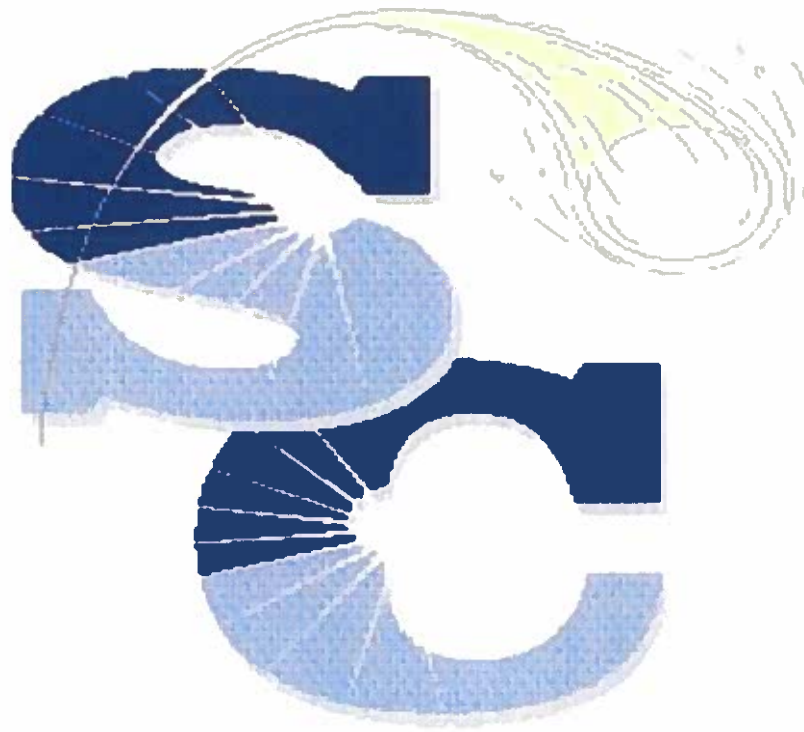


# Sandy Creek Central School District



## Board Policy Manual

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## **MISSION STATEMENT AND VISION**

The Board of Education recognizes that to govern effectively, it must clearly define why the district exists and what it aspires to be. The Board therefore adopts the following mission statement to convey the district's purpose, and vision to set forth what the district should strive to become in the future.

### **Mission Statement**

The mission of the Sandy Creek Central School District is to provide all students the knowledge and skills necessary to be self-directed, life-long learners by providing the highest quality education in partnership with parents, staff, and community.

### **Vision**

The Sandy Creek Central School District will prepare students to become contributing members of their local community and global society.

### **Annual Review**

The Board recognizes that while the vision is intended to be a long-range statement of the ideal future for the district, it still requires continual evaluation. Accordingly, the Board will review the vision statement annually in developing the district's annual goals.

### **Cross-ref:**

0105, Equity, Inclusivity and Diversity in Education

0300, Accountability

4000, Student Learning Standards and Instructional Guidelines

Adopted: February 13, 2025

**NON-DISCRIMINATION AND EQUAL OPPORTUNITY**

The Board of Education, its officers and employees, will not discriminate in its programs and activities on the basis of legally protected classes, such as, but not limited to: race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, national origin, creed, religion (including religious practices), marital status, sex (including pregnancy, childbirth, or related medical condition), gender identity and expression (i.e., actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including but not limited to the status of being transgender), age, sexual orientation, disability (physical or mental), predisposing genetic characteristic, military work or status, domestic violence victim status, citizenship/immigration status, or use of a guide dog, hearing dog, or service dog, as applicable. The district will provide notice of this policy in accordance with federal and state law and regulation.

This policy of nondiscrimination includes access by students to educational programs, counseling services for students, course offerings, and student activities, as well as recruitment and appointment of employees and employment pay, benefits, advancement and/or terminations.

Employees also have protections under state law against discrimination on the basis of their familial status, reproductive healthcare decisions (their own or their dependents) and certain prior criminal history.

Specific protections for students under the Dignity for All Students Act are addressed in policy 0115, Student Bullying and Harassment Prevention and Intervention.

As a condition of participation in federal meal programs, the district will post the following statement: "In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity." Discrimination complaint information is available at <https://www.fns.usda.gov/civil-rights/usda-nondiscrimination-statement-other-fns-programs>.

A finding that an individual has engaged in conduct in violation of this policy may result in disciplinary action and/or filing of a report with third parties in the manner prescribed by the district code of conduct, the law or applicable contract.

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

#### Website Accessibility

To promote the accessibility of the district's website and social media to persons with disabilities, and as required by federal regulations implementing the Americans With Disabilities Act, the district's website content and mobile apps will conform to the WCAG 2.1 Level AA standard for accessibility on or after April 26, 2027. If a technical or legal limitation prevents accessibility, conforming alternate versions of web content may be used. Exceptions to this requirement are outlined in federal regulations 28 CFR Part 35, and includes certain archived web content, certain preexisting electronic documents, certain third-party content, individualized secured electronic documents, and preexisting social media posts. The district's Director of Technology is responsible for addressing the accessibility of the district's website content and mobile apps.

#### **Annual Notification**

At the beginning of each school year, the district will publish a notice of the established grievance procedures for resolving complaints of discrimination to parents/guardians, employees, students and the community. The public notice will:

1. inform parents, employees, students and the community that education programs, including but not limited to vocational programs, are offered without regard to actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex; sexual orientation, or gender;
2. provide the name, address and telephone number of the person designated to coordinate activities concerning discrimination; and
3. be included in announcements, bulletins, catalogues, and applications made available by the district.

Complaints of sex discrimination and sex-based harassment are addressed by the district's Title IX grievance procedure, and will also be addressed by other district policies if the conduct is not a violation of Title IX. Complaints of discrimination and harassment made by employees and applicants are addressed by the process outlined in policy 0110.2, Sexual Harassment in the Workplace. Complaints of discrimination and harassment by students are addressed by the

process outlined in policy 0115, Student Bullying and Harassment Prevention and Intervention.

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

The Board authorizes the Superintendent of Schools to establish such rules, regulations and procedures necessary to implement and maintain this policy.

Cross-ref:

0110.2, Sexual Harassment in the Workplace

0111, Sex Discrimination and Sex-Based Harassment Under Title IX

0115, Student Bullying and Harassment Prevention and Intervention

5030, Student Complaints and Grievances

5300, Code of Conduct

9140.1, Staff Complaints and Grievances

Ref:

Age Discrimination in Employment Act of 1967 29 U.S.C. §§621 *et seq.*

Americans with Disabilities Act, 42 U.S.C. §§12101 *et seq.*

Title VI, Civil Rights Act of 1964, 42 U.S.C. §§2000d *et seq.* (nondiscrimination based on race, color, and national origin in federally assisted programs)

Title VII, Civil Rights Act of 1964, 42 U.S.C. §§2000e *et seq.* (nondiscrimination based on race, color, and national origin in employment)

Title IX, Education Amendments of 1972, 20 U.S.C. §§1681 *et seq.* (nondiscrimination based on sex)

§504, Rehabilitation Act of 1973, 29 U.S.C. §794

Individuals with Disabilities Education Law, 20 U.S.C. §§1400 *et seq.*

Genetic Information Nondiscrimination Act of 2008 P.L. 110-233

34 C.F.R. §§ 100.6; 104.8; 106.9; 110.25

Executive Law §§290 *et seq.* (New York State Human Rights Law)

Education Law §§10-18 (The Dignity for All Students Act)

Education Law §§313(3); 3201; 3201-a

Creating a Safe, Supportive, and Affirming School Environment for Transgender and

Gender Expansive Students: 2023 Legal Update and Best Practices, <https://www.nysed.gov/sites/default/files/programs/student-support-services/creating-a-safe-supportive-and-affirming-school-environment-for-transgender-and-gender-expansive-students.pdf>

Adopted: February 13, 2025



## **GENDER NEUTRAL SINGLE-OCCUPANCY BATHROOMS**

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

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

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

Ref:

Education Law §409-m (single-occupancy bathrooms designated gender neutral)

Public Buildings Law §145(d)

Building Code of New York State §§1111; 2902.4

Adopted: February 13, 2025

## SEXUAL HARASSMENT IN THE WORKPLACE

### **Purpose and Goals**

The Sandy Creek School District (“the district”) is committed to maintaining a workplace free from harassment and discrimination. Sexual harassment is a form of workplace discrimination that subjects an employee to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment is often viewed simply as a form of gender-based discrimination, but the district recognizes that discrimination can be related to or affected by other identities beyond gender. Under the New York State Human Rights Law, it is illegal to discriminate based on sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, religion, citizenship/immigration status, military status, disability, pre-disposing genetic characteristics, familial status (including pregnancy, childbirth, or related medical condition), marital status, criminal history, or status as a victim of domestic violence. Our different identities impact our understanding of the world and how others perceive us. For example, an individual’s race, ability, or immigration status may impact their experience with gender discrimination in the workplace. While this policy is focused on sexual harassment and gender discrimination, the methods for reporting and investigating discrimination based on other protected identities are the same. The purpose of this policy is to teach employees to recognize discrimination, including discrimination due to an individual’s intersecting identities, and provide the tools to take action when it occurs. All employees, managers, and supervisors are required to work in a manner designed to prevent sexual harassment and discrimination in the workplace. This policy is one component of the district’s commitment to a discrimination-free work environment.

### *A. Goals of this Policy*

Sexual harassment and discrimination are against the law. After reading this policy, employees will understand their right to a workplace free from harassment. Employees will also learn what harassment and discrimination look like, what actions they can take to prevent and report harassment, and how they are protected from retaliation after taking action. The policy will also explain the investigation process into any claims of harassment. Employees are encouraged to report sexual harassment or discrimination by filing a complaint internally with the district. Employees can also file a complaint with a government agency or in court under federal, state, or local antidiscrimination laws. To file an employment complaint with the New York State Division of Human Rights, please visit <https://dhr.ny.gov/complaint>. To file a complaint with the United States Equal Employment Opportunity Commission, please visit <https://www.eeoc.gov/filing-charge-discrimination>.

The district is also required under the federal Title IX law and its implementing regulations to adopt a grievance procedure for addressing complaints of sex discrimination and sex-based harassment. The Title IX regulations contain a definition of sex discrimination and sex-based harassment, and a standard under which complaints must be assessed, that is different from the one in state law and this policy. The district is required to address complaints that might constitute sex discrimination and sex-based harassment prohibited under Title IX.

### **Sexual Harassment and Discrimination Prevention Policy**

1. The district's policy applies to all employees, applicants for employment, and interns, whether paid or unpaid. The policy also applies to additional covered individuals. It applies to anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the district. These individuals include persons commonly referred to as independent contractors, gig workers, and temporary workers. Also included are persons providing equipment repair, cleaning services, or any other services through a contract with the district. For the remainder of this policy, we will use the term "covered individual" to refer to these individuals who are not direct employees of the district.

2. Sexual harassment is unacceptable. Any employee or covered individual who engages in sexual harassment, discrimination, or retaliation will be subject to action, including appropriate discipline for employees. In New York, harassment does not need to be severe or pervasive to be illegal. Employees and covered individuals should not feel discouraged from reporting harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague fired over less severe behavior. Just as harassment can happen in different degrees, potential discipline for engaging in sexual harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.

3. Retaliation is prohibited. Any employee or covered individual that reports an incident of sexual harassment or discrimination, provides information, or otherwise assists in any investigation of a sexual harassment or discrimination complaint is protected from retaliation. No one should fear reporting sexual harassment if they believe it has occurred. So long as a person reasonably believes that they have witnessed or experienced such behavior, they are protected from retaliation. Any employee of the district who retaliates against anyone involved in a sexual harassment or discrimination investigation will face disciplinary action, up to and including termination. All employees and covered individuals working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or Business Administrator. All employees and covered individuals who believe they have been a target of such retaliation may also seek relief from government agencies, as explained below in the section on Legal Protections.

4. Discrimination of any kind, including sexual harassment, is a violation of our policies, is unlawful, and may subject the district to liability for the harm experienced by targets of discrimination. Harassers may also be individually subject to liability and employers or supervisors who fail to report or act on harassment may be liable for aiding and abetting such behavior. Employees at every

level who engage in harassment or discrimination, including managers and supervisors who engage in harassment or discrimination or who allow such behavior to continue, will be penalized for such misconduct.

5. The district will conduct a prompt and thorough investigation that is fair to all parties. An investigation will happen whenever management receives a complaint about discrimination or sexual harassment, or when it otherwise knows of possible discrimination or sexual harassment occurring. The district will keep the investigation confidential to the extent possible. If an investigation ends with the finding that discrimination or sexual harassment occurred, the district will act as required. In addition to any required discipline, the district will also take steps to ensure a safe work environment for the employee(s) who experienced the discrimination or harassment. All employees, including managers and supervisors, are required to cooperate with any internal investigation of discrimination or sexual harassment.

6. All employees and covered individuals are encouraged to report any harassment or behaviors that violate this policy. All employees will have access to a complaint form to report harassment and file complaints. Use of this form is not required. For anyone who would rather make a complaint verbally, or by email, these complaints will be treated with equal priority. An employee or covered individual who prefers not to report harassment to their manager or employer may instead report harassment to the New York State Division of Human Rights and/or the United States Equal Employment Opportunity Commission. Complaints may be made to both the employer and a government agency.

Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of, to Business Administrator. This person must also notify the Title IX Coordinator to determine whether a Title IX complaint is warranted. If this person is also designated as the Title IX Coordinator, they must determine whether to proceed under Title IX either instead of or in addition to this policy.

7. This policy applies to all employees and covered individuals, such as contractors, subcontractors, vendors, consultants, or anyone providing services in the workplace, and all must follow and uphold this policy. This policy must be provided to all employees in person or digitally through email upon hiring and will be posted prominently in all work locations.

For those offices operating remotely, in addition to sending the policy through email, it will also be available on the organization's shared network.

### **What Is Sexual Harassment?**

Sexual harassment is a form of gender-based discrimination that is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating employees differently because of their gender.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of the district's policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts. Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature when:

- The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. The impacted person does not need to be the intended target of the sexual harassment;
- Employment depends implicitly or explicitly on accepting such unwelcome behavior; or
- Decisions regarding an individual's employment are based on an individual's acceptance to or rejection of such behavior. Such decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.

There are two main types of sexual harassment:

- Behaviors that contribute to a hostile work environment include, but are not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an
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employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee's job performance.

- Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called quid pro quo harassment.

Any employee or covered individual who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by this policy.

#### *A. Examples of Sexual Harassment*

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited. This list is just a sample of behaviors and should not be considered exhaustive. Any employee who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it:

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body, or poking another employee's body; or
  - Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges).
- Unwanted sexual comments, advances, or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits.
  - Subtle or obvious pressure for unwelcome sexual activities; or
  - Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.

- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look;
- Sexual or discriminatory displays or publications anywhere in the workplace. Such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;
  - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression

#### *B. Who Can be a Target of Sexual Harassment?*

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. New York Law protects employees and all covered individuals described earlier in the policy. Harassers can be anyone in the workplace. A supervisor, a supervisee, or a coworker can all be harassers. Anyone else in the workplace can also be harassers including an independent contractor, contract worker, vendor, client, student, volunteer, parent, community member, board member, or visitor.

Sexual harassment does not happen in a vacuum and discrimination experienced by an employee can be impacted by biases and identities beyond an individual's gender.

Individuals bring personal history with them to the workplace that might impact how they interact with certain behavior. It is especially important for all employees to be aware of how words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace.

#### *C. Where Can Sexual Harassment Occur?*

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer or industry sponsored events or parties. Calls, texts, emails, and social media usage by employees or covered individuals can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

Sexual harassment can occur when employees are working remotely from home as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee or covered individual is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

**Retaliation**

Retaliation is unlawful and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, that seeks to discourage a worker or covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. These actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

Examples of retaliation may include, but are not limited to:

- Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- Publicly releasing personnel files;
- Refusing to provide a reference or providing an unwarranted negative reference;
- Labeling an employee as “difficult” and excluding them from projects to avoid “drama”;
- Undermining an individual’s immigration status; or
- Reducing work responsibilities, passing over for a promotion, or moving an individual’s desk to a less desirable office location.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- Made a complaint of sexual harassment or discrimination, either internally or with any government agency;
- Testified or assisted in a proceeding involving sexual harassment or discrimination under the Human Rights Law or any other anti-discrimination law;
- Opposed sexual harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of suspected harassment;
- Reported that another employee has been sexually harassed or discriminated against; or
- Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment. Intentionally false or malicious complaints of sexual harassment may result in corrective or disciplinary action taken against the complainant.

**Reporting Sexual Harassment**



Everyone must work toward preventing sexual harassment, but leadership matters. Supervisors and managers have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination. Any employee or covered individual is encouraged to report harassing or discriminatory behavior to a supervisor, manager or Business Administrator. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, or Business Administrator.

Reports of sexual harassment may be made verbally or in writing. A written complaint form is attached to this policy if an employee would like to use it, but the complaint form is not required. Employees who are reporting sexual harassment on behalf of other employees may use the complaint form and should note that it is on another employee's behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another employee is also acceptable.

Employees and covered individuals who believe they have been a target of sexual harassment may at any time seek assistance in additional available forums, as explained below in the section on Legal Protections.

### **Supervisory Responsibilities**

Supervisors and managers have a responsibility to prevent sexual harassment and discrimination. All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing or discriminatory behavior, or for any reason suspect that sexual harassment or discrimination is occurring, are required to report such suspected sexual harassment to the Business Administrator. Managers and supervisors should not be passive and wait for an employee to make a claim of harassment. If they observe such behavior, they must act.

Supervisors and managers can be disciplined if they engage in sexually harassing or discriminatory behavior themselves. Supervisors and managers can also be disciplined for failing to report suspected sexual harassment or allowing sexual harassment to continue after they know about it.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

While supervisors and managers have a responsibility to report harassment and discrimination, supervisors and managers must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors and managers must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

**Bystander Intervention**

Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can record or take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace. Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it.

**Complaints and Investigations of Sexual Harassment**

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected sexual harassment will be prompt, thorough, and started and completed as soon as possible. The investigation will be kept confidential to the extent possible. All individuals involved, including those making a harassment claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The district will take disciplinary action against anyone engaging in retaliation against employees who file complaints, support another's complaint, or participate in harassment investigations.

The district recognizes that participating in a harassment investigation can be uncomfortable and has the potential to retraumatize an employee. Those receiving claims and leading investigations will handle complaints and questions with sensitivity toward those participating.

While the process may vary from case to case, investigations will be done in accordance with the regulation 0111-R which establishes a unified grievance process for addressing complaints of discrimination, harassment, and retaliation under Title IX, other federal statutes, and applicable state laws. The purpose of this streamlined approach is to ensure fairness, consistency, and compliance with all legal requirements, while providing all parties with a clear, equitable process to resolve concerns. When specific definitions or provisions relate to a particular law, such as Title IX, a clear reference will be made to ensure accurate application. This grievance process applies uniformly, regardless of the source of the claim, ensuring all complaints are handled with the same standards of integrity, due process, and accountability.

While the grievance process is uniform, determinations are made based on the specific federal or state laws and/or District policies applicable to each complaint. For example, a claim of discrimination and/or harassment may not be sustained under Title IX but could be sustained under state laws, or under the district's policies such as the Code of Conduct. This approach ensures that each complaint is evaluated in accordance with the applicable legal or policy framework while maintaining continuity in the grievance process for all investigations.

### **Record Keeping**

Records will be kept consistent with the provisions outlined in Policy 0111.

### **Legal Protections and External Remedies**

Sexual harassment is not only prohibited by the district, but it is also prohibited by state, federal, and, where applicable, local law.

The internal process outlined in the policy above is one way for employees to report sexual harassment. Employees and covered individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may also seek the legal advice of an attorney.

#### *A. New York State Division of Human Rights*

The New York State Human Rights Law (HRL), N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State and protects employees and covered individuals, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the New York State Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints of sexual harassment filed with DHR may be submitted any time within three years of the harassment. If an individual does not file a complaint with DHR, they can bring a lawsuit directly in state court under the Human Rights Law, within

three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the district does not extend your time to file with DHR or in court. The three years are counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases receive a public hearing before an administrative law judge. If sexual harassment is found at the hearing, DHR has the power to award relief. Relief varies but it may include requiring your employer to take action to stop the harassment, or repair the damage caused by the harassment, including paying of monetary damages, punitive damages, attorney's fees, and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Go to [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on your computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at 1(800) HARASS3 for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

#### *B. The United States Equal Employment Opportunity Commission*

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 U.S.C. § 2000e et seq. An individual can file a complaint with the EEOC anytime within 300 days from the most recent incident of harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred by does not file a lawsuit.

Individuals may obtain relief in mediation, settlement or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with the New York State Division of Human Rights, DHR will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

### *C. Local Protections*

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment or discrimination with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade Street, 1st Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

### *D. Contact the Local Police Department*

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact their local police department.

### **E. Contact the District's Title IX Coordinator**

The district is required to address instances of sex discrimination and sex-based harassment which could be prohibited under Title IX and its regulations. Employees are encouraged to contact the district's Title IX Coordinator with complaints of sex discrimination and sex-based harassment.

### **Notice and Training**

The district will provide all existing employees with either a paper or electronic copy of the district's sexual harassment policy and regulation, and will provide the same to new employees before the employee starts their job. These materials will be provided in English and in an employee's primary language, for those languages for which the NYS Department of Labor has provided a translated template policy.

All new employees will receive training on this policy and regulation at new employee orientation or as soon as possible after starting their job, unless they can

demonstrate that they have received equivalent training within the past year from a previous employer. All other employees will be provided training at least once a year regarding this policy and the district's commitment to a harassment-free working environment. Principals and other administrative employees who have specific responsibilities for investigating and resolving complaints of sexual harassment will receive yearly training on this policy, regulation and related legal developments. Training will be provided in English and in an employee's primary language, for those languages for which the NYS Department of Labor has provided translated model training.

Annual employee training programs will be interactive and include: (i) an explanation of sexual harassment consistent with guidance issued by the NYS Department of Labor and the NYS Division of Human Rights; (ii) examples of conduct that is unlawful sexual harassment; (iii) information on federal and state laws about sexual harassment and remedies available to victims of sexual harassment; (iv) information concerning employees' right to make complaints and all available forums for investigating complaints; and (v) address the conduct and responsibilities of supervisors.

### **Conclusion**

The policy outlined above is aimed at providing district employees and covered individuals an understanding of their right to a discrimination and harassment free workplace. All employees should feel safe at work. Though the focus of this policy is on sexual harassment and gender discrimination, the New York State Human Rights law protects against discrimination in several protected classes including sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or domestic violence survivor status.

The prevention policies outlined above should be considered applicable to all protected classes.

Cross-ref:

0111, Sex Discrimination and Sex-Based Harassment Under Title IX

### Ref:

Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 et seq.

Executive Law §296

Executive Law §296-d (prohibition of sexual harassment of employees and non-employees)

Labor Law §201-g (required workplace sexual harassment policy and training)

Civil Practice Law and Rules §§5003-b (nondisclosure agreements optional); 7515 (mandatory arbitration prohibited)

General Obligations Law §5-336 (nondisclosure agreements optional)

*Faragher v. City of Boca Raton*, 524 U.S. 775 (1998)

*Burlington Industries v. Ellerth*, 524 U.S. 742 (1998)

*Oncale v. Sundowner Offshore Services, Inc.*, 523 U.S. 75 (1998)

*Meritor Savings Bank, FSB v. Vinson*, 477 U.S. 57 (1986)

Adopted: February 13, 2025

**SEXUAL HARASSMENT IN THE WORKPLACE EXHIBIT**

**Complaint Form for Reporting Sexual Harassment**

**COMPLAINANT INFORMATION**

Work Address: \_\_\_\_\_ Work Phone: \_\_\_\_\_  
Job Title: \_\_\_\_\_ Email: \_\_\_\_\_

Select Preferred Communication Method: ☐ Email, ☐ Phone, ☐ In person

**SUPERVISORY INFORMATION**

Immediate Supervisor's Name: \_\_\_\_\_  
Title: \_\_\_\_\_

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

**COMPLAINT INFORMATION**

1. Your complaint of Sexual Harassment is made about:

Name: \_\_\_\_\_ Title /Position: \_\_\_\_\_

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

Relationship to you: ☐ Supervisor ☐ Subordinate

☐ Co-Worker ☐ Other: \_\_\_\_\_

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) and location(s) sexual harassment occurred:

Is the sexual harassment continuing? ☐ Yes ☐ No

4. Please list the name and contact information-of any witnesses or individuals who may have information related to your complaint:

*The last question is optional, but may help the district's investigation.*

5. Have you previously complained about or provided information (verbal or written) about sexual harassment or related incidents to the district?

☐ Yes ☐ No

If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

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

**Instructions for the District**

If you receive a complaint about alleged sexual harassment, follow the district's sexual harassment prevention policy.

An investigation involves:

- Speaking with the employee
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document findings of the investigation and basis for your decision along with any corrective actions taken, and notify the employee and the individual(s) against whom the complaint was made (if the alleged harasser is a student, also notify the parent/guardian). This may be done via email.

Adopted: February 13, 2025



## **SEXUAL HARASSMENT GRIEVANCES UNDER TITLE IX**

The Sandy Creek Central School District (“district”) has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity.

### **Title IX Sexual Harassment**

1. Under federal regulations implementing Title IX, sexual harassment means conduct on the basis of sex that satisfies one or more of the following:
  - a. A district employee conditioning the provision of an aid, benefit, or service of the district on an individual’s participation in unwelcome sexual conduct;
  - b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district’s education program or activity; or
  - c. “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).
2. Federal Title IX regulations only address complaints of discrimination or harassment occurring against a person in the United States.

### **Notice of Allegations**

1. Upon initiation of the district’s grievance procedures, the district will notify the parties of the following:
  - a. The district’s grievance procedures.
  - b. Sufficient information available at the time to allow the Respondent to respond to the allegations, including the identities of the parties involved in the incident(s) if required by the underlying law or policy, the conduct alleged to constitute discrimination and/or harassment, and the date(s) and location(s) of the alleged incident(s); and
  - c. Retaliation is prohibited.
2. If, in the course of an investigation, the district decides to investigate additional allegations that are not included in the notice provided the district will notify the parties of the additional allegations.
3. If any district employee is notified of alleged sexual harassment, they must inform the Title IX Coordinator.
4. Complaints of discrimination on the basis of sex under federal Title IX regulations are addressed in the manner provided by policy 0100, Non-Discrimination and Equal Opportunity. If alleged discrimination or sexual harassment is not covered by Title IX regulations, it may be covered by state laws, addressed in district policies 0100, Non-

Discrimination and Equal Opportunity; 0110.2, Sexual Harassment in the Workplace; 0115, Student Harassment and Bullying Prevention and Intervention; and 5300, Code of Conduct.

### **Supportive Measures**

1. The district will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the district's education program or activity or provide support during the district's grievance procedures.
2. These supportive measures will be provided by the district in its sole discretion and may include:
  - a. Counseling;
  - b. Extensions of deadlines and other course-related adjustments;
  - c. Increased security and monitoring of certain areas of the district;
  - d. Restrictions on contact applied to one or more parties;
  - e. Leaves of absence;
  - f. Changes in class, work, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and
  - g. Training and education programs related to discrimination and/or harassment.

### **Grievance Procedures in General**

1. The district may consolidate complaints of discrimination and/or harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of discrimination and/or harassment arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.
2. The district will treat complainants and respondents equitably.
3. The district requires that any Title IX Coordinator, investigator, decisionmaker, or Appeal decision maker to not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator. The district may seek help from outside the district if there is a conflict, or it needs additional assistance at any stage in the grievance process.
4. The roles of Title IX Coordinator, investigator, and decision-maker will be held by different persons.
5. The district presumes that the respondent is not responsible for the alleged discrimination and/or harassment until a determination is made at the conclusion of its grievance procedures.
6. The district has established the following approximate timeframes for the major stages of the grievance procedures, unless extended as described below:

- a. Evaluations (whether to dismiss or investigate a complaint) will conclude approximately 10 working days following receipt of complaint.
  - b. Investigations of complaints that have not been dismissed will begin approximately 30 working days following receipt of complaint.
  - c. Determinations will be made approximately 60 working days following receipt of complaint.
7. The district has also established for reasonable extension of time frames on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay in the above timelines will be made on a case-by-case basis for unavailability of parties to the investigation, including fact witnesses, complainant, respondent, and investigators; summer and school vacations; and such other delays for which the District does not have control, such as emergency closures or health related concerns.
  8. The District will take reasonable steps to protect the privacy of the parties and witnesses during the pendency of the grievance procedures while ensuring the parties' right to obtain and present evidence, including speaking to witnesses in the presence of the Title IX Coordinator, consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance process. Retaliation, including peer retaliation, is strictly prohibited. If the District receives a complaint or suspects retaliation, it will promptly initiate its grievance process to investigate the suspected retaliation.

### **Investigation**

1. The district will provide for adequate, reliable, and impartial investigation of complaints. The burden is on the district – not on the parties – to conduct an investigation that gathers sufficient evidence to determine whether discrimination and/or harassment occurred.
2. The district will objectively evaluate all evidence that is relevant and not otherwise impermissible – including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.
3. The parties are entitled to an equal opportunity to an accurate description of the not otherwise impermissible evidence. Either party upon request may have equal access to the relevant, not otherwise permissible evidence.
4. The district will provide a reasonable opportunity for the complainant and respondent to respond to the evidence or the accurate description of the evidence.
5. The district will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible. The district will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.
6. The decision maker will adequately assess the credibility of parties and witnesses.

### **Dismissal of a Complaint**

1. The district may dismiss a complaint if:
  - a. The district is unable to identify the respondent after taking reasonable steps to do so;
  - b. The respondent is not participating in the district's education program or activity and is not employed by the district;
  - c. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the district determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute discrimination and/or harassment even if proven; or
  - d. The district determines the conduct alleged in the complaint, even if proven, would not constitute discrimination and/or harassment. Before dismissing the complaint, the district will make reasonable efforts to clarify the allegations with the complainant.
2. Upon dismissal, the district will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the district will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.
3. The district will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the district will also notify the respondent that the dismissal may be appealed. The complainant and/or respondent must follow the appeals procedure listed below.

### **Determination Whether Discrimination and/or Harassment Occurred**

1. The district will use the preponderance of the evidence standard of proof to determine whether discrimination and/or harassment has occurred. If the decision maker is not persuaded under the applicable standard by the evidence that discrimination and/or harassment occurred, whatever the quantity of the evidence is, the decision maker will not determine that discrimination and/or harassment has occurred.
2. The district will notify the parties in writing of the determination including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal.
3. If there is a determination that discrimination and/or harassment has occurred, the Title IX Coordinator will, as appropriate:
  - a. Coordinate the provision and implementation of remedies to a complainant and other people the district identifies as having had equal access to the district's education program or activity limited or denied by the discrimination and/or harassment.

- b. Coordinate the imposition of any disciplinary sanctions.
- c. Take other appropriate, prompt, and effective steps to ensure that discrimination and/or harassment does not continue or recur within the district's education program or activity.

### **Disciplinary Sanctions and Remedies**

1. Following a determination that discrimination and/or harassment occurred, the district may impose disciplinary sanctions, which may include:
  - a. Student respondents: consequences may include warning, reprimand, detention, in-school suspension, and suspension from school, to be imposed consistent with the district's Code of Conduct and applicable law;
  - b. Employee respondents: consequences may include warning, reprimand, mandatory counseling, re-assignment, suspension, and termination, to be imposed consistent with all applicable contractual and statutory rights;
  - c. Volunteer respondents: consequences may include warning, reprimand, loss of volunteer assignments, and removal from future volunteer opportunities; and
  - d. Vendor respondents: consequences may include warning, removal from school property, denial of future access to school property, and denial of future business with the district.
  - e. Other individuals: consequences may include warning, removal from school property, and denial of future access to school property.
2. The Title IX Coordinator will facilitate the transfer of information and determinations from the Title IX complaint process to the appropriate administrator, to aid in the imposition of disciplinary consequences.
3. The district may also provide remedies, which may include, but are not limited to:
  - a. Training of entire departments, classes, or groups;
  - b. Peer support groups;
  - c. Separation of the parties;
  - d. Additional supervision or mentoring; and
  - e. Restoration.

### **Appeals**

1. If a party is not satisfied with the outcome of the investigation, they may file an appeal to the Superintendent. Appeals must be made in writing to the Superintendent, must state the basis for the request, and must include any material or information that support the basis of the appeal. The written request and supporting documentation must be submitted within ten (10) working days of receiving notification of the outcome.
2. The appeal must be based upon the fact that:
  - a. Procedural irregularity that would change the outcome;

- b. New evidence that would change the outcome and that was not reasonably available when the dismissal was made; or
  - c. The Title IX Coordinator, investigator, or decision maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.
3. The Superintendent or their designee will determine whether the basis for the appeal is one allowed by this grievance procedure (see above). If the appeal meets those standards, the appeal request will be provided to the other party, who will be allowed to submit an optional written response within ten (10) working days of receipt of the notice the matter has been appealed.
  4. The district will ensure that the decision maker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint.
  5. The Superintendent may sustain or modify the decision of the Title IX Coordinator and will notify both parties in writing of the decision and the rationale for the result, within twenty (20) working days after the conclusion of the review. The decision of the Superintendent is final.

Cross-ref:

0100, Non-Discrimination and Equal Opportunity

0110.2, Sexual Harassment in the Workplace

0115, Student Harassment and Bullying Prevention and Intervention

5300, Code of Conduct

Ref:

20 USC §§1681 et seq.

34 CFR Part 106

Adopted: April 10, 2025

**SEXUAL HARASSMENT GRIEVANCES UNDER TITLE IX EXHIBIT - DEFINITIONS**

Definitions of the following terms are based on the federal regulations implementing Title IX (34 CFR Part 106):

*Complainant* means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

*Formal complaint* means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the district investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the district with which the formal complaint is filed.

*Respondent* means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

*Retaliation* means intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by title IX or this part, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX regulations.

*Sexual harassment* means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

*Supportive measures* means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment.

Adopted: April 10, 2025

## **STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION**

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

To this end, the Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events. Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds, such as cyberbullying, which creates or can be reasonably expected to create a material and substantial interference with the requirements of appropriate discipline in the operation of the school or impinge on the rights of other students are prohibited, and may be subject to disciplinary consequences.

### *Definitions*

1. **Bullying.** Bullying, under the amended Dignity for All Students Act, has the same meaning as harassment (see below). The accompanying regulation provides more guidance regarding the definition and characteristics of bullying to help the school community recognize the behavior.
2. **Cyberbullying.** Cyberbullying is defined as harassment (see below) through any form of electronic communication.
3. **Discrimination.** Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as enumerated in the *Definitions* section, under Harassment, below).
4. **Hazing.** Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.
5. **Harassment.** Harassment has been defined in various ways in federal and state law and regulation. The Board recognizes that these definitions are important standards, but the Board's goal is to prevent misbehavior from escalating in order to promote a positive school environment and to limit liability. The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to



cause a student to fear for their physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived:

- Race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as but not limited to braids, locks, and twists),
- color,
- weight,
- national origin,
- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender.

For the purpose of this definition the term "threats, intimidation or abuse" includes verbal and non-verbal actions.

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

In order to streamline the wording of this policy and regulation the term bullying will be used throughout to encompass harassment, intimidation, cyberbullying and hazing behaviors.

### *Prevention*

The school setting provides an opportunity to teach children, and emphasizes among staff that cooperation with and respect for others is a key district value. A program geared to prevention is designed to not only decrease incidents of bullying but to help students build more supportive relationships with one another by integrating the bullying prevention program into classroom

instruction. Staff members and students will be sensitized, through district-wide professional development and instruction, to the warning signs of bullying, as well as to their responsibility to become actively involved in the prevention of bullying before overt acts occur.

In order to implement this program the Board will designate at its annual organizational meeting a *Dignity Act Coordinator (DAC)* for each school in the district. One of the DAC's will be designated as the district-wide coordinator whose responsibilities are described in the accompanying regulation. The role of

each DAC is to oversee and enforce this policy in the school to which they are assigned.

### *Intervention*

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

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

In addition, intervention will focus upon the safety of the target. Staff is expected, when aware of bullying, to report it in accordance with this policy, refer the student to designated resources for assistance, or to intervene in accordance with this policy and regulation.

### *Provisions for Students Who Do Not Feel Safe at School*

The Board acknowledges that, notwithstanding actions taken by district staff, intervention may require a specific coordinated approach if the child does not feel safe at school. Students who do not feel safe at school are limited in their capacity to learn and reach their academic potential. Staff, when aware of bullying, should determine if accommodations are needed in order to help ensure the safety of the student and bring this to the attention of the building principal. The building principal, other appropriate staff, the student and the student's parent will work together to define and implement any needed accommodations.

The district recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually. The student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

### *Incident Reporting and Investigation*

Although it can be difficult to step forward, the district can't effectively address bullying if incidents are not reported. Students who have been bullied, parents whose children have been bullied or other students who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided. Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to make an oral report to the building principal within one school day and to fill out the district reporting form within two school days. Staff who are unsure of the reporting procedure are expected to ask their supervisors how to

proceed. District employees may be deemed to have permitted unlawful discrimination or harassment if they fail to report an observed incident, whether or not the target complains.

At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy, or the district's Code of Conduct. The building principal will prepare a report for the Superintendent based on complaints filed.

The district is also required under the federal Title IX law and its implementing regulations to adopt a grievance procedure for addressing complaints of sex discrimination and sex-based harassment. The Title IX regulations contain a definition of sex discrimination and sex-based harassment, and a standard under which complaints must be assessed, that is different from the one in state law and this policy. The district is required to address complaints that might constitute sex discrimination and sex-based harassment prohibited under Title IX pursuant to its grievance procedure. Because of this, any complaint of sexual harassment under this policy (covered by state law) should also be reviewed under the district's Title IX grievance procedure, either prior to or in tandem with this policy. See policy 0111 and regulation 0111-R.

An equitable and thorough investigation will be carried out by the building principal in accordance with the accompanying regulation. In addition, the results of the investigation will be reported back to both the target and the accused as specified in the accompanying regulation. If either of the parties disagrees with the results of the investigation, they can appeal the findings in accordance with the regulations that accompany this policy. Verified bullying incidents that meet the criteria established by the state will be included in the statewide reporting system when applicable, in accordance with law and regulation.

The Board will receive the annual School Safety and Educational Climate (SSEC) Summary Data Collection Form, the state-required report relevant to bullying, violent and disruptive incidents, and the school climate, for each building and for the district as whole. Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy and additional training.

#### *Disciplinary Consequences/Remediation*

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

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

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

#### *Non-Retaliation*

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

#### *Training*

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent, the districtwide DAC and the District Professional Development Team will incorporate training to support this program in new teacher orientation and the annual professional development plan, as needed. Training opportunities will be provided for all staff, including but not limited to bus drivers, cafeteria and hall monitors and all staff who have contact with students. The DACs will be trained in accordance with state requirements and will continue their professional development so as to successfully support this policy and program.

#### *Dissemination, Monitoring and Review*

This policy, or a plain language summary, will be published in student registration materials, student, parent and employee handbooks, and posted on the district's website. A bullying complaint form will be available on the district's website. The district will ensure that the process of reporting bullying is clearly explained to students, staff and parents on an annual basis.

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

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

#### Cross-ref:

0100, Equal Opportunity and Nondiscrimination

0110, Sexual Harassment

4321, Programs for Students with Disabilities

5300, Code of Conduct

5710, School Safety and Educational Climate (SSEC)\_Reporting

9700, Staff Development

Ref:

Dignity for All Students Act, Education Law, §10 – 18  
 Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.*  
 Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.*  
 Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*; 34 CFR §100 *et seq.*  
 Title IX, Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*  
 §504, Rehabilitation Act of 1973, 29 U.S.C. §794  
 Individuals with Disabilities Education Law, 20 U.S.C §§1400 *et seq.*  
 Executive Law §290 *et seq.* (New York State Human Rights Law)  
 Education Law §§313(3), 3201, 3201-a  
 8 NYCRR §§100.2(c), (l), (jj), (kk); 119.6  
*Tinker v. Des Moines Independent Community School Dist.*, 393 U.S. 503 (1969)  
*Mahanoy Area School District v. B.L.*, 594 U.S. \_\_\_, 141 S. Ct. 2038 (2021)  
*Pollnow v. Glennon*, 594 F.Supp. 220, 224 *aff'd* 757 F.2d 496  
*Zeno v. Pine Plains* 702 F.3d 655 (2<sup>nd</sup> Cir. 2012)  
*Cuff v. Valley Central School District* F.3d 109 (2<sup>nd</sup> Cir 2012)  
*Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999)  
*Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998)  
*Faragher v. City of Boca Raton*, 524 U.S. 775 (1998)  
*Burlington Industries v. Ellerth*, 524 U.S. 742 (1998)  
*Oncale v. Sundowner Offshore Services, Inc.*, 523 U.S. 75 (1998)  
*Franklin v. Gwinnett County Public Schools*, 503 U.S. 60 (1992)  
*Meritor Savings Bank, FSB v. Vinson*, 477 U.S. 57 (1986)  
*Appeal of K.S.*, 43 Ed. Dept. Rep. 492  
*Appeal of Ravick*, 40 Ed. Dept. Rep. 262  
*Appeal of Orman*, 39 Ed. Dept. Rep. 811

Adopted: February 13, 2025

## STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION REGULATION

The Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing, intimidation and bullying on school grounds, school buses and at all school-sponsored activities, programs and events. Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds, such as cyberbullying, which can be reasonably expected to materially and substantially interfere with the requirements of appropriate discipline in the operation of the school or impinge on the rights of other students are prohibited, and may be subject to disciplinary consequences

### *Definitions*

#### 1. Bullying

Under the amended Dignity for All Students Act bullying and harassment are equivalent and used interchangeably. In order to facilitate implementation, provide meaningful guidance and prevent behaviors from rising to a violation of law, bullying is further understood to be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. Bullying may be premeditated or a sudden activity. It may be subtle or easy to identify, done by one person or a group. Bullying often includes the following characteristics:

1. **Power imbalance** - occurs when a bully uses their physical or social power over a target.
2. **Intent to harm** - the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.
3. **Threat of further aggression** - the bully and the target believe the bullying will continue.
4. **Terror** - when any bullying increases, it becomes a "systematic violence or harassment used to intimidate and maintain dominance."

(Barbara Coloroso, *The Bully, The Bullied & The Bystander*, 2003)

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

#### 2. Discrimination

Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as listed under *Harassment* as defined below).

### 3. Harassment

Harassment has been defined in various ways in federal and state law (including the penal law) and regulation. The Board recognizes that these definitions are important standards, but the Board's goal is to prevent behaviors from escalating to violations of law and, instead, to promote a positive school environment and limit liability. The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for their physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived:

- Race (including traits historically associated with race, including but not limited to hair texture and protective hairstyles (such as but not limited to braids, locks, and twists)),
- color,
- weight,
- national origin,
- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender.

For purposes of this definition, the term "threats, intimidation or abuse" includes verbal and non-verbal actions.

#### *Hazing*

Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

### *Prevention*

Prevention is the cornerstone of the district's effort to address bullying. The components of such an effort involve the following:

- Following the principles and practices of "*Educating the Whole Child Engaging the Whole School: Guidelines and Resources for Social and Emotional Development and Learning (SEDL) in New York State* – Adopted by the Board of Regents July 18, 2011." District curriculum will emphasize developing empathy, tolerance and respect for others.
- Learning about and identifying the early warning signs and precursor behaviors that may lead to bullying.
- Gathering information about bullying at school directly from students; analyzing and using the data gathered to assist in decision-making about programming and resource allocation.
- Establishing clear school wide and classroom rules about bullying consistent with the district's code of conduct.
- Training adults in the school community to respond sensitively and consistently to bullying.
- Providing adequate supervision, particularly in less structured areas such as in the hallways, cafeteria, school bus and playground.

### *Role of the Dignity Act Coordinator(s) (DAC)*

The Board of Education will annually designate a staff member, who has been thoroughly trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression), and sex, as the Dignity Act Coordinator (DAC) for each school, accountable for implementation of this policy. In addition, one will be designated as the district-wide coordinator who will be responsible for ensuring equivalency in programming across

buildings. The building-level DAC will be responsible for coordinating and enforcing this policy and regulation in the school to which they are assigned, including but not limited to coordination of:

- the work of the building-level committees;
- professional development for staff members and,
- the complaint process, and
- management of the Dignity Act's civility curriculum components.

### *Incident(s) Reporting*

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets and persons with knowledge of bullying report such behavior immediately to the principal, the principal's designee or the Dignity Act Coordinator as soon as possible after the incident so that it may



be effectively investigated and resolved. The district will also make a bullying complaint form available on its website to facilitate reporting. The district will collect relevant data from written and verbal complaints to allow for systematic reporting.

Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to orally report it to the building principal within one school day and to fill out the district reporting form within two school days. Staff who are unsure of the reporting procedure are expected to ask their supervisors how to proceed. District employees may be deemed to have permitted unlawful discrimination or harassment if they fail to report an observed incident, whether or not the target complains.

Students who are targets of discrimination and harassment may also file a complaint with the New York State Division of Human Rights (DHR) to allege a violation of the state Human Rights Law Article 15. Complaints about acts that occurred on or after 2/15/24 must be filed within three years of the act (complaints about acts that occurred before 2/15/24 must be filed within one year of the act). Go to [dhr.ny.gov/complaint](https://dhr.ny.gov/complaint) for more information about filing a complaint with DHR. Students may alternately file a Human Rights Law complaint in state court.

For incidents that involve sex discrimination and/or sex-based harassment, staff must also notify the Title IX Coordinator to determine whether a Title IX complaint is warranted. If the Dignity Act Coordinator is also designated as the Title IX Coordinator, they must determine whether to proceed under Title IX either instead of or in addition to this policy.

The district will thoroughly, promptly and equitably investigate all complaints, formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner, although limited disclosure may be necessary to complete a thorough investigation.

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

#### *Confidentiality*

It is district policy to respect the privacy of all parties and witnesses to bullying. To the extent possible, the district will not release the details of a complaint or the identity of the complainant or the individual(s) against whom the

complaint is filed to any third parties who do not need to know such information. However, because an individual's desire for confidentiality must be balanced with the district's legal obligation to provide due process to the accused, to conduct a prompt and thorough investigation, and/or to take necessary action to resolve the complaint, the district retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

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

1. the request may limit the district's ability to respond to the complaint;
2. district policy and federal law prohibit retaliation against complainants and witnesses;
3. the district will attempt to prevent any retaliation; and
4. the district will take strong responsive action if retaliation occurs.

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

#### *Investigation and Resolution Procedure*

##### **A. Initial (Building-level) Procedure**

Whenever a complaint of bullying is received whether verbal or written, it will be subject to a thorough preliminary review and investigation. Except in the case of severe or criminal conduct, the principal, the principal's designee or the Dignity Act Coordinator will make all reasonable efforts to resolve complaints informally at the school level. The goal of informal procedures is to end the bullying, prevent future incidents, ensure the safety of the target and obtain a prompt and equitable resolution to a complaint.

As soon as possible, but no later than three school day following receipt of a complaint, the principal, the principal's designee or the Dignity Act Coordinator will begin an investigation of the complaint by:

- Reviewing any written documentation provided by the target(s).
- Conducting separate interviews of the target(s), alleged perpetrator(s), and witnesses, if any, and documenting the conversations.
- Providing the alleged perpetrator(s) a chance to respond and notify them that if objectionable behavior has occurred, it must cease immediately. The individual will be made aware of remediation opportunities as well as potential disciplinary consequences.

- Determining whether the complainant needs any accommodations to ensure their safety, and following up periodically until the complaint has been resolved.

The district recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually, and the student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

Parents of student targets and accused students should be notified within one school day of allegations that are serious or involve repeated conduct.

Where appropriate, informal methods may be used to resolve the complaint, including but not limited to:

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

Appropriate disciplinary action will be recommended and imposed in accordance with district policy, the applicable collective bargaining agreement or state law. The district will make every reasonable effort to attempt to first resolve the misconduct through non-punitive measures.

The investigator will report back to both the target and the accused, within one week notifying them in writing, and also in person, as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The actions taken will be in conformance with the *Remediation/Discipline/Penalties* section of this regulation. The target will be asked to report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against them.

If a complaint contains evidence or allegations of serious or extreme bullying, or a civil rights violation, the complaint will be referred promptly to the Superintendent. The complainant will also be advised of other avenues to pursue their complaint, including contact information for state and federal authorities.

In addition, where the principal, the principal's designee or the Dignity Act Coordinator has a reasonable suspicion that the alleged bullying incident involves criminal activity, they must immediately notify the Superintendent, who will then contact the school attorney, appropriate child protection and, if appropriate, law enforcement authorities.

Any party who is not satisfied with the outcome of the initial investigation may request a district-level investigation by submitting a written complaint to the Superintendent within 30 days.

#### B. District-level Procedure

The Superintendent or designee will promptly investigate and equitably resolve all bullying complaints that are referred to them, as well as those appealed to the Superintendent following an initial investigation. In the event the complaint involves the Superintendent, the complaint will be filed with or referred to the Board President, who will refer the complaint to an appropriate independent individual for investigation.

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

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

If a district level investigation results in a determination that bullying did occur, prompt corrective action will be taken to end the misbehavior in accordance with the *Remediation/Discipline/Penalties* section of this regulation.

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

Any party who is not satisfied with the outcome of the district-level investigation may appeal to the Board of Education by submitting a written request to the Board President within 30 days.

#### C. Board-level Procedure

When a request for review by the Board has been made, the Superintendent will submit all written statements and other materials concerning the case to the President of the Board.

The Board will notify all parties concerned of the time and place when a hearing will be held. Such hearing will be held within 15 school days of the receipt of the request of the complainant.

The Board will render a decision in writing within 15 school days after the hearing has been concluded.

The district will retain documentation associated with complaints and investigations in accordance with Schedule LGS-1.

#### *Retaliation Prohibited*

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

#### *Remediation/Discipline/Penalties*

Any individual who violates this policy by engaging in bullying will be subject to appropriate action, which may include disciplinary action. Remedial responses to bullying include measures designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act.

Disciplinary measures available to school authorities include, but are not limited to the following:

Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the Code of Conduct and applicable law.

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

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

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

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

*Policy Dissemination*

All students and employees will be informed of this policy in student and employee handbooks, on the district website and student registration materials.

All employees will receive information about this policy and regulation at least once a year.

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

*Training*

Training needs in support of this bullying prevention and intervention program will be reflected in the district's annual professional development plan, new teacher orientation, in curriculum and will be considered in the budget process. The DAC(s), administrative employees and other staff, such as counselors or social workers who have specific responsibilities for investigating and/or resolving complaints of bullying will receive yearly training to support implementation of this policy, regulation and on related legal developments.

Adopted: February 13, 2025

**STUDENT BULLYING AND HARASSMENT COMPLAINT FORM**

Sandy Creek Central School District is committed to providing a safe, supportive environment free from harassment, bullying or discrimination. The District encourages the involvement of staff, students, parents and community members in the implementation and reinforcement of the Dignity for All Students Act (DASA). If you believe you, or someone else, has been the target of harassment, bullying – including cyberbullying – or discrimination, please use this form to report all allegations.

Please complete the form in its entirety, and return to the school administrator or Dignity Act Coordinator. Contact information can be found on the school website. Administration will review and respond to each incident in the context of the student Code of Conduct.

\* All complaints will be treated in a confidential manner. Anonymous reports may limit the District's ability to respond to the complaint.

\*\* False reporting of incidents may result in disciplinary consequences and may be reported to an appropriate law enforcement agency.

Name of Person Reporting Incident: \_\_\_\_\_

Today's Date: \_\_\_\_\_

Person reporting incident is:

Other \_\_\_\_\_ Student \_\_\_\_\_ Witness \_\_\_\_\_ Parent/Guardian \_\_\_\_\_ Staff Member

Contact Information:

Phone# \_\_\_\_\_

Email \_\_\_\_\_

1. Name of target: \_\_\_\_\_ Grade: \_\_\_\_\_

2. Name of alleged offender(s): \_\_\_\_\_

3. Date(s) and times(s) of incident: \_\_\_\_\_

4. What was your involvement in the incident?

\_\_\_\_\_ I was directly involved in the incident \_\_\_\_\_ I observed the incident

\_\_\_\_\_ I heard about the incident

5. Incident Occurred:

\_\_\_\_\_ During regular school hours \_\_\_\_\_ Before or after regular school hours

6. The individuals involved:

\_\_\_\_\_ Student \_\_\_\_\_ Employee \_\_\_\_\_ Both student and employee

SANDY CREEK CENTRAL SCHOOL DISTRICT

0115-E

7. Location of incident:

- |                                           |                                    |                                            |                                      |                                        |
|-------------------------------------------|------------------------------------|--------------------------------------------|--------------------------------------|----------------------------------------|
| <input type="checkbox"/> Auditorium       | <input type="checkbox"/> Bus       | <input type="checkbox"/> Girls bathroom    | <input type="checkbox"/> Hallway     | <input type="checkbox"/> Playing Field |
| <input type="checkbox"/> Boys bathroom    | <input type="checkbox"/> Cafeteria | <input type="checkbox"/> Girls locker room | <input type="checkbox"/> Parking lot | <input type="checkbox"/> Cyber offense |
| <input type="checkbox"/> Boys locker room | <input type="checkbox"/> Classroom | <input type="checkbox"/> Gymnasium         | <input type="checkbox"/> Playground  | <input type="checkbox"/> Other         |

8. The incident involved (*choose all that apply*):

☐ Physical contact (kicking, punching, spitting, tripping, pushing, taking belongings)

☐ Verbal threats (gossip, name-calling, put-downs, teasing, being mean, taunting, making threats)

☐ Psychological (non-verbal actions, spreading rumors, social exclusion, intimidation)

☐ Abuse (actions or statements that put an individual in fear of bodily harm)

☐ Cyberbullying (misusing technology/social media to harass, tease, threaten, post pictures[sexting])

9. Describe the specific nature of the incident. What happened (be as specific as possible). What did the alleged offender say or do? Include any copies of text messages, emails, etc. if possible.

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10. Type of bias, if any, that was involved (check all that apply):

- |                                             |                                          |                                             |                              |
|---------------------------------------------|------------------------------------------|---------------------------------------------|------------------------------|
| <input type="checkbox"/> Race               | <input type="checkbox"/> Weight/Size     | <input type="checkbox"/> Religion           | <input type="checkbox"/> Sex |
| <input type="checkbox"/> Color              | <input type="checkbox"/> National origin | <input type="checkbox"/> Religious Practice |                              |
| <input type="checkbox"/> Sexual Orientation | <input type="checkbox"/> Disability      | <input type="checkbox"/> Ethnic Group       |                              |
| <input type="checkbox"/> Gender             |                                          |                                             |                              |

11. Name of witness(es), if any \_\_\_\_\_



12. Did a physical injury result from this incident? *(Indicate one of the following):*

\_\_\_\_ No \_\_\_\_ Yes, but it did not require medical attention \_\_\_\_ Yes, and it required medical attention

13. Was the victim absent from school as a result of the incident?

\_\_\_\_ Yes \_\_\_\_ No

14. Is there any additional information you would like to provide?

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I swear or affirm that this complaint is true and correct to the best of my knowledge, information and belief.

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

Administrative Action/Notes:

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You can contact the school administrator, Dignity Act Coordinator, counselor, or other staff member (whoever you are most comfortable with) for information or assistance at any time.

Adopted: February 13, 2025

### **ANNUAL DISTRICT ELECTION AND BUDGET VOTE**

The district shall hold an annual election and budget vote at which the district's authorized voters will elect members of the Board of Education and vote on the district budget for the coming school year. The annual district election and budget vote will be held on the third Tuesday in May, unless, due to a conflict with religious observance, the Board requests that the Commissioner approve changing the election date to the second Tuesday in May. The request is due to the Commissioner by March 1<sup>st</sup>.

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

Copies of the budget to be voted upon at the annual election and budget vote will be available upon request in each district school building, at the school district offices, and at any public library or free association library within the district, for district residents at the time of the annual election and budget vote and the 14 days preceding (other than Saturday, Sunday and holidays), as well as on the school district's internet website.

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

#### **Propositions**

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

1. Unless otherwise provided by the Education Law, petitions for the submission of a proposition must contain a minimum of 25 signatures of qualified voters of the district or 5 percent of the eligible voters who voted in the previous annual election of the members of the Board of Education, whichever is greater.
2. Petitions must be filed with the District Clerk at least 30 days prior to the annual election, except for petitions relating to a proposition which must be included in the notice of the annual election (e.g., changing the number of board members). Such petitions must be submitted 60 days in advance of the annual election to facilitate the preparation and printing of the ballots.
3. Propositions must include the specific appropriations necessary for the purposes listed.
4. Wording of a petition must comply with legal requirements. If the wording does not comply, it may be changed or altered by the Board, or the Board may reject a petition for failure to comply.

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

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

#### Improper Advocacy

The district may provide informational material to the voters concerning budgets, propositions, or other matters before the electorate. However, school district funds and resources may not be used to exhort voters to support a particular position. For example, the district will not engage in activities including, but not limited to, sending flyers supporting the budget home with students, providing mailing labels for materials supporting a proposition or using the district e-mail to deliver promotional material for candidates.

#### Ref:

Education Law §§416(3); 1608(2); 1716(2) 1804(4); 1906(1); 2002(1); 2003(1)(2); 2004(1)-(7); 2009; 2021;2022(1), (4)-(5); 2035(2); 2601-a(2)

General Construction Law §60

*Matter of Hebel*, 34 EDR 319 (1994)

*Matter of Martin*, 32 EDR 567 (1993)

*Matter of Como*, 30 EDR 214 (1990)

Adopted: February 13, 2025

## **SCHOOL DISTRICT RECORDS**

It is the policy of the Board of Education to inform members of the public about the administration and operation of the public schools in accordance with the Freedom of Information Law of the State of New York.

The Superintendent of Schools will develop regulations, to be adopted by the Board, ensuring compliance with the Freedom of Information Law and setting forth the procedures to be followed to obtain access to district records, and submit such regulations to the Board for approval. Such regulations will address ensuring applicable confidentiality and security of district information, including the protection of student and teacher/principal personally identifiable information in conformance with state Education Law §2-d and regulations 8 NYCRR Part 121. The Superintendent will designate, with Board approval, a Records Access and Records Management Officer, pursuant to law.

### *Retention and Destruction of Records*

The Board hereby adopts the Records Retention and Disposition Schedule LGS-1 issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, which contains the legal minimum retention periods for district records. In accordance with Article 57-A, the district will dispose of only those records described in the schedule after they have met the minimum retention periods set forth in the schedule. The district will dispose of only those records that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond the established legal minimum periods.

The manner of destruction will be determined by the format of the record (i.e., paper, digital, etc.). In addition, destruction will be appropriately documented.

### *Litigation-Hold*

The Superintendent will establish procedures in the event that the school district is served with legal papers. The Superintendent will communicate with applicable parties, including the school attorney and the records management official, to ensure that, when appropriate, a litigation-hold is properly implemented. The litigation-hold is intended to prevent the destruction or disposal of records that may need to be produced as part of discovery. It is the intention of the Board of Education to comply with applicable rules and regulations regarding the production of necessary documents, data, files, etc. The Board directs the Superintendent to institute such procedures to implement this policy.

The Superintendent or designee, with assistance from the Records Management Officer, is responsible for developing and disseminating

department-specific retention schedules and guidance to staff, as necessary, to ensure adherence to this policy.

Cross-ref:

5500, Student Records

8630, Computer Resources and Data Management

8635, Information and Data Privacy, Security, Breach and Notification

Ref:

Public Officers Law §84 *et seq.* (Freedom of Information Law)

Education Law §§2-d; 2116

Arts and Cultural Affairs Law §57.11

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

Federal Rules of Civil Procedure, 16, 26

8 NYCRR §185.15 (8 NYCRR Appendix L) – Records Retention and Disposition

Schedule LGS-1 for New York Local Government Records; Part 121

21 NYCRR Part 1401

Adopted: February 13, 2025

**PUBLIC COMMENT AT BOARD MEETINGS**

Persons wishing to address the Board will advise the District Clerk within a reasonable time prior to the start of the public comment period of the meeting. The request will be made in writing on a form provided by the district. To maintain a first come, first served process, the district will *request the name of the speaker*. For purposes of following up with speakers later, the district may request the speaker's preferred contact information such as home address, telephone number, or email address, or speak with them in person. To limit comments to matters which may be properly discussed in public session, the board will request a brief description of the topic to be addressed. Any group or organization wishing to address the Board must identify a single spokesperson. The Board President may limit the number of repetitive comments to keep within the time limit for the public comment period.

Presentation should be as brief as possible. No speaker will be permitted to speak for longer than *three* minutes. Speakers may not give unused time to other speakers. Speakers may comment on any matter related to district business.

The Board will not permit in public session discussion involving individual district personnel or students. Persons wishing to discuss matters involving individual district personnel or students should present their comments and/or concerns to the Superintendent during regular business hours.

All speakers and observers are to conduct themselves in a civil manner. Obscene language, defamatory statements, threats of violence, statements advocating racial, religious, or other forms of prejudice will not be tolerated.

Persons making presentations at a Board meeting will address remarks to the President and may direct questions or comments to Board members or other district officials only upon the approval of the President. Board members and the Superintendent have the privilege of asking questions of any person who addresses the Board, but commenters should not expect to engage in discussion with the Board. However, the Board may correct comments that are not accurate, and may refer to an existing policy when it answers a question.

Questions and comments from the public concerning matters which are not on the agenda will be taken under consideration and referred to the Superintendent for appropriate action.

The President will be responsible for the orderly conduct of the meeting and will rule on such matters as the time to be allowed for public discussion and the appropriateness of the subject being presented, as outlined in this policy and applicable provisions of law and regulation, and subject to the Board's parliamentary procedure. If there is disagreement about whether a speaker's topic

falls within the topics permitted for public comment, the whole board will vote on the issue.

The President will remind speakers whose presentations are inconsistent with this policy of the rules for public comment. For speakers that continue to violate this policy, the President may discontinue the presentation or call for a brief recess of the meeting. The President may order the removal of speakers from the speakers' area, or from the meeting in general, or may close the public comment period.

For members of the public who are unwilling or unable to speak during public comment periods, including when these periods are closed, they may submit comments to the Board in writing, to the following address: 124 Salisbury Street, Sandy Creek, New York 13415. Complaints from the public are addressed in Board policy 1400.

All individuals at Board meetings are expected to abide by the rules for Public Conduct on School Property as set forth in the district's Code of Conduct. At board meetings, speakers and observers may not engage in behavior that disrupts the meeting, such as shouting, interrupting others, blocking the free movement of others, or obstructing the views of others. In the event of such disruption, the President will remind those in attendance of the rules under this policy. Any Board member may request a brief recess of the meeting. The President may order the removal of those who are a threat to the safety of others or who disrupt the orderly conduct of the meeting. If appropriate, law enforcement may be called to remove disruptive individuals.

Cross-ref:

1400, Complaints from the Public  
2342, Agenda Preparation and Dissemination  
5300, Code of Conduct

Ref:

*Appeal of Kushner*, 49 EDR 263 (2010) (boards not required to allow the public to speak)  
*Matter of Martin*, 32 EDR 381 (1992) (boards need not permit nonresidents to speak)  
*Appeal of Wittneben*, 31 EDR 375 (1992) (boards encouraged to permit citizens to speak)  
*Matter of Kramer*, 72 St. Dept. Rep. 114 (1951) (boards may put time limits on public speaking)  
NYS Department of State, Committee on Open Government, Advisory Opinions OML-AO-#2696 (1/8/1997), OML-AO-#2717 (2/27/1997), OML-AO-#3295 (4/16/2001), OML-AO-#3518 (8/30/2002), OML-AO-#4024 (8/23/2005), OML-AO-#4044 (9/30/2005), OML-AO-#4141 (2/24/2006), OML-AO-#4292 (12/6/2006), OML-AO-#4573 (3/3/2008), OML-AO-#5296 (6/12/2012), OML-AO-#5607 (2/22/2019)

Adopted: February 13, 2025

### **ANIMALS ON SCHOOL PROPERTY**

Live animals will not be allowed in school district facilities or on school grounds except under special circumstances and only for an educational purpose. Prior permission from the Principal will be required of anyone wishing to bring an animal into school district facilities. Appropriate supervision of animals is required when animals are brought into the school district facilities. In granting permission, the Principal must consider the relevant medical condition of any students or staff within the classroom.

The person bringing the animal must furnish transportation for the animal brought to school. Animals will not be allowed to travel to and from the student's attendance center on the school bus without prior approval from the Principal. Animals brought into the school may not be left on school property over the weekend or any holiday without prior approval from the principal.

It is the responsibility of the Principal to determine appropriate supervision of animals in the classroom.

Animals are not permitted on school property any time. Service animals are exempt from this policy. Any exception to this will require the approval of the Superintendent.

Adopted: February 13, 2025



## HOME INSTRUCTION

The Board of Education shall ensure that children instructed at home are taught by a competent instructor and receive an education substantially equivalent to that offered in the district's schools.

Parents/Guardians who wish to educate their children at home must submit to the district an individual home instruction plan (IHIP), outlining the educational goals to be met and the course materials and syllabi to be used each year for the child's learning process. The district may accept or deny an IHIP. Parents/Guardians must submit quarterly reports which will provide the district with the necessary information to make determinations of substantial equivalency and competency of instruction on an ongoing basis.

Parents/Guardians may appeal to the Board a determination by the Superintendent of Schools or designee that an IHIP is not in compliance with the Regulations of the Commissioner of Education. Parents/Guardians shall have the right to appeal the final determination of the Board to the Commissioner of Education within 30 days of receipt of such determination.

Cross-ref: 5100, Student Attendance  
5130, Compulsory Attendance Ages

Ref: Education Law §3202(4)  
8 NYCRR §100.10  
*Matter of Abookire*, 33 EDR 473 (1994)

Note: Policy added

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Adopted: February 13, 2025

## HOME INSTRUCTION REGULATION

### *Parents' Responsibilities*

#### 1. Notification

Parents or persons in parental relation to a student of compulsory school attendance age, who are residents in this district, shall annually provide written notice to the Superintendent of Schools of their intention to educate their child at home by July 1st of each school year. If such instruction is to begin after the start of the school year, parents must provide such written notice within 14 days after beginning such instruction within the district.

#### 2. Individualized Home Instruction Plan (IHIP)

Within 10 days of receipt of the above-mentioned notice, the district will send to the parents a copy of §100.10 of the Regulations of the Commissioner, and a form on which to submit an individualized home instruction plan (IHIP). One such IHIP must be submitted for each child of compulsory attendance age who is to be taught at home. The IHIP forms must be submitted to the district office within four weeks of receipt. If requested, the district will provide assistance in preparing the forms. Each child's IHIP will contain:

- a. the child's name, age, and grade level;
- b. a list of the syllabi, curriculum materials, textbooks, or plan of instruction to be used in each of the required subjects listed below;
- c. the dates for submission to the school district of the parents' quarterly reports; and
- d. the names of the individual(s) providing instruction.

#### 3. Determination of Compliance/Noncompliance

The Superintendent shall review each IHIP, and notify the parents within 10 business days of receipt as to whether the forms comply with the requirements listed in (2) above, or if there is any deficiency. The district will provide written notice of such deficiency(ies). Parents must submit a revised IHIP, correcting any deficiency(ies), within 15 days of such notice.

The Superintendent will then review the revised IHIP and notify the parents of its compliance or noncompliance with the above requirements within 15 days of receipt of the revised IHIP.

#### 4. Appeals

If the IHIP is determined not to be in compliance, written notice of noncompliance (including the reasons for such determination) shall be sent to the parents. This notice will contain the date of the next regularly scheduled meeting of the Board, and inform parents that if they wish to contest the determination of non-compliance, they must notify the Board at least three business days prior to the meeting. At the Board meeting, the parents have the right to present proof of compliance, and the Board shall make the final determination of compliance/noncompliance.

Parents have the right to appeal the final determination of the Board to the Commissioner of Education within 30 days of receipt of such determination.

If parents do not contest the determination of noncompliance by either the administration or the Board, or if the Commissioner of Education upholds the final school district determination of noncompliance, then the parents must immediately provide for the instruction of their children in a public school or elsewhere in compliance with Education Law §§3204 and 3210.

5. Required Courses

Instruction in the following subjects shall be required:

- a. For grades one through six: arithmetic, reading, spelling, writing, the English language, geography, United States history, science, health education, music, visual arts, physical education, bilingual education and/or English as a second language where the need is indicated.
- b. [For the purposes of this and the following subdivisions, a unit means 6480 minutes of instruction per school year.]

For grades seven and eight: English (2 units); history and geography (2 units); science (2 units); mathematics (2 units); physical education (on a regular basis); health education (on a regular basis); art (1/2 unit); music (1/2 unit); practical arts (on a regular basis) and library skills (on a regular basis). The units required are cumulative requirements for both grades seven and eight.

- c. The following courses shall be taught at least once during the first eight grades: United States history, New York State history, and the Constitutions of the United States and New York State.
- d. For grades nine through twelve: English (4 units); social studies (4 units, which includes 1 unit of American history, 1/2 unit in participation in government, and 1/2 unit economics); mathematics (2 units); science (2 units); art and/or music (1 unit); health education (1/2 unit); physical education (2 units); and 3 units of electives. The units required are cumulative requirements for grades nine through twelve.
- e. All other subjects mandated by the Education Law to be covered during grades K-12.

6. Attendance Requirements

Each child shall attend upon instruction as follows:

- a. The substantial equivalent of 180 days of instruction shall be provided each year.
- b. The cumulative hours of instruction for grades 1-6 shall be 900 hours per year. The cumulative hours of instruction for grades 7-12 shall be 990 hours per year.
- c. Absences shall be permitted on the same basis as provided in policy 5160, Student Absences, and in the Regulations of the Commissioner and the Education Law.
- d. Records of school attendance shall be maintained by the parent and shall be made available to the school district upon request.
- e. Instruction provided at a site other than the primary residence of the parents shall be provided in a building which has not been determined to be in violation of the local building code.

7. Quarterly Reports

On or before the dates specified in the IHIP, parents must furnish the district with a quarterly report for each child receiving instruction at home. Such report shall contain the following information:

- a. the number of hours of instruction during the quarter;
- b. a description of material covered in each subject listed in the IHIP;
- c. either a grade for the child in each subject or a written narrative evaluating the child's progress; and
- d. in the event that less than 80% of the amount of the course materials as set forth in the IHIP has been covered in any subject for that quarter, a written explanation.

8. Annual Assessment

Parents must submit an annual assessment at the time of filing their fourth quarterly report. Such annual assessment shall include the results of a commercially published norm-referenced achievement test which meets the requirements outlined in §100.10(h) of the Regulations of the Commissioner. Such test will be provided by the school district upon request. An alternative form of evaluation may be permitted if it meets the requirements outlined in §100.10(h) of the Commissioner's Regulation.

The test will be administered at the public school, by its professional staff, or at a registered nonpublic school, by its professional staff, provided that the consent of the chief school officer of such nonpublic school is obtained. The test may be administered at a nonregistered nonpublic school by its professional staff, with the prior consent of both the public school Superintendent and the chief school officer of the nonpublic school.

If the test is to be administered at the parents' home or any other reasonable location, by a New York State certified teacher or another qualified person, the Superintendent must consent to having such person administer the test. 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 parents.

The test shall be scored by the persons administering the test or by other persons who are mutually agreeable to the parents and the Superintendent. A student's score shall be deemed adequate if he/she has a composite score above the 33rd percentile on national norms, or if his/her score reflects one academic year of growth as compared to a test administered during or subsequent to the prior school year. If a score on the test is determined to be inadequate, the home instruction program shall be placed on probation.

9. Probation

If a child's annual assessment fails to comply with the above requirements, the home instruction program shall be placed on probation for a period of up to 2 years. The parent(s) must submit a plan of remediation which addresses the deficiencies in the child's achievement. The plan will be reviewed by the Superintendent, who may require the parent(s) to make changes prior to acceptance.

The program will be removed from probation only if, after the end of any semester of the probationary period, the child has progressed to the level specified in the remediation plan. If the child does not attain at least three-quarters (75%) of the objectives specified in the remediation plan at the end of any given semester, or if after 2 years of probation 100% of such objectives have not been satisfied, the program will be deemed not in compliance. The Superintendent shall then serve written notice of noncompliance as specified in (3) above.

## 10. Home Visits by the Superintendent

If during the period of probation the Superintendent has reasonable grounds to believe that the home instruction program is in substantial noncompliance with this policy and/or regulation, the Superintendent may require one or more home visits. Such visit(s) shall be made only after 3 days' written notice. The purpose of such visit(s) will be to ascertain the areas of noncompliance and to determine methods of remediating any deficiency(ies). The home visits shall be conducted by the Superintendent or his/her designee; the Superintendent may include members of a home instruction peer review panel as part of a "home visit team."

## 11. Other

- a. 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 New York State Board of Regents and the Sandy Creek Central School District.
- b. Students instructed at home are not eligible to participate in interscholastic sports. Section 135.4(70) of the regulations of the Commissioner of Education which governs interscholastic sports, directs that a participant in interscholastic sports must be enrolled in the school.
- c. Students instructed at home are eligible to receive loaned textbooks and materials if the home school instructor requests them in writing to the appropriate building principal. All textbooks and materials must replicate the textbooks and materials used at the Sandy Creek Central School District. All textbooks and materials must be returned to the appropriate principal at the end of the home-school course or the home-school instructor will be responsible for the costs of the textbooks and materials.
- d. Students instructed at home may not participate in the instructional program at the Sandy Creek Central School District other than students with disabilities recommended on the Individualized Education Program (IEP) by the Committee on Special Education. This is because the legislature has not authorized part time attendance.
- e. Students instructed at home are entitled to participate in intramural and other school-sponsored club activities offered by the Sandy Creek Central School District, provided that a home-schooled student's participation in an intramural or school-sponsored club or activity cannot result in a student enrolled in the District being denied or unable to participate in that same intramural or school-sponsored club activity. Where displacement of an enrolled student in the District would result from the participation of a home-schooled student's participation in an intramural or school-sponsored club or activity, the home-schooled student may not participate in that activity. The Sandy Creek Student Code of Conduct shall apply to all participants of intramural and other

SANDY CREEK CENTRAL SCHOOL DISTRICT

**1741-R**

school-sponsored club activities offered by the Sandy Creek Central School District.

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Adopted: February 13, 2025

## PARENT AND FAMILY ENGAGEMENT

The Board of Education believes that positive parent and family engagement is essential to student achievement, and thus encourages such involvement in school educational planning and operations. Parent and family engagement may take place either in the classroom or during extra-curricular activities. However, the Board also encourages parent and family engagement at home (e.g., planned home reading time, informal learning activities, and/or homework “contracts” between parents, family members and children). The Board directs the Superintendent of Schools to develop a home-school communications program in an effort to encourage all forms of parent and family engagement.

### Title I Parent and Family Engagement- District Level Policy

Consistent with the parent and family engagement goals of Title I, Part A of the federal No Child Left Behind Act of 2001 (NCLB) and its reauthorization in the Every Student Succeeds Act (ESSA), the Board of Education will develop and implement programs, activities and procedures that encourage and support the participation of parents and family members of students eligible for Title I services in all aspects of their child’s education. The Board also will ensure that all of its schools receiving Title I, Part A funds develop and implement school level parent and family engagement procedures, as further required by federal law.

For purposes of this policy, parental involvement refers to the participation of parents in regular, two-way, and meaningful communication, involving student academic learning and other school activities.

At a minimum, parent and family engagement programs, activities and procedures at both the district and individual school level must ensure that parents and family members:

- Play an integral role in assisting their child’s learning;
- Are encouraged to be actively involved in their child’s education at school; and
- Are full partners in their child’s education and are included, as appropriate, in decision-making and on advisory committees to assist in the education of their child.

The federal definition of the term “parents” refers to a natural parent, legal guardian or other person standing in *loco parentis* (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child’s welfare).

District and school level Title I parent and family engagement programs, activities and procedures will provide opportunities for the informed participation of parents and family members (including those who have limited English proficiency,

parents and family members with disabilities, and parents and family members of migratory children.

As further required by federal law, parents and family members of students eligible for Title I services will be provided an opportunity to participate in the development of the district's Title I plan, and to submit comments regarding any aspect of the plan that is not satisfactory to them. Their comments will be forwarded with the plan to the State Education Department.

Parents and family members also will participate in the process for developing either a comprehensive or targeted "support and improvement plan" when the school their child attends is identified by the State as needing this plan.

#### Parent and family member participation in development of district wide Title I plan

The Board, along with its superintendent of schools and other appropriate district staff will undertake the following actions to ensure parent and family member involvement in the development of the district wide Title I plan:

- Parent representatives are part of the full CDEP Committee and participate in monthly meetings
- Title I staff will share Title I information and communicate with parents/guardians at Parent Orientation (Open House)

#### Development of school level parent and family engagement approaches

The superintendent of schools will ensure that all district schools receiving federal financial assistance under Title I, Part A are provided coordination, technical assistance and all other support necessary to assist them in planning and implementing effective parent and family engagement programs and activities that improve student achievement and school performance. As appropriate to meet individual local needs, the superintendent will:

- Coordinate with the Title I Coordinator (Director of Curriculum, Instruction and Data) and Building Administration to plan and support engagement and activities offered at Family Nights aligned with instructional priorities
- Coordinate with the Title I Coordinator (Director of Curriculum, Instruction and Data) and Building Administration to communicate and engage parents/guardians at Parent Orientation (Open House)
- Serve as a requisite committee member for monthly CDEP steering and full committee meetings to support annual needs assessment and goal setting

#### Building capacity for parental involvement



To build parent capacity for strong parental involvement to improve their child's academic achievement, the district and its Title I, Part A schools will, at a minimum:

1. Assist parents in understanding such topics as the state's academic content, challenging academic standards, state and local academic assessments, Title I requirements, how to monitor their child's progress and how to work with educators to improve the achievement of their child. To achieve this objective, the district and its Title I schools will:
  - Parents are provided with a Home/School Compact as part of the annual Parent Handbook
  - Staff meet with parents at annual Parent-Teacher Conferences
  - Staff communicate with parents/guardians via phone, online programs, or email
2. Provide materials and training to help parents work to improve their child's academic achievement such as literacy training and using technology (including education about the harms of copyright piracy). To achieve this objective, the district and its Title I schools will:
  - Annual Family Night themed to align with current instructional needs or initiatives
  - Grade level Events that incorporate instructional practices and providing parent support
  - Open House
  - Parent-Teacher Annual Conferences
3. Educate its teachers, specialized instructional support personnel, principals and other school leaders, and other staff, with the assistance of parents, in understanding the value and utility of a parent's contributions and on how to:
  - reach out to, communicate with, and work with parents as equal partners;
  - implement and coordinate parent programs; and
  - build ties between parents and the schools.
4. Ensure that information related to school and parent-related programs, meetings and other activities is sent to the parents of children participating in Title I programs in an understandable and uniform format, including alternative formats, upon request, and to the extent practicable, in a language the parents can understand.

Coordination of parental involvement strategies

The district will coordinate and integrate strategies adopted to comply with Title I, Part A parental involvement requirements with parental involvement strategies adopted in connection with other Federal, State, and local programs, including public preschool programs. It will do this by:

- Title I Coordinator (Director of Curriculum, Instruction and Data) will work with the Superintendent and Building Level Administrators to coordinate programs and strategies, along with monitoring or implementing follow up procedures when needed. The Title I Coordinator will work with the administrative team to organize and implement Title I or other activities that support instruction and parent/family engagement.

Review of district wide parent and family engagement policy

The Board, along with its superintendent of schools and other appropriate staff will conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of this parent and family engagement policy in improving the academic quality of Title I schools, including the identification of barriers to greater participation by parents in activities under this policy, and the revision of parent and family engagement policies necessary for more effective involvement. To facilitate this review, the district will conduct the following activities:

The CDEP Committee includes parents, board members, administration, teachers, and other stakeholder representation. As part of the CDEP Plan annual revision, the committee, including all departments and members, conducts a needs assessment. Using a wide range of data and multiple measures, the plan includes goal setting at multiple levels.

Cross-ref:

4010, Equivalence in Instruction

Ref:

20 USC §§6318(a)(2); 7801(38), Every Student Succeeds Act (§1116 of the Elementary and Secondary Education Act)

U.S. Department of Education, *Parental Involvement, Title I, Part A, Non-Regulatory Guidance*, April 23, 2004

Adopted: February 13, 2025

Student Academic Achievement School-Parent Compact

The staff and parents/guardians at Sandy Creek Elementary School have expectations of themselves and of the students attending these schools. It is the vision of the Sandy Creek Elementary to provide an educational experience that prepares all of its students to graduate with skills and abilities to become contributing members of their community. This compact will show how staff and parents/guardians will work together to educate the children at Sandy Creek Elementary:

Sandy Creek Elementary agrees to provide the following:

- *an academic program that is rigorous and challenging*
- *extended school day and summer programs for eligible students*
- *communication with families regarding the students' academic progress (Ex. Friday folders, notes, phone calls, monthly parent informational meetings)*
- *character education program*
- *academic assessments that are aligned with New York State Learning Standards*
- *opportunities to expand students' skills in technology through a variety of programs using classroom computer clusters, and Internet access*

Families of students who attend Sandy Creek Elementary Schools agrees to support the following school goals:

- send their children to school appropriately dressed, **prepared to learn**, and on time
- read to their children or assist with homework at least 20 minutes a night
- **attend parent/teacher conferences** to discuss academic progress of their children
- follow the Sandy Creek Elementary Behavior Code, which includes learning appropriate behavior, developing self-control, and taking responsibility for one's actions
- **participate** in school activities and attend school functions (Ex. musical programs, parent informational evening meetings, and other events)

The school and families of Sandy Creek School District recognize that while both parties agree that the expectations listed here are necessary in order to strengthen the communication and commitment between the home and school, rare occasions may arise where one or both parties will have difficulty fulfilling all or part of this compact. It is also recognized that the school's purpose is to support the community and its families in whatever manner is necessary and reasonable and likewise, it is the family's responsibility to support the child and the school community.

## SANDY CREEK CENTRAL SCHOOL DISTRICT

### **1900-E.1**

Sandy Creek Elementary endorses the parent involvement goals of Title I based on the Every Student Succeeds Act (ESSA). ESSA is the latest reauthorization of the Elementary and Secondary Education Act of 1965 (ESEA) which was last reauthorized in 2002 as the No Child Left Behind Act (NCLB). This legislation requires a home/school compact be on file. If you have any questions or concerns about these expectations, please contact your child's building principal.

Adopted: February 13, 2025

**INTERPRETERS FOR HEARING-IMPAIRED PARENTS**

The Board of Education recognizes that those district parents with hearing impairments which prevent meaningful participation in their child's educational program must be afforded an opportunity equal to that afforded other parents to participate in meetings or activities pertaining to the academic and/or disciplinary aspects of their child's education. Accordingly, and pursuant to law, the school district will provide an interpreter for hearing-impaired parents for school-initiated academic and/or disciplinary meetings or activities including, but not limited to:

- Parent/teacher conferences
- Child/study or building level team meetings
- Planning meetings with school counselors regarding educational progress
- Career planning
- Suspension hearings or other conferences with school officials relating to disciplinary actions

The school district will provide an interpreter for the hearing-impaired parent if a written request for the service has been submitted to and received by the district within 10 **working** days prior to the scheduled meeting or activity. If an interpreter is unavailable, the district will then make other reasonable accommodations which are satisfactory to the parents (e.g., notetaker, transcript, decoder, or telecommunication device for the deaf). These services will be made available by the district at no cost to the parents.

The Board directs the Superintendent of Schools to maintain a list of available interpreters and to develop procedures to notify parents of the availability of interpreter services, the time limitation for requesting these services, and of the requirement to make other reasonable accommodations satisfactory to the parents should an interpreter not be available.

Hearing-impaired parents are requested to submit the attached form to request accommodation of their disability.

Ref:

Americans with Disabilities Act of 1990, 42 U.S.C. §§12131-12134

Rehabilitation Act of 1973, 29 U.S.C. §794

Education Law §3230

8 NYCRR §100.2(aa)

*Rothschild v. Grottenthaler*, 907 F.2d 286 (2d Cir. 1990)

Adopted: February 13, 2025

**INTERPRETERS FOR HEARING-IMPAIRED PARENTS**

Accommodation Request

Parents in need of interpreter services are asked to complete this form:

TO: Superintendent of Schools

\_\_\_\_\_ School District

FROM: \_\_\_\_\_

Name

\_\_\_\_\_

Address

Please identify the type of interpreter needed:

\_\_\_\_\_ Interpreter for the Hearing Impaired: ( ) American Sign; ( ) English

In the event an interpreter is not available, please identify the type of alternative service preferred:

\_\_\_\_\_ Written Communication

\_\_\_\_\_ Transcripts

\_\_\_\_\_ Decoder

\_\_\_\_\_ Telecommunication Device for the Deaf (TDD)

\_\_\_\_\_ Other (please specify) \_\_\_\_\_

Adopted: February 13, 2025

**INTERPRETERS FOR HEARING-IMPAIRED PARENTS EXHIBIT**

Response to requests for accommodation

FROM: Superintendent of Schools

\_\_\_\_\_ School District

TO: \_\_\_\_\_  
Name

\_\_\_\_\_  
Address

The \_\_\_\_\_ School District hereby:

\_\_\_\_\_ grants your request for accommodation of a hearing disability in accordance  
with Board Policy 1925;

\_\_\_\_\_ denies your request for accommodation of a hearing disability for the  
following reason: \_\_\_\_\_

Adopted: February 13, 2025

### **SCHOOL BOARD ELECTIONS**

The elections of members of the Board of Education shall be held on the third Tuesday in May. The polls shall be open for those hours designated by the district. The following items shall be voted upon:

1. the annual budget,
2. any vacancies on the Board of Education, and
3. any special propositions that have been properly presented.

Candidates for office shall be nominated by a petition directed to the district clerk which is signed by at least twenty-five (25) qualified voters of the district or by two (2) percent of the number of voters in the previous annual election, whichever is greater.

Electioneering during the hours of any vote is prohibited within the polling place or within 100 feet of any such polling place. Electioneering includes the display or distribution of any banner, poster, placard, button, or flyer, on behalf of or in opposition to any candidate or issue to be voted upon.

#### **Nominations**

Candidates for the office of member of the Board of Education are nominated by petition. Such petition must be directed to the District Clerk, contain the signatures and addresses of at least 25 qualified voters of the district or two percent of the voters who voted in the previous election, whichever is greater, and shall state the name and residence of the candidate. Each petition must be filed with the District Clerk not later than 30 days preceding the Annual Meeting and Election at which the candidates so nominated are to be elected.

The District Clerk will supervise the procedure used to establish the order of names on the ballot. The Board may reject nominations if the candidate is ineligible or has declared an unwillingness to serve.

Cross-ref: 1050, Annual Election and Budget Vote  
1500, Public Use of School Facilities

Ref: Education Law §§2012; 2014; 2018; 2018-a; 2019-a; 2031; 2031-a; 2035;  
2608

*Appeal of Giuliano*, 37 EDR 572 (1998)  
*Appeal of Fitzpatrick*, 30 EDR 124 (1990)  
*Appeal of Heidbrink*, 29 EDR 192 (1989)  
*Appeal of Gasparini*, 23 EDR 25 (1983)

Adopted: May 8, 2025



**SCHOOL DISTRICT OFFICER AND EMPLOYEE CODE OF ETHICS**

The Board of Education is committed to avoiding any situation in which the existence of conflicting interests of any Board member, officer or employee may call into question the integrity of the management or operation of the school district. The Board recognizes that sound, ethical standards of conduct serve to increase the effectiveness of district officers and staff as educators and public employees in the community. Adherence to a code of ethics promotes public confidence in the schools and furthers the attainment of district goals.

The Board also recognizes its obligation to adopt a code of ethics setting forth the standards of conduct required of all Board members, district officers and employees under the provisions of the General Municipal Law. Therefore, every Board member, officer and employee of the district, whether paid or unpaid, shall adhere to the following code of ethics.

**Statutory Conflicts of Interest**

It is a conflict of interest for a Board member, officer or employee to benefit personally from contracts made in their official capacity.

- “*Contract*” is defined broadly to include any claim or demand against the district or account or agreement with the district, whether expressed or implied which exceeds the sum of \$750.00 in any fiscal year.
- An “*interest*” is defined as a direct or indirect benefit that runs to the employee as a result of a contract with the district.

No Board member, officer or employee shall have an “*interest*” (i.e., receive a direct or indirect benefit as the result of a contract with the district) in:

1. a firm, partnership or association in which he/she is a member or employee;
2. a corporation in which he/she is an officer, director or employee;
3. a corporation in which he/she, directly or indirectly, owns or controls 5% or more of the stock;
4. a contract between the district and his/her spouse, minor child or dependents, except for an employment contract between the school district, a spouse, minor child or dependent of a Board member authorized by §800(3) of the General Municipal Law or §3016 of the Education Law.
5. Gifts: A Board member, officer or employee shall not directly or indirectly solicit any gift or accept or receive any gift having a value of \$75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her in the performance of his or her official duties or was intended as a reward for any official action on his or her part.

6. Confidential information: A Board member, officer or employee shall not disclose confidential information acquired by him or her in the course of his or her official duties or use such information to further his or her personal interest. This includes matters discussed in a properly convened executive session. However, the Board, acting as a whole, may decide to disclose such information where disclosure is not prohibited under the law. Additionally, disclosure of such information is not prohibited where it is warranted to appropriate law enforcement entities for investigation and possible action, or where a board member is compelled to reveal the information in a court case.
7. Representation before the Board or District: A Board member, officer or employee shall not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before the school district.
8. Disclosure of interest in matters before the Board: A Board member, officer or employee of the district, whether paid or unpaid, must publicly disclose the nature and extent of any interest they or their spouse have, will have or later acquire in any actual or proposed contract, purchase agreement, lease agreement or other agreement involving the school district (including oral agreements), to the governing body and his/her immediate supervisor (where applicable) even if it is not a prohibited interest under applicable law. Such disclosure must be in writing and made part of the official record of the school district. Disclosure is not required in the case of an interest that is exempted under Section 803(2) of the General Municipal Law. The term "interest" means a pecuniary or material benefit accruing to an officer or employee.
9. Investments in conflict with official duties: A Board member, officer or employee shall not invest or hold any investment directly in any financial, business, commercial or other private transaction that creates a conflict with his or her official duties. Exceptions to the conflict of interest law can be found in Section 802 of the General Municipal Law (see 2160-E.1).
10. Private employment: A Board member, officer or employee shall not engage in, solicit, negotiate for or promise to accept private employment when that employment or service creates a conflict with or impairs the proper discharge of his or her official duties.
11. Future employment: A Board member, officer or employee shall not, after the termination of service or employment with the district, appear before the Board in relation to any action, proceeding, or application in which he or she personally participated during the period of his or her service or employment or that was under his or her active consideration.
12. Involvement with Charitable Organizations: A Board member, officer or employee may be involved as a volunteer, officer or employee in a charitable organization which has a relationship with the district. If a Board member is a board member, officer or employee of the charitable

organization the Board member must disclose such relationship in writing to the district, and the Board member must recuse himself or herself from any discussions or votes relating to the charitable organization which may come before the Board. When participating in the activities of the charitable organization, the Board member, officer or employee shall not disclose any confidential information learned in the course of his or her official duties or use such information to further personal interests.

Additionally, the Board member, officer or employee shall not make representations on behalf of the district unless specifically authorized to do so by the Board.

### **Distribution of Code of Ethics**

The Superintendent of Schools shall cause a copy of this Code of Ethics to be distributed to every member of the Board, every officer and employee of the school district. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his or her office or employment. In addition, the Superintendent shall ensure that a copy of Article 18 of the General Municipal Law shall be kept posted in each public building under the district's jurisdiction in a place conspicuous to the district's officers and employees.

### **Penalties**

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of the Board's code of ethics and its accompanying regulation may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Ref: General Municipal Law §§806-808  
Opn. St. Comp. 2008-01  
*Appeal of Rivers*, 60 EDR Dec. No 17,989 (2021)  
*Application of the Board of Education*, 57 EDR Dec. No. 17,147 (2017)  
*Application of Nett and Raby*, 45 EDR 259 (2005)

Adopted: May 8, 2025

## **BOARD ORGANIZATIONAL MEETING**

The Board of Education recognizes its obligation to hold an annual organizational meeting. The purpose of the organizational meeting is to elect officers of the Board and make the proper appointments and designations of other district employees for the proper management of the school district during the school year.

The Board will hold its annual organizational meeting on the first Tuesday in July. If that day is a legal holiday, the Board will hold the meeting on the first Wednesday in July. The Board may alternately hold the meeting on a date during the first 15 days in July that is not a legal holiday. The Board will choose this date by resolution at a Board meeting before July.

The previous Board President will call the meeting to order, and preside until the election of a new president. The order of business to be conducted at the organizational meeting will include items required or implied by state law and/or regulation. The Board may also conduct general district business, including properly entering into executive session, if necessary, at the end of the meeting before adjourning.

### **I. Oath of Office**

The District Clerk will administer and countersign the oath of office to newly-elected Board members who have not already taken the oath of office, or plan to within 30 days after commencement of their term. The oath will conform to Article XIII-1 of the New York State Constitution, and Section 10 of the Public Officers Law. Any oaths taken outside of the Organizational meeting will be entered into the minutes of the next Board meeting. No new Board-members may take office or vote until they have taken the oath of office.

### **II. Election of Board Officers**

The Board will elect a president and vice-president for the ensuing year, and the District Clerk will administer the oath of office to them. A majority of all members of the Board is necessary for a valid election.

### **III. Appointment of District Officers**

The Board will appoint and the District Clerk will administer the oath of office to the following district officers:

District Treasurer  
District Clerk  
Deputy District Clerk

Deputy Treasurer  
Tax Collector

IV. Appointment of Other Positions

The Board will appoint and establish the stipend (if any) for the following positions:

School Physician	Treasurer(s) of Student Activity
School Attorney(s)	Account
Purchasing Agent	Deputy Purchasing Agent
Attendance Officer	Dignity Act Coordinator
Claims Auditor	McKinney-Vento Liaison
Records Access Officer	Data Protection Officer
External Auditor	Director for Committee on Special
Title IX/504 Officer	Education (CSE)
Asbestos Designee, Inspector &	Other Consultants
Management Planner	Committee on Preschool Special
Tax Repository	Education (CPSE)
Census Coordinator	Safety & Risk Officer

V. Bonding of Personnel

The Board will bond the following personnel handling district funds:

Tax Collector	Treasurer of Student Activity Account
District Treasurer	District Clerk
Deputy District Treasurer	Deputy District Clerk

The Board may, in each instance, specify the amount of the bond it intends to obtain. The Board may include any of the above officers in a blanket undertaking, pursuant to law and Commissioner's Regulations, rather than bond individuals.

VI. Designations/Approvals

The Board will designate/approve:

Official depositories for district funds  
Official district newspapers

The Board will also adopt the rotational list of impartial hearing officers for the district as provided by the State Education Department.

VII. Authorizations:

- a. of person to certify payrolls;
- b. of contracts for student services (such as health, cafeteria), and tuition contracts, when necessary;
- c. of attendance at conferences, conventions, workshops, etc., with designated expenses;

- d. to establish petty cash funds (and to set amount of such funds);
- e. to designate authorized signatures on checks;
- f. of Board and district memberships in professional organizations;
- g. to offer school district employee and officer indemnification under Public Officer's Law §18;
- h. of positions entitled to use district-owned cell phones and credit cards;
- i. of Board representative(s) for appointing Impartial Hearing Officers; and
- j. of Superintendent of Schools to approve budget transfers, and the monetary limits of such transfers.

The Board will review its policies on Investments (6240) and Purchasing (6700), the Code of Conduct (5300), and Parental Involvement, as required by law. The Board will also review building-level student attendance data as required under Commissioner's Regulations section 104.1, and if the data shows a decline in attendance rates, will review and revise its policy on Attendance (5100).

Cross-ref: 1900, Parental Involvement  
 2270, School Attorney  
 2220, Board Officers  
 2230, Appointed Board Officials  
 2310, Regular Meetings  
 5100, Attendance  
 5252, Student Activities Funds Management  
 5300, Code of Conduct  
 6240, Investments  
 6650, Claims Auditor  
 6680, Internal Audit Function  
 6690, Audit Committee  
 6700, Purchasing  
 6741, Contracting for Professional Services

Ref: New York State Constitution, Article XIII, §1  
 General Municipal Law §103(2) (official newspapers)  
 Public Officers Law §§10; 13; 30  
 Education Law §§112(1) (residential facility transition liaison); 305(31) (designated educational official); 1701 (meeting to elect president, may elect vice president); 1707 (union free school districts date of meeting); 1904 (central high school districts in Nassau county); 1720(2) (bonding of personnel); 2130 (appoint clerk, bonded treasurer and bonded tax collector); 2502, 2502(9-a) (City of Rensselaer); 2504 (small city meetings); 2527 (bonding officials in small city school districts); 2553(9) (City of Rochester), (10) (City of Buffalo); 2563 (large city meetings)  
 8 NYCRR §§104.1 (requirement to review attendance data); 100.2(ff) (residential facility transition liaison); 170.2 (bonding of tax collector, treasurer, claims auditor); 170.12 (bonding of claims auditor); 172.5 (bonding of extraclassroom activity treasurer)

Adopted: May 8, 2025

### **Ex Officio Student Member of the Board**

The Board of Education believes that it is important to include students' voices in its deliberations. Pursuant to law, the Board will designate at least one ex officio student member of the Board for the purpose of providing regular and direct communication between the Board and the student body.

Good faith actions, mutual respect, and cooperative effort of all parties are essential to a positive and meaningful partnership and bringing about meaningful changes. to the Board believes that an ex officio student member will:

1. provide students with an opportunity to express their voices, take ownership of their education, and impact Board decisions;
2. provide for the Board and students a vehicle through which they may exchange information and learn from one another;
3. provide an opportunity for students to gain experience with governance and leadership;
4. broaden the base of information available to those ultimately responsible for educational decision making; and
5. develop an environment that encourages inclusion, understanding, trust, and respect.

#### **Position of Ex Officio Student Member of the Board**

As required by law, the Board will have at least one ex officio student member. Ex officio student member(s) will be entitled to sit with Board members at all public meetings and hearings, participate in other Board activities and responsibilities at the discretion of the Board, but will not be required to participate in mandatory training for elected or appointed Board members. Ex officio student members may be excused to leave meetings early, upon the approval of the Board President.

Ex officio student member(s) will NOT: be allowed to vote; be allowed to attend executive sessions or other meetings/hearings not open to the public; or be entitled to receive compensation of any form for participating at Board meetings. Neither will they have the authority to call a special and/or emergency meeting of the Board; be considered a "member" of the Board for the purpose of establishing a quorum for conducting business; or be allowed to see or discuss documents or information regarding individual district personnel, collective bargaining negotiations, individual student records, or any other confidential matters.

Ex officio student member(s) will serve for a term of one (1) year, commencing on July 1 and ending on the succeeding June 30. Attendance at Board meetings is optional for the ex officio student member during July and August.

Specifically, ex officio student members of the Board are expected to:

1. Bring a student perspective to the Board's discussions;
2. Bring student concerns to the Board's attention;
3. Represent the student body on the Board;
4. Report back to the student body on the Board's actions; and
5. Solicit input from students on matters impacting the district, at the direction of the Board.

#### Qualifications and Selection of the Ex Officio Student Member of the Board

Ex officio student member(s) must have attended high school in the district for at least one year prior to selection. The selection process will take place at the end of the school year preceding the next term.

The ex officio student Board member will be selected by the Superintendent of Schools and recommended to the Board annually for approval.

All qualified students interested in serving as ex officio student member are encouraged to apply in the manner established by the administration. The district will advertise the position of ex officio student member of the Board to high school students, as well as the method of applying for the position, in advance of the deadline for doing so. The High School Principal will verify that the students meet the requirements outlined in this policy.

#### Additional Provisions

The ex officio student member represents the student body, and acts as an example for the students of the district. Such students are expected to abide by all applicable Board policies including the student Code of Conduct. Violations may result in removal from the position as determined by the Board. Ex officio student members may resign in writing to the District Clerk. The Board may also declare the seat vacant if the ex officio student member fails to attend three consecutive Board meetings without sufficient excuse.

If there is a vacancy due to resignation or removal, and there is no alternate, the Board will decide if there is enough time to select another student as ex officio student member in accordance with this policy, and if there is not, will leave the position vacant until the next term begins.

The Superintendent or designee is responsible for arranging for an orientation and training program for the ex officio student member. The Superintendent will establish procedures for the ex officio student member with the Board of Education if necessary to implement this policy.



Ref:

Education Law §§1702(3); 1709; 1804(12); 1901(2); 1950(2-c); 2109; 2502(10); 2552;  
2553(1-a), (11)

Adopted: June 12, 2025

## **AGENDA PREPARATION AND DISSEMINATION**

The Superintendent of Schools along with the Board President will prepare the agenda for each Board meeting according to the order of business, to facilitate orderly and efficient meetings, and to allow Board members sufficient preparation time.

The agenda will specify whether the item is an action item, a consent item, a discussion item or an information item.

### **Availability of Agenda and Supporting Materials**

The agenda and any supporting materials will be distributed to board four days in advance of the board meeting to permit careful consideration of items of business. The agenda and supporting material to be discussed at the board meeting that is permissible to be released to the public, will be posted on the district's website, and made available upon request to the District Clerk, to the extent practicable, twenty-four hours before the meeting. In addition, the agenda will be released to the news media including local newspapers, radio stations and television stations in advance of the meeting.

The District Clerk is responsible for ensuring that the agenda is available to the public and the media.

Cross-ref: 2350, Board Meeting Procedures

Ref: Public Officers Law §103(e)

Adopted: May 8, 2025

## **POLICY DEVELOPMENT, ADOPTION, IMPLEMENTATION AND REVIEW**

The Board of Education is responsible for adopting and assessing the effectiveness of the written policies by which the district is governed. The Board recognizes that written policies are essential to district governance in that they:

- Govern effectively and efficiently across time, situations, and individuals.
- Provide the foundation and guidance for administrative action.
- Publicize the federal, state, and local rules that govern the district.
- Help to evaluate progress by including measurable outcomes.

### **Development**

The Board is committed to developing written policies which:

- Clearly define the district's goals and objectives and reflect the Board's vision.
- Define roles and responsibilities and identify who is responsible for what.
- Provide the Superintendent and district staff with clear guidance regarding expected district administration.
- Allow for flexibility that is needed for day-to-day operations.
- Include measurable outcomes.

Any member of the Board, district staff, students, parents, district taxpayers or other member of the public may identify policy issues. Such issues shall be identified to the Superintendent. The superintendent shall be responsible for submitting policy issues to the Board for consideration and for keeping a record of all policy initiatives submitted to the Board.

Before acting on any proposed policy, the Board will assemble the relevant facts, receive recommendations from individuals and groups who will be affected by the policy, and discuss, debate and decide on the substance of the policy in open meeting. The Superintendent shall be responsible for identifying the individuals and groups who will be affected by the policy. At a minimum, the Superintendent shall seek input on all policy initiatives from the following: (list groups)

The Superintendent shall be responsible for preparing a written draft of all proposed policies. When reviewing the contents of a proposed policy, the Board will consider whether the proposed policy:

- Is within the scope of the Board's authority.
- Is consistent with state and federal law and the state and federal Constitutions.
- Supports the district's goals and objectives.
- Reflects good practice (e.g., educational, personnel, business, etc.).
- Is reasonable and not arbitrary or discriminatory.

- Adequately covers the subject.
- Is consistent with the Board's existing policies.
- Can be administered in a practical, cost effective manner.

### **Adoption**

Once a proposed policy has been drafted, it shall be placed on the Board's agenda for a first reading, giving all persons interested in it an opportunity to express their views. The Board will not take any official action on any policy on first reading, unless a majority of the Board decides that it is necessary to do so.

If the draft policy is acceptable or if it is not acted upon out of necessity after the first reading, the draft policy will be placed on the Board's agenda for a second reading, at which time the Board will officially act.

The Superintendent shall consult with the school attorney, as necessary, prior to the adoption or revision of any policy.

### **Implementation**

The Superintendent shall be responsible for implementing all policies adopted by the Board. This responsibility shall include: promulgating any necessary administrative regulations, ensuring that the policy is included in the board policy manual, and publicizing the policy as necessary to ensure that persons affected by the policy are aware of it.

The board policy manual shall be kept in the district office and made available to the public upon request. A copy of the board policy manual shall also be kept in each school building and any other location specified by the Board.

### **Review**

The Superintendent shall be responsible for informing the Board of any policies that are out-of-date or in need of revision. In addition, the Board Policy Committee will review the policy manual on a once every two years basis and will make recommendations to the full board regarding updates as necessary to ensure that the policies are consistent with board goals and district practices.

Ref: Education Law §§1604; 1709; 1804 (powers and duties of board of education)

Adopted: May 8, 2025

## **PUBLIC OFFICERS LAW**

Under Public Officers Law § 18 a school district is defined as a “public entity.”

The school district shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in a state or federal court or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or claim arose while the employee was acting within the scope of his public employment or duties; provided further that in the case of a settlement, the duty to indemnify and save harmless shall be conditioned upon the approval of the amount or settlement by the board of education.

Excerpt as otherwise provided by law, the duty to indemnify and save harmless prescribed by this resolution shall not arise where the injury or damage resulted from intentional wrongdoing or recklessness on the part of the employee.

The board of education shall not indemnify or save harmless an employee with respect to punitive or exemplary damages, fines or penalties or money recovered from an employee pursuant to Section 51 of the General Municipal Law. However, the board shall indemnify and save harmless its employees in the amount of any costs, attorneys’ fees, damages, fines or penalties which may be imposed by reason of an adjudication that an employee, acting within the scope of his public employment or duties, has, without willfulness or intent on his part, violated a prior order, judgment, consent decree or stipulation of settlement entered in any court of this state or of the United States.

Upon entry of the final judgment against the employee, or upon the settlement of the claim, the employee shall serve a copy of such judgment or settlement, personally or by certified or registered mail within 30 days from the date of entry or settlement, upon the superintendent of the school district; and, if not inconsistent with the provisions of this resolution, such amount of such judgment or settlement shall be paid by the school district.

The duty to defend or indemnify to save harmless prescribed by this resolution shall be conditioned upon (i) delivery by the employee to the superintendent of the school district of a written request to provide for his defense together with the original or copy of any summons, complaint, process, notice, demand or pleading within 10 calendar days after he is served with such document and (ii) the full cooperation of the employee in the defense of such action or proceeding and in defense of any action or proceeding against the school district based upon the same act or omission and in the prosecution of any appeal.

Upon compliance by the employee with the provision of the last paragraph, the school district shall provide for the defense of the employee in any civil action or proceeding, state or federal, arising out of any alleged act or omission which occurred or allegedly occurred while the employee was acting within the scope of his public employment or duties. This duty to provide a defense shall not arise where such civil action or proceeding is brought by or at the behest of the school district employing such employee.

The employee shall be entitled to be represented by private counsel of his choice in any civil action or proceeding whenever the school district attorney or other counsel designated by the school district determines that a conflict of interest exists or

whenever a court, upon appropriate motion or otherwise by a special proceeding, determines that a conflict of interest exists and that the employee is entitled to be represented by a counsel of his choice provided, however, that the school district attorney or other counsel designated by the school district may require, as a condition to payment of the fees and expenses of such representation, that appropriate groups of such employees be represented by the same counsel. Reasonable attorneys' fees and litigation expenses shall be paid by the school district to such private counsel from time to time during the pendency of the civil action or proceeding with the approval of the board of education of the school district.

The board of education may from time to time purchase insurance from any insurance company created by or under the laws of the State of New York, or authorized by law to transact business in the State of New York, against any liability imposed by the provisions of this resolution, or to act as self-insurer with respect thereto.

For the purposes of this resolution, the term "employee" shall mean any member of the board of education, employee, volunteer, as well as a former employee, his estate or judicially appointed personal representative.

The benefits of this resolution shall supplement and be available in addition to defense or indemnification protection conferred by any other enactment.

a\*d

Adopted: May 8, 2025

### LINE AND STAFF RELATIONS

The following principles shall govern the administrative operation of the school system:

1. The Superintendent of Schools shall have specific responsibility for overseeing the district educational programs.
2. Responsibility shall flow from the Board of Education, to the Superintendent, to Building Principals, to teachers.
3. Each member of the staff shall be informed as to whom he/she is responsible and for what functions.
4. Whenever possible, each member of the staff shall be made responsible to only one immediate supervisor for any one function.
5. Each staff member shall be informed as to whom he/she can appeal in case of disagreement with an immediate superior.
6. Each staff member shall be informed as to whom he/she should report to for help in carrying out his/her functions.

#### *Line of Responsibility*

Each employee in the school system shall be responsible to the Board through the Superintendent.

All personnel shall refer matters requiring administrative action to the administrative officer immediately in charge of the area in which the problem arises.

Administrative officers shall refer such matters to the next higher authority when deemed necessary.

All employees shall have the right to appeal any decision made by an administrative officer to the next higher authority and through appropriate successive steps to the Board.

a\*d

Adopted: May 8, 2025

**INTERIM AND ADMINISTRATION REPORTS TO  
BOARD OF EDUCATION**

The Board of Education will be informed on a timely basis, of any emergencies or life-threatening incidents which occur within the school, on the grounds or while students are transported to and from school on a school bus.

Other incidents concerning the health and safety of students or of vandalism, subject to prosecution, to school district property will be reported to the board president. It will then be communicated to the board membership, as the nature of the event warrants.

All reports involving the identity of employees and students will be considered confidential.

Individual board members are encouraged to verify with the School Superintendent other alleged incidents of concern on a timely basis between regular board meetings so the administration may have the opportunity to research the matters.

Adopted: May 8, 2025



### **EQUIVALENCE IN INSTRUCTIONAL STAFF AND MATERIALS**

In accordance with the federal No Child Left Behind Act, the Board of Education directs those services in Title I schools and programs, when taken as a whole, will be substantially comparable to services in schools and programs that do not receive Title I funds. This includes curriculum materials, instructional supplies, and personnel (teachers, administrators, and other personnel).

The Superintendent of Schools will follow the State Education Department guidelines in determining such equivalence on an annual basis, and report to the Board, upon request, on the status of district schools with regard to equivalence. The district will maintain records, updated biannually, documenting this equivalence.

Complaints regarding the district's implementation of this equivalence requirement will be addressed in accordance with Board policy 1400, Complaints from the Public.

Cross-ref: 1400, Complaints from the Public

Ref: 20 USC §6321(c) (No Child Left Behind Act of 2001)

Adopted: May 8, 2025

### **DISPLAY OF THE FLAG**

The Board of Education believes that the flag of the United States is a symbol of the values of our nation, the ideals embedded in our Constitution and the spirit that should animate our district.

The district will purchase a United States flag, flag staff and the necessary appliances for its display upon or near every school building. There will be a flag on display in every assembly room of every school.

The flag will be flown at full- or half-staff pursuant to law. In addition, the flag may be flown at half-staff to commemorate the death of a present or former Board member, present employee or student.

Consistent with national and state law and regulations and this policy, the Superintendent of Schools will develop rules and regulations for the proper custody, care and display of the flag.

Ref: 4 USC §§5-9 (display of the flag)  
Education Law §§418; 419; 420 (requirement for the school to purchase, display and develop rules and regulations for the care and custody of the flag)  
Executive Law §§400-403 (rules for display of the flag)  
8 NYCRR Part 108 (flag regulations)

Adopted: May 8, 2025

## **DISPLAY OF THE FLAG REGULATION**

### **Flags Displayed Out-of-Doors and on Movable Hoists Indoors**

A United States flag will be displayed in, on or near every school building in the district during school hours every day that school is in session, weather permitting, and at such other times as the Superintendent of Schools will direct. Unless otherwise stated, the flags will be flown at full-staff. The flags may also be displayed at night upon special occasions, at the discretion of the Superintendent, when it is desired to produce a patriotic effect. During inclement weather, the flag will be placed conspicuously in the main room of the school building.

Weather permitting, the flag will be displayed on or near the main administration building of the district whenever the building is open to the public, and on the following days: New Year's Day, Martin Luther King, Jr. Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Flag Day, the Fourth of July, Labor Day, September 11<sup>th</sup> Remembrance Day, POW/MIA Recognition Day, Columbus Day, Veterans Day, Thanksgiving Day, Pearl Harbor Day and Christmas Day. If any of these days (except Flag Day) falls on a Sunday, the flag will be displayed on the next day. In addition, the flag will be displayed on each general election day and each day appointed by the President of the United States or by the Governor of New York as a day of general thanksgiving or for displaying the flag.

Flags will also be displayed in or near every polling place on election days.

Flags will be flown at half-staff on Pearl Harbor Day, on September 11<sup>th</sup> Remembrance Day, on days commemorating the death of a personage of great importance, and on days designated by the President or the Governor.

Flags on individual buildings will be flown at half-staff for 30 days if a present employee or student in that building dies. The flag will also be flown at half-staff the day of the funeral of any former employee well-known in the school. This will be at the discretion of the Superintendent.

All flags in the district are to be flown at half-staff when a present Board member dies and are kept at half staff for 30 days. All flags are put at half-staff on the day of the funeral of a former Board member. All flags in the district are flown at half-staff on the day of the funeral of a present employee or a present student.

The flag will not be displayed on days when the weather is inclement.

Hoisting of the Flag

The flag will be hoisted briskly and lowered ceremoniously.

In half staffing the flag, it first should be hoisted to the peak for an instant and then lowered to the half-staff position. The flag will be again raised to the peak before it is lowered for the day. The flag will never be put at half mast in the middle of the day. It must be put at half mast in the morning only.

Indoor Flags and Those Not on Movable Hoists

There will be a United States flag in each assembly room of every school in the district. It is the duty of the teacher or other person in charge of each assembly room to ensure that the flag in the room is displayed from a staff standing at the audience's right as they face the stage. If the flag is placed on the platform, it should stand at the right of the speaker as he/she faces the audience and at the audience's left as they face the stage.

Adopted: May 8, 2025

**SPECIAL EDUCATION PROGRAMS AND RELATED SERVICES**

The Board of Education recognizes its responsibility for providing special education and related services which are appropriate for the individual disabled student needs and allow the student to be involved and progress in the general education curriculum. In an effort to achieve this goal, the Board shall determine an appropriate special education program for each disabled student upon receiving from the Committee on Special Education (CSE) recommendations for special education services. The CSE shall provide the Board with a written evaluation for each disabled student which includes:

- a. classification of a student's disabling condition;
- b. recommendations for a special education program and related services;
- c. a summary of tests or reports upon which recommendations are based.

The Board of Education shall also ensure adequate space is allocated in the District for special education programs.

Ref: 8 NYCRR 200.2(b)(4)  
8 NYCRR 200.2(6)(a)

Adopted: May 8, 2025

**PREREFERRAL INTERVENTION STRATEGIES AND RESPONSE TO  
INTERVENTION**

Prior to referral to the Committee on Special Education (CSE), a student suspected of having a disability must be provided with appropriate interventions to allow a reasonable opportunity for remediation of the student's performance prior to referral for special education. The Superintendent is directed to develop appropriate prereferral interventions and develop and implement school wide approaches which may include a response to intervention process pursuant to Section 100.2(ii) of the Commissioner's Regulations.

Ref: 8 NYCRR §200.2(b)(7)

Adopted: May 8, 2025

**APPOINTMENT AND TRAINING  
OF APPROPRIATE SPECIAL EDUCATION PERSONNEL**

The Board of Education shall appoint and train only appropriately qualified personnel including members and chairpersons of the Committee on Special Education (CSE) and the Committee on Preschool Special Education (CPSE) as well as special education teachers and services providers to carry out functions identified in Part 200 of the Commissioner's Regulations and under §504 of the Rehabilitation Act and IDEA. Administrative procedures shall be developed pursuant to this Policy.

Ref: 8 NYCRR 2002(b)(3)

Adopted: May 8, 2025

## **CENSUS AND REGISTER OF STUDENTS WITH DISABLING CONDITIONS**

A census will be conducted in accordance with the provisions of Education Law in order to locate and identify all children with disabling conditions who reside in the District.

A register of such children who are entitled to attend the public schools of the District or are eligible to attend a preschool program during the next school year will also be established. The register of such children and others referred to the applicable Committee as possibly having a disabling condition shall be maintained and revised annually by the District Committee on Special Education (CSE) or the Committee on Preschool Special Education (CPSE) as appropriate.

Procedures shall be implemented to assure the availability of statistical data to readily determine the status of each student and preschool child with a disabling condition in the identification, location, evaluation, placement and program review process. Census data shall be reported by October 1 of each year to the appropriate Committee.

Procedures shall be designed to record data on each student and preschool child and shall at least include the following regarding each such student or preschool child:

- a. name, address, birth date;
- b. parent's name, address and the dominate language in the home;
- c. suspected disabling condition;
- d. dates of referral, evaluations, recommendations of the Committee on Special Education or the Committee on Preschool Special Education, actual placement and annual program reviews;
- e. site where the child is currently receiving an educational program;
- f. other student information as required by IDEA and federal regulations, including but not limited to student's race, ethnicity, limited English proficiency status, gender, and disability category; and
- g. if the child is not receiving an appropriate public education, the reason why.

The data will be organized so that it can easily be determined whether each student or preschool child is receiving an appropriate public education.

All persons involved in the collection of data shall have received prior training and written information regarding the procedures to be followed in collecting the data. Summary reports of the student's data shall be prepared and kept on file, including numbers of children who are: (a) unserved and the reasons why they are unserved; and (b) served. A summary report of the children served shall be submitted to the State Education Department on prescribed forms. The register and related summery reports shall be kept on file and shall be available to the District Superintendent and other representatives of the State Education Department.



SANDY CREEK CENTRAL SCHOOL DISTRICT

**4320.3**

Ref: 8 NYCRR §200.2  
New York Education Law §§3240-42; 4410

Adopted: May 8, 2025

## INDEPENDENT EDUCATIONAL EVALUATION

### INTRODUCTION

The School District has established the following policy on independent educational evaluations for children with disabilities or for children who are referred to the Committee on Special Education because they are suspected of having an educational disability and may, therefore, be in need of special education.

Parents of children with disabilities have the right under the Federal and State laws and regulations to obtain an independent educational evaluation at public expense under certain conditions. (Commissioner of Education Regulations, Part 200.5(a)(1)(vi); Federal Regulations 34 CFR 300.503) A parent does not have the right to an independent evaluation if the School District has not conducted and completed its evaluation of the child. In addition, the State Education Department Publication *A Parent's Guide to Special Education: Your Child's Right to an Education in New York State*, discusses independent evaluation requirements. This document is available from the District upon request.

The School District has adopted this policy in order to explain the rights of parents and the responsibilities of the School District with regard to independent educational evaluations and to avoid any misunderstandings.

### DEFINED

An independent educational evaluation means an evaluation conducted by a person who is not employed by the school district responsible for the education of the child. Such an evaluation is for the purpose of determining a child's eligibility for special education or related services, and for planning to meet the child's educational needs.

If the parent disagrees with the evaluation conducted by the School District, the parent has a right to request an independent educational evaluation at public expense. The District may, in turn, request the parent to specify the areas of disagreement with the evaluation to show that its evaluation is appropriate, and may initiate an impartial formal hearing if it believes its evaluation is appropriate and does not intend to pay for the evaluation requested by the parent.

### PUBLIC EXPENSE

Public expense means that the School District either pays for the cost of the independent educational evaluation or ensures that the evaluation is otherwise provided at no cost to the parent provided that the cost does not exceed the monetary amount established in this policy by the District. The amounts set forth in this policy are also those amounts which the District will pay when scheduling its own outside evaluations. Requests for an exception to the rates set forth should be forwarded in writing to the Chairperson of the Committee on Special Education (CSE) or Chairperson of the Committee on Preschool Special Education (CPSE).

### RESPONSIBILITIES

When an independent educational evaluation is requested and approved by the School District and an evaluator is selected by the parent from the attached list, it becomes the responsibility of the person chosen to contact the School District to set

forth in writing the services to be performed, the cost involved, the method of payment, dates of classroom visitations and discussions with school staff, and when a written report will be submitted.

The School District has the responsibility to designate a geographic area within which the parents would be limited in their search for an independent educational evaluator. The School District will not consider at public expense independent educational evaluators outside the county in which it is located or any adjoining county. Requests for an exception to the geographic area set forth should be forwarded in writing to the Chairperson of the CSE or CPSE as appropriate.

#### FURTHER INFORMATION

The School District has developed a policy on independent educational evaluations in order to avoid any misunderstanding and to ensure that the District meeting its responsibility to provide an independent educational evaluation. Parents can obtain further information on independent educational evaluations by contacting the Chairperson of the CSE or CPSE at the School District, and also the State Education Department by contacting the Office for Special Education Services, requesting to speak to the Regional Associate assigned to this area.

#### ADMINISTRATIVE PROCEDURES

1. Upon completion of the evaluation conducted by the School District and appropriate notice being given to the parent, the parent is requested but not required to send written notice of a request for an independent educational evaluation within forty-five (45) calendar days from the date of receipt of the School District evaluation.
2. The School District will not pay more than \$750 for a comprehensive independent educational evaluation that would meet the requirements under Commissioner's regulations, which may require an individual psychological evaluation, a physical examination, a social history and other suitable examinations and evaluations as may be necessary to ascertain the physical, mental and emotional factors which may contribute to the suspected disability.
3. The School District has established a list of specific rates and qualified professionals in private practice in this county and adjoining counties or employees of other public agencies to whom parents may go to secure an independent educational evaluation. The School District will pay for an evaluation performed by an employee of any other public school district or BOCES within the county or any adjoining county whom the parent chooses to employee independent educational evaluator at the then-current hourly rate paid to that licensed or certified individual which the School District would pay were it to request such an evaluation.
4. The School District will pay for an independent educational evaluation or assessment only, if conducted by an individual who possesses current license or certification from the New York State Education Department in the area of the evaluation. The School District will permit parents to select any independent educational evaluator who is in the county in which the School District is located or within any adjoining county at the time the

parent makes the request, as long as the individual selected by the parent is appropriately certified or licensed by the State of New York.

5. An independent education evaluation requested by a parent which typically would not be conducted by school certified-licensed personnel would require the parent to demonstrate that unique circumstances justify such an evaluation.
6. The independent educational evaluation must be conducted in accordance with the federal and State regulations, which require that, at a minimum:
  - a. tests and other evaluation materials –
    1. are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so;
    2. have been validated for the specific purpose for which they are used; and
    3. are administered by trained personnel in conformance with the instructions provided by their producer.
  - b. tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
  - c. tests are selected and administered so as best to ensure that when a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory manual, or speaking skills (except where those skills are the factors that the test purports to measure).
  - d. no single procedure is used as the sole criterion for determining an appropriate educational program for a child.
  - e. the child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.
7. The School District, upon receiving a request for reimbursement for an independent educational evaluation, will forward an acknowledgment letter to the parent with a copy to the evaluator within ten calendar days after receipt of the request. Any information needed by the School District to reach a decision regarding payment will be set forth in the letter.
4. If denial for reimbursement is indicated, the reason(s) for the denial, as well as the School District's intention immediately to initiate a hearing regarding such denial, will be forwarded to the parent in writing with a copy also being forwarded to the evaluator. If the District agrees to pay for the evaluation, the parent and the evaluator will be notified by letter.

(A LIST OF THE SPECIFIC MONETARY RATES WHICH THE SCHOOL DISTRICT WILL PAY SHOULD BE ATTACHED. THE DISTRICT MAY ALSO DEVELOP A LIST IDENTIFYING SPECIFIC EVALUATORS IN THE COUNTY AND ADJOINING COUNTIES WITH WHOM THE DISTRICT IS FAMILIAR IN ORDER TO ASSIST PARENTS IN LOCATING AN APPROPRIATE EVALUATOR.)

Ref: 20 USC §1415(d)(2)(A)  
34 CFR §300.502  
8 NYCRR §§200.1(z); 200.5(a-c) and (g)

Adopted: May 8, 2025

**PROGRAMS FOR STUDENTS WITH DISABILITIES  
UNDER THE IDEA AND NEW YORK'S EDUCATION LAW ARTICLE 89**

The Board of Education makes available a free appropriate public education to all students with disabilities who reside within its district and are eligible for special education and related services under the Individuals with Disabilities Education Act and Article 89 of New York's Education Law, and their implementing regulations. Special education and related services will be provided to resident eligible students with disabilities in conformity with their individualized education program (IEP) and in the least restrictive environment appropriate to meet their individual educational needs. Special education services or programs will be designed to enable students with disabilities to be involved in and progress in the general education curriculum, to the extent appropriate to their needs.

The Board also makes available special education and related services to eligible students with disabilities parentally placed in a nonpublic school located within the district, regardless of whether they are residents of the district. However, this obligation does not extend to resident students with disabilities who are placed by their parents in a nonpublic school within district boundaries because of a disagreement between the parents and the school district over the provision of a free appropriate public education. Nonpublic school students with disabilities who are not district residents but who reside within New York State will be provided programs and services in accordance with their individualized education services program (IESP). Nonpublic school students with disabilities who reside out-of-state will be provided services in accordance with their services plan (SP). (Refer to policy 4321.10, Programs and Services for Parentally-placed Nonpublic School Students with Disabilities under the IDEA and New York's Education Law Article 89 for more guidance on this topic).

In addition, to the maximum extent appropriate to their individual needs, eligible students with disabilities residing within the district and attending the district's public schools will be entitled to participate in school district academic, cocurricular and extracurricular activities available to all other students enrolled in the district's public schools. Such cocurricular and extracurricular activities may include athletics, transportation, recreational activities, school-sponsored special interest groups or clubs, and referrals to agencies that provide assistance to individuals with disabilities and the employment of students (including both employment by the school district and assistance in making outside employment available).

In providing a free appropriate public education to students with disabilities eligible under the IDEA and Article 89, the Board will afford the students and their parents the procedural safeguard rights they are entitled to under applicable law and regulations. The Board also will provide them with notice of such rights as required by law and regulation, using the form prescribed by the commissioner of education.

For purposes of this policy and others related to the provision of services to eligible students with disabilities, and consistent with applicable law and regulation, the word parent means a birth or adoptive parent, a legally appointed guardian generally authorized to act as the child's parent or authorized to make educational decisions for the child; a person in parental relationship to the child as

defined in section 3212 of the Education Law; an individual designated as a person in parental relation pursuant to title 15-A of the General Obligations Law, including an individual so designated who is acting in the place of a birth or adoptive parent (including a grandparent, stepparent, or other relative with whom the child resides; or a surrogate parent who has been appointed in accordance with commissioner's regulations.

Eligible students with disabilities will be entitled to special education and related services until their 22<sup>nd</sup> birthday or until they receive a local high school or New York State diploma, whichever comes first.

Students with disabilities may not be required to take medication as a condition for receiving a free appropriate public education.

To ensure the provision of a free appropriate public education to all eligible students with disabilities:

1. The Board will adopt and maintain a district special education services plan in conformance with Commissioner's Regulations (8NYCRR 200.2(c)). The plan will be available for public inspection and review by the Commissioner of Education.
2. School district staff will take steps to locate, identify, evaluate and maintain information about all children with disabilities within the district, including homeless children and children who are wards of the state, and children attending nonpublic school within the district (including religious schools), who are in need of special education.
3. The district will establish a plan and practice for implementing school-wide approaches and interventions in order to remediate a student's performance prior to referral for special education services. The district will provide general education support services, instructional modifications, and/or alternative program options to address a student's performance before referring the student to the Committee on Special Education (CSE). The SBIT Team will develop, implement and evaluate pre-referral intervention strategies (4321.2, School-wide Pre-referral Approaches and Interventions).
4. School district staff will initiate a request for evaluation of a student who has not made adequate progress after an appropriate period of time when provided instruction under a response to intervention program. In making the request the staff person will describe in writing intervention services, programs and methodologies used to remediate the student's performance prior to referral. In addition, the extent of parental contact will be described as well.
5. The Board will appoint a committee on special education (CSE), and, as appropriate, CSE subcommittees, to assure the timely identification, evaluation and placement of eligible students with disabilities.
6. The Board will arrange for special education programs and services based upon the recommendation of the CSE or CSE subcommittee.
7. The Superintendent will establish a plan for the recruitment, hiring and retention of staff appropriately and adequately prepared to meet the needs of students with disabilities including, but not limited to, highly qualified special education teachers.
8. The Superintendent will establish a comprehensive professional development plan designed to ensure that personnel necessary to carry out

- IDEA and Article 89 possess the skills and knowledge required to meet the needs of students with disabilities.
9. The Superintendent will establish a process for ensuring that district staff understand the right of students with disabilities to access and participate in the same academic, cocurricular and extracurricular programs and activities as all other students enrolled in the district's public schools, to the maximum extent appropriate to their individual needs.

#### *Locate and Identify Students with Disabilities*

The district will conduct an annual census to locate and identify all students with disabilities who reside in the district, and establish a register of such students who are entitled to attend the public schools of the district during the next school year, including students with disabilities who are homeless or wards of the State. The census will be conducted, and the registry maintained, in accordance with the requirements established in Commissioner's regulations.

The Superintendent will determine what other activities might be appropriate to help locate and identify students with disabilities. These may include, but are not limited to, the mailing of letters to all district residents regarding the availability of special education programs and services and their right to access such services, and/or the publication of a similar notice in school newsletters and other publications.

(Refer to policy 4321.10, Programs and Services for Parentally-placed Nonpublic School Students with Disabilities under the IDEA and New York's Education Law Article 89, for more information regarding how to locate and identify nonpublic school students with disabilities).

#### *Evaluation of Students with Disabilities*

To initially determine a student's eligibility for a free appropriate public education under the IDEA and Article 89, the district will conduct a full evaluation of the student in accordance within legally prescribed time lines. As set forth in Commissioner's regulations, the initial evaluation will include, at least, a physical examination, an individual psychological evaluation unless the school psychologist determines it unnecessary, a social history, an observation of the student in the student's learning environment to document the student's academic performance and behavior in the areas of difficulty, and other appropriate assessments or evaluations (including a functional behavioral assessment for students whose behavior impedes their learning or that of others) to ascertain the physical, mental, behavioral and emotional factors that contribute to the suspected disabilities.

Once a student has been determined eligible to receive a free appropriate public education, the district will reevaluate the student with a disability whenever the student's parent requests a reevaluation, and when the district determines the educational and related services needs (including improved academic achievement and functional performance) of the child warrant a reevaluation. However, a reevaluation must take place at least once every three years, unless the student's parent and the district agree it is unnecessary.

#### *Parental Consent for Student Evaluations*

Before conducting any type of evaluation, district staff will take steps to obtain written informed consent from a student's parent, as required by applicable law and regulations. They also will keep a detailed record of those attempts and their results, including phone calls and correspondence, visits to the parent's home and any responses received.

1. If a parent refuses to give consent for an initial evaluation, or fails to respond to such a request, the parent will be given an opportunity to attend an informal conference and ask questions about the proposed evaluation. Unless the referral for evaluation is withdrawn, if the parent continues to withhold consent, the Board will commence due process proceedings to conduct an initial evaluation without parental consent within the time lines established in Commissioner's regulations.
2. If a parent refuses to give consent for a reevaluation, or fails to respond to such a request, district staff will proceed with the reevaluation without parental consent if it has engaged in documented reasonable efforts to obtain such consent and the parent has failed to respond. If the district cannot document its efforts to obtain consent, the Board will commence due process proceedings to conduct a reevaluation without parental consent.
3. If district staff is unable to obtain consent for the initial evaluation or reevaluation of a home schooled or a parentally-placed nonpublic school student, the Board will not commence due process proceedings to conduct the evaluation without parental consent, and will consider the student as not eligible for special education.

#### *Conduct of Evaluations*

In conducting evaluations of students with disabilities, the district will use a variety of assessment tools and strategies, including parent-provided information, to gather relevant functional, developmental, and academic information for determining a student's eligibility for special education and related services, and the content of the student's individualized education program or individualized education services program or services plan in the case of nonpublic school students with disabilities (including information related to enabling the student to be involved in and progress in the general education curriculum).

The district also will assess a student in all areas of suspected disability, and the assessment and other evaluation used will not be discriminatory on a racial or cultural basis. In addition, students will be assessed in the language and form most likely to yield accurate information on what the student actually knows and can do academically, developmentally, and functionally, unless it is not feasible to do so.

In the case of students suspected of having a specific learning disability, the district will follow the procedures established in commissioner's regulations.

The district will notify a student's parent of any determination that no additional data is needed and the reasons for such a determination. It will also



inform parents of their right to request an assessment, notwithstanding that determination.

#### *Eligibility Determination*

The CSE or CSE subcommittee will determine whether a student is eligible for special education and related services under the IDEA and Article 89, as well as the student's educational needs.

The CSE or CSE subcommittee may not determine that a student is eligible for special education and related services if the determining factor is lack of appropriate instruction in the essential components of reading, including phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills), and reading comprehension strategies; or lack of appropriate instruction in math; or limited English proficiency.

#### *Committee on Special Education*

The members of the CSE and CSE subcommittees will include those individuals identified in applicable law and regulations, and their attendance at CSE and CSE subcommittee meetings will be required except as otherwise provided in law and regulations.

The parent of a student with disabilities is one of the mandated CSE and CSE subcommittee members and as such has a right to participate in CSE and CSE subcommittee meetings concerning the identification, evaluation, educational placement, and the provision of a free appropriate public education to their child. District staff will take steps to ensure the parent's participation, in accordance with the following:

1. CSE and CSE subcommittee meetings will be scheduled at a time and place that is mutually agreeable to the parent and the district.
2. The parent will be given at least five days notice of the time and place of a CSE or CSE subcommittee meeting, except as otherwise provided in law and regulation, along with notice of the purpose of the meeting, those who will attend (including name and title), and the parent's right to be accompanied to the meeting by person(s) the parent considers to have knowledge and special expertise about their child.
3. The parent and the district may agree to use alternative means of participation at CSE meetings, such as videoconferences or telephone conference calls.
4. District staff will take any action necessary to ensure that the parent understands the proceedings at CSE meetings, including arranging for an interpreter for deaf parents or parents whose native language is other than English.

The CSE or CSE subcommittee may meet without a student's parent only if district staff has been unable to obtain either parent's participation, and has a record of its attempts to arrange a mutually agreed upon time and place. Similarly, the CSE or CSE subcommittee may make a decision without the involvement of the student's parent only if district staff has been unable to obtain

parental participation, even through the use of alternative means of participation, and has a record of its attempts to ensure parental involvement.

#### *Provision of Services*

The Board will arrange for appropriate special education and related services recommended by the CSE or CSE subcommittee within 60 school days of the district's receipt of parental consent to evaluate a student not previously identified as a student with a disability, or within 60 school days of referral for review of a student with a disability, except as otherwise provided in law and regulations.

All staff responsible for the implementation of a student's individualized education program, or an individualized education services program or services plan in the case of parentally placed nonpublic school students with disabilities, will be provided information regarding those responsibilities (Refer to policy 4321.5 for more information on this topic).

#### *Parental Consent for the Provision of Services*

The Board acknowledges that parental consent for initial evaluation does not constitute consent for placement for the provision of special education and related services. Therefore, district staff will take steps to obtain written informed consent for the initial provision of special education and related services to an eligible student. The Board will be precluded by applicable law and regulations from commencing due process proceedings to override the parent's refusal to provide such consent or override the parent's failure to respond to such a request.

#### *Transition Service and Diploma/Credential Options*

In accordance with law and regulation, the Board will ensure the provision of transition services, which are a coordinated set of activities for students with disabilities that facilitates movement from school to post-school activities, which may include but are not limited to post-secondary education, vocational education, integrated employment, continuing and adult education, adult services, independent living or community participation. At age 15, or younger if appropriate, the student's IEP will include a statement of transition service needs and will include undertaking activities in the following areas:

- Instruction
- Related services
- Community experiences
- The development of employment and other post-school adult living objectives; and
- When appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

In developing the plan for transition services, students and parents will be made aware of the range of diploma and credential options available and the requirements associated with each option.

Cross ref: 1900, Parental Involvement (Title I)

5500, Student Records  
6700, Purchasing

Ref: The Individuals with Disabilities Education Act (IDEA), 20 USC §§1400  
*et seq.*;  
34 CFR Part 300  
Education Law Article 89, §§4401 *et seq.*  
8 NYCRR Part 200  
*A.R. v. Connecticut State Board of Education*, 5 F.4th 155 (2021)  
*Formal Opinion of Counsel No. 242* (7/6/2023), NYSED

Adopted: May 8, 2025

**PROVISION OF SPECIAL EDUCATION SERVICES  
IN THE LEAST RESTRICTIVE ENVIRONMENT**

The Board of Education recognizes its responsibility to ensure that students with disabilities eligible for special education programs and services under the IDEA and Article 89 of New York's Education Law receive those services in the least restrictive environment appropriate to meet their individual educational needs.

Therefore, the district will not place students with disabilities in special classes or separate schools, or otherwise remove them from the regular educational environment unless the nature or severity of their disability is such that their education cannot be achieved satisfactorily in regular classes, even with the use of supplementary aids and services. In addition, the district will provide special services or programs to enable students with disabilities to be involved in and progress in the general curriculum, to the extent appropriate to their needs.

To fulfill its responsibility to educate students with disabilities in the least restrictive environment, the district will implement the provisions of section 200.6 of commissioner's regulations.

Furthermore, and pursuant to those provisions, students with disabilities placed together for purposes of receiving special education will be grouped by similarity of individual needs including their range of academic achievement, functional performance and learning characteristics; social and physical development, and management needs.

The Superintendent will establish a process for ensuring that the CSE or CSE subcommittee Chairperson, as appropriate, obtains an up-to-date copy of those provisions at the beginning of each school year, and copies of any amendments that become effective during the school year.

The Board also recognizes that the least restrictive environment requirements established by applicable law and regulations also extend to nonacademic settings. Therefore, the district will provide students with disabilities the opportunity to participate with non-disabled students in school-sponsored cocurricular and extracurricular activities, to the maximum extent appropriate to each individual student's needs. The district also will provide students with disabilities with supplementary aids and services the CSE or CSE subcommittee, as applicable, determines to be appropriate and necessary for the students to participate in such activities.

Ref: Individuals with Disabilities Education Act (IDEA), 20 USC §§1400 et seq.  
8 NYCRR §§200.2(b)(4); 200.6

Adopted: May 8, 2025

## **SCHOOL-WIDE PRE-REFERRAL APPROACHES AND INTERVENTIONS**

The Board of Education recognizes that the provision of academic and behavioral supports and targeted interventions for students who are not making academic progress at expected levels in the general curriculum may improve a student's performance and help avert the need for referral for possible classification as a student with a disability. Therefore, the district will implement on a school-wide basis practices appropriate to enable all of the district's students to succeed in the general education environment.

The Superintendent will identify and take steps to implement a variety of practices appropriate to comply with this policy. Consistent with applicable law and regulation, those practices may include, for example:

1. Providing early intervention services with funds available under the IDEA, which may be coordinated with similar activities conducted under the Elementary and Secondary Education Act. Such services would be made available to students not currently identified as needing special education and related services, but who need additional support to succeed in a general education setting. This may include professional development that enables teachers and other staff to deliver scientifically based academic instruction and behavioral interventions, such as scientifically based literacy instruction and, where appropriate, instruction on the use of adaptive instructional software. It also may include educational and behavioral evaluations, services and supports.
2. Implementation of a response to intervention (RTI) program that includes the minimum requirements established by commissioner's regulations, and allows teachers and other staff to determine whether a student responds to scientific, research-based instruction or requires interventions beyond those provided to all students in the general education classroom.
3. Implementation of a behavioral intervention and support system that reduces school and classroom behavioral problems, and creates and maintains a safe and positive learning environment by promoting positive behavior in all students.

District implementation of any of the above practices will not impede or delay the appropriate evaluation of a student suspected of having a disability, and the student's right to a free appropriate public education.

Ref: Individuals with Disabilities Education Act, 20 USC §§1413(f); 1414(b)(6)(B)  
34 CFR §§300.226; 300.307(a)(2)  
8 NYCRR §§100.2(ii); 200.2(b)(7)

Adopted: May 8, 2025

### **ALLOCATION OF SPACE FOR SPECIAL EDUCATION PROGRAMS**

The Board of Education recognizes its responsibility to ensure that appropriate space is available for:

1. Special programs and services provided to meet the needs of students and preschool students with disabilities both within its own facilities, and in programs provided by the board of cooperative educational services (BOCES) and attended by district residents; and
2. Serving students with disabilities in settings with non-disabled peers, as well.

The district will address such space allocation needs as part of its annual budget cycle, during the annual or any more frequent re-evaluation of its long-range educational facilities plan, and as part of the district's special education services plan.

Through the Superintendent, the district also will share with the BOCES District Superintendent information relevant for the BOCES to determine the regional space needs for serving the district's resident students and preschool students with disabilities.

As part of the process for ensuring the allocation of appropriate space for special education programs and services and serving students with disabilities in settings with non-disabled peers, the Superintendent, in consultation with appropriate school personnel will, at a minimum:

1. Periodically gather information regarding the number of students and preschool students with disabilities presently participating and anticipated to continue to participate in the district's special education programs and services, the type of programming they presently receive and may receive in the future, as well as the setting in which those services are and/or will be provided.
2. Review the results of the district's latest census, and other district child find efforts, including child find activities conducted with respect to parentally-placed nonpublic school students with disabilities.
3. Anticipate any projected increase in the number of students and preschool students with disabilities the district will be responsible for providing special education programs and services to, the anticipated type of services they will be receiving and the settings in which those services will be provided.
4. Based on the above information, review current space capacity, and identify any additional space requirements to meet both current and future needs.

SANDY CREEK CENTRAL SCHOOL DISTRICT

**4321.3**

Cross-ref: 4321, Programs and Services for Students with Disabilities under the IDEA and New York's Education Law Article 89  
4321.10, Programs and Services for Parentally-Placed Nonpublic School Students with Disabilities under the IDEA and New York's Education Law Article 89

Ref: Individuals with Disabilities Education Act (IDEA) 20 USC  
Education Law §§3602(10)  
8 NYCRR §§155.1(a); 200.2(c)(2)(iv),(v); 200.2(g)

Adopted: May 8, 2025

## INDEPENDENT EDUCATIONAL EVALUATIONS

The Board of Education recognizes the right of parents or guardians of a student who has or is thought to have a disability to receive an independent evaluation at public expense if they disagree with the evaluation obtained by the Committee on Special Education (CSE) or the Committee on Preschool Special Education (CPSE).

The independent examination will be conducted by a qualified examiner who is not employed by the school district responsible for the child's education. Upon request, parents will be provided with a list of public and private agencies and professional resources where independent evaluations may be obtained. These publicly-funded independent evaluations will be limited to the same geographic and fiscal limitations as used by the district when it initiates an evaluation.

The district has the right to initiate an impartial hearing to demonstrate that its evaluation is appropriate. If the hearing officer determines that the district's evaluation was appropriate, a parent or guardian is not entitled to reimbursement at public expense.

The Board directs the Superintendent of Schools to develop regulations establishing maximum allowable fees for specific tests, the geographic area in which such evaluations may take place, and minimum qualifications of the professionals who administer and interpret various tests.

Cross-ref: 4321, Programs for Students with Disabilities

Ref: 20 USC §1415(d)(2)(A)  
34 CFR §300.502  
8 NYCRR §§200.1(z); 200.5(a); 200.5(b); 200.5(c); 200.5(g)

Adopted: May 8, 2025



## INDEPENDENT EDUCATIONAL EVALUATIONS

### *Introduction*

The School District has established the following policy on independent educational evaluations for children with disabilities or for children who are referred to the Committee on Special Education because they are suspected of having an educational disability and may, therefore, be in need of special education.

Parents of children with disabilities have the right under the Federal and State laws and regulations to obtain an independent educational evaluation at public expense under certain conditions. (Commissioner of Education Regulations, Part 200.5(a)(1)(vi); Federal Regulations 34 CFR 300.503) A parent does not have the right to an independent evaluation if the School District has not conducted and completed its evaluation of the child. In addition, the State Education Department Publication A Parent's Guide to Special Education: Your Child's Right to an Education in New York State, discusses independent evaluation requirements. This document is available from the District upon request.

The School District has adopted this policy in order to explain the rights of parents and the responsibilities of the School District with regard to independent educational evaluations and to avoid any misunderstandings.

### DEFINED

An independent educational evaluation means an evaluation conducted by a person who is not employed by the school district responsible for the education of the child. Such an evaluation is for the purpose of determining a child's eligibility for special education or related services, and for planning to meet the child's educational needs.

If the parent disagrees with the evaluation conducted by the School District, the parent has a right to request an independent educational evaluation at public expense. The District may, in turn, request the parent to specify the areas of disagreement with the evaluation to show that its evaluation is appropriate, and may initiate an impartial formal hearing if it believes its evaluation is appropriate and does not intend to pay for the evaluation requested by the parent.

### *Public Expense*

Public expense means that the School District either pays for the cost of the independent educational evaluation or ensures that the evaluation is otherwise provided at no cost to the parent provided that the cost does not exceed the monetary amount established in this policy by the District. The amounts set forth

in this policy are also those amounts which the District will pay when scheduling its own outside evaluations. Requests for an exception to the rates set forth should be forwarded in writing to the Chairperson of the Committee on Special Education (CSE) or Chairperson of the Committee on Preschool Special Education (CPSE).

### *Responsibilities*

When an independent educational evaluation is requested and approved by the School District and an evaluator is selected by the parent from the attached list, it becomes the responsibility of the person chosen to contact the School District to set forth in writing the services to be performed, the cost involved, the method of payment, dates of classroom visitations and discussions with school staff, and when a written report will be submitted.

The School District has the responsibility to designate a geographic area within which the parents would be limited in their search for an independent educational evaluator. The School District will not consider at public expense independent educational evaluators outside the county in which it is located or any adjoining county. Requests for an exception to the geographic area set forth should be forwarded in writing to the Chairperson of the CSE or CPSE as appropriate.

### *Further Information*

The School District has developed a policy on independent educational evaluations in order to avoid any misunderstanding and to ensure that the District meeting its responsibility to provide an independent educational evaluation. Parents can obtain further information on independent educational evaluations by contacting the Chairperson of the CSE or CPSE at the School District, and also the State Education Department by contacting the Office for Special Education Services, requesting to speak to the Regional Associate assigned to this area.

### *Administrative Procedures*

1. Upon completion of the evaluation conducted by the School District and appropriate notice being given to the parent, the parent is requested but not required to send written notice of a request for an independent educational evaluation within forty-five (45) calendar days from the date of receipt of the School District evaluation.
2. The School District will not pay more than \$1750 for a comprehensive independent educational evaluation that would meet the requirements under Commissioner's regulations, which may require an individual psychological evaluation, a physical examination, a social history and other suitable examinations and evaluations as may be necessary to

- ascertain the physical, mental and emotional factors which may contribute to the suspected disability.
3. The School District has established a list of specific rates and qualified professionals in private practice in this county and adjoining counties or employees of other public agencies to whom parents may go to secure an independent educational evaluation. The School District will pay for an evaluation performed by an employee of any other public school district or BOCES within the county or any adjoining county whom the parent chooses to employee independent educational evaluator at the then-current hourly rate paid to that licensed or certified individual which the School District would pay were it to request such an evaluation.
  4. The School District will pay for an independent educational evaluation or assessment only, if conducted by an individual who possesses current license or certification from the New York State Education Department in the area of the evaluation. The School District will permit parents to select any independent educational evaluator who is in the county in which the School District is located or within any adjoining county at the time the parent makes the request, as long as the individual selected by the parent is appropriately certified or licensed by the State of New York.
  5. An independent education evaluation requested by a parent which typically would not be conducted by school certified-licensed personnel would require the parent to demonstrate that unique circumstances justify such an evaluation.
  6. The independent educational evaluation must be conducted in accordance with the federal and State regulations, which require that, at a minimum:
    - a. tests and other evaluation materials –
      1. are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so;
      2. have been validated for the specific purpose for which they are used; and
      3. are administered by trained personnel in conformance with the instructions provided by their producer.
    - b. tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
    - c. tests are selected and administered so as best to ensure that when a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory manual, or speaking skills (except where those skills are the factors that the test purports to measure).

- d. no single procedure is used as the sole criterion for determining an appropriate educational program for a child.
  - e. the child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.
7. The School District, upon receiving a request for reimbursement for an independent educational evaluation, will forward an acknowledgment letter to the parent with a copy to the evaluator within ten calendar days after receipt of the request. Any information needed by the School District to reach a decision regarding payment will be set forth in the letter.
8. If denial for reimbursement is indicated, the reason(s) for the denial, as well as the School District's intention immediately to initiate a hearing regarding such denial, will be forwarded to the parent in writing with a copy also being forwarded to the evaluator. If the District agrees to pay for the evaluation, the parent and the evaluator will be notified by letter.

A list of evaluators in the county and adjoining counties with whom the district is familiar will be made available to assist parents in locating an appropriate evaluator upon request.

Adopted: May 8, 2025

**CONFIDENTIALITY AND ACCESS TO INDIVIDUALIZED  
EDUCATION PROGRAMS, INDIVIDUALIZED EDUCATION SERVICES  
PROGRAMS AND SERVICE PLANS**

The Board of Education recognizes the importance of ensuring the confidentiality of personally identifiable data pertaining to a student with a disability. Personally identifiable data will not be disclosed by any school district employee or member of a CSE/CPSE to any person (other than the parent of such student), organization or agency unless the parent or guardian of the child provides written consent; there is a valid court order for such information; or disclosure is permitted by law.

The Board of Education, while acknowledging the confidentiality requirement, believes that in order for each student with disabilities to receive the full benefit of their Individualized Education Program (IEP), Individualized Education Services Program (IESP) (for New York State resident students placed by their parents in nonpublic schools located in the district) or Services Plan (SP) (for out-of-state resident students placed by parents in nonpublic schools located in the district), individuals responsible for implementing the program or plan must, prior to the implementation, fully understand the scope of their responsibility and the specific accommodations, modifications, supports and/or services to be provided.

To this end, this policy establishes procedures to ensure that any person having a responsibility to provide a service, support, accommodation or program modification for the student in accordance with that student's IEP, IESP or SP will be informed of their responsibilities under the IEP and receive a copy of or have access to the student's IEP, IESP or SP as specified below.

**I. Access to or Copies of IEPs, IESPs or SPs**

At a CSE, CSE Subcommittee or CPSE meeting for each student, a determination will be made as to which regular education teachers, special education teachers, related service providers and other service providers have responsibility to implement the recommendations on the student's IEP, IESP or SP. "Other service provider" means a representative of another public school district, charter school, BOCES program, 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, IESP or SP services.

Prior to implementation of any IEP, IESP, or SP, the CSE, CSE Subcommittee and CPSE Chairpersons must ensure that a paper or electronic copy of each student's IEP, IESP or SP is provided to each regular education teacher, special education teacher, related service provider and/or other service provider who is responsible for implementation of the program or plan, or they

are able to access it electronically. If access is provided electronically, the CSE Chairperson or designee will notify and train the individuals on how to access the document.

These individuals responsible for implementing an IEP, IESP or SP will, in turn, ensure that all supplementary school personnel (teacher aides and teacher assistants) and other providers responsible for assisting in implementation are given the opportunity to review their copy of the IEP, IESP or SP prior to program implementation as well as have ongoing access to such copy.

## II. Notification of Responsibilities

In addition to disseminating copies of a student's IEP, IESP or SP, CSE, CSE Subcommittee and CPSE Chairpersons must designate one or more professional employees of the district with knowledge of the student's disability and program to inform each regular education teacher, special education teacher, related service provider, other service provider, supplementary school personnel, other provider, and support staff person (who has direct contact with the student based on their assigned duties) of their responsibility to provide specific accommodations, program modifications, supports and/or services for the student in accordance with the IEP, IESP or SP. In selecting the professional staff person(s), the chairperson could select themselves for this responsibility, another administrator, or a teacher, related service provider or other professional, as appropriate.

## III. Confidentiality

All copies of a student's IEP, IESP or SP provided or made accessible under this policy must remain confidential, and will not be redisclosed to any other person, except in accordance with the Individuals with Disabilities Education Act (IDEA) and the Family Educational Rights and Privacy Act (FERPA). All IEP, IESP or SP copies must remain in a secure location on school grounds at all times. If IEP copies are transmitted and/or provided electronically, security systems (e.g., password protect a file or folder) must be implemented to prevent unauthorized internal and external access to the student's IEP, IESP or SP.

## IV. Documentation

The designated professional employee(s) defined in section II above must obtain the signature of each person covered by this policy, indicating that he or she:

1. has received either a copy of or electronic access to the student's IEP, IESP or SP or the opportunity to review the IEP, IESP or SP prior to its implementation, as required under state law and regulation;

2. has been informed of their responsibilities for implementation;
3. has knowledge of where the IEP, IESP or SP is to be maintained and how to access it; and
4. has an understanding of the confidentiality requirements.

At the end of the school year or whenever the IEP has been revised, the CSE and CPSE Chairperson will collect all IEP copies provided under this policy and destroy them.

Cross-ref: 4321, Programs for Students with Disabilities Under IDEA and Article 89  
5500, Student Records

Ref: Individuals with Disabilities Education Act (IDEA), 20 USC §§1400 et seq.  
Family Educational Rights and Privacy Act (FERPA), 20 USC §1232g; 34 CFR Part 99  
Education Law §4402(7)  
8 NYCRR §§200.2(b)(10); 200.4(e)(3); 200.16(f)(6)  
New York State Education Department, Vocational and Educational Services for Individuals with Disabilities (VESID), SED Guidance Document, *Providing copies of the IEPs for Students with Disabilities*, May 13, 2003 (<https://www.p12.nysed.gov/specialed/publications/policy/chap408final.pdf>)

Adopted: May 8, 2025

### **AVAILABILITY OF ALTERNATIVE FORMAT INSTRUCTIONAL MATERIALS FOR STUDENTS WITH DISABILITIES**

The Board of Education recognizes its responsibility to ensure that all the instructional materials used in the district's schools are made available in a usable alternative format for students with disabilities in accordance with their individual educational needs and course selection at the same time as those materials are available to non-disabled students. In accordance with applicable law and regulations, any such alternative format procured by the district will meet the National Instructional Materials Accessibility Standard.

For purposes of this policy, alternative format will mean any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a student with a disability enrolled in the school district, including but not limited to Braille, large print, open and closed captioned, audio, or an electronic file. An electronic file must be compatible with at least one alternative format conversion software program.

The Superintendent will develop a plan to ensure the availability of alternative format materials in accordance with the timeliness requirements of this policy. Such a plan will provide for:

1. Preference to vendors who agree to provide instructional materials in alternative formats, and to reflect this requirement in the bidding specifications used for the procurement of instructional materials. The same preference will be given to vendors of instructional materials ordered for the school library.
2. Consultation with appropriate school personnel regarding how students will access electronic files. The district's technology staff will be notified of any need to convert electronic files into an accessible format such as Braille, large print, audio, or alternative display.
3. The availability of hardware and/or software a student with disabilities in need of alternative format materials might require to access the instructional material.
4. The yearly review of the district's ordering timelines for the purchase of instructional materials to ensure sufficient lead time for obtaining needed alternative format materials.
5. Notification to appropriate school personnel by the CSE, CSE subcommittee, CPSE and Section 504 Committee Chairperson whenever it is determined that a student needs instructional materials in alternative format. Such notice also will identify the particular alternative format needed, and any assistive technology devices or services the student might need to access the alternative format materials.
6. Notification by classroom teachers of the books they will be using in class and any list of required readings with sufficient lead time in anticipation of the district's timelines for the purchase of instructional materials.
7. Consultation with the school librarian to make sure that specific library resources required by a student in need of alternative format materials to participate and progress in his or her selected courses are made available to the student in an accessible format.



8. Timely request of state assessments in alternative format.

Cross-ref: 6700, Purchasing

Ref: Individuals with Disabilities Education Act (IDEA), 20 USC §§1474(e)(3)(B)  
Education Law §§1604(29-a); 1709(4-a) 1950(4-a); 2503(7-a); 2554(7-a); 3602(10)(b)  
8 NYCRR §§200.2(b)(10)  
State Education Department, Office of Special Education, Policy 02-05  
Amendment to Section 200.2 of the Regulations of the Commissioner  
Implementing Chapter 377 of the Laws of 2001: Plans to Provide  
Instructional Materials in Alternative Formats for Students with  
Disabilities, May 2002, available electronically from the SED website at  
[www.p12.nysed.gov/specialed/publications/policy/alterformat502.htm](http://www.p12.nysed.gov/specialed/publications/policy/alterformat502.htm)

Adopted: May 8, 2025

## **DISTRICTWIDE AND STATEWIDE ASSESSMENTS OF STUDENTS WITH DISABILITIES**

The Board of Education recognizes the importance of offering access and appropriate testing accommodations to eligible students so that they can participate in assessment programs on an equal basis with their nondisabled peers. Two elements that contribute to an effective assessment program are proper use of use of accommodations and use of universal design principles in developing and administering tests.

### Testing Accommodations

Testing accommodations provide an opportunity for students with disabilities to:

- Participate in the instructional and assessment program;
- Demonstrate their strengths, knowledge and skills without being restricted by their disability; and
- Provide an accurate measure of the standards being assessed so that appropriate instruction and services can be provided.

Testing accommodations are changes made in the administration of the test in order to remove obstacles to the test-taking process that are presented by the disability without changing the constructs being tested. Examples of testing accommodations are: flexibility in scheduling/timing; flexibility in the setting for the administration of the test; changes in the method of presentation and changes in the method of response. Testing accommodations are neither intended nor permitted to: alter the construct being measured or invalidate the results, provide an unfair advantage for students with disabilities over students taking the test under standard conditions or substitute for knowledge or abilities that the student has not attained.

The Committee on Special Education, the Subcommittee on Special Education or the Committee on Preschool Special Education is responsible for recommending the appropriate test accommodations and including those recommendations on the student's Individualized Education Program (IEP), Individualized Education Services Program (IESP) or Service Plan (SP). If it is determined that a student should participate in alternative assessments instead of the standard statewide or districtwide tests, the CSE must indicate the reasons for doing so on the IEP, IESP or SP. The 504 committee will include the appropriate test accommodations as part the 504 plan.

The recommendations will be reviewed annually by the CSE, CSE subcommittee, CPSE or 504 team. The Board acknowledges the importance of integrating the assessment program with the instructional program and, to that end, encourages effective communication among district staff so that

Implementation is consistent and fair. The goal is to provide effective assessments that allow students to benefit from their educational program.

In some situations, a building principal may authorize the use of testing accommodations in accordance with this policy. Those instances are limited to cases where a regular education student incurs a disability, such as, but not limited to, a broken arm, without sufficient time for the CSE, CPSE and/or Section 504 Committee to make a recommendation prior to a test. They do not include cases where the student is already being evaluated to determine his or her eligibility for status as a student with a disability. In exercising this authority, the building principal will rely on his or her professional judgment. He or she also may confer with CSE, CPSE and/or Section 504 Committee members.

Cross-ref: 4321, Programs for Students with Disabilities  
4321.5, Confidentiality and Distribution of IEP, IESP and SP  
5020.3 Students with Disabilities and Section 504

Ref: Individuals with Disabilities Education Act (IDEA), 20 USC §§1401(35);  
1412(a)(16)(E);  
34 CFR §§ 300.44  
Assistive Technology Act, 29 USC 3002(19)  
8 NYCRR §§ 200.1(jjj); 200.2(b)(12), (13); 200.4(d)(2)(vi)

Adopted : May 8, 2025

## **IMPARTIAL HEARING OFFICER APPOINTMENT AND COMPENSATION**

The Board of Education will appoint impartial hearing officers (IHO), as needed, to hear complaints regarding the identification, evaluation, or placement of students with disabilities, or the provision of a free appropriate public education to such a student in accordance with the rotational selection process and other applicable procedures described in Commissioner's regulations.

### *Selection*

The updated list of certified IHOs for this county promulgated by the New York State Education Department will be used in connection with requests for impartial hearings. The list will also include the names of those other certified IHOs whose names appear on the state list and who have indicated to the district their interest in serving as an IHO in the district.

Upon receipt of a request for an impartial hearing, the rotational selection process for the IHO will be initiated immediately and always within two (2) business days after receipt by the district of such written request. Should an IHO decline appointment, or if within 24 hours the IHO fails to respond or is unreachable after reasonable efforts by the District Clerk or designee, such efforts will be documented through independently verifiable efforts. The district representative will then proceed through the list to determine availability of the next successive IHO.

The District Clerk or other person so designated, under the direction of the Board President, will initiate the selection process by contacting the impartial hearing officer whose name first appears after the impartial hearing officer who last served. The District Clerk or designee will canvass the list in alphabetical order as prescribed by the Regulations of the Commissioner of Education until an appointment is accepted. Pursuant to the Regulations of the Commissioner of Education, if an impartial hearing is currently pending for the same student when a new hearing request is received, the district will appoint the same IHO, if available, who will determine whether or not to consolidate the hearings. Additionally, if the new hearing request concerns an issue which had been previously withdrawn in the 12 months prior, the district will appoint the same IHO, if available.

An IHO on the district's rotational list may not accept appointment unless he or she is available to:

1. Make a determination on the sufficiency of the due process complaint that will be heard at the hearing within five days of receiving such a request; and

2. Initiate the hearing within the first 14 days after either:
  - The date on which he or she receives written notice that the parents and the district waived their right to hold a resolution meeting to resolve their differences prior to commencement of the hearing, or met but were unable to reach agreement; or
  - The expiration of the 30-day period beginning with the receipt of the due process complaint, whichever occurs first.

#### *Appointment*

The Board President, or in his or her absence or inability the Vice President, will appoint an IHO immediately after the IHO selected from the rotational list indicates he or is available.

The Board will rescind the appointment of an IHO and appoint a new one if, the parties to the hearing mutually agree that the IHO is either incapacitated or otherwise unavailable or unwilling to continue the hearing or issue a decision. The appointment of a new IHO in such an instance will be made in accordance with the selection and appointment procedures established by this policy.

#### *Compensation*

The district will compensate an impartial hearing officer for his or her services at the maximum rate established for such purpose by the Director of the Division of the Budget. Currently, this rate is \$100.00 per hour for pre-hearing, hearing, and post-hearing activities. In addition, impartial hearing officers may be reimbursed for reasonable, actual and necessary expenses for automobile travel, meals and overnight lodging in accordance with the current district reimbursement rate set for district employees. Mailing costs associated with the hearing will also be reimbursed. The District will not reimburse impartial hearing officers for administrative assistance, secretarial or other overhead expenses.

#### *Cancellation*

The district will attempt to provide an Impartial Hearing Officer with two (2) business days' advance notice of the cancellation or re-scheduling of an impartial hearing. Should the district request the cancellation or re-scheduling of a hearing date and fail to provide an Impartial Hearing Officer with two (2) days notice, the district agrees to pay the Impartial Hearing Officer a fee of \$100.00. The district will not be responsible for costs associated with a parent or guardian's cancellation or adjournment of a hearing.

A copy of this policy will be forwarded to the impartial hearing officer at the time of appointment.

Records relating to the IHO process including, but not limited to, the request for initiation and completion of each impartial hearing will be maintained by the district and such information will be reported to the Office of Special Education of SED as required by Commissioner's regulations.

Ref: 8 NYCRR §§200.2; 200.5; 200.21

Adopted: May 8, 2025

**DECLASSIFICATION OF STUDENTS WITH DISABILITIES**

The Board of Education recognizes that it may be appropriate to declassify some students with disabilities. A student may mature and develop skills such that they no longer require the special program, support services or accommodations offered by an Individualized Education Program (IEP), Individualized Education Services Program (IESP) or Services Plan (SP). The Committee on Special Education (CSE), the CSE Subcommittee or, the Committee on Preschool Special Education (CPSE), as applicable, is responsible for making this judgment, while adhering to the requirements of federal and state law and regulation.

*Reevaluation*

Prior to determining that a student is no longer eligible for special education services and should be placed in a full-time regular education program, the CSE, CSE subcommittee, or CPSE, as applicable, will conduct a declassification evaluation of the student in accordance with the process and procedures prescribed for the evaluation and reevaluation of students with disabilities, by applicable law and regulations. However, the CSE, CSE subcommittee, or CPSE members may determine after reviewing existing evaluation data that no additional information is needed to determine the student's continued eligibility for services.

When a determination is made that no additional data is needed for reviewing a student's continued eligibility for special education services, the CSE, CSE subcommittee, or CPSE Chairperson, as applicable, will notify the student's parents of that determination and the reasons for it, and of their right to nonetheless request an assessment. Unless the student's parents make such a request, the district will not conduct any further assessments.

The district will provide the student's parents with a copy of the reevaluation report and documentation regarding the eligibility determination.

Consistent with applicable law and regulation, the district will not conduct a declassification evaluation if the reason why a student is determined to be ineligible for special education services is that he or she has either:

1. Graduated with a regular high school or Regents diploma; or
2. Exceeded the age of eligibility for services.

However, in such an instance the district will provide the student with a summary of his or her academic achievement and functional performance that also includes recommendations on how to assist the student in meeting his or her post-secondary goals.

*Declassification Support Services*

It is the goal of the Board of Education to provide an opportunity for the student to succeed in the transition to the regular education program. In order to facilitate that success, the CSE/CPSE may offer educational and support services for a period of time. Declassification support services may include:

1. For the student, psychological services, social work services, speech and language improvement services, non-career counseling, and other appropriate support services, such as classroom and test accommodations.
2. For the student's teachers, the assistance of a teacher aide or a teaching assistant, and consultation with appropriate personnel.

The CSE/CPSE will ensure that the appropriate teachers and service providers are informed of the need for the transition services, and will specify the nature and duration of those services.

Cross-ref: 4321, Programs for Students with Disabilities

Ref: 8 NYCRR §§100.1 (q); 200.2 (b)(8), 200.4 (b)(4-6), (c)(3)

Adopted: May 8, 2025



**PUBLIC REPORT ON REVISIONS TO DISTRICT POLICIES,  
PRACTICES AND PROCEDURES UPON A FINDING OF SIGNIFICANT  
DISPROPORTIONALITY**

The Board of Education recognizes that, despite the district's best efforts, there may be times when there might be a disproportionate representation of racial and ethnic groups in its special education programs and services, and/or with respect to the suspension of students with disabilities. To minimize the risk of such an occurrence, the Board has endeavored to adopt policies, practices and procedures for the district that are consistent with the IDEA and Article 89 of New York's Education Law, and their implementing regulations.

Nonetheless, upon learning of a significant disproportionality either in the suspension, identification, classification and/or placement of the district's students with disabilities, the Board will immediately review the district's policies, practices and procedures to determine whether they are fully compliant with the requirements of the IDEA and Article 89, or require revisions. If changes are needed, the Board will take immediate steps to adopt and implement any and all necessary revisions.

The Board will inform the public of any revisions to the district's policies, practices and procedures undertaken as a result of a finding of significant disproportionality. The Superintendent will notify school personnel responsible for implementing the revisions.

Cross-ref: 4321 *et seq.* as appropriate.

Ref: Individuals with Disabilities Education Act, 20 USC §§1412(a)(24);  
1418(d);  
34 CFR §§300.173; 300.646  
8 NYCRR §§200.2(b)(15).

Adopted: May 8, 2025

**TIMEOUT AND PHYSICAL RESTRAINT (ALL STUDENTS)**

This policy applies to all students, whether or not they are students with disabilities. The Board of Education recognizes that sometimes students exhibit challenging behaviors that impede learning and pose concern for the physical safety of themselves or others. The Board is required by state law and state regulations to adopt a policy that establishes administrative practices and procedures on the use of timeout and physical restraint to address such challenging behaviors.

As required by state regulations, the district will utilize positive, proactive, evidence- and researched-based strategies through a multi-tiered system of supports, to reduce the occurrence of challenging behaviors, eliminate the need to the use of timeout and physical restraint, and improve school climate and the safety of all students. Such strategies will include intervention and prevention procedures and de-escalation techniques. However, these strategies may not always be effective in keeping the school environment safe.

Pursuant to state regulations 8 NYCRR §19.5, timeout and physical restraint will not be used as discipline or punishment, retaliation, or as a substitute for positive, proactive intervention strategies that are designed to change, replace, modify, or eliminate a targeted behavior. Timeout and physical restraint may only be used when:

1. Other less restrictive and intrusive interventions and de-escalation techniques would not prevent imminent danger of serious physical harm to the student or others;
2. There is no known medical contraindication to its use on the student; and
3. School staff using such interventions have been trained in its safe and appropriate application, as required by state regulations.

For purposes of this policy and regulation, the term “parent” refers to parents and persons in parental relation.

The Superintendent is directed to establish administrative regulations to implement this policy.

**I. Precipitating Factors and Time Limitations**

Generally, timeout and physical restraint will be used when students exhibit behavior that puts themselves or others at risk of physical injury. Timeout and physical restraint will be used for the least amount of time necessary, generally only until the student has de-escalated, can return to their educational program, and no longer poses a risk of injury to themselves or others.

**II. Timeout for Students with Disabilities Pursuant to a Behavioral Intervention Plan**

In addition to situations posing an immediate concern for the physical safety of a student or others as described in this policy and administrative regulation, timeout may be used for students with disabilities in conjunction with a behavioral intervention plan (BIP), as part of the student’s individualized education program (IEP), as permitted by state regulations 8 NYCRR §200.22.

III. Staff training

The district will provide annual training to staff on the use of timeout and physical restraint as required by state regulations and outlined further in the accompanying administrative regulation.

IV. Information Provided to Parents

As required by state regulations, the district will provide this policy and accompanying administrative regulation to the parents of students for whom timeout and physical restraint has been used.

V. Parent Notification of Timeout or Restraint

The Building Principal or designee will notify parents on the same day that timeout or physical restraint is used on a student, including a timeout used in conjunction with a student's BIP. The notification will offer the parent the opportunity to meet regarding the incident. Parents will also be provided with a copy of the documentation of the incident within three school days of the use of timeout or physical restraint.

If the parent cannot be contacted after making reasonable attempts, the Principal will record the attempts made to contact the parent. In the case of students with disabilities, the Principal will report such attempts to the student's committee on preschool special education or committee on special education.

VI. Data Collection to Monitor Patterns

As required by state regulations, the district will document each incident of the use of timeout (including those used in conjunction with a BIP) and physical restraint, debrief following each incident of timeout and physical restraint, and review its documentation to monitor patterns of timeout and physical restraint.

VII. Prohibited Actions

Students may not be placed in a locked room or space in a room where the student cannot be continuously observed and supervised by school staff. Students may not be placed in a prone restraint (a physical or mechanical restraint while the student is in a face down position).

Additionally, district teachers, administrators, officers, employees, or agent may not use corporal punishment, mechanical restraint and other aversive interventions, or seclusion (which differs from timeout) against a student, as defined in state regulations. State regulations include school resource officers in the term "agent" except when a student is under arrest and handcuffs are necessary for the safety of the student and others.

VIII. Annual Reporting

District staff must report all allegations of corporal punishment, mechanical restraint and other aversive interventions, prone physical restraint, or seclusion to the Superintendent. The Superintendent or designee will investigate

the allegations, and determine whether they are substantiated or unsubstantiated, and will compile the reports annually.

The district will submit a report to the State Education Department, on a form and at a time prescribed by the Commissioner of Education, on the use of timeout and physical restraint, as well as substantiated and unsubstantiated allegations of the use of corporal punishment, mechanical restraint and other aversive interventions, prone physical restraint and seclusion.

IX. Public Availability and Posting of Policy

This policy and accompanying administrative regulation will be made publicly available for review at the district administrative offices, at each school building, and posted on the district's website.

Ref: Education Law §4402(9)  
8 NYCRR §§19.5; 200.22

Adopted: May 8, 2025

## **TIMEOUT AND PHYSICAL RESTRAINT (ALL STUDENTS) REGULATION**

This regulation contains administrative procedures addressing the use of timeout and physical restraint, as required by state regulations.

### **I. Timeout**

Timeout is defined in state regulations as a behavior management technique that involves the monitored separation of a student in a non-locked setting, implemented for the purpose of de-escalating, regaining control, and preparing the student to meet expectations to return to their education program.

Timeout does not include:

1. a student-initiated or student-requested break to utilize coping skills, sensory input, or self-regulation strategies;
2. use of a room or space containing coping tools or activities to assist a student to calm and self-regulate, or the use of such intervention strategies consistent with a student with a disability's behavioral intervention plan; or
3. a teacher removal, in-school suspension; or any other appropriate disciplinary action.

### **A. Use of Timeout**

Timeout may only be used in situations that pose an immediate concern for the physical safety of the student or others. Staff must return students to their educational program as soon as they have safely de-escalated, regained control and are prepared to meet expectations.

### **B. Physical Requirements for Rooms or Spaces Used for Timeout**

The room or physical space ("space") used for purposes of timeout may be located within a classroom or outside of the classroom. The space must be unlocked, and any door must be able to be opened from the inside. The space must allow for continuous visual and auditory monitoring of the student, and school staff will continuously monitor students in timeout. The space will be large enough to allow a student to move freely and lay down comfortably. The space will be clean and free of objects and fixtures that could be potentially dangerous to a student, and will meet all local fire and safety codes. Wall and floor coverings will, to the extent practicable, be designed to prevent student injury, and there will be adequate lighting and ventilation. The temperature of the space will be within the normal comfort range, and consistent with the rest of the building.

### **C. Additional Requirements for the Use of Timeout with Students with Disabilities**

The IEP of a student with a disability will specify when a behavioral intervention plan includes the use of timeout, including the maximum amount of time they will need to be in timeout as a behavioral

consequence, as determined on an individual basis, in consideration of the student's age and individual needs.

The behavioral intervention plan will be designed to teach and reinforce alternative appropriate behaviors.

The district will inform parents of students with disabilities prior to the initiation of a BIP that incorporates the use of timeout, give the parent an opportunity to see the room or physical space used, and provide the parent with copy of this policy and regulation.

#### D. Factors Precipitating the Use of Timeout

The factors which may trigger the use of timeout can depend on the particular student. Generally, timeout may be used when a student needs to de-escalate, regain control of their actions and emotions, and prepare to meet expectations to return to the education program. Such students may be unable to control (or exhibit difficulty controlling) their actions or emotions, feel overwhelmed or overstimulated, exhibit violent actions, or pose a danger to themselves or others. Such students generally would not have responded favorably to initial intervention and de-escalation actions by staff, or when positive, proactive intervention strategies used by staff were unsuccessful.

#### E. Time Limitations for Timeout

The amount of time a student may spend in timeout will vary with the student's age, grade, and development level, individual needs, behavioral intervention plan (for students with disabilities), and the specific circumstances. Students will spend only as much time in timeout as is necessary for them to deescalate, regain control, return to their educational programs, or no longer pose a concern for the physical safety of themselves or others.

## II. Use of Physical Restraint

Physical restraint immobilizes or reduces the ability of a student to move their arms, legs, body, or head freely. Physical restraint does not include a physical escort or brief physical contact and/or redirection to promote student safety, calm or comfort a student, prompt or guide a student when teaching a skill or assisting a student in completing a task, or for other similar purposes.

#### A. Requirements for use of Physical Restraint

Physical restraint will only be used in situations where immediate intervention involving the use of reasonable physical force is necessary to prevent imminent danger of serious physical harm to the student or others.

1. The type of physical restraint used will be the least restrictive technique necessary, and will stop as soon as the imminent danger of serious physical harm is over.
2. Physical restraint will not restrict the student's ability to breathe or communicate, or harm the student.

3. Students will not be restrained in a face-down position.
4. Physical restraint will not be used as a planned intervention on a student's individualized education program, Section 504 accommodation plan, behavioral intervention plan, or other plan developed for a student by the school.
5. Physical restraint will not be used to prevent property damage, except in situations where there is imminent danger of serious physical harm to the student or others, and the student has not responded to positive, proactive intervention strategies.
6. Physical restraint will be administered only by staff who have received training in accordance with state regulations and this policy and regulation.
7. Following a physical restraint, if the student is or is believed to be injured, the school nurse or other medical personnel (i.e., physician, physician assistant, or a nurse practitioner) will evaluate the student to determine and document if any injuries were sustained during the incident.

#### B. Factors Precipitating the Use of Physical Restraint

The factors which may trigger the use of physical restraint can depend on the particular student, but there must be imminent danger of serious physical harm to the student or others. Generally, physical restraint may be used when a student needs to de-escalate, regain control of their actions and emotions, and prepare to meet expectations to return to the education program. Such students may be unable to control (or exhibit difficulty controlling) their actions or emotions, feel overwhelmed or overstimulated, exhibit violent actions, or pose a danger to themselves or others. Such students generally would not have responded favorably to initial intervention and de-escalation actions by staff, or when positive, proactive intervention strategies used by staff were unsuccessful.

#### C. Time Limitations for Physical Restraint

Students will remain in physical restraint only while the imminent danger of serious physical harm to the student or others persists.

### III. General Requirements for Timeout and Physical Restraint

#### A. Staff Training

All staff will receive annual training on:

1. the district's policies and procedures on the use of timeout and physical restraint;
2. evidence-based positive, proactive strategies; and
3. crisis intervention and prevention procedures and de-escalation techniques.

All staff authorized to implement timeout or physical restraint, including those who function as timeout monitors, will receive annual, evidence-based training in safe and effective developmentally appropriate timeout and physical restraint procedures.

Only trained staff authorized by the school principal may implement timeout or physical restraint. Staff who are not authorized to implement timeout or physical restraint will receive training on what to do and who to contact if a student is exhibiting behaviors indicating a need for timeout or physical restraint, where the student has not responded to positive and proactive strategies and less restrictive and intrusive interventions and de-escalation techniques.

**B. Prohibitions**

Students are prohibited from being placed in a locked room or space for timeout, or in a prone restraint (face-down position). In addition, the following actions are prohibited by state regulations:

**1. Aversive Interventions**

Aversive interventions are defined in state regulations as those which are intended to induce pain or discomfort for the purpose of eliminating or reducing student behavior. It includes applying noxious, painful, intrusive stimuli, strangling, shoving, deep muscle squeezes or similar actions; noxious, painful or intrusive spray, inhalant or taste; denying or delaying food, or altering food or drink to make it distasteful; limiting movement as a punishment, including helmets or mechanical restraints.

Aversive interventions do not include voice control if limited to loud, firm comments; time-limited ignoring of a specific behavior, token fines as part of a token economy system, brief physical prompts to interrupt or prevent a specific behavior, interventions medically necessary to treat or protect the student.

**2. Corporal Punishment**

Corporal punishment is defined in state regulations as any act of physical force upon a student for the purpose of punishing that student. The term does not include the use of physical restraint as defined in state regulations to protect the student, another student, teacher or any other person from physical injury when alternative procedures and methods not involving the use physical restraint cannot reasonably be employed to achieve these purposes.

**3. Seclusion**

Seclusion is defined in state regulations as the involuntary confinement of a student alone in a room or space that they are physically prevented from leaving or they may perceive that they cannot leave at will. Seclusion does not include timeout as defined in this policy and state regulations.

**C. Data Collection to Monitor Patterns of Use**

**1. Documentation**

The district will document each incident of timeout (including those pursuant to a BIP) and physical restraint. Documentation will include:



- a. The student's name and birth date;
- b. The setting and location of the incident;
- c. The names of staff members who participated in the implementation, monitoring and supervision of the use of timeout/physical restraint;
- d. A description of the incident, including the duration and type of restraint used (for physical restraint);
- e. Whether the student has an IEP, Section 504 plan, BIP, or other plan developed by the school for the student;
- f. The positive, proactive intervention strategies utilized prior to the use of timeout/physical restraint (for students with disabilities, include whether those strategies were consistent with the BIP, if applicable);
- g. The details of any injuries sustained by the student or staff during the incident and whether the student was evaluated by the school nurse or other medical personnel;
- h. The date and method of parent notification and whether a meeting was held; and
- i. The date the debriefing was held.

This documentation will be reviewed as necessary by supervisory personnel and the school nurse or other medical personnel as necessary. This documentation will be made available to the State Education Department upon request.

## 2. Debriefing

As soon as is practicable, and after every incident in which timeout and/or a physical restraint is used on a student, a school administrator or designee will:

- a. Meet with the school staff who participated in the use of timeout and/or physical restraint to discuss:
  - i. the circumstances leading to the use of timeout and/or physical restraint;
  - ii. the positive, proactive intervention strategies that were utilized prior to the use of timeout and/or physical restraint; and
  - iii. planning for the prevention and reduction of the future need for timeout and/or physical restraint with the student including, if applicable, whether a referral should be made for special education programs and/or other support services or, for a student with a disability, whether a referral for review of the student's individualized education program and/or behavioral intervention plan is needed.
- b. Direct a school staff member to debrief the incident with the student in a manner appropriate to the student's age and developmental ability and to discuss the behavior(s), if any, that precipitated the use of timeout and/or physical restraint.

## 3. Review of Documentation

The school administrator or designee will regularly review documentation on the use of timeout and physical restraint to ensure compliance with school's policy and procedures.

If there are multiple incidents within the same classroom or involving the same staff, the school administrator or designee will take appropriate steps to address the frequency and pattern of use.

**D. Parent Notification**

Same-day parent notification will be via methods reasonably expected to reach the parent (e.g., email, text, phone, apps or portals, etc.), and may take into account parent preference.

Adopted: May 8, 2025

**PRESCHOOL SPECIAL EDUCATION**

The Board of Education recognizes the value of early intervention to address the needs of preschool children with disabilities. The Board further recognizes its responsibility to ensure that all resident preschool children with disabilities have the opportunity to participate in preschool programs, approved by the Commissioner of Education, from which they may benefit educationally. The Board authorizes the Superintendent of Schools to establish administrative practices and procedures which will include:

1. locating, identifying, evaluating, referring and placing all preschool children (generally ages three and four) with disabilities. The register of children eligible to attend a preschool program is to be maintained and revised annually by the Committee on Preschool Special Education (CPSE);
2. ensuring that the parent(s)/guardian(s) of preschool age children with disabilities have received and understand the request for consent for evaluation of their child;
3. developing an individualized education program (IEP) for each preschool age child with a disability;
4. appointing and training appropriately qualified personnel, including the members of the CPSE;
5. maintaining lists of impartial hearing officers and of State Education Department-approved special education programs within the county and adjacent counties in which the district is located;
6. preparing and keeping on file summary reports of student data including the number of preschool students with disabilities served, as well students referred but not served and the reasons why they are not served; and
7. reporting to the State Education Department the data on preschool children with disabilities as required, on a form prescribed by the Commissioner.

The duties described above will be carried out within the timeframes established by statute and regulation.

The Board of Education hereby establishes the CPSE as required under the Education Law. Its responsibilities will include the evaluation and recommendation for placement in appropriate approved programs and the provision of appropriate special education programs and services for each preschool child with a disability. The CPSE will review, at least annually, the status of each preschool child with a disability. It is ultimately the responsibility of the Board to arrange for the appropriate approved preschool program and services for the district's children. Should the Board disagree with the CPSE's recommendations, it will send the recommendation back to the CPSE so that they may schedule a timely meeting to review the Board's concerns and to revise the IEP, as deemed appropriate.

In the event that a parent/guardian files a due process complaint, a meeting must be convened between the parent/guardian and representatives of the district to try and resolve the complaint within 15 days of receiving the notice, and before the initiation of an impartial hearing. Parents/guardians and the district will jointly determine who should be present at this meeting.

If an agreement cannot be reached, parent/guardians will be offered mediation to resolve complaints regarding the education of preschool children with disabilities at the same time notice of the availability of an impartial hearing is provided.

The CPSE will make an annual report on the status of each preschool child with a disability and report on the adequacy of preschool special education programs and services to the Board.

The Board directs the Superintendent to develop and maintain a plan which incorporates information concerning the provision of services for preschool children with disabilities, pursuant to the Regulations of the Commissioner of Education.

Cross-ref:      4321, Programs for Students with Disabilities  
                     4321.3, Allocation of Space for Special Education Programs  
                     4321.4, Independent Educational Evaluations  
                     4321.5, Confidentiality and IEP Distribution  
                     4321.8, Hearing Officer Appointment and Compensation  
                     4321.14, Special Education Personnel

Ref:      Individuals with Disabilities Education Act, 20 U.S.C. §§1400 et seq.  
              34 CFR §§300.12; 300.503  
              Education Law §4410  
              8 NYCRR Part 200, 200.2, 200.5, 200.16

Adopted: May 8, 2025

**PRESCHOOL SPECIAL EDUCATION REGULATION**

**I. The Committee on Preschool Special Education (CPSE)**

The Board of Education shall appoint a Committee on Preschool Special Education (CPSE) composed of:

1. An appropriate professional employed by the school district who shall serve as the chairperson of the committee. This person must be:
  - qualified to provide or supervise the provision of specifically designed instruction to meet the unique needs of children with disabilities;
  - Knowledgeable about the general curriculum; and
  - Knowledgeable about the availability of resources of the district.
2. The parent of the child with a disability.
3. A regular education teacher (if the child is, or may be, participating in the regular education environment).
4. A special education teacher, or where appropriate, a special education provider of such child.
5. An individual who can interpret the instructional implications of evaluation results (may also be one of the above district team members).
6. At the discretion of the parent or the district, other individuals who have knowledge or special expertise regarding the child, including related services personnel.
7. For a child evaluated for the first time, the CPSE must also include a professional who has evaluated the child or an appropriate professional employed by the school district who is knowledgeable about the evaluation procedures used with the child and familiar with the results of the evaluation. This individual must be someone other than the CPSE chairperson, the child's teacher or other person present at the meeting.
8. For a child in transition from early intervention programs and services, the appropriately licensed or certified professional from the Department of Health's Early Intervention Program. This professional must attend all meetings of the CPSE conducted prior to the child's initial receipt of services.
9. Whenever appropriate, the student with a disability.

The chief executive officer of the municipality in which the district is located also may appoint an appropriately licensed or certified professional to the

CPSE. However, the attendance of the appointee of the municipality shall not be required for a quorum for the CPSE to act.

The Board directs the Superintendent of Schools to ensure that all members of the CPSE are appropriately trained for their responsibilities on the CPSE.

## II. Identifying and Evaluating Preschool Children with Disabilities

The district shall conduct a census in accordance with the Education Law to locate and identify all children with disabilities who reside in the district and establish a register of children who are eligible to attend a preschool program in accordance with Section 4410 of the Education Law. The register shall be maintained and revised annually by the CPSE. Census data shall be compiled and maintained in accordance with Section 200.2(a) of the Regulations of the Commissioner.

Age eligibility for preschool special education will be determined in the following manner: if the child turns three between January 1 and June 30 of a calendar year, the child will be eligible for special education as of January 2 of that year; if the child turns three on or after July 1 during that year, the child will be eligible as of July 1.

Upon the receipt of written notification that a preschool child is suspected of having a disability, the chairperson of the CPSE shall notify the child's parent(s)/guardian(s) that a referral has been made and request consent for the child's evaluation. Such notification must include the following information: the right to consent or withhold consent to an initial evaluation or placement; the right to a hearing; procedures for appeal; the availability of mediation to resolve complaints regarding the education of a preschool child with a disability; an acknowledgment that if consent is refused, there will be no evaluation and the student shall remain in his/her current placement, or receive admittance to the requested school pending the outcome of a hearing; the availability of free or low cost legal aid and reimbursement of reasonable attorney's fees if the parent(s)/guardian(s) win their hearing. The notification shall be in the dominant language or mode of communication of the parent(s)/guardian(s).

If parental consent is not obtained within 30 days of receipt of referral, the Board shall initiate an impartial hearing to determine if the individual evaluation shall be conducted. The CPSE chairperson shall notify the parent(s)/guardian(s) of his/her right to request an informal conference at which the parent(s)/guardian(s) may ask questions regarding the evaluation.

III. Individual Evaluation

The CPSE shall ensure an individual evaluation of the preschool child is conducted at no cost to the parent(s)/guardian(s). The district shall maintain a list of approved evaluators which shall be provided to the parent(s)/guardian(s). The parents may select the evaluator from the list.

The evaluation shall include: a physical examination; a social history; a psychological evaluation unless determined to be unnecessary by the school psychologist; and other appropriate assessments or evaluations as necessary to ascertain the physical, mental and emotional factors which contribute to the suspected disabilities.

The evaluator shall submit a written report to the members of the CPSE and to a person designated by the county in which the preschool child resides. The report shall include a detailed statement of the preschool child's individual needs, if any. The report shall not recommend the type, frequency and duration of service; the manner in which the child could be provided with instruction and/or related services; nor refer to any specific service provider. The parent(s)/guardian(s) shall receive a summary of the evaluator's findings. Upon request, the parent(s)/guardian(s) shall also receive a copy of the evaluator's statement and recommendation to the CPSE.

If the parent(s)/guardian(s) disagree with the evaluation, he/she shall notify the district so the district may initiate an impartial hearing to determine the adequacy of the evaluation. If the hearing officer determines the evaluation was inadequate then the parent(s)/guardian(s) may obtain an independent evaluation at no cost to themselves. Even if the evaluation is determined adequate by the hearing officer, the parent(s)/guardian(s) may obtain an independent evaluation, but not at public expense.

IV. Determining the Appropriate Preschool Program in the Least Restrictive Environment and Developing the Individualized Education Program (IEP)

Following the individual evaluation, if the CPSE determines the child has a disability, the members shall recommend approved appropriate services and/or special programs and the frequency, duration and intensity of such services including, but not limited to, the appropriateness of single services or half-day programs based on the individual needs of the child.

Before the CPSE recommends any program, the members must first consider the appropriateness of providing (1) related services only, (2) special education itinerant services only, (3) related services in combination with special education itinerant services, (4) a half-day preschool program, or (5) a full-day preschool program. If it is determined

that a child needs a single related service, the service must be provided as a related service only or, where appropriate, as a special itinerant service.

Before recommending a program which provides special education services in a setting which includes only children with disabilities, the CPSE must consider programs in which the child will be placed with non-disabled children of a similar age. Settings which do not provide contact with non-disabled children may only be considered when the nature or severity of the child's disability is such that education in a less restrictive environment with the use of supplementary aids and services cannot be satisfactorily achieved. In cases where the recommendation is for services to be provided in a setting without regular contact with non-disabled peers, the recommendation must contain a statement as to why less restrictive placements were not recommended.

Prior to making any recommendation that would place a child in an approved program owned or operated by the same agency which conducted the initial evaluation of the child, the CPSE may obtain an evaluation of the child from another approved evaluator. If the CPSE decides to obtain another evaluation and the parent(s)/guardian(s) withdraws consent or otherwise chooses not to have their child further evaluated, the CPSE shall inform the parent(s)/guardian(s) that their child's review cannot proceed until such time as the additional evaluation has been completed.

Twelve-month special services and/or programs shall be provided to eligible preschool children consistent with their individual needs, as specified in the IEP. The CPSE or the Board may recommend services and programs that are different in type or intensity than the services and programs provided during the school year.

Any recommended programs and services shall be selected from the list of approved preschool programs within the county and adjoining counties or the municipality's list of itinerant service providers. The CPSE must provide the recommendation to the Board within 30 days of the date of receipt of consent and shall notify the parent(s)/guardian(s) of the child of its recommendation. The recommendation must state the reasons for the recommendation even if the CPSE determines the child has no disability. In addition, if the CPSE's recommendation differs from the parent's(s')/guardian's(s') preference with respect to the frequency, duration or intensity of services, the recommendation must specify reasons why a program different than the parent's(s')/guardian's(s') preference was recommended.



In developing an individualized education program (IEP), the CPSE must review all relevant information, including but not limited to:

1. Information presented by the parent(s)/guardian(s) and the child's teacher(s);
2. The results of all evaluations; and
3. Information provided by the appropriate licensed or certified professional designated by the agency that is charged with the responsibility for the child pursuant to applicable federal laws, if any.

Upon the parent's(s)/guardian's(s') request, the CPSE shall provide copies of all written documentation to be considered by the committee in the development of the preschool child's IEP.

The Board shall arrange the appropriate services and/or program after receipt of the recommendation of the CPSE. Should the Board disagree with the recommendation of the CPSE, the recommendation shall be returned to the CPSE

with notice to schedule a timely meeting to review the Board's concerns. The parent(s)/guardian(s) and the county shall be notified of the Board's disapproval of the recommendation and the need to schedule a meeting to discuss the Board's reasons for disapproval and to revise the IEP as deemed appropriate.

Services of a program shall commence with the July, September or January starting date of the approved program. Should the recommendation of the CPSE be given 30 days prior to, or after, such starting date for the program selected for the child, services shall be provided no later than 30 days after the recommendation of the CPSE. The CPSE shall review at least annually the status of each preschool child with a disability.

#### V. Due Process Provisions

Should the parent(s)/guardian(s) of a preschool child disagree with the determination of the Board or if the CPSE or the Board fails to make or effectuate such a recommendation within the time periods set by the Commissioner, an impartial hearing may be requested.

Parents or guardians of preschool children with, or suspected to have, disabilities shall have mediation available to resolve complaints regarding the education of a student. The availability or use of mediation shall not diminish or limit any rights of parents or guardians provided for in law, including the right of a parent or guardian to request an impartial hearing subsequent to mediation. Parents or guardians will not be deemed to have

failed to exhaust administrative remedies by requesting an impartial hearing in the absence of or prior to mediation.

During the pendency of an appeal, unless the parent(s) or guardian(s) and Board otherwise agree, the child will remain in the current educational placement at the time the Board made the decision which is the subject of the appeal. If the child has not been previously served, he/she may enter the Board recommended placement if the parent(s)/guardian(s) consent. Until his/her third birthday, a preschool child who received services from an agency after having been placed by a Family Court, may continue to receive services at the agency. The child may remain in such placement until August 31 of that calendar year, and thereafter must be referred to the CPSE.

Adopted: May 8, 2025

### **SPECIAL EDUCATION PERSONNEL**

The Board acknowledges its responsibility to recruit, hire, train and retain highly qualified personnel, as defined in the federal Individuals with Disabilities Education Act (IDEA) and its accompanying regulations and in Article 89 of New York State Education law and its accompanying regulations, to provide special education programs and services. In addition, the Board is committed to appointing appropriately qualified personnel to the Committee (and subcommittee) on Special Education (CSE) and Committee (and subcommittee) on Preschool Special Education (CPSE).

The Board will fulfill its obligation with regard to special education personnel by taking measurable steps including, but not limited to the following:

1. Actively recruit personnel who possess prior experience working with students with disabilities.
2. Solicit resumes from graduates of institutions of higher education that offer programs in special education.
3. Seek candidates for teaching positions who are dually certified, to the extent possible.
4. Ensure that every member of the professional staff participates in annual professional performance reviews and professional development plans.
5. Provide appropriate on-going training and professional development to CSE and CPSE members, and other special education program and service providers to ensure their continuing awareness of their obligations and responsibilities under the law.

The Superintendent is responsible for ensuring that the professional staff is appropriately certified, licensed and trained and that they meet the “highly qualified” standard established in federal and state law. In the event that highly qualified individuals are not available, despite the best efforts of the administration, the Board recognizes its responsibilities to meet the alternative standards established by the State Education Department.

Cross-ref: 4321, Programs for Students with Disabilities

Ref: Individual with Disabilities Education Act, 20 USC §§ 1412(a)(14), 1413(a)(3)  
34 CFR §§ 300.156, 300.207  
Education Law §4410  
8 NYCRR §§ 200.2(b)(3), (12)

Adopted: May 8, 2025

### **TIME OUT ROOM**

The District shall not use a time out room as a means of regulating student behavior except as provided pursuant to 8 New Code of Rules and Regulations (NYCRR) Section 200.22 (c).

Pursuant to Commissioner's Regulations, a time out room is defined "as an area for a student to safely deescalate, regain control and prepare to meet expectations to return to his/her education program." If a time out room is to be used, it must be used in conjunction with a behavioral intervention plan (that is designed to teach and reinforce alternative appropriate behaviors) in which a student is removed to a supervised area in order to facilitate self-control or when it is necessary to remove a student from a potentially dangerous situation and for unanticipated situations that pose an immediate concern for the physical safety of a student or others.

The District's procedures governing school use of a time out room as part of its behavior management approach shall be consistent with the Commissioner's Regulations, to include the physical characteristics of the time of room itself, the monitoring of students while in time out, record keeping requirements, parental rights, limitations on use, and the individualized education program (IEP) requirements for students with disabilities.

The Director of Special Education shall be responsible for implementing this policy.

The District's Director of Special Education and/or its legal counsel will be responsible for reviewing this policy annually and advising the Board of Education of any necessary changes to remain in compliance.

Ref. N.Y. Education Law §§ 207, 210, 305, 4401-4403 and 4410; 8 N.Y.C.R.R. §§ 19.5, 200.1, 200.4, 200.7, 200.22 and 201.

Adopted: May 8, 2025

**PROGRAMS FOR ENGLISH LANGUAGE LEARNERS**

The Board of Education believes that students who, by reason of foreign birth or ancestry, have limited English proficiency (referred to here as “English Language Learners” or ELLs), will be more effective learners of both the language and the curriculum if they receive instruction in both their native language and English. The district will therefore take steps to identify ELL students and provide ELL students with an appropriate program of either Bilingual Education or English as a New Language.

Pursuant to this policy and the regulations of the Commissioner of Education, the Superintendent of Schools is directed to develop appropriate administrative regulations to ensure that students are:

1. screened to determine if the student is an ELL, in accordance with Parts 117 and 154 of the Commissioner's Regulations, a process that will include interviews and assessments and will assign each ELL student to the appropriate subpopulation (newcomer, developing, long term, former or inconsistent/interrupted formal education);
2. identified, as appropriate, as an ELL student with a disability;
3. annually evaluated to determine continued ELL eligibility. Included in the evaluation will be each student's performance in English language proficiency and academic progress in content areas;
4. assured of access to appropriate instructional and support services, including guidance programs within the timeframes provided by Commissioner's Regulations; and
5. assured of having equal opportunities to participate in all school programs and extracurricular activities as non-ELL students.

The Superintendent will be responsible for ensuring that the Commissioner of Education is provided with a comprehensive plan that describes the district's ELL program and includes all information specified in the Commissioner's Regulations, before the start of each school year. The district will also provide assurances that the district is providing appropriate school-related information to the parents (or persons in parental relation) of ELL students in English and the language they best understand.

The district will provide an orientation program annually for parents of newly enrolled ELL students. In addition, the district will meet individually with ELL parents at least once a year to discuss the goals of the ELL program, and their child's language development (in both their native language and English), in addition to regular parent/teacher meetings.

In addition, the Superintendent will ensure that all teachers employed in any Bilingual and/or English as a New Language program are properly certified in accordance with the Commissioner's Regulations, and that all staff receive appropriate professional development on ELL students.

Cross-ref: 4321, Programs for Students with Disabilities

Ref: Education Law §3204  
English Acquisition, Language Enhancement, and Academic Achievement  
Act, 20 USC §§6801 et seq.  
Equal Educational Opportunities Act of 1974, §§201 et seq., 20 U.S.C.  
§§1701 et seq.  
8 NYCRR §§80-2.9; 80-2.10; 117; Part 154  
*Lau v. Nichols*, 414 U.S. 563 (1974)  
*Rios v. Read*, 480 F. Supp. 14 (1978)  
*Cintron v. Brentwood UFSD*, 455 F. Supp 57 (1978)  
*Aspira of New York v. Board of Educ. (City of New York)*, 394 F. Supp. 1161  
(1975)

Adopted: May 8, 2025

**COMPUTER USE IN INSTRUCTION  
(or ACCEPTABLE USE POLICY)**

The Board of Education is committed to optimizing student learning and teaching. The Board considers student access to a computer network, including the Internet, to be a powerful and valuable educational and research tool, and encourages the use of computers and computer-related technology in district classrooms for the purpose of advancing and promoting learning and teaching.

The computer network can provide a forum for learning various software applications and through online databases, bulletin boards and electronic mail, can significantly enhance educational experiences and provide statewide, national and global communication opportunities for staff and students.

All users of the district's computer network and the Internet must understand that use is a privilege, not a right, and that use entails responsibility. The district reserves the right to control access to the Internet for all users of its computers and network. The district may either allow or prohibit certain kinds of online activity, or access to specific websites.

Regulations and handbooks, to be developed by the Superintendent, in consultation with administration, technology department, and other stakeholders, will provide specific guidance on this, as well as rules governing the use and security of the district's computer network. All users of the district's computer network and equipment will comply with this policy and regulation. Failure to comply may result in disciplinary action as well as suspension and/or revocation of computer access privileges.

The Superintendent will be responsible for designating a computer network coordinator to oversee the use of district computer resources. The computer coordinator will prepare in-service programs for the training and development of district staff in computer skills, and for the incorporation of computer use in appropriate subject areas.

With increased concern about identity theft, unwarranted invasion of privacy and the need to protect personally identifiable information, prior to students being directed by staff to use any cloud-based educational software/application, staff must get approval from the district network coordinator. The district network coordinator will determine if a formal contract is required or if the terms of service are sufficient to address privacy and security requirements, and if parental permission is needed.

The Superintendent, working in conjunction with the designated purchasing agent for the district, the computer network coordinator and the instructional materials planning committee, will be responsible for the purchase and distribution of computer software and hardware throughout district schools. They will prepare and submit for the Board's approval a comprehensive multi-year technology plan which will be revised as necessary to reflect changing technology and/or district needs.

Cross-ref: 5300, Code of Conduct

Adopted: May 8, 2025



## INTERNET SAFETY

The Board of Education is committed to undertaking efforts that serve to make safe for children the use of district computers for access to the Internet and World Wide Web. To this end, although unable to guarantee that any selected filtering and blocking technology will work perfectly, the Board directs the Superintendent of Schools to procure and implement the use of technology protection measures that block or filter Internet access by:

- adults to visual depictions that are obscene or child pornography, and
- minors to visual depictions that are obscene, child pornography, or harmful to minors, as defined in the Children's Internet Protection Act.

Subject to staff supervision, however, any such measures may be disabled or relaxed for adults conducting bona fide research or other lawful purposes, in accordance with criteria established by the Superintendent or their designee.

The Superintendent or their designee also will develop and implement procedures that provide for the safety and security of students using electronic mail, chat rooms, and other forms of direct electronic communications; monitoring the online activities of students using district computers; and restricting student access to materials that are harmful to minors.

In addition, the Board prohibits the unauthorized disclosure, use and dissemination of personal information regarding students; unauthorized online access by students, including hacking and other unlawful activities; and access by students to inappropriate matter on the Internet and World Wide Web. The Superintendent or their designee will establish and implement procedures that enforce these restrictions.

The computer network coordinator designated under the district's policy on the acceptable use of district computers (policy 4526) will monitor and examine all district computer network activities to ensure compliance with this policy and accompanying regulation. He or she also will be responsible for ensuring that staff and students receive training on their requirements.

All users of the district's computer network, including access to the Internet and World Wide Web, must understand that use is a privilege, not a right, and that any such use entails responsibility. They must comply with the requirements of this policy and accompanying regulation, in addition to generally accepted rules of network etiquette, and the district's policy on the acceptable use of computers and the internet (policy 4526). Failure to comply may result in disciplinary action including, but not limited to, the revocation of computer access privileges.

As part of this policy, the district will also provide age-appropriate instruction regarding appropriate online behavior, including:

SANDY CREEK CENTRAL SCHOOL DISTRICT

**4526.1**

1. interacting with other individuals on social networking sites and in chat rooms, and
2. cyberbullying awareness and response.

Instruction will be provided even if the district prohibits students from accessing social networking sites or chat rooms on district computers.

Cross-ref: 4526, Computer Use in Instruction

Ref: Children's Internet Protection Act, Public Law No. 106-554  
Broadband Data Services Improvement Act/ Protecting Children in the 21<sup>st</sup>  
Century Act, Public Law No. 110-385  
18 USC §2256  
20 USC §6777  
47 USC §254

Adopted: May 8, 2025

## INTERNET SAFETY REGULATION

The following rules and regulations implement the Internet Safety Policy adopted by the Board of Education to make safe for children the use of district computers for access to the Internet and World Wide Web.

### I. Definitions

In accordance with the Children's Internet Protection Act,

- *Child pornography* refers to any visual depiction, including any photograph, film, video, picture or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where (a) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; (b) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from that of a minor engaging in sexually explicit conduct; or (c) such visual depiction has been created, adapted or modified to appear that an identifiable minor is engaging in sexually explicit conduct
- *Harmful to minors* means 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.

### II. Blocking and Filtering Measures

- The Superintendent or their designee will secure information about, and ensure the purchase or provision of, a technology protection measure that blocks access from all district computers to visual depictions on the Internet and World Wide Web that are obscene, child pornography or harmful to minors.
- The district's computer network coordinator will be responsible for ensuring the installation and proper use of any Internet blocking and filtering technology protection measure obtained by the district.
- The computer network coordinator or their designee may disable or relax the district's Internet blocking and filtering technology measure only for adult staff members conducting research related to the discharge of their official responsibilities.
- The computer network coordinator will monitor the online activities of adult staff members for whom the blocking and filtering technology measure has been disabled or relaxed to ensure there is not access to visual depictions that are obscene or child pornography.

*III.*     Monitoring of Online Activities

- The district's computer network coordinator will be responsible for monitoring to ensure that the online activities of staff and students are consistent with the district's Internet Safety Policy and this regulation. He or she may inspect, copy, review, and store at any time, and without prior notice, any and all usage of the district's computer network for accessing the Internet and World Wide Web and direct electronic communications, as well as any and all information transmitted or received during such use. All users of the district's computer network will have no expectation of privacy regarding any such materials.
- Except as otherwise authorized under the district's Computer Network or Acceptable Use Policy, students may use the district's computer network to access the Internet and World Wide Web only during supervised class time, study periods or at the school library, and exclusively for research related to their course work.
- Staff supervising students using district computers will help to monitor student online activities to ensure students access the Internet and World Wide Web, and/or participate in authorized forms of direct electronic communications in accordance with the district's Internet Safety Policy and this regulation.
- The district's computer network coordinator will monitor student online activities to ensure students are not engaging in hacking (gaining or attempting to gain unauthorized access to other computers or computer systems), and other unlawful activities.

*IV.*     Training

- The district's computer network coordinator will provide training to staff and students on the requirements of the Internet Safety Policy and this regulation at the beginning of each school year.
- The training of staff and students will highlight the various activities prohibited by the Internet Safety Policy, and the responsibility of staff to monitor student online activities to ensure compliance therewith.
- The district will provide age-appropriate instruction to students regarding appropriate online behavior. Such instruction will include, but not be limited to: positive interactions with others online, including on social networking sites and in chat rooms; proper online social etiquette; protection from online predators and personal safety; and how to recognize and respond to cyberbullying and other threats.
- Students will be directed to consult with their classroom teacher if they are unsure whether their contemplated activities when accessing the Internet or Worldwide Web are directly related to their course work.
- Staff and students will be advised to not disclose, use and disseminate personal information about students when accessing the Internet or engaging in authorized forms of direct electronic communications.

- Staff and students will also be informed of the range of possible consequences attendant to a violation of the Internet Safety Policy and this regulation.

*V.*     Reporting of Violations

- Violations of the Internet Safety Policy and this regulation by students and staff will be reported to the Building Principal.
- The Principal will take appropriate corrective action in accordance with authorized disciplinary procedures.
- Penalties may include, but are not limited to, the revocation of computer access privileges, as well as school suspension in the case of students and disciplinary charges in the case of teachers.

Adopted: May 8, 2025

### **INTERNET ACCESS POLICY FOR STAFF**

Employees of the Sandy Creek Central School District will be issued a password and e-mail address for use on the District's internal network. The password and e-mail address will also allow the individual user to access the internet from District computers. Employees should be aware that District computer use is limited to activities supporting the educational mission of the District. With that in mind, District internet resources should not be used for:

- Leisure time activities such as personal correspondence, recreational reading, game playing, or other activities.
- District computer/internet resources should not be used for commercial activities. Online shopping or online auctions or any other purchase or sale of goods or services over the internet should not be done on District computers.
- Employees must also work to preserve the efficient operation of the District's computer resources. Accordingly, no holder of any password or e-mail account within the Sandy Creek Central School District may load software including free-ware or share-ware licensed to the District on any District computer resources. No peripherals such as printers or storage devices may be connected to District computer resources unless they are the property of the Sandy Creek Central School District. No computers other than those belonging to the District may be physically connected to the District's network.

Adopted: May 8, 2025

## FIELD TRIPS AND EXCURSIONS

The Board of Education recognizes the desirability of providing off-campus experiences which will enhance the educational program of the school system. The Superintendent of Schools will determine the frequency and content of class field trips. Each student must secure the permission of his/her parent or guardian before participating in such activity.

Factors relevant in consideration of approval of such field trips may include the relationship to the curriculum, the distance of the trip, availability of transportation, the cost involved, weather conditions, and full utilization of transportation. In order to make necessary transportation arrangements, all requests for day field trips must be submitted to the appropriate Building Principal at least one week prior to the trip date.

### *Overnight Field Trips*

Trips in excess of one day involving overnight travel should be approved by the Superintendent of Schools prior to making any commitments or arrangements. Requests for overnight trips should be made at least three months in advance of the planned event and will be approved by the Board of Education.

### *Transportation*

When the district provides transportation to students on a school-sponsored field trip, extracurricular activity or any other similar event, it will provide transportation back to either the point of departure or to the appropriate school in the district unless:

1. the parent or legal guardian of a student participating in such event has provided the district with a written notice authorizing an alternative form of return transportation for the student; or
2. intervening circumstances make such transportation impractical.

Where intervening circumstances have made transportation back to the point of departure or to the appropriate school in the district impractical, a representative of the district will remain with the student until such student's parent or legal guardian has been contacted and the student has been delivered to his/her parent or legal guardian.

### *Medications*

The district will accommodate the needs of students who must take medications during a field trip. Depending on the student's needs and abilities to administer and carry their own medications, district staff or other appropriate adults (e.g., the voluntary participation of the student's parents/guardians or a designee appointed by them) may need to be available during the trip for

assistance. Regulation 5420-R, Student Health Services Regulation, outlines the requirements and responsibilities for these scenarios. If no district staff or other appropriate adult is available, and if the medication schedule cannot be adjusted by the student's prescriber, the trip will either be rescheduled or canceled.

Cross-ref:     *5420, Student Health Services*

Ref:     *Education Law §§1604; 1709; 1804; 1903; 2503; 2554; 2590-e*  
Guidelines for Medication Management in Schools (Sept. 2015),  
*[http://www.p12.nysed.gov/sss/documents/MedicationManagement-](http://www.p12.nysed.gov/sss/documents/MedicationManagement-final2015.pdf)*  
*final2015.pdf*

Adopted: May 8, 2025



## **SPORTS AND THE ATHLETIC PROGRAM**

### **General Principles and Eligibility**

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

Athletic eligibility requires that the student:

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

### **Title IX Compliance**

The Board supports equal athletic opportunities for members of both sexes through interscholastic and intramural activities. To ensure equal athletic opportunities for its students, the District will consider:

1. Its accommodation of athletic interests and abilities (the nature and extent of sports offered, including levels of competition, team competition, and team performance);
2. Equipment and supplies;
3. Scheduling of games and practice time;
4. Travel costs and opportunities for travel;
5. Assignment and compensation of coaches;
6. Locker rooms, practice, and competitive facilities;
7. Available medical and training facilities and services; and

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

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

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

#### **Athletic Placement Process for Inter School Athletic Programs (APP)\***

Those students may be evaluated for participation at a higher level, however it shall be based upon coaching recommendations and approval of the Athletic Coordinator not in response to parental request or to fill team rosters.

1. The Board permits pupils in grades no lower than seventh to compete on any senior high school team, provided the pupils are placed at levels of competition appropriate to their physiological maturity, physical fitness and skills in relation to other pupils on those teams in accordance with standards established by the commissioner.
2. The Board directs the Superintendent to implement the procedures and maintain a file of those students deemed eligible as a result of those procedures.

#### **Student Athletic Injuries**

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

**Athletic Program-Safety**

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

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

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

Adopted: May 8, 2025

## HONOR ROLLS

The development of student intellectual ability, desirable traits of character and qualities of leadership are all achievements the school system desires to encourage and foster. In recognition of outstanding student achievement far in excess of the minimum requirements, the Board of Education supports academic recognition programs. These programs may include honor rolls, honor societies, and special awards, including, but not limited to:

- High Honors Roll – Grade Point Average 94.5% - 100% with no incomplete and no failing grades in all other courses attended, included course dropped while failing.
- Honors Roll – Grade Point Average 89.5% - 94.4% with no incomplete and no failing grades in all other courses attended, included course dropped while failing.
- Merit Roll – Grade Point Average 84.5% - 89.4% with no incomplete and no failing grades in all other courses attended, included course dropped while failing.

Physical Education requirements must be met to qualify for High Honors, Honors, and Merit Rolls.

The Board will encourage the certified staff to develop criteria and procedures for the recognition programs. In all cases, the relationship between the honor and the relevant goal of the school shall be made explicitly clear.

Adopted: May 8, 2025

**CLASS RANKINGS**

It is the policy of the Sandy Creek Central School District Board of Education that the honor of valedictorian and salutatorian titles be awarded only to students that have been continuously enrolled during the final four semesters of their high school education at Sandy Creek Central School. In the event that a student does not qualify for the valedictorian or salutatorian title, they will receive the appropriate rank based on their grade point average.

Adopted: May 8, 2025

### **PROMOTION AND RETENTION OF STUDENTS**

It is essential that each child experience both challenge and success from school activities. To this end, the district will make every effort to place each student in the most appropriate learning level for a successful educational experience.

District curriculum guides indicate goals for achievement by the "average" student at each grade level. However, academic growth, like physical growth, does not take place at the same pace or time for all individuals. Certain students may achieve mastery in a shorter period, while others need additional time. Early identification and intervention, promotion and retention are methods of meeting the needs of such children.

The following guidelines will govern student progression:

#### *Early Identification/Intervention*

Classroom teachers are expected to make every effort, consistent with the district's implementation of response to intervention (RTI), to identify early those students at risk of failing. The Building Principal and the parents/guardian must be notified promptly if retention is anticipated, and a special support program will be designed for each child identified as in danger of failing. Such support services may include, but are not limited to, individualized assistance before, during or after the school day; a change in instructional approach, remedial classes; and, where appropriate, referral to the SBIT Team, or ultimately the Committee on Special Education for evaluation.

#### *Promotion/Retention*

Elementary schools. At the elementary level, students who pass all subjects will be promoted. Students who do not make satisfactory progress in one or more basic subjects – Reading, English, Mathematics, Spelling, Social Studies and Science – will have their cases considered on an individual basis and may be retained. Retention will be limited to those situations where the best interest of the child is reasonably assured. Diligent effort will be made to use all available resources to determine the child's appropriate placement.

Middle schools. Students who pass all subjects but one will have the failure evaluated and a determination made as to the reason for the failure. The student may be required to repeat the subject, but in typical cases will be promoted with recommendation for either summer school or assignment to a lower academic ability group. The decision will be arrived at by consensus from a case conference approach involving teacher, Principal and guidance counselor.

Students who fail two or more subjects will have their cases considered on an individual basis through a case conference approach described above.

Senior High School. In general, promotion from one class to the next will be contingent upon the passing of all required subjects and the accumulation of the necessary credits at each level.

Retention. A decision to retain will be arrived at by consensus from a case conference approach involving the teacher, Building Principal, and parent/guardian. Factors to be considered include teacher recommendation; classroom achievement and attitude; standardized test scores; social and emotional development; results of the family conference; and, for identified students, recommendations by the Committee on Special Education. Standardized test scores will not be the sole or primary factor in the decision. If a consensus cannot be reached, the decision of the Building Principal will be final.

Cross-ref: 4321.2, School-wide Pre-referral and Intervention

Ref: Education Law §§ 305(47); 1709; 2503(4); 3202  
8 NYCRR §§ 100.2(l); 100.3(b)(2); 100.4(b)(2),(e)  
*Isqwith v. Levitt*, 285 App. Div. 833; 137 N.Y.S.2d 497 (1955)  
*Matter of Eckert*, 13 EDR 270 (1979)  
Op. Counsel, 1 EDR 775 (1952)

Adopted: May 8, 2025

**SIGNIFICANT DISPROPORTIONALITY BY RACE/ETHNICITY**

It is the policy of the Board of Education to publicly report on any revisions to its policies, procedures or practices after a finding by the State Education Department that the District has inappropriate policies, procedures or practices resulting in a significant disproportionality by race/ethnicity in the suspension, identification, classification or placement of student with disabilities.

Adopted: May 8, 2025



**GRADUATION CEREMONIES**

The graduation or commencement ceremony is a time to celebrate the honors and achievements of the graduating class. The Board of Education will establish the date for graduation ceremonies, while the administration will determine the place and program details, including attire. Academic and other awards and scholarships may be presented along with diplomas. Speakers may be selected from among the graduating class.

Participation in the graduation ceremony and related activities will be predicated on satisfactory completion of all graduation requirements, or as otherwise described in this policy. Exceptions may be made under extraordinary circumstances with the permission of the Superintendent of Schools. Students who have earned either a Career Development and Occupational Studies Commencement Credential (CDOS) or Skills and Achievement Commencement Credential (SACC) without meeting the requirements for a high school diploma by the time their ninth-grade cohort reaches graduation may, but are not required to, participate in that graduation ceremony and related activities.

However, students may be denied participation in the graduation ceremony and related activities as a consequence of violations of the Code of Conduct. The Building Principal may set other rules and conditions for participation in the graduation ceremony and related activities. All such rules will be provided to students and parents/guardians in advance. Students who have met the requirements for a diploma but are barred from participating in the graduation ceremony will be given their diplomas separately.

Students with disabilities receiving services pursuant to the Individuals with Disabilities Education Act who earn a CDOS or SACC without receiving a diploma are entitled to continue their educational programs until their 22<sup>nd</sup> birthday, or until receipt of a Regents or local high school diploma, whichever comes first.

The Board directs the Superintendent to develop regulations to implement this policy, to be adopted by the Board. The district will provide annual written notice to all students and their parents/guardians of the requirements of this policy and associated regulations.

Cross-ref: 4321, Programs for Students with Disabilities Under the IDEA and New York's Education Law Article 89  
4321.9, Declassification of Students with Disabilities  
5300, Code of Conduct

Ref: Education Law §3204(4-b)  
8 NYCRR §§100.2(oo); 100.5; 100.6  
*A.R. v. Connecticut State Board of Education*, 5 F.4th 155 (2021)  
*Formal Opinion of Counsel No. 242 (7/6/2023)*, NYSED

Adopted: May 8, 2025

## **GRADUATION CEREMONIES REGULATION**

A student who has earned either a Career Development and Occupational Studies Commencement Credential (CDOS) or a Skills and Achievement Commencement Credential (SACC), but not a high school diploma, will be allowed to participate in the graduation ceremony and related activities of the student's graduating class.

The district will retain a record of each student's ninth grade cohort. Each year, the High School Building Principal will determine whether each student who entered ninth grade with the current year's graduating class is eligible to participate in that year's graduation ceremony, pursuant to state law, Board policy and this regulation.

During the school year in which the ninth grade cohort enters twelfth grade, the High School Building Principal will submit to the Superintendent of Schools or designee the name(s) of all students who are on track and expected to earn either a CDOS or SACC, but not a Regents or local high school diploma, by the time of graduation.

For each student so identified, the Superintendent or designee will ascertain whether the student wishes to participate in the graduation ceremonies and related activities of that year's graduating class by discussing the matter with the student and/or parent/guardian either in person, in writing, by telephone, or via email.

For any student who meets such requirements and wishes to participate in the graduation ceremony and related activities, the Superintendent will ensure, prior to graduation, that the High School Building Principal, the student, and his/her parent(s)/guardian(s) are notified that the student may participate in that year's graduation ceremony and related activities, and will ensure his/her participation is facilitated.

The district will provide annual written notice to all students and their parents/guardians of the requirements of this regulation and associated policy.

Adopted: May 8, 2025