

A REGULAR MEETING of the Board of Education of the West Babylon Union Free School District, of the Town of Babylon, Suffolk County, New York was held on TUESDAY, November 9, 2010, in the Board Room of the Administration Wing adjacent to the Senior High School.

Those present: Trustees Lucy Campasano, Wendy DeGaetano, Patrick M. Farrell, Carmine Galletta, Kathy Jennings, Jerry Nocera, Peter Scarlatos and Diane Thiel. Trustee Diane Klein was absent

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

The President opened the meeting at 7:00 p.m. and led those present in the salute to the flag.

**2010 Carol M. White Physical Education Program (PEP) Grant – Mr. Anthony Spinelli, Athletic Director, Mr. Lou Howard, Tooker Avenue Phys. Ed. Teacher and Mr. Steven Levy, HS Phys. Ed. Teacher**

Mr. Cacciola thanked Mr. Howard for all of his hard work over the years beginning in 2001 when he started the grant process. Mr. Howard received the first PEP grant in 2003. Mr. Howard thanked Mr. Bellacosa for all of his work. The panel offered a PowerPoint presentation and noted that the \$1,658,598.00 grant is the second highest grant in the nation, ever. The panel discussed plans for the grant money. Trustee Campasano noted that the public should be made aware that this money is not coming from the taxpayers and is not costing the community anything. President Farrell thanked the panel on behalf of the Board members. Mr. Howard thanked all involved in the grant writing process. Dr. Palma said that perhaps the contracts for approval will be ready for the next meeting.

Trustee Scarlatos seconded by Trustee DeGaetano made a motion to go into Executive Session at 7:35 pm. for personnel and legal matters.

The motion was **CARRIED** by all present.

The public portion began at 8:30 pm.

Trustee Campasano seconded by Trustee DeGaetano made a motion to approve the minutes of the regular meeting of October 26, 2010 and the Special Meeting of November 2, 2010.

The motion was **CARRIED** by all present

**Statement of the Superintendent and/or Board of Education:**

President Patrick Farrell thanked the PTAs and everyone involved in making the Board recognition night such a nice evening.

Mr. Cacciola said that he attended the drama club's production of Neil Simon's play *Fools* and it was wonderful. He said that the turnout was small and he encouraged attendance at future drama club performances.

Mr. Cacciola expressed pride for the girls' soccer team. He said he attended the finals against Deer Park on October 30 and West Babylon played a wonderful game.

Mr. Cacciola commended Coach Henry Bianco for being named coach of the year by Section 11.

**Statement of West Babylon Teachers Association:**

WBTA President Patt Squicciarini read a statement regarding an issue facing some of the chairpeople in the district. She thanked the trustees for reading the letters submitted to them and for hearing their concerns.

**Statement of West Babylon Administrators' Association:**

None

**Statement of CSEA Representative:**

None

**Statement of Student Association Representative:**

None

**Statement of PTA Council Representative:**

A PTA Council Representative said that she was happy that the Board enjoyed the recognition evening and noted, light heartedly, that PTA recognition is in February.

**Statement of Residents:**

None

**Superintendent's Report/Educational Presentation:**

**Library Media Program Evaluation - K-12, Dr. Alice Robinson, Library Media Centers Chairperson**

Dr. Palma introduced Dr. Robinson and turned the meeting over to her. Dr. Robinson introduced the district librarians in attendance. She thanked the trustees and administrators for allowing the librarians to attend various conferences. Trustee Campasano commended the Library Media staff for meeting often and on their own time. It was also noted that the online catalogue has been a tremendous help.

**Reorganization of Instructional Supervisory Model - A.Cacciola, D. Palma and Y. Farrelly**

Mr. Cacciola gave a brief overview of the proposal for a new Supervisory Model. Mrs. Farrelly offered a PowerPoint presentation of the proposed Supervisory Model. The proposed changes were explained in detail by the panel. A discussion followed. There were several questions about the proposal raised by several of the trustees i.e., the cost of adding an additional area of tenured teachers; is the district moving too quickly; possibly removing the recommendation from this evening's agenda to consider it more was suggested; looking into the possibility of a different model, etc. Another suggestion was for administration to meet with the teachers for input. Others suggested giving this model a chance to see if it succeeds and if it does not then, make the necessary changes.

**2011-2012 Budget Process - A. Cacciola and A. Williams**

Mr. Williams offered a PowerPoint presentation of the budget process and explained the difficulty of meeting the needs of the students and keeping the costs down for the taxpayers. Mr. Cacciola explained that within the next couple of months they will be putting forth an expenditure plan and a long range use of the reserves. He noted that instead of the principals etc. proposing their budgetary needs to administration, it was suggested that the administrators present them with a budget within which they will have to operate. Mr. Cacciola added that the district will work towards reducing the reserves to all time lows. Mr. Cacciola noted that he will be away for the November 22, 2010 Board meeting and recommended that the trustees discuss setting a target tax rate at the December 14, 2010 Board meeting.

**CONSENT AGENDA**

Trustee DeGaetano seconded by Trustee Jennings made a motion to approve the **Consent Agenda** and **addendum #BE-3**

After discussion about addendum #BE-3 - *the Reorganization of Instructional Supervisory Model*;

Trustee Galletta seconded by Trustee Scarlatos made a motion to table addendum #BE-3 to December 14, 2010.

Voting Yes: Trustees Campasano, Galletta, Nocera and Scarlatos

Voting No: Trustees DeGaetano, Farrell, Jennings and Thiel

The motion was **NOT CARRIED.**

After further discussion;

Trustee Campasano seconded by Trustee Scarlatos made a motion to remove item #BE-3 from the consent agenda.

Voting Yes: Trustees Campasano, Galletta, Nocera and Scarlatos and Thiel

Voting No: Trustees DeGaetano, Farrell and Jennings

The motion was **CARRIED**

Trustee Campasano seconded by Trustee Jennings made a motion to approve the consent agenda (without addendum #BE-3)

The motion was **CARRIED** by all present

Trustee Galletta seconded by Trustee Scarlatos made a motion to table addendum #BE-3 to December 14, 2010.

Further discussion ensued which caused some confusion, at which point no final vote could be clearly identified. Therefore, the motion did not carry and addendum #BE-3 remained removed from the agenda.

**#BE-1**

**RESOLVED:** that the following agency is approved to provide Health and Special Education Services to West Babylon School District resident students:

Home Care Therapies LLC/dba Horizon Healthcare Staffing

**#BE-2**

**RESOLVED:** that the following school district is approved to provide Health and Special Education Services to West Babylon School District resident students:

Lindenhurst Union Free School District

**#PE-1**

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

- 10-A-3 Board of Education
- 10-P-9 Professional Personnel
- 10-C-9 Civil Service Personnel

**SCHEDULE 10-A-3, Board of Education Schedule**

NAME	POSITION	SCHOOL/ AREA	STEP/ SALARY	BEG/END APPT.	COMMENTS
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**VII. Appointment of Pupil Personnel Committee:**

**Central CSE:**

Alternates: Mr. Thomas Leonbruno, Senior High School Special Education Chairperson  
Mrs. Mary Sullivan, Junior High School Special Education Chairperson

**Junior High School Sub CSE:**

Chairperson: Mrs. Mary Sullivan

**Senior High School Sub CSE:**

Chairperson: Mr. Thomas Leonbruno

**SCHEDULE 10-P-9, Professional Personnel Schedule**

NAME	POSITION	SCHOOL/ AREA	STEP/ SALARY	BEG/END APPT.	COMMENTS
Mahoney,Debra	Elementary Tchr.	TA		10/20/10 -	Family Medical Leave
Dell'Isola,Robert	Mathematics Tchr.	JH		10/25/10 - 11/1/10	Family Medical Leave [continuance]
Joseph,Melissa	Special Ed. Tchr.	JK		11/15/10 -	Family Medical Leave
Ring,Mickla	Science Tchr.	JH		11/18/10 - end of first semester	Leave of Absence
<b><u>A.C.T. Proctors:</u></b>		HS	\$21.48/hr.	10/23/10	
Dombo,Stephen					5 hrs.
Ruiz,Lawrence					5 hrs.
Iaquinto,Christine					5.25 hrs.
McArdle,Patrick					6 hrs.
Sanchelli,Joy					7 hrs.
Satriano,Paul	Asst. Test Coordinator				8 hrs.
Thomas,Stephanie	Test Coordinator				8 hrs.

**Student Teachers/Observers:** Fall, 2010  
 Degano, Amanda Elementary JK  
 Lore-Labelson, Stephanie Special Education JH/FA  
 Neary, Melanie Special Education JH

**Per Diem Substitutes:** DW \$90./day 2010-2011  
 Hayes, Brittany  
 Mercandetti, Paul  
 Scalogna, Danielle  
 Quinn, Stephen

**SCHEDULE 10-C-9 Civil Service Personnel Schedule**

NAME	POSITION	SCHOOL/ AREA	STEP/ SALARY	BEG/END APPT.	COMMENTS
Acevedo, Richard	Head Custodian	TA		9/16/10 - 11/3/10	Family Medical Leave
Medina, Nancy	Paraprofessional (special ed. aide)	SB		11/3/10 - 2/3/11	Leave of Absence
Guarnieri, Susan	Paraprofessional (hall monitor)	HS		1/3/11	Resignation to Retire
Lackner, Cynthia	Clerk Typist	JK	10% differential (per CSEA contract)	10/25/10 -	[until SCT appointed]
Goebel, Theresa	Clerk Typist (10 mo.)	JH	Step 3/ \$26,044. (prorate)	3/14/10	Prior Service Credit [experience verified]
<b>Per Diem Substitutes:</b>		DW	\$9./hr.	2010-2011	
*Fasitta, Debra					Food Service/Paraprofessional
*Adler, Karl					Food Service
*Buback, Elizabeth					"
Fucci, Beatrice					"
*Khanija, Sharmila					"
*Miller, Joy					"
*Scelza, Nicole					Clerical
Soto, Susan					Paraprofessional

\*Emergency Conditional Appointment

**#FI-1 RESOLVED:** that the West Babylon Board of Education gratefully accepts a donation, in the amount of \$317.83, from Target's "Take Charge of Education" program. The donation will be deposited into Santapogue School's Trust and Agency account.

**#FI-2**

**RESOLVED:** that the West Babylon Board of Education gratefully accepts the following donation from Mrs. Ruth Hill, a West Babylon resident and retired West Babylon teacher:

1 (one) new pair of Men's Etonic Golf Shoes

The golf shoes are to be used by the Athletic Department.

**#CU-1**

**RESOLVED:** that the textbook titled, Fashion Artist, Drawing Techniques to Portfolio Presentation, Second Edition, by Sandra Burke, Burke Publishing Company, copyright 2006, is adopted, by the West Babylon Board of Education, for use for the Fashion Design course, for grades 9-12, effective January, 2011.

**ADDENDUM – Not approved by the Board*****#BE-3***

*WHEREAS, the District is desirous of restructuring its administrative and supervisory model to produce an enhanced educational program; and WHEREAS, in order to effectuate such restructuring, it is necessary to abolish certain coordinator positions and create director positions; and NOW, THEREFORE, BE IT RESOLVED, that effective July 1, 2011, the following positions are hereby abolished:*

- o Coordinator of Math K – 8*
- o Coordinator of Science K – 8*
- o Coordinator of Social Studies K – 8; and*

*BE IT FURTHER RESOLVED, that effective July 1, 2011, the following positions are hereby created:*

- o K – 12 Director of Mathematics*
- o K – 12 Director of Science and Technology Literacy*
- o K – 12 Director of Social Studies and Social Emotional Learning*

**POLICY REVIEW:** (Third time adoption for all policies)

Trustee Camasano seconded by trustee DeGaetano made a motion to waive reading the policy numbers and adopt the following policies.

The motion was **CARRIED** by all present

**Files:**

<b>4000</b>	Student Learning Objectives and Instructional Goals
<b>4100</b>	Grouping for Instruction
<b>4200</b>	Curriculum Management
<b>4311.1</b>	Display of the Flag
<b>4311.1-R</b>	Display of the Flag Regulation
<b>4315.1</b>	AIDS Instruction
<b>4315.1-R</b>	Health Education - Prevention of AIDS - Administrative Regulations
<b>4321</b>	Programs for Students with Disabilities Under the IDEA and New York State's Education Law Article 89
<b>4321.1</b>	Provision of Special Education Services in the Least Restrictive Environment
<b>4321.2</b>	School-Wide Pre-Referral Approaches and Interventions
<b>4321.3</b>	Allocation of Space for Special Education Programs
<b>4321.4</b>	Independent Educational Evaluations
<b>4321.4-R</b>	Independent Educational Evaluations - Fees (Administrative Regulations)
<b>4321.5</b>	Confidentiality and Access to Individualized Education Programs, Individualized Education Services Programs and Service Plans
<b>4321.6</b>	Availability of Alternative Format Instruction Materials for Students with Disabilities
<b>4321.7</b>	District-Wide and State-Wide Assessments of Students with Disabilities
<b>4321.8</b>	Impartial Hearing Officer Appointment and Compensation
<b>4321.9</b>	Declassification of Students with Disabilities
<b>4321.10</b>	Programs and Services for Parentally-Placed Nonpublic School Students with Disabilities
<b>4321.11</b>	Public Report on Revisions to District Policies, Practices and Procedures Upon a Finding of Significant Disproportionality
<b>4321.12</b>	Use of Time-Out Rooms, Physical Restraints and Aversives

4321.13	Preschool Special Education
4321.14	Special Education Personnel
4322	Programs for the Gifted and Talented
4326	Limited English Proficiency Instruction
4327	Homebound Instruction
4327-R	Home Instruction for Students Under Medical Care or, in a Hospital – Administrative Regulations
4511	Textbook Selection and Adoption
4513	Library Materials Selection
4526.1	Internet Safety
4526.1-R	Internet Safety Regulation
4531	Field Trips and Excursions
4532	School Volunteers
4710	Grading Systems
4730	Homework
4750	Promotion and Retention of Students
4771	Early Graduation

**4000****STUDENT LEARNING OBJECTIVES AND INSTRUCTIONAL GOALS**

The Board of Education is committed to working with the Superintendent of Schools, district staff, parents and students for the development of a quality educational program designed to prepare all students to successfully meet the challenges of an economically competitive, technologically advanced, culturally diverse, and knowledge-based twenty first century. Therefore, the Board adopts the following learning objectives and instructional goals for all students in the district:

Objective 1: All students will demonstrate the ability to engage in effective, analytically critical, and socially acceptable communication, including the skills of speaking, listening, writing and reading.

Objective 2: All students will demonstrate the ability to understand, interpret and apply mathematical information to other areas of learning, and to perform the mathematical processes that are needed in daily life.

Objective 3: All students will demonstrate the ability to think logically, critically and creatively, including the ability to use knowledge constructively, and to attack problems intelligently, giving due respect to honest differences of opinion.

Objective 4: All students will acquire the knowledge and skills necessary to incorporate physical fitness into their daily lives.

Objective 5: All students will demonstrate the ability to understand, use and appreciate the life-enriching insights and perspectives that are provided in the various subject areas of learning, including language arts, science, math, technology, history, social studies, technical and occupational studies, second languages, arts, music and humanities, physical education and home and career skills.

Objective 6: All students will demonstrate the ability to plan for, assess progress toward, and strive toward success in the variety of inter-related roles they will assume during their lives including those involving post-secondary education or careers, family and/or parenting responsibilities, maintenance of physical mental and emotional health and management of personal resources.

Objective 7: All students will be afforded the opportunity to graduate with a regular high school diploma.

Objective 8: All students will demonstrate competency in all core academic subjects, at all grade levels.

To facilitate achievement of the Board's articulated learning objectives and instructional goals for all students, the district's administration and staff will be guided by the following:

**4000 (cont'd)**

1. All students will be subject to high academic standards and high academic performance expectations. The district will implement measurable effective instructional strategies for closing the achievement gap among all students.
2. The district will align its core academic subject curricula with the state learning standards, and offer appropriate support services to enable all students to succeed.

3. The same core academic subject curricula will be used in all schools district-wide.
4. The district will use multiple general education approaches, including response to intervention strategies in accordance with Commissioner's regulations, to improve the academic performance of all students.
5. Instructional and professional development activities will be coordinated to reduce student failure rates in core academic subjects at all grade levels.
6. Steps will be taken to identify and address the cause(s) of student drop-out, and to reduce the student drop out rate.
7. The district will recruit, hire and retain highly qualified staff.
8. Staff professional development will be designed to enable achievement of the Board's articulated learning objectives and instructional goals.
9. The district will implement a process of on-going review to identify and address any obstacles to the achievement of the Board's articulated learning objectives and instructional goals.

Cross-Ref: 0000, Mission Statement and Vision

Ref: 8 NYCRR 100.2(ii)

Date of adoption:

**4100**

### **GROUPING FOR INSTRUCTION**

The Board of Education is committed to the provision of educational experiences of quality which enable all of our students to learn and to succeed. Any decision pertaining to grouping for instruction, therefore, will be made for the express purposes of enhancing a student's ability to learn, to offer intellectual challenges to students of all ability levels, and to facilitate planning and instruction for teachers.

Grouping for instruction will not be a static decision and efforts will be made to de-emphasize labeling of groups. Grouping for instruction is not to be considered as a tracking technique. The only "tracking" strategies authorized by the Board are:

- Those which address the special learning requirements of students who are cognitively gifted or who possess learning or academic needs;
- Those which are required to comply with the Regulations of the Commissioner of Education;
- Accelerated honors and senior high regents groups.

Each student's plan is an individual matter, developed by the student, the student's guidance counselor, the student's parent(s)/guardian(s), and is to include input from the student's teachers. The plans are to be reviewed annually by the aforementioned individuals and revised when appropriate.

Grouping arrangements will promote flexibility to meet students' changing needs and achievements.

Within a classroom, teachers are encouraged to informally group students for special projects and interests, or to better address different instructional levels within a content area.

Adoption date:

Replaces in whole or in part former policy IHA

**4200**

### **CURRICULUM MANAGEMENT**

The Board of Education recognizes its responsibility for the development, assessment and improvement of the educational program of its schools. To this end, the Board is committed to establishing and maintaining a coordinated curriculum management process that:

- Defines how the district's curriculum is developed and approved.
- Ensures that the curriculum is taught and tested.

- Provides for the ongoing review and evaluation of the curriculum.

For purposes of this policy, "curriculum" means a series of planned instruction that is coordinated, articulated and implemented to result in achievement of specific knowledge and skills, and application of such knowledge and skills by all students.

#### Curriculum Development

The Board views a centralized curriculum articulated among and between grade levels and schools as essential to an effective instructional program designed to meet the learning standards established by the state and the Board.

The Superintendent of Schools, in coordination with the Assistant Superintendent for Curriculum, shall be responsible for the development of a written curriculum designed to meet identified student needs. He/she shall establish procedures for curriculum development that provides for the effective participation of administrators, teaching staff, students, parents, other community members and members of the Board.

The curriculum shall:

- Comply with state mandates regarding course offerings and essential knowledge and skills.
- Focus on the content standards of each discipline and ensure that what students learn is rigorous, challenging and represents the most important learning for students.
- Provide sufficient flexibility to meet individual student needs at each stage of development.
- Reflect current research, best practices and technological advancements within each discipline.
- Promote congruence among the written, taught and assessed content.

#### Curriculum Adoption

The Superintendent shall present the written curriculum to the Board for its review and adoption annually. Prior to adoption, the Board will review the curriculum to ensure consistency with Board-adopted learning objectives. In addition, the Board will adopt instructional materials that support the adopted curriculum.

#### Curriculum Implementation

Implementation of the curriculum rests primarily with the teaching staff. In carrying out this responsibility, the teaching staff shall work to ensure continuity between the written, taught and tested curriculum. The Building Principal shall be responsible for the management of the implementation of the aligned curriculum at the building level. He/she shall carry out this management function through activities including analyzing student assessment data; making classroom observations of teachers; and providing opportunities for teachers to discuss and share ideas and strategies. The district's curriculum for each subject or course shall be communicated to the teaching staff in a written curriculum guide developed by the Superintendent. Such guides will provide the necessary information to direct instruction and ensure continuity among and between grade levels and schools. The guides shall also include a description of the essential knowledge and skills for the course, instructional philosophy, appropriate sequence, and correlation of major resources. Curriculum guides shall be made available to parents and community members on the district's website ([www.wbschools.org](http://www.wbschools.org)) to promote understanding of district goals and objectives.

#### Curriculum Review

The Board recognizes the need for and the value of a systematic, ongoing program of curriculum evaluation that includes collecting and analyzing data about student achievement. All aspects of the curriculum shall be subjected to a searching and critical analysis in an attempt to improve students' learning and growth. Such a program is essential to evaluate program effectiveness in each content area and to make judgments about resource allocation. The Superintendent shall develop guidelines to evaluate the instructional program to ensure its continued effectiveness. With prior Board approval, the Superintendent may conduct pilot programs deemed necessary to the continuing improvement of the instructional program.

The Superintendent shall report his/her findings regarding the effectiveness of the instructional program to the Board periodically, and, if necessary, shall recommend changes to the district's curriculum.

Ref: Education Law §§1709(3); 1711(5)

Adoption date:

Replaces in whole or in part former policy IF

4200-R

#### **INSTRUCTIONAL PROGRAM EVALUATION PLAN**

Both staff and program renewal can be achieved through program evaluation. West Babylon's district-wide evaluation program is expected to achieve specific organizational goals and objectives. A program evaluation will:

1. Confirm the strengths of the program
2. Identify areas of concern
3. Lead to recommendations



All programs will be evaluated every four years. The schedule for evaluation should be consistent.

**Year I**

- Computer Science
- Foreign Language
- Health
- Mathematics
- Physical Education
- Social Studies

**Year III**

- English
- Home & Careers
- Guidance
- Pupil Personnel Services
- Reading
- Technology

**Year II**

- Art
- Business
- Humanities
- Music
- Science
- Special Education

**Year IV**

- Library Media
- Co-curricular Activities
- Evenings Schools
- Extracurricular Activities
- Interscholastic Activities

1. Convene a meeting and distribute the Program Evaluation manual to all staff members in the program.
2. Review the available district philosophy and/or school/program goals.
3. Complete the program evaluation forms on an individual basis. Please circle the number that most clearly describes your evaluation.
  - (5) Excellent
  - (4) Good
  - (3) Satisfactory
  - (2) Poor
  - (1) Missing but needed
  - N/A Not applicable
4. Collect, collate, and interpret data. It is recommended that this step be a collegial effort.
5. Meet with the program personnel to discuss findings, develop supportive data, and make recommendations to the Assistant Superintendent for Curriculum and Student Services.
6. Complete Program Development Plan for district-wide dissemination, after approval by the West Babylon Board of Education.

Adoption date:

Replaces in whole or in part former policy IFD-R

**4311.1**

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

The flag shall 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, employee or student.

Consistent with national and state law and regulations and this policy, the Superintendent of Schools shall 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)

Adoption date:

Replaces in whole or in part former policy IND

**4311.1-R**

**DISPLAY OF THE FLAG REGULATION**

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

A United States flag shall be displayed in front of every school building in the district every day that school is in session and at such other times as the Superintendent of Schools shall direct. Unless otherwise stated, the flags shall 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.

In addition to days when school is in session, the flags will be displayed 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, 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 shall be displayed on the next day. In addition, the flag shall 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 shall be flown at half-staff on Pearl Harbor Day, on days commemorating the death of a personage of great importance, and on days designated by the President or the Governor.

The flag may fly at half-staff to commemorate the death of a present or former board member, employee or student.

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

### **Hoisting of the Flag**

The flag shall 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 shall be again raised to the peak before it is lowered for the day. The flag shall 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 shall 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.

Adoption date:

Replaces in whole or in part former policy IND-R

**4315.1**

### **AIDS INSTRUCTION**

The district will provide age appropriate classroom instruction in compliance with commissioner's regulations, for all students K-12 concerning Acquired Immune Deficiency Syndrome (AIDS). Instruction will be provided as part of the sequential and comprehensive health program and shall include the following information:

1. the nature of the disease;
2. methods of transmission of the disease; and
3. methods of prevention of the disease stressing abstinence as the most effective and appropriate protection against AIDS.

A student shall be excused from that segment of AIDS instruction regarding methods of prevention of the disease if his/her parent/guardian files a request with the Building Principal. The request must give assurance that such instruction will be given at home.

The Board of Education shall be responsible for determining the content of the district's AIDS curriculum, approving its implementation and evaluating the AIDS instructional program. In addition, the Board will ensure appropriate training and curriculum materials are provided for the instructional staff providing AIDS instruction and to parents who request such materials.

The Board shall establish an advisory council which shall be responsible for making recommendations on content, implementation, and evaluation of the AIDS instructional program. The advisory council must consist of Board members, appropriate school personnel, parents and community representatives, including representatives from religious organizations.

Ref: Education Law §3204(5)  
 8 NYCRR §135.3 (Health Education incl. AIDS instruction)  
 Ware v. Valley Stream High School District, 75 NY2d 114 (1989)  
 New York State School Boards Association v. Sobol, 168 AD2d 188 (1991)  
 Matter of Knowledge, 32 EDR 451 (1993) (function of advisory councils)

Adoption date: Replaces in whole or in part former policy JHCC

**4315.1 - R**

### **Health Education - Prevention of AIDS -Administrative Regulations**

Acquired immune deficiency syndrome has become the number one public health problem worldwide. The schools offer a special opportunity to educate our young people about AIDS. Individual behavior - needle sharing and sexual contact with an infected person - affect the chance of contracting AIDS. The students must be made aware of these risks, so they can take the necessary precautions in their own lives.

Instruction in a communicable disease - AIDS - should be addressed within the health curriculum.

The incorporation of AIDS discussion in suggested courses at given grade levels are:

**Grade Five** Aids will be discussed with communicable diseases. At this level the cause, modes of transmission, prevention, and prognosis will not be discussed in depth.

**Grade Six** Drug education class will afford an opportunity to discuss risk groups and the cause, modes of transmission, prevention and prognosis of AIDS.

**Grade Seven** AIDS, as our major public health problem, will certainly be an appropriate subject to discuss in health education class. At this level the cause, mode of transmission, prevention and prognosis will be discussed.

**Grade Nine or Ten** Discussion of causative organisms would easily be expanded to discussion of all aspects of AIDS.

### **Biology**

**Grade Eleven or Twelve** The students should have a complete understanding of AIDS - risk groups, modes of transmission, symptomatology, prognosis and prevention.

A curriculum must be written for the above grade levels. Because of the necessary facts and discussion in this particular disease, Board of Education approval and parent preparation are vital prior to the inception of the curriculum.

N.B. At grade 5, the principal and PTA will provide a parent education program one evening during the year.

Replaces in whole or in part former policy JHCCA

4321

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

The Board of Education shall make 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 a student with disabilities to be involved in and progress in the general education curriculum, to the extent appropriate to his/her needs.

The Board also shall make 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, co-curricular and extracurricular activities available to all other students enrolled in the district's public schools. Such co curricular 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).

4321 (cont'd)

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 the end of the school year in which they turn 21 or until they receive a local high school or Regents diploma.

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. 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.
2. 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 Instructional Support Team will develop, implement and evaluate pre-referral intervention strategies (4321.2, School-wide Pre-referral Approaches and Interventions).
3. School district staff will refer for evaluation a student who has not made adequate progress after an appropriate period of time when provided instruction under a response to intervention program.
4. 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.
5. The Board will arrange for special education programs and services based upon the recommendation of the CSE or CSE subcommittee.
6. The Superintendent shall 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.
7. The Superintendent shall 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.
8. 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, co curricular 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 shall 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.

**4321 (cont'd)**

(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 a student whose behavior impedes his or her 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 the parent of his or her 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.

4321 (cont'd)

### **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.

Cross ref: 1900, Parental Involvement (Title I)  
 4000, Student Learning Objectives and District Instructional Goals  
 5500, Student Records  
 6700, Purchasing

Ref: The Individuals with Disabilities Education Act (IDEA), 20 USC §§1400 et seq.;  
 34 CFR Part 300  
 N.Y. Education Law Article 89, §§4401 et seq.  
 8 NYCRR Part 200

Adoption date:

4321.1

**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 co curricular 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

Adoption date:

**File: 4321.2**

## **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 and 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 and 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 positive behavioral intervention and support (PBIS) 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.

Cross-ref: 4000, Student Learning Objectives and Instructional Goals

4325, Academic Intervention Services

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)

Adoption date:

**4321.3**

**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 biannual plan it must submit to the commissioner of education regarding the provision of services to students and preschool students with disabilities.

Through the Superintendent, the district also will share with the BOCES District Superintendent information relevant for the BOCES to determine its own facility 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.4321.3
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.
5. Submit a report to the board regarding the results of the above review process, along with necessary recommendations for additional space allocations.

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, 20 USC §§1400 et seq.  
Education Law §§3602(10)  
8 NYCRR §§155.1(a); 200.2(c) (IV), (v); 200.2(g)

Adoption date:

**4321.4**

**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 shall 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 shall 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)

Adoption date:

**INDEPENDENT EDUCATIONAL EVALUATIONS -FEES**  
 (Administrative Regulations)

**4321.4-R**

The cost of an independent evaluation requested by a hearing officer shall be at district expense.

Reimbursement will not be in excess of the reasonable cost of such evaluation. Reasonable costs are defined by the Board of Education as up to 20% above the costs available through the Student Adjustment Center of the Western Suffolk BOCES according to the following fee schedule:

Psycho-educational Evaluation	\$610.00
Psychological Evaluation	\$610.00
Neurological & Developmental Evaluation	\$410.00
Educational Evaluation	\$610.00
Speech/Language Evaluation	\$610.00
OT Evaluation	\$250.00
PT Evaluation	\$250.00
Psychiatric Evaluation	\$760.00
Neuropsychological Evaluation	\$1,825.00
Audio logical Evaluation	\$230.00
CAP Evaluation	\$880.00
Assistive Technology Evaluation	\$125.00 per hour
Comprehensive Evaluation - Autism	\$1,025.00
Pediatric Neuro-developmental Evaluation	\$610.00
Classroom Observation	\$180.00

Ref: Western Suffolk BOCES Student Adjustment Center

Promulgated:

**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.

Personally identifiable data is defined in the policy on Student Records, 5500.

The Board of Education, while acknowledging the confidentiality requirement, believes that in order for each student with disabilities to receive the full benefit of his/her Individualized Education Program (IEP), Individualized Education Services Program (IESP) or Service Plan (SP), 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 and supports to be provided.

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

**I. IEP, IESP or SP Copies**

At a CSE, CSE Subcommittee or CPSE meeting for each student, a determination will be made as to which general 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.

The CSE, CSE Subcommittee and CPSE Chairpersons shall 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. These individuals responsible for implementing an IEP, IESP or SP shall, in turn, ensure that all paraprofessionals (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, paraprofessional, and other provider and support staff person of his or her 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 him/herself 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 shall not be re-disclosed to any other person, except in accordance with the Individuals with Disabilities Education Act (IDEA) and the Family Educational Rights and Privacy Act (FERPA). To ensure such confidentiality, the CSE and CPSE Chairpersons shall include with each IEP, IESP or SP copy provided or made accessible under this policy, a copy of the Board's policy on student records (Policy 5500). 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 shall obtain the signature of each person covered by this policy, indicating that he or she:

1. has received either a copy of 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
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 shall 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

4321.6

#### **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 **4321.6 (cont'd)**

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 Vocational and Educational Services for Individuals with Disabilities (VESID), 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 VESID website at: [www.vesid.nysed.gov/specialed/publications/policy/alterformat502.htm](http://www.vesid.nysed.gov/specialed/publications/policy/alterformat502.htm)

Adoption date:

**4321.7**

## **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 non-disabled 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 district-wide tests, the CSE must indicate the reasons for doing so on the IEP, IESP or SP. The 504 multidisciplinary 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

**4321.7 (cont'd)**

with CSE, CPSE and/or Section 504 Committee members.

### Universal Design Principles in District-wide Assessments

The Board of Education recognizes the benefits of using the principles of universal design to further the goal of ensuring equal access to district-wide assessments and to ensure the most accurate measure of the performance of all students. The Board directs the Superintendent, in consultation with appropriate school staff, to examine how universal design principles can be incorporated into the district's assessment program, and to facilitate its use to the extent feasible. Any steps taken in this regard will be consistent with this policy and applicable State Education Department policy and/or guidance on the use of universal design principles.

At a minimum, the Superintendent will explore how district assessments can be:

1. Made more usable by students with diverse abilities.

2. Designed to better accommodate a wide range of individual preferences and abilities.
3. Made more understandable.
4. Made to communicate necessary information to students more effectively.
5. Designed to minimize adverse consequences of accidental or unintended actions.
6. Used more efficiently and comfortably and with a minimum of student fatigue.

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 (iii); 200.2(b) (13,14); 200.4(d) (2) (vi)

Adoption date:

**4321.8**

### **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 shall 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 shall be initiated immediately and always within two (2) business days after receipt by the district of such written request. Should an IHO decline the 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 shall 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, shall 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 shall canvass the list in alphabetical order as prescribed by the Regulations of the Commissioner of Education until an appointment is accepted.

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.

**4321.8 (cont'd)**

#### **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 shall 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. 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 shall 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 one (1) day's notice, the district agrees to pay the Impartial Hearing Officer a fee of \$100.00. The district shall 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 Vocational and Educational Services for Individuals with Disabilities of SED as required by Commissioner's regulations.

Ref: 8 NYCRR §§200.2; 200.5; 200.21

Adoption date:

**4321.9**

### 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.

**4321.9 (cont'd)**

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, not to exceed one year. 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.
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)

Adoption date:

**4321.10**

### **PROGRAMS AND SERVICES FOR PARENTALLY-PLACED NONPUBLIC SCHOOL STUDENTS WITH DISABILITIES**

The Board of Education recognizes its responsibility to provide special education services to eligible students with disabilities enrolled by their parents in nonpublic schools located within its district, regardless of whether such students are residents of the district. The scope of that responsibility affects:

1. The district's child find activities for locating, identifying, and evaluating parentally-placed nonpublic school students with disabilities;
2. CSE and CSE subcommittee responsibilities for the development of an individualized education services program (IESP), or a services plan (SP), in the case of an out of state resident, for any such student determined to be eligible for special education services under the IDEA and Article 89;
3. The provision of services to such students;
4. The relationship between the district and nonpublic school officials and nonpublic school parents of students with disabilities, with whom the district is required to consult;
5. The district's data collection and reporting responsibilities; and
6. The district's use of federal funds available under the IDEA.

(Refer to policy 4321, Programs for Students with Disabilities under the IDEA and Article 89 for more information regarding the provision of special education services to students with disabilities enrolled in the district's public schools).

Consistent with applicable law and regulations, this policy does not apply to resident students with disabilities enrolled by their parents in a nonpublic school located within the district's boundaries because of a dispute over the provision of a free appropriate public education. Neither does it apply to charter school students, or to students placed in or referred to private schools by public agencies such as school district placements in approved private schools, Special Act school districts, and state-supported or state-operated schools.

District staff will obtain prior consent from the parent of a parentally-placed nonpublic school student with disabilities, or the student if the student is 18 years or older, for the release of personally identifiable information about the student from records collected or maintained pursuant to the IDEA between the district and the student's district of residence.

**4321.10 (cont'd)**

Location, Identification and Evaluation of Parentally-placed Nonpublic School Students with Disabilities:

The district's activities for locating and identifying parentally-placed nonpublic school students with disabilities will be comparable to those undertaken for students attending the district's public schools, and will be completed in a comparable time period, as well. However, district staff will consult with nonpublic school representatives and representatives of parents of parentally-placed students with disabilities regarding these activities, in order to ensure the equitable participation and an accurate count of such students.

The district will use the same procedures that apply to the evaluation of the district's public school students to evaluate and reevaluate parentally-placed nonpublic school students with disabilities. (Refer to policy 4321, Programs for Students with Disabilities under the IDEA and Article 89, for more information on those procedures).

**CSE Responsibilities:**

Once a parentally-placed nonpublic school student with disabilities is determined to be eligible for special education services under the IDEA and Article 89, the CSE or CSE subcommittee will develop an IESP or SP for the student in accordance with the following:

1. If the student is a New York State resident, the CSE or CSE subcommittee will develop an IESP based on the student's individual needs in the same manner and with the same contents as an individualized education program prepared for a public school student.
2. If the student is an out-of-state resident, the CSE or CSE subcommittee will develop an SP for the student in accordance with the IDEA and its implementing regulations.

**Provision of Services:**

Parents of nonpublic school students with disabilities eligible for special education services under this policy must submit to the Board a written request for such services on or before June 1 preceding the school year for which they want the district to provide services. However, if the student has not been first identified as a student with a disability until after June 1, the parent may submit the written request for services within 30 days after the identification, and the student will be entitled to services during the current year if the request is submitted before April 1.

The district will provide special education programs and services to parentally-placed nonpublic school students with disabilities with an IESP on an equitable basis, as compared to special education programs and services provided to other students with disabilities attending public and nonpublic schools within the district.

The district will provide special education programs and services to parentally-placed nonpublic school students with disabilities with an SP to the extent required by the IDEA and its implementing regulations, and in consultation with nonpublic school officials and representatives of parents of parentally-placed nonpublic school students with disabilities. In this regard, the district will expend a proportionate amount of the federal funds it receives under the IDEA to provide such services.

The district will provide parentally-placed nonpublic school students with disabilities only services, including materials and equipment that are secular, neutral, and non-ideological.

**Consultation:**

The district will consult in a timely and meaningful manner with nonpublic school officials and representatives of parents of parentally-placed nonpublic school students with disabilities regarding the following issues:

1. The process that will be used to locate and identify parentally-placed nonpublic school students with disabilities, including who parents, teachers, and nonpublic school officials will be informed of the process, and how the process will work throughout the school year to ensure that the students can participate in special education and related services.
  2. How, where and by whom special education and related services will be provided to such students, and with respect to students with an SP, the types of services that will be provided.
  3. With respect to students with an SP, how a proportionate share of the federal funds the district receives under the IDEA will be spent on special education services to such students.
- 4321.10 (cont'd)**
4. The determination of the proportionate amount of the district's IDEA funds available to serve parentally-placed private school students with disabilities, including how that amount was calculated.
  5. How services will be apportioned if the proportionate amount of the district's available IDEA funds is not sufficient to serve all parentally-placed nonpublic school students with an SP, and how and when these decisions will be made. Notwithstanding, the district will provide services to students with an IESP, regardless of the apportionment of such federal funds.

The Superintendent will establish a process for obtaining from nonpublic school officials a written affirmation of their participation in the consultation process. If that affirmation is not secured within a reasonable time, the Superintendent will submit to the State Education Department documentation of the consultation process.

**Data Collection and Reporting:**

The Superintendent will establish a process for maintaining records and report to the commissioner of education on the number of parentally-placed nonpublic school students who are evaluated, and determined to have a disability, and receive special education services from the district.



Cross-ref: 4321, Programs for Students with Disabilities under the IDEA and New York's Education Law Article 89

Ref: Individuals with Disabilities Education Act (IDEA), 20 USC §612(a)(10)(A); 34 CFR \*\*\*  
Education Law §§3602-c  
8 NYCRR §200.2 (a)(7)

Adoption date:

**4321.11**

### **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 disproportion 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 disproportion. 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).

Adoption date:

**4321.12**

### **USE OF TIME OUT ROOMS, PHYSICAL RESTRAINTS AND AVERSIVES**

The Board of Education recognizes that students with disabilities sometimes exhibit inappropriate behaviors that impede learning. As a result, students with disabilities may require unique approaches to discipline so that they can continue to benefit from their educational program. The Board further acknowledges that the use of aversive behavioral intervention, as defined in §19.5 of the Commissioner's regulations, is prohibited unless the district has followed the procedures outlined below to allow for their use in a child-specific case.

The use of a time out room, physical restraint or aversive intervention will be in conformance with a child's individual education program (IEP). Staff will adhere to federal and state statute and regulation in the administration of these measures.

**4321.12 (cont'd)**

#### **Time Out Room**

A time out room is an area for a student to safely deescalate, regain control and prepare to meet expectations to return to his/her educational program. The room will only be used in conjunction with a behavioral intervention plan, as part the student's IEP. The room will provide a supervised area in order to facilitate self-control, or when it is necessary to remove a student from a potentially dangerous situation or unanticipated situations that pose an immediate concern for the physical safety of the student or others. The location, size and access to the time out room will be in conformance with applicable laws and regulations. The Director of Student Services will be responsible for the development and implementation of regulations covering the use of a time out room, as well as monitoring compliance with those regulations.

The Director of Student Services will inform parents prior to the initiation of a behavioral intervention plan that will incorporate the use of a time out room. Upon request, the parent will be shown the space that will be utilized. In addition, the parent will be provided a copy of this policy.

### **Physical Restraint**

Staff will not use physical restraint as a substitute for systematic intervention to modify inappropriate behavior. Staff who may be called upon to physically restrain a student will be trained on safe and effective ways to do so. Physical restraint may be used in an emergency where no other approach would be effective in controlling the student's behavior.

### **Aversive Behavioral Intervention**

Aversive behavioral intervention, as defined in §19.5 of the Commissioner's regulations, shall not be the sole or primary approach to modifying inappropriate behavior. This approach will be limited to self-injurious or aggressive behaviors identified on the child's IEP. If the Committee on Special Education (CSE) or the Committee on Preschool Special Education (CPSE) is considering the use of aversive behavioral intervention for a specific child, they must submit an application to the Commissioner. If the application is approved, and if the CSE/CPSE decides to incorporate it into the IEP, they must then notify the Commissioner.

The IEP shall identify the specific targeted behavior, the aversive intervention to be used and, if applicable, the device to be utilized. The parent must provide informed written consent for the use of the aversive intervention.

If any student requires aversive behavioral intervention, the district will establish a Human Rights Committee to monitor the use of aversive behavior interventions. The committee will be comprised of individuals not employed by the school district and its membership will be in conformance with Commissioner's regulations.

### **Training**

Training for staff on the policies and procedures related to the use of time out rooms, physical restraint, aversives, and related behavior management practices, will be provided annually or as needed.

The Director of Student Services will be responsible for implementation and oversight of this policy.

Ref: 8 NYCRR §200.22

Adoption date:

**4321.13**

### **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 shall 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 appropriately qualified personnel to the CPSE, and ensuring that preschool education providers with whom the district contracts have appropriately trained and qualified personnel.
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 shall 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 shall 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 shall 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 shall 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

Adoption date:

**4321.14**

**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
- 9240, Recruiting and Hiring
  - 9700, Staff Development

- 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)

Adoption date:

4322

**PROGRAMS FOR THE GIFTED AND TALENTED**

The Board of Education encourages the growth of district programs for the gifted and superior range students to provide a flexible program to promote individual academic growth. The Superintendent shall be responsible for providing innovative leadership required for such a program.

Ref: Education Law §§3602(23); 4451-4453  
8 NYCRR Part 142; §§117.3(c)(3),(f)

4326

**LIMITED ENGLISH PROFICIENCY INSTRUCTION**

The Board of Education recognizes there are individual students with limited English proficiency. The Board of Education further recognizes the responsibility to provide LEP students full access to appropriate instructional and support services and to provide equal opportunities to participate in all school programs, activities, and extracurricular events. In addition, any LEP student suspected of having a handicapping condition will be referred to the Committee on Special Education for a complete bilingual multidisciplinary assessment. School related individualized information will be provided to parents of LEP youngsters in the home language, when possible. The Board of Education directs the Superintendent of Schools to publish Administrative Regulations to translate these assurances into action.

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 LEP students are:

1. diagnostically screened for limited English proficiency, in accordance with Part 117 of the Commissioner's Regulations. Those students who according to their scores are identified as LEP will be annually evaluated. Included in the evaluation shall be each student's performance in content areas to measure academic progress;
2. assured of access to appropriate instructional and support services, including guidance programs; and
3. assured of having equal opportunities to participate in all school programs and extracurricular activities as non-LEP students.

The Superintendent shall be responsible for ensuring that the Commissioner is provided with all information required under the Commissioner's Regulations and that the district provides appropriate school-related information to the parents of LEP students in English, or when necessary, in the language they understand. In addition, the Superintendent shall ensure that all teachers employed for any bilingual and/or ESL program are properly certified in accordance with the Commissioner's Regulations.

Ref: Education Law §3204  
Bilingual Education Act of 1974, §§701 et seq., 20 U.S.C. §§880b et seq.  
Equal Educational Opportunities Act of 1974, §§201 et seq.,  
20 U.S.C. §§1701 et seq.  
8 NYCRR §§80.9; 80.10; 117; 154 et seq.  
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 (1974)

Replaces in whole or in part former policy IGBI and IGBI-R

4327

**HOMEBOUND INSTRUCTION**

Homebound instruction is a service provided to students who are unable to attend school due to medical, emotional or disciplinary problems. Secondary students receive instruction for two hours per day and elementary students receive one hour per day. Students receive credit for their work while on homebound instruction. Instruction will be provided on days when school is regularly in session.

The district makes provisions for homebound instruction upon referral from the Assistant Superintendent for Curriculum and Student Services following

the guidelines established by the Superintendent of Schools for placing a student on homebound instruction.

Cross-ref: 5100, Attendance

Ref: Education Law §§1709(24); 4401 et seq.  
8 NYCRR §175.21

Adoption date:

Replaces in whole or in part former policy IGBG

4327-R

### **Home Instruction for Students under Medical Care Or, in a Hospital - Administrative Regulations**

**Purpose:** Administrative regulations provide guidelines on the provision of home or hospital instruction in a manner consistent with Board of Education Policy on the topic.

**Eligibility:** The Assistant Superintendent for Curriculum and Student Services determines a student's eligibility for home or hospital instruction. In general, a health care professional's notification of the youngster's illness or injury starts the eligibility review process. The notification should include the specific reason for absence, the estimated duration of the absence, whether the illness is contagious, and any special alerts. The Assistant Superintendent for Curriculum and Student Services has the option of having the school district's physician further review the matter should there be any question or concerns regarding the student's eligibility. Once eligibility has been determined, (and beyond the fifth day of absence) Assistant Superintendent for Curriculum and Student Services will initiate arrangements for home or hospital instruction.

**Provision of Service:** Home or hospital instruction may be provided only on days when school is regularly in session.

**Instruction-Elementary Level Students:** Instruction should be provided, whenever possible, by individuals certified in elementary education. Elementary school students are to receive a minimum of five hours of instruction during a full school week (5 days) and the equivalent of one hour per school day during shortened school weeks.

**Instruction-Secondary Level Students (Grades 7-12):** Instruction should be provided, whenever possible, by individuals certified in the specific curriculum areas. Secondary school students are to receive a minimum of ten hours of instruction during a full school week (5 days) and the equivalent of two hours per school day during shortened school weeks.

In all instances of home or hospital instruction, the Superintendent of Schools or a designee has the right of review.

Promulgated: 02/12/96

Reviewed: 10/15/02

Replaces in whole or in part former policy IGBG-R

4511

### **TEXTBOOK SELECTION AND ADOPTION**

The Board of Education is responsible for the selection and designation of all textbooks to be used in the district schools. The Superintendent of Schools, in cooperation with the Assistant Superintendent for Curriculum and Student Services, shall recommend suitable lists of textbooks to be used in the schools for the Board's consideration.

Textbooks, once approved by the Board, shall not be superseded for a period of five years, except by a three-fourth's vote of the Board.

The Superintendent shall establish procedures for the selection and recommendation of textbooks and a method for selecting staff members who shall serve in the selection and recommendation process.

The following criteria are to be considered in the selection of textbooks:

1. textbook or material should have been copyrighted within the past five years;
2. qualifications of the author(s) on the subject;
3. adaptability to existing instructional program;
4. accuracy of the information presented;
5. sufficient scope to meet the requirements of the curriculum as developed locally and approved by the State Education Department;
6. objectivity and impartiality in treatment of subject matter and freedom from bias and prejudice;
7. high quality format in respect to typography, arrangement of materials or pages, cover design, size and margins;
8. appropriateness to grade level as to vocabulary, sentence structure, and organization;
9. textbook series should meet grade-to-grade requirements. They should contain supplementary aids to learning, when desirable and necessary, such as a table of contents, introduction, study activities, exercises, questions, problems, selected references, bibliography, index glossary and appendices;
10. texts should include appropriate illustrative materials--pictures, maps, charts, graphs, diagrams, etc., which clarify the text and enrich the content;
11. materials should fairly represent the many ethnic and cultural groups and their contribution to American heritage pursuant to policy 4350; and
12. a reasonable balance of viewpoints regarding controversial issues should be presented.

The following criteria are to be considered in the selection of literary works for classroom use in teaching literature, as well as the assignment of such works to particular grade levels:

1. use of a compositional style which contributes to the reader's critical and appreciative understanding of the work;
2. sophisticated use of literary devices (i.e., metaphor, point of view, tone) to further student understanding of written concepts;
3. levels of student maturity and experience necessary for empathic reading of literature;
4. capacity of a work to capture student interest;
5. thematic treatment which promotes sound and healthy values for students;
6. intrinsic qualities that establish a work as a significant part of the literary heritage; and
7. variety to avoid duplication of theme, plot, setting, etc., unless such duplication affords opportunities for comparison and contrast or serves to reinforce understanding.

Cross-ref: 1420, Complaints about Curricula or Instructional Materials

Ref: Education Law §§701 et seq.; 1711; 2508; 2566

Adoption date:

Replaces in whole or in part former policy IIAA

4513

## LIBRARY MATERIALS SELECTION

The Board of Education supports the establishment and maintenance in each building of library-media centers which provide services to students and staff. The Board delegates the responsibility to the Superintendent or his/her designee for the selection and purchase of materials and equipment.

The library-media staff will work closely with students, staff and administrative personnel in the selection and evaluation of materials for purchase.

In order to provide the Superintendent and his/her staff with guidance in the acquisition of instructional resource material, such as library books, references, audiovisuals, maps, etc., the Board endorses the guidelines approved by the American Library Association that such resources:

1. provide information that will enrich and support the curriculum, taking into consideration the varied interests, abilities, and maturity levels of the students served;
2. provide information that will stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards;
3. provide information that will enable students to make intelligent judgments in their daily lives;
4. provide information on opposing sides of controversial issues so that young citizens may develop under guidance the practice of critical reading and thinking;
5. provide information representative of the many religious, ethnic, and cultural groups and their contributions to our American heritage; and
6. place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive collection appropriate for the users of the library.

The Superintendent shall be responsible for the selection of resource materials within the aforesaid guidelines and for the determination of factual accuracy, readability, authoritativeness, integrity and quality of format. To assist in the selection process, reputable, unbiased professionally prepared aids (such as the Horn Book, School Library Journal, etc.) shall be consulted as guides.

In order to respond to any complaints about, or challenges to, the selection of library materials, the district has adopted regulations (1420-R, Complaints About Curricula or Instructional Materials Regulation) establishing a complaint procedure and providing for a committee to review such complaints or challenges.

If any person wishes to permanently remove materials from a school district library, he/she must seek the formal approval of the Board. The Board may determine that such materials should be removed. Such determination must not be based upon official suppression of ideas, but rather upon the educational suitability of the materials in question. Only the Board and/or the Superintendent may authorize said permanent removal of instructional materials, pursuant to the decision of the Board.

Cross-ref: 1420, Complaints about Curricula or Instructional Materials

Ref: Education Law §§1709(15); 1711(5)(f)  
Board of Educ., Island Trees UFSD v. Pico, 457 US 853 (1982)

Adoption date:

Replaces in whole or in part former policy IIAC

**4526.1**

**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 his or her designee.

The Superintendent or his or her designee also shall 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, cyber-bullying and other unlawful activities; and access by students to inappropriate matter on the Internet and World Wide Web. The Superintendent or his or her designee shall establish and implement procedures that enforce these restrictions.

The computer network coordinator designated under the district’s Computer Network or Acceptable Use Policy, shall monitor and examine all district computer network activities to ensure compliance with this policy and accompanying regulation. He or she also shall 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 Acceptable Use Policy. Failure to comply may result in disciplinary action including, but not limited to, the revocation of computer access privileges.

Ref: Public Law No. 106-554  
47 USC §254  
20 USC §6777

Adoption date:

**4526.1-R**

**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.

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 the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct. It also includes any such visual depiction that (a) is, or appears to be, of a minor engaging in sexually explicit conduct; or (b) has been created, adapted or modified to appear that an identifiable minor is engaging in sexually explicit conduct; or (c) is advertised, promoted, presented, described, or distributed in such a manner than conveys the impression that the material is or contains a visual depiction of a minor 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.

Blocking and Filtering Measures

- The Superintendent or his or her designee shall 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 shall 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 his or her 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 shall 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.

Monitoring of Online Activities

- The district's computer network coordinator shall 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 shall 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 shall 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 shall 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.

Training

- The district's computer network coordinator shall 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 shall highlight the various activities prohibited by the Internet Safety Policy, and the responsibility of staff to monitor student online activities to ensure compliance therewith.
- Students shall 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.

Reporting of Violations



- Violations of the Internet Safety Policy and this regulation by students and staff shall be reported to the Building Principal.
- The Principal shall 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.

Adoption date:

4531

## **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 or his designee 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.

### **Transportation**

When the district provides transportation to students on a school-sponsored field trip, extracurricular activity or any other similar event, it shall 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 shall 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.

All participants in field trips and excursions are expected to abide by the district's Code of Conduct. Staff members and other chaperones shall exercise vigilant and structured supervision at all times. As part of this supervision, students' luggage and other personal property may be searched.

### **Out of State and Out of Country Trips**

The field trip advisor will present to his/her building administrator a full itinerary of the trip, methods of raising funds, a detailed cost breakdown, name of hotels and travel agents to be used prior to approval of the trip. All out of state and out of country trips will require written approval from the building administrator and finally from the Superintendent.

The fund raising and collection of funds for the specific trip will be completed in the following manner:

1. All monies received from fund raising for a specific trip will be held by the West Babylon District Student Activities Fund.
2. All monies received from students and their parents for the cost of a trip will be held by the West Babylon District Student Activities Fund Coordinator, payable to "West Babylon School District Student Activities Fund" in the form of a certified or bank check.
3. All expenses (transportation, hotel accommodations, tour fees, etc.) will be paid from the funds collected, using the district credit card or purchase requisition authorized by the Superintendent of Schools.

No district monies shall be expended for such field trips unless specifically authorized by the Superintendent and the Board of Education.

Ref: Education Law §§1604; 1709; 1804; 1903; 2503; 2554; 2590-e

Adoption date:

Replaces in whole or in part former policy IICA

4532

**SCHOOL VOLUNTEERS**

The Board of Education recognizes that the use of volunteers strengthens school/community relations through positive participation, builds an understanding of school programs among interested citizens, and can assist district employees in providing more individualized and enriched opportunities in instruction. The Board encourages volunteers from all backgrounds and age groups who are willing to share their time, training, experience or personal characteristics to benefit the students of the district.

Volunteers may be involved in many facets of school operations, from mentor/tutor relationships to clerical tasks. Volunteers shall not be used to provide transportation for school-sponsored activities.

No volunteer shall be permitted to have unsupervised direct contact with students.

School personnel who are responsible for tasks or projects that involve the use of volunteers shall identify appropriate tasks and time schedules for such volunteer activities, as well as make provisions for adequate supervision and evaluation.

All volunteers are required to act in accordance with district policies, regulations and school rules. Any staff member who supervises volunteers may ask any volunteer who violates district policies, regulations or school rules to leave school grounds.

Each Building Principal shall be responsible for maintaining a current and complete list of all active volunteers and their assignments.

Adoption date:

4710

**GRADING SYSTEMS**

Grading is considered a positive tool to indicate achievement and development in each class or subject in which a student is enrolled. The Board of Education recognizes that the classroom teacher has the primary responsibility to evaluate students and determine student grades.

The district shall use a uniform grading system. Classroom teachers shall evaluate students and assign grades according to the established system.

Grading shall be based upon student improvement, achievement, and participation in classroom discussions and activities. Parents/guardians shall be provided a written report card at least three (3) times a year for elementary level and four (4) times a year for secondary level, regarding their child's progress. The use of marks and symbols will be appropriately explained.

It is appropriate to consider the difficulty of the course when recording the grade. This weighting of the final course grade is to be uniformly applied by assigning a multiplier to all courses on a fair and equitable basis. The teacher's grade will be multiplied by the following factors:

Regents Course	1.05
Honors Course	1.10
*Advance Placement Course	1.15

\*The advanced placement multiplier is applied only when the student takes the associated advanced placement examination. The Honors multiplier is used for advanced placement courses if the examination is not taken.

Grading shall not be used for disciplinary purposes, i.e., reducing grade for an unexcused absence, although a lower grade can be given for failure to complete assigned work or for lack of class participation.

The professional judgment of the teacher shall be respected. Once a grade is assigned to a student by a teacher, the grade may only be changed by the Assistant Superintendent for Curriculum and Student Services after notification to the teacher of the reason for such change. Should an administrator enforce a grade change, he/she shall be prepared to report to the Superintendent of Schools and/or the Board.

Cross-ref: 5100, Attendance

Ref: Education Law §§3202; 3205 et seq.

Matter of Nathaniel D., 32 EDR 67 (1992)

Matter of Hegarty, 31 EDR 232 (1992)  
 Matter of Handicapped Child, 32 EDR 83 (1992)  
 Matter of Augustine, 30 EDR 13 (1990)  
 Matter of Burns, 29 EDR 103 (1989)  
 Matter of Dickershaid, 26 EDR 112 (1986)  
 Matter of Gibbons, 22 EDR 134 (1982)  
 Matter of MacWhinnie, 20 EDR 145 (1980)  
 Matter of Reid, 65 Misc 2d 718 (1971)  
 Matter of Shamon, 22 EDR 428 (1983)

Matter of Shepard, 31 EDR 315 (1992)  
 Matter of Ackert, 30 EDR 31 (1990)  
 Matter of Boylan, 24 EDR 421 (1985)  
 Matter of Chipman, 10 EDR 224 (1971)  
 Matter of Fitchett-Delk, 25 EDR 178 (1985)  
 Matter of LaViolette, 24 EDR 37 (1984)  
 Matter of McClurkin, 28 EDR 136 (1988)  
 Matter of Rivers, 27 EDR 73 (1987)

Adoption date:

**4730**

**HOMEWORK**

The Board of Education recognizes that homework, properly administered, can become an instrument of practice in skill subjects. Homework of value shall be assigned to students. It can help to build and maintain good study habits. It can serve as an enrichment of the learning process.

Homework should be given according to the needs of the individual child, a group or an entire class. It should be planned as carefully as lessons for the school day. It should be an extension of skills or a practice instrument for work carefully taught prior to the home assignment.

Homework serves valid purposes when it:

1. Provides essential practice in needed skills.
2. Trains pupils in good work habits.
3. Affords opportunities for increasing self-direction.
4. Enriches and extends school experience.
5. Helps children learn to budget time.
6. Brings pupils into contact with out-of-school learning resources.
7. Promotes growth in responsibility.

Teachers should refrain from assigning homework merely to keep children busy or as a punitive measure. This type of work loses its value and becomes a handicap to both the child and the school. It develops distaste for work and all too often causes a dislike for school.

**Homework for students absent due to illness**

The Board endorses the practice of sending homework and drill assignments to students who are absent from school for extended periods because of illness. The building principals shall be responsible for implementing this policy.

Adoption date:

Replaces in whole or in part former policy IKB

**4750**

**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 "typical" 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 shall govern student progression:

**Early Identification/Intervention**

Classroom teachers are expected to make every effort 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 shall 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; remedial classes; a change in instructional treatment, and, where appropriate, referral to 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 — shall have their cases considered on an individual basis by the school building instructional support team and may be retained. Retention shall be limited to those situations where the best interest of the child is reasonably assured. Diligent effort shall be made to use all available resources to determine the child's appropriate placement.

Junior High School; Students who fail only one subject shall 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 shall be promoted with recommendation for either summer school or assignment to a lower academic ability group. The decision shall be arrived at by consensus from a case conference approach involving teacher, Principal and guidance counselor.

Students who fail two subjects shall have their cases considered on an individual basis through a case conference approach described above.

**4750 (cont'd)**

Students who fail more than two subjects shall fail for the year.

Senior High School; in general, promotion from one class to the next shall be contingent upon the passing of all required subjects and the accumulation of 4 or 5 units of credit at each level.

Academic standards; Building Principals shall be responsible for ensuring that written standards for student progress at each grade level are available to parents and others upon request. Such academic standards are to be forwarded to the Superintendent of Schools each year.

Retention; A decision to retain shall be arrived at by consensus from a case conference approach involving the teacher, Building Principal, school psychologist, 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. If a consensus cannot be reached, the decision of the Building Principal shall be final.

No student will be retained without an appropriate educational plan defining what will occur that is instructionally different for the student. Once the educational plan has been implemented, the student will be monitored regularly. The educational plan will be revised until the student demonstrates acceptable performance.

Ref: Education Law §§1709; 2503(4); 3202  
8 NYCRR §100.4  
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)

Adoption date:

Replaces in whole or in part former policy IKE

**4771**

### **EARLY GRADUATION**

The Board of Education recognizes that some students may benefit from the opportunity to graduate early. Early graduation means graduating six months or one year ahead of schedule. Students in early graduation should discuss it first with parents and a counselor.

Students requesting early graduation should submit a letter of application to the guidance counselor. The letter should state:

1. The requested date and year of early graduation (August, January, June)
2. The reason for early graduation.
3. The agreement of the parent. Such agreement should be accompanied by the parent's signature.

A counselor will review the request and refer in a memo to the principal stating:

1. The counselor's recommendation regarding feasibility.
2. How the student will complete the necessary remaining requirements for graduation (regular courses, summer courses, college courses, etc.)

In each case, the principal shall review the application prior to the rendering of a final determination and reply to the counselor regarding the status of the request.

Adoption date:

Replaces in whole or in part former policy IKFA

**OLD/NEW BUSINESS:**

**COMMITTEES:**

Trustee Jennings read the minutes of the October 28, 2010 facilities committee meeting — on file in the District Clerk's office. President Patrick Farrell said that the photos and the scheduled work for South Bay will be placed on the website.

Trustee Campasano read the minutes of the November 3, 2010, policy committee meeting — on file in the District Clerk's office.

Trustee Nocera read the minutes of the October 23, 2010, curriculum committee meeting — on file in the District Clerk's office

Trustee DeGaetano read the minutes of the November 4, 2010, strategic plan committee meeting — on file in the District Clerk's office

Mr. Cacciola led a discussion about whether or not the Board wants to consider establishing a budget advisory committee. He shared the guidelines from Massapequa School District's committee which is available on their website. Mr. Morrell noted that Massapequa's committee has been in place for over 40 years. Mr. Cacciola also explained that the committee would review the budget in detail and then make recommendations to the Board and Administrators. Mr. Williams said that the usual method for selecting members of these committees is by application. He cautioned that even though this is an advisory committee it is best to have committee members who represent a balance of the residents of the community.

Trustee DeGaetano noted that she is the founder of the Massapequa Ballet Theatre that the Board waived the PAC fees for their performance of the Nutcracker, as a fund raiser for South Bay School. She said that the tickets are selling quickly and she wanted to give the West Babylon community the opportunity to purchase tickets. Trustee Campasano said that she would motion waiving the fees for a second performance date if needed. Trustee Scarlatos said he seconds that motion.

Mr. Farrell mentioned that earlier in the evening Mr. Howard, Mr. Spinelli and Mr. Levy discussed the PEP grant that they will receive for the district in the amount of \$1,658,598.00. He added that it is the nation's second highest grant ever received. He thanked all involved in the grant writing process.

**STATEMENT OF RESIDENTS**

Resident William Hill expressed his disappointment in the explanation of the budget information.

Residents Robert and Daisy Torres expressed their concern about the lack of a full time nurse in their daughter's building. They requested the trustees have a nurse or floater in the buildings at all times.

In response to resident Dennis Brodmerkel's question, Mr. Cacciola said that the health department has given the approvals.

At the December 14, 2010 meeting, the elementary principals will update the improvement measures taken since their presentation in August.

Trustee Jennings apologized to Trustee Thiel for being discourteous to her earlier in the meeting.

Trustee Campasano seconded by Trustee Jennings made a motion to adjourn at 11:04 p.m.

The motion was **CARRIED** by all present

Attested to: \_\_\_\_\_  
District Clerk