

**BOARD MEETING:** Regular  
**DATE:** Wednesday, November 6, 2019  
**TIME:** 6:00 p.m.  
**PLACE:** Naples High School Cafeteria

I. Meeting Called to Order

II. Roll Call

III. Adopt the Agenda of the Regular Meeting of November 6, 2019 (Board Action)

IV. Executive Session (Board Action)

V. Pledge of Allegiance

VI. Public Comments: The Board of Education invites you, the residents of our school community, to feel comfortable in sharing matters of interest or concern that you might have with us. The Board President will be happy to recognize those of you who wish to speak. We would ask that you come forward and please identify yourself before presenting your thoughts.

Those items brought to the attention of the Board during this time may be taken under consideration for future response or action. (*Individual comments will be limited to three minutes.*)

As a matter of courtesy, we ask that issues related to specific School District personnel or students be brought to the attention of the Superintendent of Schools privately. Thank you for this consideration.

Board Reponse: The Board of Education is committed to keeping communication open and transparent. The Board of Education President will be working with the Board and the Superintendent to make every effort to respond to public comments directed to the Board of Education at previous meetings, during the next scheduled meeting.

VII. Points of Interest

VIII. Superintendent Recognitions & Updates

- Kudos
- Reflections from the NYSSBA Convention
- Focus Group Question Creation
- Visit from Amy Johnson
- Capital Project Update

IX. Board Reports

- Facilities Committee

X. Minutes (Board Action)

- Regular Meeting of October 16, 2019

XI. Business / Financial (Board Action)

- Policy Updates
- Discards

XII. Personnel (Board Action)

- Resignations:
  - Color Guard Assistant
- Appointment(s):
  - Substitute English Teacher
  - English Teacher
  - Elementary Special Education
- Family Leave of Absence
  - English Teacher
- 2019-2020 Extra-Curricular
  - Color Guard Assistant
  - Mentor

XIII. Consent Agenda Items (Board Action)

- CSE, CPSE and 504 Committee Recommendations
- Volunteers
- Substitute(s)
  - Cleaner
  - Teacher Aides
  - Teacher
  - Lifeguards

XIV. Adjournment (Board Action)

**Regular Meeting**

**November 6, 2019**

Minutes of a Regular Meeting of the Board of Education of Naples Central School held on Wednesday, November 6, 2019 at \_\_\_\_\_ p.m. in the Naples High School Cafeteria.

Members Present:	Robert Brautigam	Kelley Louthan
	Joseph Callaghan	Steven Mark
	Carter Chapman	Gail Musnicki
	Jacob Hall	Maura Sullivan
	Thomas Hawks	Carter Waldeis

Members Absent:

Also Present: Matthew Frahm, Mitchell Ball, Kristina A. Saucke, E. Bridget Ashton, Heather Clark, Katherine Piedici and Anneke Radin-Snaith.

A quorum being present, the meeting was called to order at \_\_\_\_\_ p.m. by Board President Jacob Hall.

**Motion:**

**2<sup>nd</sup>:**

Resolved, that the Board of Education approves the agenda of the Regular Meeting of November 6, 2019 as presented.

**Voting Yes: Motion Carried**

**Voting No: Motion Denied**

**Motion:**

**2<sup>nd</sup>:**

Resolved, that the Board of Education approves calling an executive session at \_\_\_\_\_ p.m. for the purpose of discussing the employment history of a particular person or persons.

**Voting Yes: Motion Carried**

**Voting No: Motion Denied**

**Time out of Executive Session: \_\_\_\_\_ p.m.**

**Motion:**

**2<sup>nd</sup>:**

Resolved, that the Board of Education approves the minutes of the following meeting:

- Regular Meeting of October 16, 2019

**Voting Yes: Motion Carried**

**Voting No: Motion Denied**

**Motion:**

**2<sup>nd</sup>:**

**Resolved, that upon the recommendation of the Superintendent, the Naples Central School District Board of Education approves the following Business resolutions as presented:**

- Resolved, that the Board of Education approves the following policies, regulations and forms as presented:
  - Policy #5140: Administration of the Budget
  - Policy #6150: Alcohol, Drugs and Other Substances (Staff)
  - Policy #6220: Temporary Personnel
  - Policy #7221: Participation in Graduation Ceremonies and Activities
  - Policy #7320: Alcohol, Drugs and Other Substances (Students)
  - Policy #7511: Immunization of Students
  - Policy #7580: Safe Public School Choice

- Resolved, that approval be given for the following discards to be declared surplus property and approval given to discard as per Policy #5250:

Elementary School Library:

- Barracuda: Two (2) Copies
- The Throne of Fire: One (1) Copy
- Anna’s Best Friends: One (1) Copy

**Voting Yes: Motion Carried**

**Voting No: Motion Denied**

**Motion:**

**2<sup>nd</sup>:**

**Be it Resolved, that upon the recommendation of the Superintendent, the Naples Central School District Board of Education approves the following personnel item as presented:**

- Resolved, that the Board of Education approves the following resignations:
  - Kevin McCloud, Color Guard Assistant, with regret, effective October 22, 2019.
- Barbara A. Betrus, as Substitute English Teacher, effective October 23, 2019, and expiring upon the effective date of appointment of English Teacher Emily Spina, plus up to three days. The certification area and status is English 7-12, Permanent; and Nursery, Kindergarten and Grades 1-6, Permanent. Salary for the 2019-2020 school year will be Step 1 of the 2019-2020 Distribution Schedule – Masters. This appointment is in accordance with and subject to Education Law, the regulations of the Commissioner of Education, and the by-laws of the Board of Education.
- Resolved, that the Board of Education approves the appointment of Emily Spina, to a probationary term of four (4) years beginning on November 7, 2019 and expiring on November 6, 2023, as an English Teacher, effective November 7, 2019. Eligibility for tenure at the end of the probationary period is dependent on the employee receiving APPR ratings of Highly Effective or Effective in at least three (3) of the four (4) preceding years and no Ineffective rating in the final year. The certification area and status is English Language Arts 7-12, Initial. Salary for this position will be Step 1 of the 2019-2020 Distribution Schedule – Bachelors. This appointment is in accordance with and subject to Education Law, the regulations of the Commissioner of Education, and the by-laws of the Board of Education.
- Resolved, that the Board of Education approves the modified appointment of Julie Didas, to a probationary term of three (3) years beginning on **November 2, 2019** and expiring on **November 1, 2022**, as Elementary Special Education Teacher, effective November 2, 2019. Eligibility for tenure at the end of the probationary period is dependent on the employee receiving APPR ratings of Highly Effective or Effective in at least three (3) of the four (4) preceding years and no Ineffective rating in the final year. The certification area and status is Special Education, Permanent; Pre-K, Kindergarten, and Grades 1-6, Permanent; and Reading, Permanent. Salary for this position will be Step 24 of the 2019-2020 Distribution Schedule – Masters. This appointment is in accordance with and subject to Education Law, the regulations of the Commissioner of Education, and the by-laws of the Board of Education.
- Resolved, that the Board of Education approves the request of Therese Marble, English Teacher, for an unpaid family leave of absence commencing from the end of her paid pregnancy related disability leave through on or around September 8, 2020, with benefits continuing throughout her leave as per leave as per the family medical leave act, anticipated delivery date on or around March 27, 2020.

- Resolved, that the Board of Education approves the following Extra-Curricular appointments for the 2019-2020 School Year, salary as per negotiated agreement:  
 Color Guard Assistant: Siobhan Baker  
 Mentor for Emily Spina: Jaime Weller Effective November 11, 2019

**Voting Yes: Motion Carried**  
**Voting No: Motion Denied**

**Motion:**  
**2<sup>nd</sup>:**

**Resolved, that the Board of Education, upon the recommendation of Superintendent Matthew Frahm, approves the Consent Agenda Items as presented:**

- a. Resolved, that the Board of Education accepts the committee recommendations from the following meetings:
  - Committee on Special Education actions of 09/19/2019; 10/02/2019; 10/08/19; 10/10/2019; 10/16/2019; 10/25/2019.
  - Committee on Preschool Special Education action of 10/02/2019.
  - 504 Committee action of 10/08/2019.

b. Resolved, that the Board of Education hereby approves the following Volunteers:

<u>Name</u>	<u>Position</u>	<u>Address</u>
Gregory Johnson	Volunteer	11489 Twelve Mile Creek Road, Naples, NY 14512
Troy Duerr	Volunteer	275 Prattsburg Road, Naples, NY 14512

c. Resolved, that the Board of Education hereby approves the following Substitute Appointment pending a successful background clearance report provided to the school as a result of the fingerprinting process:

<u>Name</u>	<u>Position</u>	<u>Address</u>
Stefan Welch	Cleaner	7002 County Road 12, Naples, NY 14512
Connie Stephens	Teacher Aide	5217 Blodgett Road, Naples, NY 14512
Susan Naramore	Teacher Aide	4971 State Route 245, Naples, NY 14512
Ian Wentzel	Teacher	423 North Main Street, Canandaigua, NY 14424
Meghan Gerstner	Lifeguard	5549 Hogan Lane, Canandaigua, NY 14424
Mackenzie Louthan-Green	Lifeguard	9028 Garlinghouse-Atlanta Rd., Naples, NY 14512

**Voting Yes: Motion Carried**  
**Voting No: Motion Denied**

**Motion:**  
**2<sup>nd</sup>:**

There being no further business, the Regular Meeting of November 6, 2019 is hereby adjourned at \_\_\_\_\_.

**Voting Yes: Motion Carried**  
**Voting No: Motion Denied**

## Board of Education Auditor Report – November 2019 Board Meeting

From April 1, 2019 – June 30, 2019 I have approved warrants 0157-0210 for a total amount of \$7,921,018.53 for the fourth quarter of the 2018-2019 fiscal year. The following errors have occurred and were corrected:

1. (2) Backup paperwork missing information

A total of 2 errors from 670 transactions (0.003%)

Respectfully submitted,

A handwritten signature in cursive script that reads "Evelyn Letta". The signature is written in black ink and is positioned above the printed name.

Evelyn Letta

## Board of Education Auditor Report – November 2019 Board Meeting

From July 1, 2019 – September 30, 2019 I have approved warrants 0001-0058 for a total amount of \$6,163,904.19 for the first quarter of the 2019-2020 fiscal year. The following errors have occurred and were corrected:

1. (3) Incorrect clerical information on payroll payment schedules
2. (1) Address correction

A total of 4 errors from 634 transactions (0.006%)

Respectfully submitted,

  
Evelyn Letta

**SUBJECT: ADMINISTRATION OF THE BUDGET**

The Superintendent, working in conjunction with the administrative staff, is responsible to the Board of Education for the administration of the budget. This includes, but is not limited to:

- a) Acquainting District employees with the final provisions of the program budget and guiding them in planning to operate efficiently and economically within these provisions.
- b) Providing direction to the District in maintaining those records of accounting control as are required by the New York State Uniform System of Accounts for School Districts, the Board, and other procedures, as are deemed necessary.
- c) Keeping the various operational units informed through periodic reports as to the status of their individual budgets.

Unless otherwise provided by law, no claim against the District will be paid unless such claims have been audited and approved by the \*Board/Claims Auditor.

**Budget Transfers**

Within monetary limits as established by the Board, the Superintendent is authorized to transfer funds between and within functional unit appropriations for teachers' salaries and ordinary contingent expenses. Whenever changes are made, they are to be incorporated in the next Board agenda for informational purposes only.

**Statement of the Total Funding Allocation**

When required by law, the District will annually submit to the Commissioner of Education and the Director of the Budget a detailed statement of the total funding allocation for each school in the District for the upcoming school budget year. This statement will be in a form developed by the Director of the Budget, in consultation with the Commissioner of Education. This statement will be made publicly available and posted on the District website.

Education Law §§ 1604(35), 1709(20-a), 1711, 1718, 1724, 1950(4)(k), 2508, 2523-2526, 2554(2-a),  
and 3614  
8 NYCRR §§ 170.12(c) and 170.2(l)

Adopted: 06/27/07  
Revised: 12/12/18  
Revised: 10/06/19

## Personnel

**SUBJECT: ALCOHOL, DRUGS AND OTHER SUBSTANCES (STAFF)**

The Board of Education, recognizing that students are often influenced by teachers and other members of a school's staff, impresses upon staff the importance of maintaining a high level of professionalism appropriate to their position, which, in turn, shall set a positive example for students.

The Board, therefore, prohibits staff from consuming, sharing, selling, using, and/or possessing illegal drugs, counterfeit and designer drugs, drug paraphernalia or alcohol in the workplace; or when the effects of these actions may impair job performance. Additionally, the Board prohibits the misuse and/or unprescribed use of prescription and over-the-counter drugs in the workplace or when the effects of these actions may impair job performance.

In accordance with law, regulation, and District policy, smoking and vaping are prohibited on school grounds; within 100 feet of the entrances, exits, or outdoor areas of any of the District's schools; and/or at any school-sponsored event or activity that occurs off school grounds.

**Disciplinary Measures**

Staff will be informed of the range of penalties or consequences, up to and including, termination of employment that may be imposed for engaging in prohibited conduct in accordance with any applicable law, District policy, collective bargaining agreement, and/or other similar document.

**Information on Substance Use Related Services**

The Superintendent has designated one or more individuals to provide information regarding where and how to find available substance use related services to students, parents, and staff.

\*Staff member(s) for the District designated to provide information on substance use related services to students, parents and staff are approved by the Board of Education annually. with ratification of his/her acts performed in the ordinary course of his/her duties.

Any information provided by a student, parent, or staff member to the designated individual(s) will not be used in any school disciplinary proceeding and will, in addition to any other applicable privilege, be considered confidential in accordance with law.

20 United States Code (USC) Section 6083(a), 7118, and 7973(a)

41 United States Code (USC) Section 8101 et seq.

Civil Service Law Section 75

Education Law Sections 409, 2801, 3020-a, and 3038

Public Health Law Section 1399-o

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property  
#5640 -- Smoking/Tobacco Use  
#7320 -- Alcohol, Tobacco, Drugs and Other Substances (Students)  
*District Code of Conduct on School Property*

Adopted: 06/27/07

Revised: 10/06/19



## Personnel

**SUBJECT: TEMPORARY PERSONNEL**

The District's needs sometimes require temporary appointments. The terms of these appointments shall be defined by the Board on a case-by-case basis.

**Student Teachers**

The District shall cooperate with teacher training institutions in the placement of student teachers to provide beginning teachers with the best possible student teaching experience.

Schools are required to allow student teachers to videotape themselves providing instruction in a classroom to meet part of their instruction assessment requirements for teaching certification. The video must remain confidential, is a confidential record of the New York State Education Department (SED), and is not subject to viewing or disclosure to an individual or entity other than the student teacher applicant and relevant SED personnel.

Student teachers shall be protected from liability for negligence or other acts resulting in accidental injury to any person by the District, as provided by law.

Student Teachers shall not be allowed to substitute teach until they have completed all requirements for student teaching.

**Substitute Teachers**

A fully qualified substitute teacher will be employed, whenever possible, by the Superintendent in the absence of a regular teacher. It is recognized that fully certified persons will not always be available for employment as substitute teachers.

A teacher substitute is required to have at least two (2) years of higher education. Exceptions must be approved by the school superintendent.

**Eligibility for Service**

Per Commissioner's Regulations Section 80-5.4, there are three (3) categories of substitutes:

- a) Substitutes with valid teaching certificates or certificates of qualification may serve in any capacity, for any number of days. If employed on more than an "itinerant" basis, these substitutes will be employed in their certification area.

(Continued)

## Personnel

**SUBJECT: TEMPORARY PERSONNEL (Cont'd)**

- b) Substitutes without a valid certificate, but who are completing collegiate study towards certification at the rate of not less than six (6) semester hours per year may serve in any capacity, for any number of days, in any number of school districts. If employed on more than an "itinerant" basis, these substitutes will be employed in their anticipated certification area.
- c) Substitutes without a valid certificate and who are not working towards certification may serve for no more than forty (40) days per school year. In extreme circumstances – where there is a urgent need for a substitute teacher – however, the District may employ this substitute teacher beyond the 40-day limit, for up to an additional fifty (50) days (90 days total in a school year), if the Superintendent certifies that the District conducted a good-faith recruitment search and there are no certified teachers available who can perform the duties of the position.

The District may hire this substitute teacher beyond the 90 days only if the Superintendent attests that the District conducted a good-faith recruitment search, but there are still no certified teachers available who can perform the duties of the position and that the District needs a particular substitute teacher to work with a specific class or group of students until the end of the school year.

The Board will annually establish the ordinary rate for per diem substitute teachers.

**Reporting**

The Superintendent will submit an annual report to the Commissioner concerning the employment of all uncertified teachers. The report will include:

- a) The number of substitute teachers authorized to be employed beyond the 40-day limit.
- b) The number of substitute teachers authorized to be employed beyond the 90-day limit.
- c) The required good-faith recruitment certifications for all teachers employed beyond the 40-day and 90-day limits.

The placement of a person on the approved substitute list requires Board of Education approval.

Substitute Tutor: \$30.00/hour

(Continued)

**SUBJECT: TEMPORARY PERSONNEL (Cont'd)**

Per Diem Substitute Administrator Pay

The Naples Central School District shall pay certified substitute Administrators at the rate of \$400/day.

Per Diem Substitute Teacher Pay

The Naples Central School District shall pay substitute teachers at the rates listed below. All salaries are for continuous service in one assignment. There is no retroactivity. When substituting for a particular teacher, salary will be adjusted when the appropriate number of days of service has been met. At that point, the new rate will go into effect. Any modifications of the policy will be at the discretion of the Board of Education.

<b>Days of Service</b>	<b>Salary</b>
1 to 20 days	\$110/day: Certified \$110/day: Uncertified
21 days up to one semester	1/200th of step 1 BS/day (Commencing day 21)

**Long-term substitute teachers** will be those people who take over a regular teacher's assignment for one (1) semester or longer. They will be placed on contract for the duration of their assignment at the following rate of pay as per their degree: Step 1 Teachers Salary Distribution Schedule –Bachelors; or Step 1 of the Teachers Salary Distribution Schedule -Masters. Benefits will include Health Insurance; Dental Insurance; and Sick/Personal leave as specified in the Naples Teachers' Association contract. Costs for Fingerprinting: Fingerprinting costs will be the responsibility of the substitute; costs will be reimbursed to the substitute upon completion of 10 days of substitute employment. (Financial Assistance is available to qualified individuals)

**Substitute Nurse**

Certified RN or LPN: \$125.00/day

**Substitute Non-Instructional**

The following Substitute Non-Instructional Employees shall be paid at the Current NYS Minimum Wage: Bus Monitor, Cleaner\*, Clerk, Food Service Helper, Library Clerk, School Monitor, Teacher Aide, Teacher Assistant, Building Maintenance Assistant and Typist.

\*Cleaner substitutes shall receive differential pay of forty-five (45) cents per hour for any hours worked after 3:30 p.m. effective 09/16/2019.

Lifeguards: Hourly wage will be Minimum wage plus \$1.00

Building Maintenance Mechanic: Hourly wage will be Minimum wage plus \$1.50

Custodian: Hourly wage will be Minimum wage plus \$1.00

(Continued)

## Personnel

**SUBJECT: TEMPORARY PERSONNEL (Cont'd)**

Automotive Mechanic/Bus Driver: Minimum Wage - \$18.35/hour

Bus Driver: \$18.00/hour

Special or Outside Hourly Rate: As per negotiated CSEA contract

Layover Rate: As per negotiated CSEA contract

Bus Driver Refresher Course - As per negotiated CSEA contract

Special provisions relative to Substitute Bus Drivers:

The Naples Central School District shall pay substitute bus drivers *at the current minimum wage* for the following:

Training in the operation of a school bus up to a maximum of forty (40) hours.

Time for actual seat hours in the required three (3) hour pre-service course and thirty (30) hour course will be paid at the current minimum wage/hour.

A driver is required to complete the following before request for payment can be made, including reimbursement for fingerprinting or \*permit and licensing fees:

The thirty (30) hour course – to be completed within one year

A minimum of six months of service and 30 bus runs

\*The Naples Central School District will reimburse substitute drivers for permit and licensing fees upon presentation for a voucher for payment and related receipts. The licensing fees will be reimbursed as the difference between a regular driver's license and a Class D, Class CDL, and Class B license.

The Naples Central School District shall pay substitute school bus monitors *at the current minimum wage* for the following:

NYS Attendant/Monitor Pre-Service Instruction up to a maximum of two (2) hours.

Required training for School Bus Monitor up to a maximum of ten (10) hours; Required by state law that this class must be taken within one (1) year of employment as a school bus monitor.

The Naples Central School District shall pay substitute school bus monitors at the following rate for the Refresher Course; Required by state law two (2) times per year. \$20.00 per session

(Continued)

## Personnel

**SUBJECT: TEMPORARY PERSONNEL (Cont'd)**

Costs for Fingerprinting: Fingerprinting costs will be the responsibility of the substitute; costs will be reimbursed to the substitute upon completion of 10 days of substitute employment.  
(Financial Assistance is available to qualified individuals)

Education Law Section 3023

8 New York Code of Rules and Regulations (NYCRR) Sections 80-1.5 and 80-5.4

NOTE: Refer also to Policy #7240 – Student Records: Access and Challenge

Adopted: 06/27/07	Revised: 12/17/14
Revised: 11/18/09 - Effective 07/01/2010	Revised: 02/25/15
Revised: 03/17/10 - Effective 07/01/2010	Revised: 10/07/15
Revised: 01/05/11	Revised: 12/02/15
Revised: 04/27/11	Revised: 03/16/16
Revised: 07/13/11	Revised: 10/17/16
Revised: 12/07/11	Revised: 12/07/16
Revised: 03/21/12	Revised: 12/21/16
Revised: 07/11/12	Revised: 06/21/17
Revised: 02/13/13	Revised: 11/15/17
Revised: 10/16/13	Revised: 06/19/19
Revised: 01/22/14	Revised: 10/06/19
Revised: 03/19/14	

## Students

**SUBJECT: PARTICIPATION IN GRADUATION CEREMONIES AND ACTIVITIES**

Any student who has satisfactorily completed all graduation requirements will be permitted to participate in the graduation ceremony and all related graduation activities of his or her graduating class subject to certain exceptions. Students may be prohibited from participating in the graduation ceremony or related graduation activities as a consequence of violating the District's *Code of Conduct*.

The District permits any student to participate in the graduation ceremony and all related graduation activities of his or her high school graduating class, if the student has been awarded a Skills and Achievement Commencement Credential or a Career Development and Occupational Studies (CDOS) Commencement Credential, but has not otherwise qualified to receive a Regents or local diploma. While permitted to participate, these students are not required to participate in the graduation ceremony or related graduation activities of his or her high school graduating class. For purposes of this policy, a student's high school graduating class is the twelfth grade class with which he or she entered into ninth grade.

The District will provide annual written notice of this policy and any related procedures to all students and their parents or guardians.

Education Law § 3204(4-b)  
8 NYCRR § 100.2(oo)

Adopted: 11/06/19

## Students

**SUBJECT: ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)****Prohibited Conduct**

The Board recognizes that the misuse of alcohol, tobacco, electronic cigarettes (e-cigarettes), drugs, counterfeit and designer drugs, over-the-counter drugs, prescription drugs, vitamins, supplements, herbs, and other similar substances is a serious problem with legal, physical, emotional and social implications for our students, as well as the entire community. Therefore, the consumption, sharing selling, use, and/or possession of these and similar substances as well as tobacco products, and drug paraphernalia are prohibited in accordance with law and regulation, District policy, the District Code of Conduct and/or other similar documents.

Students are not permitted to be under the influence of alcohol, drugs, or other prohibited substances on school grounds or at school-sponsored events.

**Smoking**

Smoking is not permitted and no person is permitted to smoke within one hundred (100) feet of the entrance, exits or outdoor areas of any public or private elementary or secondary schools. However, this prohibition does not apply to smoking in a residence, or within the real property boundary lines of residential real property. Similarly, the use of e-cigarettes is prohibited in school grounds, as defined in Public Health Law.

**Disciplinary Measures**

Students will be disciplined in accordance with District policy, the District *Code of Conduct*, and/or other similar documents for the consumption, sharing, selling, use, and/or possession of alcohol, tobacco, e-cigarettes, drugs, counterfeit and designer drugs, over-the-counter drugs, prescription drugs, vitamins, supplements, herbs, and other similar substances, as well as tobacco products and drug paraphernalia.

**Information on Substance Use Related Services**

The Superintendent has designated one or more individuals to provide information regarding where and how to find available substance use related services to students, parents, and staff.

\*Staff member(s) for the District designated to provide information on substance use related services to students, parents and staff are approved by the Board of Education annually. with ratification of his/her acts performed in the ordinary course of his/her duties.

Any information provided by a student, parent, or staff member to the designated individual(s) will not be used in any school disciplinary proceeding and will, in addition to any other applicable privilege, be considered confidential in accordance with law.

(Continued)

**SUBJECT: ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)  
(Cont'd.)**

20 USC §§ 6083(a), 7118, and 7973(a)  
Education Law §§ 409, 2801, and 3038  
Public Health Law 1399-o

NOTE: Refer also to Policies #3280 -- Use of School Facilities, Materials and Equipment  
#3410 -- Code of Conduct on School Property  
#5640 -- Smoking/Tobacco Use  
#6150 -- Alcohol, Tobacco, Drugs, and Other Substances (Staff)  
#8211 -- Prevention Instruction  
*District Code of Conduct*

Adopted: 06/27/07  
Revised: 12/12/12  
Revised: 02/25/15  
Revised: 01/31/18



## Students

**SUBJECT: IMMUNIZATION OF STUDENTS**

Every child entering or attending a District school must present proof of immunization or proof of immunity by serology (blood test) if applicable in accordance with Public Health Law Section 2164 and the New York State Department of Health Regulations unless:

- a) A New York State licensed physician certifies that such immunization is detrimental to the child's health. The requirement for that immunization is waived until such immunization is no longer detrimental to the child's health.

Except for this exemption, the District may not permit a child lacking evidence of immunization to remain in school for more than fourteen (14) days, or more than thirty (30) days for an out-of-state or out-of-country transferee who can show a good faith effort to get the necessary certification or other evidence of immunization.

For homeless children, the enrolling school must immediately refer the parent or guardian of the child to the District's homeless liaison, who must assist them in obtaining the necessary immunizations, or immunization or medical records.

Parents, guardians or other persons in parental relation may appeal to the Commissioner of Education if their child is denied school entrance or attendance for failing to meet health immunization standards.

The District will provide an annual summary of compliance with immunization requirements to the Commissioner of Health.

All schools will also post educational information on influenza and the benefits of influenza immunization which will be in plain view and available to parents.

Education Law Section 310 and 914

Public Health Law Section 613 and 2164

8 New York Code of Rules and Regulations (NYCRR) Part 100.2 and 136.3

10 New York Code of Rules and Regulations (NYCRR) Subpart 66-1

NOTE: Refer also to Policy #7131 -- Education of Students in Temporary Housing

Adopted: 06/27/07

Revised: 05/21/14

Revised: 10/06/19

**SUBJECT: SAFE PUBLIC SCHOOL CHOICE**

Any District student who is a victim of a violent criminal offense that occurred on the grounds of the District elementary or secondary school that the student attends, will be allowed to attend a safe public school within the District to the extent required by the federal and state law and regulations.

In accordance with Commissioner's Regulations, "safe public school means a public school that has not been designated by the Commissioner of Education as a persistently dangerous elementary or secondary school."

**Violent Criminal Offense**

The Superintendent will determine if the student has been the victim of a "violent criminal offense." "Violent criminal offense" means a crime that:

- a) Involves infliction of a serious physical injury upon another as defined in New York State Penal Law; or
- b) A sex offense that involves forcible compulsion; or
- c) Any other offense defined in New York State Penal Law that involves the use or threatened use of a deadly weapon.

**Serious Physical Injury**

"Serious physical injury" means a physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ.

**Deadly Weapon**

"Deadly weapon" means any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, pilum ballistic knife, metal knuckle knife, dagger, billy, blackjack, plastic knuckles, or metal knuckles.

**Determination Whether Student is a Victim**

Procedures will be established for determination by the Superintendent of whether a student is a victim of a violent criminal offense that occurred on school grounds of the school the student attends. The Superintendent will, prior to making any determination, consult with any law enforcement agency investigating the alleged violent criminal offense and consider any reports or records provided by the agency. However, a criminal conviction is not required prior to the Superintendent's determination that a student has been a victim of a violent criminal offense.

Students

**SUBJECT: SAFE PUBLIC SCHOOL CHOICE (Cont'd.)**

The Superintendent's determination may be appealed to the Board. However, this determination will not preclude any student disciplinary proceeding brought against the alleged victim or perpetrator of such violent criminal offense.

**Notice to Parents/Persons in Parental Relation**

The District will establish procedures for notification of parents of, or persons in parental relation to, students who are victims of violent criminal offenses of their right to transfer to a safe public school within the District and procedures for such transfer. Such notice will be, to the extent practicable, provided in the dominant language or mode of communication used by the parents or persons in parental relation to the student. The District will notify the parents of, or persons in parental relation to, the student within twenty-four (24) hours of the determination that the student has been the victim of a violent criminal offense on school grounds at the school he or she attends.

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

However, **such notification will not be required** where there are no other public schools within the District at the same grade level or a transfer to a safe public school within the School District is otherwise impossible. Similarly, procedures for such notification of parents or persons in parental relation to students who are victims of violent criminal offenses will not be required where the School District has only one public school within the District or only one public school at each grade level.

**Designation of Safe Public School**

It is the responsibility of the School District, based on objective criteria, to designate a safe public school or schools within the District to which students may transfer. However, the District is not required to designate a safe public school where there are no other public schools within the District at the same grade level or transfer to a safe public school within the District is otherwise impossible. Similarly, if the District has only one public school within the School System or only one public school at each grade level, the School District will not be required to designate a safe public school.

Any student who transfers to a safe public school, in accordance with the provisions of this policy and applicable law and regulation, will be enrolled in the classes and other activities of the public school to which such student transfers in the same manner as all other students at the public school. The receiving school will be identified by the District and must be at the same grade level as

(Continued)

Students

**SUBJECT: SAFE PUBLIC SCHOOL CHOICE (Cont'd.)**

the school from which the student is transferring. To the extent possible the School District will allow transferring students to transfer to a school that is making adequate yearly progress and has not been identified as requiring school improvement, corrective action, or restructuring. The District will provide transportation for any student permitted to transfer to the safe public school within the District designated by the School System within the transportation limits established pursuant to Education Law Sections 3635 and 4401(4). Any student who transfers to a safe public school will be permitted to remain in the safe public school until the student has completed the highest grade level in the school transferred to.

While the parents or persons in parental relation to the student must be offered the opportunity to transfer their child, they may elect to have the child remain at the school he or she currently attends.

20 USC § 7912

Education Law Section § 2802(7)

Penal Law § 10.00

8 New York Code of Rules and Regulations (NYCRR) § 120.3 and 120.5

Adopted: 06/27/07

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