

PERRY CENTRAL SCHOOLS
PERRY, NEW YORK 14530

BOARD OF EDUCATION

February 12, 2018

7:00 p.m.

Senior High School

A G E N D A

- I. Call to Order, Roll Call, Pledge of Allegiance
- II. Adopt Agenda
- III. Persons Wishing to Address the Board - none
- IV. Presentations
 - A. BOCES Budget – *Reed Pettys*
 - B. Curriculum Budget – *Lauren Combo*
 - C. Technology Budget - *Mark Eberstein*
 - D. Special Education Budget – *Dan Schuler*
 - E. Preliminary State Aid Projections – *Reed Pettys*
 - F. Equipment Reserve – *Reed Pettys*
- V. Reports
 - A. Capital Project Update
- VI. Minutes of Previous Meetings
 - A. January 22, 2018 – Regular Meeting
- VII. Consideration of Accounts – none
- VIII. Old Business
 - A. Policy Amendment - Second Reading of Policies

RESOLVED: That upon the recommendation of Superintendent Daryl T. McLaughlin, the Board of Education hereby approves the following policies for the Perry Central School District:

- Policy Number 5670; *Records Management*
- Policy Number 7550; *Dignity for All Students Act*

IX. New Business

A. Committee on Special Education Recommendations

RESOLVED: That upon the recommendation of Superintendent Daryl T. McLaughlin, the Board of Education has no objections to the recommendations of the Committee and approves the authorization of funds to implement the special education programs and services consistent with such recommendations dated 01/16/18, 01/17/18, 01/19/18, 01/23/18, 01/29/18 01/30/18, and 01/31/18.

B. Committee on Preschool Special Education Recommendations

RESOLVED: That upon recommendation of Superintendent Daryl T. McLaughlin, the Board of Education has no objections to the recommendations of the Committee and authorizes the Committee to implement the special education programs and services consistent with such recommendations dated 01/17/18 and 01/24/18.

C. Declare Surplus

RESOLVED: That upon recommendation of Superintendent Daryl T. McLaughlin, the Board of Education hereby declares the following as surplus:

- 36 Foam Noodles
- Attached list of resources from the Elementary/Jr. High School Library

D. Approve Change Orders

RESOLVED: That upon recommendation of Superintendent Daryl T. McLaughlin, the Board of Education hereby approves the following change orders:

- | | | | |
|-------------------|--------|-------------|------------|
| ▪ General Roofing | RC-001 | \$655.99 | (Decrease) |
| ▪ General Roofing | RC-002 | \$500.00 | (Decrease) |
| ▪ General Roofing | RC-003 | \$60,000.00 | (Decrease) |

E. Sunday Building Use

RESOLVED: That upon the recommendation of Superintendent Daryl T. McLaughlin, the Board of Education hereby approves Stefanie Weber's request to use the Elementary/Jr. High School Gymnasium to hold Open Gym on the following Sundays:

- February 18, 2018
- February 25, 2018

F. Standard Work Day and Reporting for Elected and Appointed Officials – Tax Collector

BE IT RESOLVED: That the Perry Central School District, Location Code 75607, hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body and authorizes the 30 day posting of Form RS-2417-A (February 12, 2018 – March 16, 2018).

G. First Reading of Policies

- Policy Number 5741; *Drug and Alcohol Testing for School Bus Drivers and Other Safety-Sensitive Employees*
- Policy Number 7313; *Suspension of Students*
- Policy Number 7222; *Diploma or Credential Options for Students with Disabilities*

H. Authorization: Proposition to Voters, Proposition #3 – Equipment Reserve Fund

RESOLVED: That upon the recommendation of Superintendent Daryl T. McLaughlin the Board of Education hereby approves the following proposition to be submitted to voters on May 15, 2018 for their consideration:

PROPOSITION #3 - Equipment Reserve Fund

RESOLVED: That the Board of Education of Perry Central School shall be authorized to expend funds from the Equipment Reserve Fund established by the voters on May 20, 2008 under Section 3651 of Education Law for the acquisition of maintenance equipment not to exceed \$85,828 and instructional equipment not to exceed \$42,793 for the total sum of acquisitions not to exceed \$128,621.

X. Round Table Discussion

XI. Personnel – Instructional (Consent)

- ❖ Request to withdraw specific item(s) from the Personnel – Instructional consent agenda.

A. Appointments

1. Long Term Substitute – Elementary Teacher
2. Non-Certified Substitute Teacher

XII. Personnel – Non Instructional (Consent)

- ❖ Request to withdraw specific item(s) from the Personnel – Non Instructional consent agenda.

A. Appointments

1. Substitute Custodian/Substitute School Monitor (Bus), *Michael Blackmon*
2. Substitute School Monitor (Bus)
3. Coaches

B. Unpaid Leave

1. Teacher Aide

C. Resignation

1. Food Service Helper

Non-Instructional/Business
Operations

SUBJECT: RECORDS MANAGEMENT

~~The Superintendent will designate a~~ Records Management Officer ~~will be designated by the Superintendent, subject to the Board approval, to of the Board. The Records Management Officer will develop and coordinate an the District's~~ orderly and efficient records management program. ~~Among other aspects, this program includes the legal disposition or destruction of obsolete records and the storage and management of inactive records. The Records Management Officer will further be given the authority and responsibility to work with other local-District officials to develop and maintain this at all levels in the development and maintenance of the records management program.~~

~~In addition, The District may create a Records Advisory Board may be created to assist in establishing and supporting the records management program. Members of this board may include the District's legal counsel, the fiscal officer, and the Superintendent or designee may comprise the Advisory Board.~~

Retention and Disposition of Records

The Superintendent will retain records for such a period and dispose of them in the manner described in Records Retention and Disposition Schedule ED-1 or as otherwise approved by the Commissioner of Education.

Special Approvals for Disposition of Records

~~Records not listed on a records retention and disposition schedule will not be disposed of without the approval of the Commissioner of Education. Similarly, records that have been damaged by natural or manmade disasters, to the extent that the information contained in those records is substantially destroyed, or the records constitute a human health or safety risk, also require the Commissioner's approval before disposition.~~

Replacing Original Records with Microforms or Electronic Images

~~The District will follow procedures prescribed by the Commissioner of Education to ensure accessibility and intelligibility for the life of any microform or electronic records that public records may be stored on electronic media, and these electronic records may replace paper originals or micrographic copies of these records. To ensure accessibility and intelligibility for the life of these records, the District will follow the procedures prescribed by the Commissioner of Education.~~

Retention and Preservation of Electronic Records

The District will ensure that record-~~s~~ retention requirements are incorporated into any program, plan, or ~~and~~ process for design, redesign, or substantial enhancement of an information system that stores electronic records. The District will also ensure that electronic records are not rendered unusable because of changing technology before their retention and preservation requirements are met ~~expire~~.

Students

SUBJECT: DIGNITY FOR ALL STUDENTS

The District seeks to create an environment free of harassment, bullying, and discrimination; to foster civility in its schools; and to prevent conduct ~~which that~~ is inconsistent with its educational mission. The District, therefore, prohibits all forms of harassment and bullying of students by employees or other students on school property and at school functions. The District further prohibits discrimination against students, including, but not limited to, ~~those discriminatory~~ acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or other students on school property and at school functions ~~-and at school sponsored activities and events~~ that take place at locations off school property. In addition, other acts of harassment, bullying, ~~and/or~~ discrimination ~~which that~~ can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline or other corrective action.

Dignity Act Coordinator

In each of its schools, the District will designate at least one employee holding ~~such~~ licenses ~~and/or~~ certifications as required by the Commissioner to serve as the Dignity Act Coordinator(s) (DAC). Each DAC will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), and sex. Training will also be provided for DACs ~~which that~~ addresses: the social patterns of harassment, bullying, and discrimination, including, but not limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex; the identification and mitigation of harassment, bullying, and discrimination; ~~and~~ strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings. All DAC appointments will be approved by the Board.

The District will ~~share widely disseminate~~ the name, designated school, and contact information of each DAC ~~with to~~ all school personnel, students, and parents or persons in parental relation. ~~This information will be provided~~ by:

- a) Listing ~~this information~~ in the *Code of Conduct*, with updates posted on the District's website; and
- b) Including ~~this information~~ in the *Code of Conduct's* plain-language summary ~~of the Code of Conduct~~ provided to all parents or persons in parental relation to students before the beginning of each school year; and
- c) Providing ~~this information~~ to parents ~~and or~~ persons in parental relation in at least one District or school mailing or other method of distribution, including, but not limited to, electronic communication ~~and/or~~ sending information home with each student. If ~~this the~~ information changes, parents and persons in parental relation will be notified ~~of the changes~~ in at least one subsequent District or school mailing, or other method of distribution, as soon as practicable thereafter; and

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Students

SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)

- d) Posting [this information](#) in highly visible areas of school buildings; and
- e) Making [this information](#) available at the District and school-level administrative offices.

If a DAC vacates his or her position, ~~another school employee the District~~ will immediately be designated for an interim ~~appointment as~~ DAC, pending approval from the Board, within 30 days ~~of the date the position was vacated~~. In the event a DAC is unable to perform ~~the his or her duties of the position~~ for an extended period of time, ~~the District will immediately designate another school employee will immediately be designated for an interim appointment as~~ DAC, pending ~~the~~ return of the previous individual to the position.

Training and Awareness

Each year, all employees will be provided with training to promote a supportive school environment that is free from harassment, bullying, and ~~or~~ discrimination, and to discourage and respond to incidents of harassment, bullying, and ~~or~~ discrimination. This training may be provided in conjunction with existing professional development, will be conducted consistent with guidelines approved by the Board, and will:

- a) Raise awareness and sensitivity to potential acts of harassment, bullying, and ~~or~~ discrimination;
- b) Address social patterns of harassment, bullying, and ~~or~~ discrimination and the effects on students;
- c) Inform employees on the identification and mitigation of ~~such harassment, bullying, and discrimination acts~~;
- d) Enable employees to prevent and respond to incidents of harassment, bullying, and ~~or~~ discrimination;
- e) Make school employees aware of the effects of harassment, bullying, cyberbullying, and ~~or~~ discrimination on students;
- f) Provide strategies for effectively addressing problems of exclusion, bias, and aggression;
- g) Include safe and supportive school climate concepts in curriculum and classroom management; and
- h) Ensure the effective implementation of school policy on conduct and discipline.

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Students

SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)

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

Reports and Investigations of Harassment, Bullying, and/or Discrimination

~~The District encourages and expects~~ Sstudents who have been subjected to harassment, bullying, and/or discrimination; parents or persons in parental relation whose children have been subjected to ~~such this~~ behavior; ~~or~~ other students who observe or are told of ~~such this~~ behavior; and all District staff who become aware of this behavior to timely report it, ~~are encouraged and expected to make verbal and/or written reports to the principal, Superintendent, DAC, and/or other school personnel. All District staff who are aware of harassment, bullying, and/or discrimination, are required to orally report the incident(s) within one school day to the principal, Superintendent, DAC, or designee and report it in writing within two school days after making an oral report.~~

The principal, Superintendent, DAC, or designee will lead and/or supervise a timely and thorough investigation of all reports of harassment, bullying, and/or discrimination, ~~and ensure that these investigations are completed promptly after receipt of any such reports. All investigations will be conducted in accordance with law, the District's Code of Conduct, and applicable District policy and procedure. In the event allegations involve harassment, bullying, and/or discrimination on the basis of race, color, religion, national origin, sex, sexual orientation, or disability, the District may utilize the procedures set forth in Policy #3420 Non-Discrimination and Anti-Harassment in the District, and its implementing regulations. Where appropriate, t~~ The DAC or other individual conducting the investigation, may seek the assistance of the District's Civil Rights Compliance Officer in investigating, responding to, and remedying complaints ~~of harassment, bullying, and/or discrimination.~~

In the event any investigation reveals-verifies that harassment, bullying, and/or discrimination occurred, the District will take prompt action reasonably calculated to end ~~the harassment, bullying, and/or discrimination~~ it, to eliminate any hostile environment, to create a more positive school culture and climate, to prevent recurrence of the behavior, and to ensure the safety of the student or students against whom the harassment, bullying, and/or discrimination was directed. ~~These actions will be taken consistent with applicable laws and regulations, District policies and administrative regulations, and collective bargaining agreements, as well as the District's Code of Conduct and any and all applicable guidelines approved by the Board.~~

The Superintendent, principal, DAC, or designee will notify the appropriate local law enforcement agency when there is a it is reasonable beliefved that any incident of harassment, bullying, and/or discrimination constitutes criminal conduct.

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Students

SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)

~~The District will timely collect information related to incidents involving harassment, bullying, and discrimination; provide required internal reports; and complete and submit any required report to the State Education Department in the manner and within the timeframe specified by the Commissioner.~~

~~The principal of each primary and secondary school will provide a regular report (at least once during each school year) on data and trends related to harassment, bullying, and/or discrimination to the Superintendent. This report will be submitted in a manner prescribed by the District.~~

~~The District will annually report material incidents of harassment, bullying, and/or discrimination which occurred during the school year to the State Education Department. This report will be submitted in a manner prescribed by the Commissioner, on or before the basic educational data system (BEDS) reporting deadline, or other date as determined by the Commissioner.~~

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

Any person who has reasonable cause to suspect that a student has been subjected to harassment, bullying, or discrimination by an employee or student on school grounds or at a school function, and who acts reasonably and in good faith ~~and reports in reporting this information~~ to school officials, the Commissioner of Education, or law enforcement authorities, or who otherwise initiates, testifies, participates, or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from making that report, or from initiating, testifying, participating, or assisting in those proceedings. ~~Furthermore, the Board prohibits any retaliatory action against any person who, acting reasonably and in good faith, makes a report of harassment, bullying, or discrimination, or who otherwise initiates, testifies, participates, or assists in the investigation of a complaint of harassment, bullying, or discrimination. The District also prohibits any retaliatory behavior directed against any complainant, victim, witness, or any other individual who participated in the reporting or investigation of an incident of alleged harassment, bullying, or discrimination.~~

Publication of District Policy

At least once during each school year, all school employees, students, and parents or persons in parental relation will be provided with a written or electronic copy of this policy, or a plain-language summary ~~thereof of it. The policy or summary will include information relating to how, including notification of the process by which~~ students, parents or persons in parental relation, and school employees may report harassment, bullying, and/or discrimination. Additionally, the District will strive to maintain a current version of this policy on its website at all times.

Application

Nothing in this policy or its implementing regulations should be interpreted to preclude or limit any right or cause of action provided under any local, state, or federal ordinance, law, or regulation, including, but not limited to, any remedies or rights available under the Individuals with Disabilities Education Act, Title VII of the Civil Rights Law of 1964, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

Education Law §§ 10-18, 801-a, 2801_a and 3214
8 NYCRR § 100.2

~~(Continued)~~

Students

~~SUBJECT: — DIGNITY FOR ALL STUDENTS (Cont'd.)~~

NOTE: Refer also to Policies #1330 -- Appointments and Designations by the Board
#3410 -- Code of Conduct
#3420 -- Non-Discrimination and Anti-Harassment in the District
[#5670 -- Records Management](#)
[#6411 -- Use of Email in the District](#)
#7551 -- Sexual Harassment of Students
#7552 -- Student Gender Identity
#7553 -- Hazing of Students
#8242 -- Civility, Citizenship and Character Education/Interpersonal
Violence Prevention Education

Adoption Date

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES

In accordance with federal regulations, employees in safety-sensitive positions who are required to have and use a commercial driver's license (CDL), are subject to random testing for alcohol, marijuana, cocaine, amphetamines, ~~opiates (including heroin)~~opioids, and phencyclidine (PCP). The District will adhere to federal law and regulations requiring the implementation of a drug and alcohol testing program for those employees in safety-sensitive positions.

*The District will (*ensure that vendors/contract bus companies*) either establish and manage its (*their*) own program, by contract, or through a consortium for the provision of alcohol and drug testing of employees in safety-sensitive positions. Safety-sensitive employees (SSEs), including school bus drivers and other employees, who drive a vehicle which is designed to transport 16 or more passengers (including the driver), will be subject to this requirement.

Federal regulations require that school bus drivers and other SSEs be tested for alcohol and drugs at the following times:

- a) Drug testing will be conducted after an offer to hire, but before actually performing safety-sensitive functions for the first time. This pre-employment testing will also be required when employees transfer to a safety-sensitive position.
- b) SSEs are also subject to a random drug and/or alcohol test on an unannounced basis just before, during, or just after performance of safety-sensitive functions.
- c) In addition, testing will be ordered if a trained supervisor has a "reasonable suspicion" that an employee has engaged in prohibited use of drugs and/or alcohol.
- d) There will also be post-accident testing conducted after accidents on employees whose performance could have contributed to the accidents.
- e) Finally, return-to-duty and follow-up testing will be conducted when an individual who has violated the prohibited alcohol or drug conduct standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six tests must be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return-to-duty.

All employee drug and alcohol testing will be kept confidential and will only be revealed without the driver's consent to the employer, a substance abuse professional, drug testing laboratory, medical review officer, and any other individual designated by law.

**Customize to District*

(Continued)

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)

The following alcohol and controlled substance-related activities are prohibited by the Federal Highway Administration's drug use and alcohol misuse rules for drivers of commercial motor vehicles (CMV) and other SSEs:

- a) Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater. If testing shows an alcohol concentration of 0.02 or greater but less than 0.04, the employee must be removed from performing safety-sensitive activities for 24 hours, but no punitive action will be taken by the employer.
- b) Being on duty or operating a CMV while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.
- c) Using alcohol while performing safety-sensitive functions.
- d) New York State law prohibits using alcohol six hours or less before duty.
- e) When required to take a post-accident alcohol test, using alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.
- f) Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion, or follow-up testing requirements.
- g) Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the SSE uses any controlled substance. This prohibition does not apply when instructed by a physician who has advised the SSE that the substance does not adversely affect the SSE's ability to safely operate a CMV.
- h) Reporting for duty, remaining on duty, or performing a safety-sensitive function, if the SSE tests positive for controlled substances.

Drivers and other SSEs who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substances are subject to disciplinary action and penalties in accordance with **District policy (the vendors' or contract bus companies' policies)* and collective bargaining agreements, as well as the sanctions provided for in federal law. SSEs who have engaged in prohibited behavior will not be allowed to perform safety-sensitive functions until they are:

**Customize to District*

(Continued)

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)

- a) Evaluated by a substance abuse professional (SAP).
- b) Complete any requirements for rehabilitation as set by the District and the SAP.
- c) Pass a return-to-duty test with the result below 0.02 if the conduct involved alcohol, or a controlled substance test with a verified negative result if the conduct involved controlled substance use.
- d) The SSE will also be subject to unannounced follow-up alcohol and controlled substance testing. The number and frequency of the follow-up testing will be as directed by the SAP, and consist of at least six tests in the first 12 months.

***If District owns buses (use following three paragraphs):**

The Superintendent will ensure that each SSE receives a copy of District policy, educational materials that explain the requirements of the alcohol and drug testing regulations, and any regulations and/or procedures developed by the District with respect to meeting those requirements. The Superintendent or designee will ensure that a copy of these materials is distributed to each SSE, who will sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of alcohol and controlled substance testing as well as at the beginning of each school year or at the time of hire for any SSEs. Representatives of applicable collective bargaining units will be notified of the availability of this information.

The Superintendent or designee will arrange for training of all supervisors who may be utilized to determine whether "reasonable suspicion" exists to test a driver for prohibited conduct involving alcohol or controlled substance use or abuse.

Any violation of this policy and/or District procedures, and applicable federal and state laws by a covered employee will be grounds for disciplinary action including, but not limited to, fines, suspension, and/or discharge in a manner consistent with District policy, collective bargaining agreements, and applicable law.

***If District contracts out for buses (use following three paragraphs):**

The Superintendent will ensure that each vendor or contract bus company receives a copy of District policy, educational materials that explain the requirements of the alcohol and drug testing regulations, and any regulations and/or procedures developed by the District with respect to meeting those requirements. The Superintendent or designee will ensure that a copy of these materials is distributed to each vendor or contract bus company, and the vendor or bus company will sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of

**Customize to District*

(Continued)

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND
OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)**

alcohol and controlled substance testing as well as at the beginning of each school year or at the time of hire for any SSEs.

The Superintendent or designee can assist vendors/contract bus companies with arrangements for training of all supervisors who may be utilized to determine whether "reasonable suspicion" exists to test a driver for prohibited conduct involving alcohol or controlled substance use/abuse.

Any significant violation of this policy or District procedures, and applicable federal and state laws by vendors/contract bus companies and other employees will result in revocation of their contract for the transportation of students.

Omnibus Transportation Employee Testing Act of 1991 (Public Law 102-143) 49 USC §§ 31136 and 31306
49 CFR Parts 40, 172, 382, 383, 391, 392 and 395
Vehicle and Traffic Law § 509-L

Adoption Date

Students

SUBJECT: SUSPENSION OF STUDENTS

The Superintendent or the principal may suspend the following students from required attendance upon instruction:

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

SuspensionFive School Days or Less

The Superintendent or the principal of the school where the student attends has the power to suspend a student for a period not to exceed five school days. In the absence of the principal, the designated "acting principal" may then suspend a student for a period of five school days or less.

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

When suspension of a student for a period of five school days or less is proposed, the Superintendent or principal will also immediately notify the parent or person in parental relation in writing that the student may be suspended from school.

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

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

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Students

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

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

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

More Than Five School Days

In situations where the Superintendent determines that a suspension in excess of five school days may be warranted, the student and parent or person in parental relation, upon reasonable notice, will have ~~had~~ an opportunity for a fair hearing. At the hearing, the student ~~will have~~ has protected due-process rights such as the right ~~of representation to be represented~~ by counsel, the right to question witnesses against him or her, and the right to present witnesses and other evidence on his or her behalf.

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

Minimum Periods of Suspension

In accordance with law, Commissioner's regulations, and the District's *Code of Conduct*, minimum periods of suspension will be provided for the following prohibited conduct, subject to the requirements of federal and state law and regulations:

- a) Consistent with the federal Gun-Free Schools Act, any student who is determined to have brought a firearm to school or possessed a firearm on school premises will be suspended for a period of not less than one calendar year. However, the Superintendent has the authority to modify this suspension requirement on a case-by-case basis.
- b) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce the period on a case-by-case basis to be consistent with any other state and federal law. The definition of "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority" is set forth in Commissioner's regulations.

(Continued)

Students

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SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

- c) A minimum suspension period for acts that would qualify the student to be defined as a violent student in accordance with Education Law Section 3214(2-a)(a), provided that the suspending authority may reduce the period on a case-by-case basis to be consistent with any other state and federal law.

Suspension of Students with Disabilities

Generally, disciplinary action against a student with a disability or presumed to have a disability will be in accordance with procedures set forth in the District's *Code of Conduct* and in conjunction with applicable law, and the determination of the Committee on Special Education (CSE).

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

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

Manifestation Determinations

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

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

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

(Continued)

Students

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

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

Finding of Manifestation

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

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

BIP is a plan that is based on the results of an FBA and, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.

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

No Finding of Manifestation

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

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**Provision of Services Regardless of the Manifestation Determination**

Regardless of the manifestation determination, students with a disability will be provided the services necessary for them to continue to participate in the general education curriculum and progress toward meeting the goals set out in their IEP as delineated below:

- a) During suspensions or removals for periods of up to ten school days in a school year that do not constitute a disciplinary change in placement, students with disabilities of compulsory attendance age will be provided with alternative instruction on the same basis as nondisabled students. Students with disabilities who are not of compulsory attendance age will be entitled to receive services during suspensions only to the extent that services are provided to nondisabled students of the same age who have been similarly suspended.
- b) During subsequent suspensions or removals for periods of ten consecutive school days or less that in the aggregate total more than ten school days in a school year but do not constitute a disciplinary change in placement, students with disabilities will be provided with services necessary to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP and to receive, as appropriate, an FBA, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress in meeting the goals set out in the student's IEP.
- c) During suspensions or other disciplinary removals, for periods in excess of ten school days in a school year which constitute a disciplinary change in placement, students with disabilities will be provided with services necessary to enable the student to continue to participate in the general education curriculum, to progress toward meeting the goals set out in the student's IEP, and to receive, as appropriate, an FBA, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. The IAES and services will be determined by the CSE.

Interim Alternative Educational Setting (IAES)

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

Students

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

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

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

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

School function means a school sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place in another state.

School premises means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school.

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

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

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

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

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

Suspension from BOCES

The BOCES principal may suspend District students from BOCES classes for a period not to exceed five school days when student behavior warrants that action.

In-School Suspension

In-school suspension will be used as a lesser discipline to avoid an out-of-school suspension. The student will be considered present for attendance purposes. The program is used to keep each student current with his or her class work while attempting to reinforce acceptable behavior, attitudes and personal interaction.

BOCES Activities

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

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

Exhaustion of Administrative Remedies

If a parent or person in parental relation wishes to appeal the decision of the building principal ~~and~~/or Superintendent to suspend a student from school, regardless of the length of the student's suspension, the parent or person in parental relation must appeal to the Board ~~prior to~~ before commencing an appeal to the Commissioner of Education. Any appeal to the Board must be commenced within 30 days from the date of the Superintendent's decision. To be timely, the appeal must be received by the District Clerk within this 30-day period.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**Procedure After Suspension**

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

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

18 USC § 921

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.

Gun Free Schools Act, 20 USC § 7151, as amended by the Every Student Succeeds Act (ESSA) of 2015
34 CFR Part 300

Education Law §§ [310](#), 2801(1), 3214, and 4402

Penal Law § 265.01

8 NYCRR §§ 100.2(1)(2), 200.4(d)(3)(i), 200.22, [275.16](#), and Part 201

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

Adoption Date

Students

SUBJECT: DIPLOMA OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES

The District will provide students with disabilities appropriate opportunities to earn a diploma or other exiting commencement credential in accordance with Commissioner's regulations. During the student's annual review, the District will evaluate graduation opportunities and identify the means to achieve them. As part of this process, the District:

- a) Will coordinate activities with guidance personnel and BOCES staff to ensure that students meet credit and sequence requirements and to consider them for vocational opportunities.
- b) May modify instructional techniques and materials. Any modifications will be included on a student's Individual Education Plan (IEP) so that they can be implemented consistently throughout the student's program.
- c) Will review special education instructional programs to ensure equivalency with the same courses taught in the general education program.
- d) Will coordinate communication between special and general education staff so that all staff members understand required skills and competencies, and to establish equivalency of instruction in special education classes.

Graduation and transition plans will take into account the various pathways available to these students. For students with IEPs, the District will plan transition services for post-secondary life as early as possible, but no later than the school year in which the student turns age 15. The transition activities will be focused on improving both the student's academic and functional achievement. The plan will explore post-secondary opportunities and employment options and, if applicable, connection with adult service agencies that may provide the student with services after exiting school.

The District may award these diplomas or credentials, or both:

- a) Local diploma: available to students with an IEP or a Section 504 accommodation plan that specifies a local diploma. Students must comply with credit requirements. The available assessments to earn a local diploma include:
 1. Low-pass safety net option: students must achieve a score of 55 or higher on five required Regents exams.
 2. Low-pass safety net and appeal: available to students who score 52-54 on up to two Regents exams, successfully appeal those scores, and meet all applicable conditions.
 3. Regents Competency Test (RCT) safety net option: a student who enters grade 9 before September 2011 must pass a corresponding RCT if he or she does not attain a score of 55 or higher on the Regents examination.

(Continued)

Students

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

4. Compensatory safety net option: except for scores on ELA and math exams, students may use one Regents exam score of 65 or above to compensate for a Regents exam score of 45-54. Students must score at least 55 (or successfully appeal a score of 52-54) on both the ELA and a math exam.
 5. Superintendent's determination: students who are unable to demonstrate their proficiency on standard state assessments because of one or more disabilities may be able to graduate upon the Superintendent's review and written certification of their eligibility. The Superintendent will make a determination after receiving a written request from an eligible student's parent or guardian. [\(Students with a Section 504 accommodation plan may not use this option.\)](#)
- b) Career Development and Occupational Studies commencement credential (CDOS): any student who is not assessed using the New York State Alternate Assessment (NYSAA) may earn the CDOS commencement credential as a supplement to a Regents or local diploma or as his or her only exiting credential if the student attended school for at least 12 years, excluding kindergarten. The student must meet criteria specified by the State Education Department confirming that he or she has attained the standards-based knowledge, skills, and abilities necessary for entry-level employment.
 - c) Skills and Achievement ([SA](#)) commencement credential: students with severe disabilities who are assessed using the NYSAA may earn the SA commencement credential. They must attend school for at least 12 years, excluding kindergarten. The District must document the student's skills, strengths, and levels of independence in academic, career development, and foundation skills needed for post-secondary life.

Graduation

The District allows any student with a disability to participate in the graduation ceremony of his or her high school graduating class and all related graduation activities if the student:

- a) Met the eligibility criteria for an SA or CDOS commencement credential;
- b) Has not otherwise qualified to receive a Regents or local diploma; and
- c) Has an IEP that prescribes special education, transition planning, transition services, or related services beyond the student's four academic years after entering high school.

The Superintendent will consider any recommendation of the student's Committee on Special Education as well as the student's own expressed preference regarding participation; a student with a disability may decline to participate in any or all graduation-related activities. The District will provide annual written notice of this policy to applicable students and their parents or guardians.

(Continued)

Students

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

Education Law §§ 3202 and 4402
8 NYCRR §§ 100.1, 100.2, 100.5, 100.6, 200.4, and 200.5

NOTE: Refer also to Policy #7220 -- Graduation Options/Early Graduation/Accelerated Programs

Adoption Date