP, the parent/guardian shall also file an annual assessment. The annual assessment shall include the results of the commercially published norm-referenced achievement test or an alternative form of evaluation.

The commercially published norm-referenced achievement test shall be selected by the parent/guardian from one of the following:

- 1) Iowa Test of Basic Skills;
- 2) California Achievement Test;
- 3) Stanford Achievement Test;
- 4) Comprehensive Test of Basic Skills;

(Continued)

## Instruction

**SUBJECT: HOME INSTRUCTION (HOME SCHOOLING) (Cont'd.)**

- 5) Metropolitan Achievement Test;
- 6) State Education Department Test; or
- 7) Another test approved by the State Education Department.

The test shall be administered in accordance with one of the following options, to be selected by the parents/guardians:

- 1) At the public school, by its professional staff; or
- 2) At a registered nonpublic school, by its professional staff, provided that the consent of the chief school officer of the nonpublic school is obtained; or
- 3) At a non-registered nonpublic school, by its professional staff, provided that the consent of the Superintendent of the Port Byron Central School District and of the chief school officer of the nonpublic school is obtained; or
- 4) At the parents'/guardians' home or at any other reasonable location; by a New York State certified teacher or by another qualified person, provided that the Superintendent has consented to having said certified teacher or other person administer the test.

The test shall be scored by the persons administering the test or by other persons who are mutually agreeable to the parents/guardians and the Superintendent of Schools.

The test, if it is one that has been ordered for use in the District, shall be provided at no cost by the Port Byron Central School District upon request by the parent/guardian, provided that the cost of any testing facilities, transportation, and/or personnel for testing conducted at a location other than the public school shall be borne by the parent/guardian.

If a score on a test is determined to be inadequate, the program shall be placed on probation.

A student's score shall be deemed adequate if:

- 1) The student has a composite score above the thirty-third percentile on national norms; or
- 2) The student's score reflects one academic year of growth as compared to a test administered during or subsequent to the prior school year.

(Continued)

## Instruction

**SUBJECT: HOME INSTRUCTION (HOME SCHOOLING) (Cont'd.)**

Alternative evaluation measures, for the purpose of determining whether a student with a disability has achieved an appropriate level of growth, may be used, if these measures are provided for in the student's Individualized Educational Program (IEP).

**Alternative Evaluation Methods**

An alternative form of evaluation may be chosen by the parent/guardian only as follows:

- 1) For grades 1 through 3, a written narrative prepared by a qualified person;
- 2) For grades 4 through 8, a written narrative prepared by a qualified person. This alternative form of evaluation may be used no more often than every other school year for these grades;
- 3) The person who prepares the written narrative shall be a New York State certified teacher, a home instruction peer group panel, or other person, who has interviewed the child and reviewed a portfolio of the child's work. Such person shall certify either that the child has made adequate academic progress or that the child has failed to make adequate progress. In the event that such child has failed to make adequate progress, the home instruction program shall be placed on probation. The certified teacher, peer review panel, or other person shall be chosen by the parent/guardian with the consent of the Superintendent. Any resulting cost shall be borne by the parent/guardian.

If a dispute arises between the parents/guardians and the Superintendent of Schools, including disputes over the administration of the commercially published norm-referenced achievement test or the use of alternative evaluation methods, the parents/guardians may appeal to the Board of Education. If the parents/guardians disagree with the determination of the Board of Education, the parents/guardians may appeal to the Commissioner of Education within thirty (30) days of receipt of the Board's final determination.

**Probation**

If a child's annual assessment fails to comply with the requirements, the home instruction program shall be placed on probation for a period of up to two (2) school years. The parent/guardian shall be required to submit a plan of remediation which addresses the deficiencies in the child's achievement, and seeks to remedy said deficiencies. The plan shall be reviewed by the Port Byron Central School District which may require the parents/guardians to make changes in the plan prior to acceptance.

(Continued)

## Instruction

**SUBJECT: HOME INSTRUCTION (HOME SCHOOLING) (Cont'd.)**

If after the end of any semester of the probationary period the child progresses to the level specified in the remediation plan, then the home instruction program shall be removed from probation. If the child does not attain at least seventy-five percent (75%) of the objectives specified in the remediation plan at the end of any given semester within the period of probation, or if after two years on probation one hundred percent (100%) of the objectives of the remediation plan have not been satisfied, the Superintendent shall provide the parents/guardians with notice and the Board of Education shall review the determination of noncompliance, except that consent of the parents/guardians to such review shall not be required.

If during the period of probation the Superintendent has reasonable grounds to believe that the program of home instruction is in substantial noncompliance with these regulations, the Superintendent may require one or more home visits. Such home visit(s) shall be made only after three (3) days written notice. The purpose of such visit(s) shall be to ascertain areas of noncompliance with these regulations and to determine methods of remediating any such deficiencies. The home visit(s) shall be conducted by the Superintendent or by the Superintendent's designee. The Superintendent may include members of a home instruction peer review panel in the home visit team.



## Instruction

**SUBJECT: GUIDELINES FOR THE PROVISION OF SERVICES TO STUDENTS WHO RECEIVE HOME INSTRUCTION (HOME SCHOOLING)**

The purpose of Commissioner's Regulation Section 100.10 is to provide a basis for an objective determination of substantial equivalence of instruction. A home instruction program that adheres to the standards of Section 100.10 at each stage of the process should be deemed substantially equivalent. However, students instructed at home are not awarded a high school diploma. A high school diploma may only be awarded to a student enrolled in a registered secondary school who has completed all program requirements set by the Board of Regents, the school or the District.

Primary responsibility for determining compliance with Section 100.10 rests with the Superintendent of Schools of the Port Byron Central School District in which a home-instructed student resides. Commissioner's Regulations also provide for parental appeals to the Board of Education and the Commissioner of Education.

These guidelines are intended to provide an *overview of the provision of services* by the District to students who receive home instruction.

**General Requirements**

- 1) Parents are not required to register their child in the public school if they plan to provide home instruction. However, the parent, if requested, must demonstrate that the child resides within the Port Byron Central School District and is of compulsory attendance age.
- 2) School officials may request a meeting with parents to discuss the process of home instruction, but they may not deny parents the right to home instruct if the parents decline such a meeting.
- 3) The District is obligated to reply within ten (10) business days of receiving the notice of intent for home instruction by sending to the parents a copy of Commissioner's Regulation Section 100.10 and a form on which to submit an individualized home instruction plan (IHIP).
- 4) New York State law does not require any specific credentials for the person(s) providing home instruction.
- 5) A participant in interscholastic sports **must** be enrolled in the public school. However, children educated other than at the public school **may not** participate in intramural and other school-sponsored club activities (i.e., extracurricular activities) pursuant to Board of Education policy.
- 6) Home-instructed students **may not** be allowed to use school facilities such as the library, career information center and gymnasium provided that there is mutual agreement on the part of all involved parties. Such use, if applicable, will be pursuant to Board of Education policy.

(Continued)

## Instruction

**SUBJECT: GUIDELINES FOR THE PROVISION OF SERVICES TO STUDENTS WHO RECEIVE HOME INSTRUCTION (HOME SCHOOLING) (Cont'd.)**

- 7) Students instructed at home are not required to meet the immunization requirements for in-school students pursuant to the provisions of Public Health Law Section 2164. If the Commissioner of Health notifies school officials of the outbreak of a disease for which immunization is required, however, parents of children on home instruction who seek to participate in testing or other activities on the premises of the public school must produce proof of immunization or the children must be denied access to the school building.
- 8) Although not obligated to do so, the District **may** allow parents or students on home instruction to borrow instructional items to the extent available from the public school such as library books, microscopes, computer software, and movie projectors. The loaning of such instructional items, as may be applicable, will be pursuant to Board policy.
- 9) In accordance with Education Law and Commissioner's Regulations, the District shall conduct a census and register of students with disabilities who reside in the District.
- 10) Students instructed at home may not participate in the instructional program of the Port Byron Central School District except for special education services as specified in an Individualized Education Services Plan (IESP).
- 11) For home instructed students with disabilities, the District's Committee on Special Education (CSE) will develop an IESP in consideration of the parents' decision to home instruct their child:
  - a. The parent must request special education services in writing to the Board of Education of the school district of location by June 1 preceding the school year for which the request is made.
  - b. For a student first identified as a student with a disability after the first day of June of the preceding school year but prior to April 1 of the current school year, the written request must be submitted within thirty (30) days after first identification.
  - c. For students who move to a new school district, the request may be submitted within thirty (30) days of the change of residence.
  - d. Special education services will be provided to home-instructed students on an equitable basis as to students with disabilities attending public or nonpublic schools within the District.
  - e) The Board of Education determines the location where special education services will be provided to home-instructed students, which could include the site of the home school.

(Continued)

## Instruction

**SUBJECT: GUIDELINES FOR THE PROVISION OF SERVICES TO STUDENTS WHO RECEIVE HOME INSTRUCTION (HOME SCHOOLING) (Cont'd.)**

- 12) The District is not permitted to provide occupational and vocational education programs (career and technical education) and programs for the gifted to home-instructed students.
- 13) The District is not required to furnish health services to students on home instruction.
- 14) The District is not responsible for providing remedial programs for home-instructed students.
- 15) Summer school programs are open to all resident students of the District.
- 16) The Port Byron Central School District may require home visits, upon three (3) days' written notice to the parents, only when the home instruction program is on probation. Under any other circumstances, the school official may request a home visit but the parent would not be required to consent to the request.
- 17) Parents are required to keep attendance records for each student, but there is no legal obligation for them to maintain any other records.

**Individualized Home Instruction Plan (IHIP)**

- 1) The IHIP must include for each of the required courses either a list of syllabi, curriculum materials and textbooks to be used or a plan of instruction to be followed. A different alternative may be used for different subjects. The total number of hours of instruction per quarter must be documented on the quarterly report.
- 2) The purpose of Commissioner's Regulations is to provide a basis for objective determination of substantial equivalence of instruction. IHIP submissions are to be evaluated to determine compliance with subdivisions (d) and (e) of Section 100.10. Quarterly reports are to be evaluated to determine compliance with subdivision (g). Annual assessments must comply with the requirements of subdivision (h). A home instruction program that adheres to the standards of Commissioner's Regulations at each stage of the process should be deemed to be substantially equivalent.
- 3) The District may not require parents to provide more information on the IHIP than the Regulations of the Commissioner require as set forth in subdivision (d) of Section 100.10.
- 4) The District is obligated to notify parents that the IHIP is in compliance with Commissioner's Regulations. It is recommended that such notification be in writing.
- 5) The Superintendent of Schools is responsible for reviewing the IHIP and notifying the parents of its status.

(Continued)

## Instruction

**SUBJECT: GUIDELINES FOR THE PROVISION OF SERVICES TO STUDENTS WHO RECEIVE HOME INSTRUCTION (HOME SCHOOLING) (Cont'd.)**

- 6) If the Superintendent determines that a revised IHIP is not in compliance and the parents contest that determination, the parents may meet with the Board of Education to present evidence of compliance. The Board then makes its determination of compliance or noncompliance.
- 7) The parents may appeal a determination of noncompliance by the Board to the Commissioner of Education within thirty (30) days of receiving notice of the determination.

**Evaluation**

- 1) At the time of filing the fourth quarterly report as specified in the IHIP, the parent shall also file an annual assessment in accordance with subdivision (h) of Section 100.10:
  - a. If the parents are having the student tested at a registered nonpublic school by its professional staff, the consent of the Port Byron Central School District is not required.
  - b. If the parents are having the student tested at the public school, the testing should be done at the time of the school's own testing program, unless a mutually agreeable alternative is reached. The District should give the parents several weeks' notice of the dates for this testing.
  - c. If the parents are having the student tested at another location (i.e., at a nonregistered nonpublic school, at the parents' home or at any other reasonable location), the Port Byron Central School District is required to review, and (if in agreement) consent to the parents' selection of the test administrator.
- 2) If a request is made, school officials are encouraged to admit a student receiving home instruction to Regents examinations. If a Regents examination has a lab requirement, the student may be admitted to the examination if there is evidence that the student has met the lab requirement. The IHIP, quarterly reports and/or verification from the student's teacher can provide such evidence. Regents examinations may only be administered at the public school or registered nonpublic school because they are secure examinations.
- 3) If a parent wants to use one of the standardized tests listed in the home instruction regulation (Section 100.10) but not used by the District, the Port Byron Central School District, upon request of the parent, shall order the test. The parent would, however, pay for the cost of procuring it. The test, if it is one that has been ordered for use in the District, shall be provided at no cost by the District upon request by the parent, provided that the cost of any testing facilities, transportation, and/or personnel for testing conducted at a location other than the public school shall be borne by the parent.

**PUBLIC SCHOOL DISTRICT RESPONSIBILITY FOR PROVIDING SERVICES TO  
NONPUBLIC SCHOOLS AND TO STUDENTS ON HOME INSTRUCTION**

	PRIVATE SCHOOLS			HOME INSTRUCTION		
	Prohibited	Required	Discretionary	Prohibited	Required	Discretionary
Instructional Program	YES except for dual enrollment*			YES except for special education*		
Transportation to instructional program		YES			NO	
Transportation to occupational and gifted programs		YES under dual enrollment			YES - only if offered in IESP AND only to extent necessary	May be provided to a mutually agreed upon location including the home
Transportation to Special Education program		YES		YES	NO - unless in IESP	
Transportation Summer school		NO unless in IEP			NO	
Eligible for High School Diploma/Regents Diploma		YES		YES		
Regents Exams administered by public school	**	**	**		NO	YES if requested, SED encourages
Homebound instruction		YES			NO	
Onsite remedial program		YES if federal \$ involved			NO	
Ordering standardized tests not used by District	**	**	**		YES if parent says will pay	
Administering standardized tests		NO			NO	YES
Occupational and gifted programs		YES under dual enrollment if parent requests		YES		
Loan programs: textbooks, library materials, computer software		YES			NO	YES
Library books, microscopes, movie projectors		YES			NO	YES
Interscholastic sports	YES			YES		
Intramurals, clubs and activities		NO	YES		NO	YES
Access to libraries, career info center, gymnasium	**	**	**			YES if by mutual agreement
Health Services		YES if requested			NO	
Band		NO	YES if extracurricular		NO	YES if extracurricular
Special Education instructional services		YES on request and based on IEP			YES - as addressed in approved IESP by CSE	
Child Find		YES			YES	
Summer School programs		YES			YES	
In-school immunization		YES if provided to public school students and requested			NO	
Can claim for state aid		NO except under dual enrollment			NO except under dual enrollment	

\*Dual Enrollment addresses the provision of services in career and technical education programs, gifted programs, and special education services (Education Law Section 3602-c). Also refer to chart for "Occupational and Gifted Programs" and "Special Education Instructional Services" for District responsibilities.

\*\*For any listed service where there is no entry (Required, Prohibited or Discretionary), there appears to be no definitive statement or ruling regarding School District responsibility.

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