

**BOARD OF EDUCATION
AGENDA
October 10, 2017
Elementary School LGR**

5:30 p.m.

6:00 p.m.

7:30 p.m.

Call to Order/Executive Session (ES Library)
General Session Business Meeting

- I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
- II. ROLL CALL OF BOARD MEMBERS
- III. RECOGNITION
- IV. MINUTES

The Board approves the minutes of the following meetings:
Regular Meeting held September 12, 2017
Special Meeting held October 2, 2017
- V. PUBLIC COMMENT *(limited to 15 minutes - priority given to Agenda related items)*
- VI. REPORTS
 - A. Student Representative
 - B. Superintendent of Schools
 - NYS Special Ed Audit Executive Summary – *Jodi Cahill*
 - C. Board President
 - D. Committees
 - E. Other
- VII. BOARD CONSENT AGENDA

As recommended by the Superintendent of Schools, the Board approves the following resolutions appearing on the October 10, 2017 consent agenda:

 - A. Personnel - resolutions numbered 1-16
 - B. Finance - resolutions numbered 1-9
 - C. Facilities and Operations
 - D. Education - resolutions numbered 1-4
- VIII. OLD BUSINESS
- IX. NEW BUSINESS
 - A. Policy
 - 1. Policy 5151, Homeless Children – revisions presented for a first reading
 - 2. Policy 5460, Child Abuse, Maltreatment or Neglect in a Domestic Setting – revisions presented for a first reading and adoption
 - 3. Policy 5500, Student Records, be deleted in its entirety upon adoption of the updated Policy 5500 provided by NYSSBA being presented for a first reading
- X. PUBLIC COMMENT
- XI. ADJOURNMENT

A. Personnel

1. Request for Leave – Special Education

The Board approves the request of Kelly Spencer, teacher of Special Education, for a leave of absence from on or about October 23, 2017 to on or about December 18, 2017, in accordance with Board Policy 9520.2 Family and Medical Leave and Article IX.B.9 and IX.F. of the negotiated agreement with the Port Jefferson Teachers Association.

2. Leave Replacement Appointment – Special Education

The Board approves the appointment of Katie Ann Tesoro, as a teacher of Special Education, (for Kelly Spencer), on a substitute basis from on or about October 23, 2017 to on or about December 7, 2017; and on a leave replacement basis, from on or about December 8, 2017 to on or about December 18, 2017 at Level BA Step 1, in accordance with the negotiated agreement with the Port Jefferson Teachers Association.

3. Request for Leave – Special Education

The Board approves the request of Deanna Lilimpakis, teacher of Special Education, for a leave of absence from on or about December 30, 2017 to on or about June 30, 2017, in accordance with Board Policy 9520.2 Family and Medical Leave and Article IX.B.9 and IX.F. of the negotiated agreement with the Port Jefferson Teachers Association.

4. Leave Replacement Appointment – Special Education

The Board approves the appointment of Tara Grover, as a teacher of Special Education, (for Deanna Lilimpakis), on a leave replacement basis, from on or about December 30, 2017 to on or about June 30, 2018 at Level MA Step 1, in accordance with the negotiated agreement with the Port Jefferson Teachers Association.

5. Appointment – Teaching Assistant

The Board approves the appointment of Jeanette Doege, as a Teaching Assistant, on a probationary basis, effective on or about October 11, 2017, in accordance with the negotiated agreement with the United Paraprofessionals Association of Port Jefferson.

6. Appointment – Teaching Assistant

The Board approves the appointment of Jane Tofano as a Teaching Assistant, on a probationary basis, effective on or about October 11, 2017 in accordance with the negotiated agreement with the United Paraprofessionals' Association of Port Jefferson.

7. Extra Class Assignment

The Board approves the following extra class assignments for the 2017-2018 school year, in accordance with the negotiated agreement with the Port Jefferson Teachers Association: Stacia Schoen - MS/HS Speech, Full Year, Daily (.2FTE)
Jennifer Walling – MS/HS ENL, Full Year, Alternate Days

8. Interpreters/Translators

The Board approves the following as Interpreter/Translator for the 2017-2018 school year, in accordance with NYSED CR Part 154 and the negotiated agreement with the Port Jefferson Teachers Association: Celiana Gandolfo – Italian

9. Mentors

The Board approves the following Mentor appointments for the 2017-2018 school year, in accordance with the negotiated agreement with the Port Jefferson Teachers Association: Jeanette Garofola
Jacqueline Gandolfo
Eva Grasso

10. Lifeguards

The Board approves the following lifeguard appointments for the 2017-2018 school year Community Swim at Edna Louise Spear Elementary School pool, contingent upon First Aid, CPR and Lifeguard certifications:
Substitute Head Lifeguard – Amy Goldstein at the rate of \$20 per hour
Head Lifeguard – John Luis Damaskos at the rate of \$20 per hour
Lifeguard – John Luis Damaskos at the rate of \$12 per hour

11. PSAT/SAT/ACT Proctors

The Board approves the following PSAT/SAT/ACT Proctor appointments for the 2017-2018 school year at the rate of \$37.63 per hour, on an as needed basis:

Sheila Albinson	Celiana Gandolfo
Anne Algieri	Tracy Gray
Michael Augello	Debra Hartmann
Nancy Bachety	Karen Harvey
Constance Bermel	Patricia Koehnlein
Kristin Britt	Demetra Laino
Kandice Brucella	Megan Lavin
Christina Carlson	Karin Mall
Melissa Corey	Christina Morgan
Samantha Davidson	Hope Post
Kayleen Everitt	Megan Ryan
Lynne Edsall	Lynne Scofield
Robert Farenga	Dawn Shackles
Susan Federico	Nicole Sklar
Gina Fedler	Tara Sladek-Maharg
Taylor Forstell	Melissa Zinger
Kathi Galvin	

12. Coaches

The Board approves the following coaching positions for the 2017-2018 school year in accordance with the negotiated agreement with the Port Jefferson Teachers Association, contingent upon Temporary Coaching License, and First Aid and CPR certifications:

Appoint Varsity Girls' Basketball Coach - Michael Weaver

Rescind Junior Varsity Girls' Basketball Coach - Colleen Bellois

Appoint Junior Varsity Girls' Basketball Coach - Kimberly Vareles

Appoint Junior Varsity Wrestling Coach - Jesse Meaney

Appoint Volunteer Assistant Varsity Wrestling Coach - Nicholas Miceli & Matteo DeVincenzo

Appoint Volunteer Varsity Boys' Winter Track Assistant Coach - David Okst

Appoint Volunteer Varsity Boys' Spring Track Assistant Coach - David Okst

Appoint Volunteer Girls' Varsity Tennis Coach - Dennis Christofor

13. Co-Curricular

The Board approves the following co-curricular appoints for the 2017-2018 school year, in accordance with the negotiated agreement with the Port Jefferson Teachers Association, pending minimum enrollment requirements.

High School:

Freshman Class

Nicole Sklar and Gina Scafidi (co-advisors)

National Honor Society

Kathi Galvin (co-advisor with Michel Krivosta)

International Club

Jennifer Walling (co-advisor with Heather Pisano)

Senior Class

Jennifer Walling (co-advisor with Heather Pisano)

Peer Leadership

Kerri Neligon and Kristin Britt (co-advisors)

MIT Club

Michael Augello

Elementary School:

Yearbook

Samantha Shepard (co-advisor with Jennifer Guerrazzi)

14. Substitutes

The Board approves the following substitute appointments for the 2017-2018 school year:

Teachers:

Sharon Cesa

Casey Ellin

Graceann Fallon

Stephen Fox

Judith Goldfarb

Tara Grover

Stephanie Gulli

Sonia Kircher

Mandi Labansky

Barbara Marino

Laurie McMillen

Genna Murray

TraceyAnn Nolan

Katie Ann Tesoro

Teaching Assistants:

Kimberly Bocchimuzzo

Sharon Cesa

Casey Ellin

Judith Goldfarb

Stephanie Gulli

Sonia Kircher

Genna Murray

Barbara Marino

Irene Mazzeo

TraceyAnn Nolan

Clerical:

Carol Ann Trask

Nurse:

Peter Rauchut

Custodian:

Elijah Brown

15. Memorandums of Agreement

The Board approves certain Memorandums of Agreement, dated October 10, 2017, between the Port Jefferson School District and the following collective bargaining units, pertaining to health insurance opt-out payment:

Port Jefferson Teachers Association
United Paraprofessionals Association of Port Jefferson
Port Jefferson Facility and Technology Supervisors Association
Port Jefferson Custodial Workers Unit
Port Jefferson Office Staff Association

16. Tenure – Special Education

The Board grants tenure to Steven Orlowski, as a teacher of Special Education, effective November 4, 2017.

B. Finance

1. Financial Reports

The Board approves the following financial reports:

Claims Audit Report - Month of July

Cash Flow Analysis - Month of July

New Budget Transfers

July Warrants & Treasurer Reports

<u>Fund Name</u>	<u>Warrant #</u>
General Fund	1-3
School Lunch Fund	No Warrants
Federal Fund	No Warrants
Capital Fund	No Warrants
Trust & Agency	No Warrants
Payroll	1-2
Royal Fund	No Warrants
Scholarship Fund	No Warrants

Trial Balance - July 2017

Revenue Budget Status - July 2017-June 2018

Appropriation Status Report - July 2017-June 2018

Budget Transfers - Month of July

Approved Fundraisers

2. External Auditor Audit

The Board approves the following resolution: The Port Jefferson Union Free School District accepts the audited 2016-2017 Financial Statements from the external auditor, R.S. Abrams for the fiscal year ended June 30, 2016; and further, the Deputy Superintendent is authorized to submit the corrective action plan to the New York State Comptroller's Office.

3. Electrical Service Upgrade Contract

The Board recognizes that the District has entered into a contract with All Service Electric, Inc. under Suffolk County & Extension Contract #ESNC-060113 in the amount of \$515,000 for an upgrade to the electrical service at the High School/Middle School campus.

4. DASNY Paving Project Grant Agreement

The Board approves the following resolution for the DASNY Paving Project Grant Agreement in the amount of \$250,000: BE IT RESOLVED that the Board of Education hereby approves the Grant Disbursement Agreement between the School District and the Dormitory Authority of the State of New York in connection with District-Wide Improvements to Drainage, Paving, Sidewalks, Stairways and Handicapped Ramps and Railings State and Municipal Facilities Program Grant; BE IT FURTHER RESOLVED that the Board of Education hereby authorizes the Board President to execute the necessary documents to effectuate said Agreement.

5. School Lunch Audit

The Board accepts the school lunch audit from New York State Child Nutrition; and further, the Deputy Superintendent is authorized to submit the corrective action plan to the New York State Child Nutrition Program Administration office.

6. Acceptance of Donation

The Board gratefully accepts the donation from the Port Jefferson Royal Educational Foundation to the Port Jefferson School District in the amount of \$2,738.65.

7. Tax Levy

The Board approves the following tax levy resolution: BE IT RESOLVED, that the amount to be raised by tax levy for the Port Jefferson Union Free School District be fixed at the sum of \$35,626,700; BE IT FURTHER RESOLVED, that the amount to be raised by tax levy for the Port Jefferson Library Association be fixed at the sum of \$3,038,619 for the 2017-2018 school year.

8. SEQRA

The Board approves the SEQRA resolution regarding the proposed District Wide Capital Projects.

9. Capital Projects Bond Referendum

The Board approves the attached resolution calling a special district meeting to authorize the expenditure of moneys for school purposes and the levy of a tax therefor.

C. Facilities & Operations

D. Education

1. Committees on Special Education

The Board approves the recommendations of the Committees on Special Education for meetings held: September 13, 14 and 18, 2017

2. Professional Development Plan

The Board approves the adoption of the Professional Development Plan for the 2017-2018 school year.

3. STEM Program Instructor

The Board approves the services of Daniel J. Moloney as instructor of the STEM Program at SUNY Stony Brook for the 2017-2018 school year.

4. LIU Scholars Program

The Board approves the agreement between Port Jefferson Union Free School District/Earl L. Vandermeulen High School and Long Island University in connection with the LIU Scholars Program.

RESOLUTION OF THE PORT JEFFERSON UNION FREE SCHOOL DISTRICT, NEW YORK, ADOPTED OCTOBER 10, 2017, CALLING A SPECIAL DISTRICT MEETING TO AUTHORIZE THE EXPENDITURE OF MONEYS FOR SCHOOL PURPOSES AND THE LEVY OF A TAX THEREFOR.

RESOLVED BY THE BOARD OF EDUCATION OF THE PORT JEFFERSON UNION FREE SCHOOL DISTRICT, IN THE COUNTY OF SUFFOLK, NEW YORK AS FOLLOWS:

Section 1. A Special District Meeting of the qualified voters of the Port Jefferson Union Free School District, in the County of Suffolk, New York (the "District"), shall be held within the District, on Tuesday, December 5, 2017, at 7:00 o'clock A.M. (Prevailing Time) at the Earl L. Vandermeulen High School, Old Post Road, Port Jefferson, New York, as provided in the notice calling said Special District Meeting hereinafter prescribed. The voting at such Special District Meeting shall be by voting machine, as provided by the Education Law, and the polls shall remain open from 7:00 o'clock A.M. to 9:00 o'clock P.M. (Prevailing Time) on said day and as much longer as may be necessary to enable the voters, then present, to cast their votes.

Section 2. The business to be acted upon at said Special District Meeting shall be as stated in the Notice thereof, and the District Clerk is hereby authorized and directed to cause the Notice of said Special District Meeting to be published in "*The Port Times-Record*" and "*Newsday*," two newspapers each having a general circulation within the District, such publications to be made four (4) times in each newspaper within the seven (7) weeks next preceding such Special District Meeting, the first publications to be at least forty-five (45) days prior to the date of said Special District Meeting.

Section 3. Said Notice of Special District Meeting shall be substantially in the following form:

**NOTICE OF SPECIAL DISTRICT MEETING
PORT JEFFERSON UNION FREE SCHOOL DISTRICT,
IN THE COUNTY OF SUFFOLK, NEW YORK
DECEMBER 5, 2017**

NOTICE IS HEREBY GIVEN that pursuant to a resolution of the Board of Education of the Port Jefferson Union Free School District, in the County of Suffolk, New York, adopted on October 10, 2017, a Special District Meeting of the qualified voters of said School District will be held on Tuesday, December 5, 2017 from 7:00 o'clock A.M. to 9:00 o'clock P.M. (Prevailing Time) at the Earl L. Vandermeulen High School, Old Post Road, Port Jefferson, New York, for the purpose of voting upon the following Bond Proposition:

BOND PROPOSITION

RESOLVED:

(a) That the Board of Education of the Port Jefferson Union Free School District, in the County of Suffolk, New York (the "District"), is hereby authorized to undertake a facilities improvement project to address the infrastructure and instructional needs of the District (the "Project") substantially as referred to and described in a plan prepared by John A. Grillo, Architect, P.C., dated July 18, 2017 (the "Plan"), which Plan is on file and available for public inspection in the office

of the District Clerk, said Project including, but not limited to: construction of new classroom and cafeteria space, interior space reconfiguration and alteration, locker room renovations, window replacement, HVAC and security improvements; athletic field and drainage improvements including synthetic turf field, stadium lighting, bleachers, and replacement of tennis courts; all of the foregoing to include the original furnishings, equipment, machinery, apparatus and ancillary or related site, demolition and other work required in connection therewith; and to expend therefor, including preliminary costs and costs incidental thereto and to the financing thereof, an amount not to exceed the estimated total cost of \$29,900,000; provided that the costs of the components of the Project as set forth in detail in the Plan may be reallocated among such components if the Board of Education shall determine that such reallocation is in the best interests of the District;

(b) that a tax is hereby voted in the amount of not to exceed \$29,900,000 to finance such cost, such tax to be levied and collected in installments in such years and in such amounts as shall be determined by said Board of Education; and

(c) that in anticipation of such tax, bonds of the District are hereby authorized to be issued in the principal amount of not to exceed \$29,900,000, and a tax is hereby voted to pay the interest on said bonds as the same shall become due and payable.

Such Bond Proposition shall appear on the ballots used for voting at said Special District Meeting in substantially the following condensed form:

BOND PROPOSITION

YES

NO

RESOLVED:

(a) That the Board of Education of the Port Jefferson Union Free School District, in the County of Suffolk, New York (the "District"), is hereby authorized undertake a facilities improvement project to address the infrastructure and instructional needs substantially as referred to and described in a plan prepared by John A. Grillo, Architect, P.C., and to expend therefor an amount not to exceed \$29,900,000; (b) that a tax is hereby voted in the amount of not to exceed \$29,900,000 to finance such cost, such tax to be levied and collected in installments in such years and in such amounts as shall be determined by said Board of Education; and (c) that in anticipation of such tax, bonds of the District are hereby authorized to be issued in the principal amount of not to exceed \$29,900,000, and a tax is hereby voted to pay the interest on said bonds as the same shall become due and payable.

The voting will be conducted by ballot on voting machines as provided in the Education Law and the polls will remain open from 7:00 o'clock A.M. to 9:00 o'clock P.M. (Prevailing Time) and as much longer as may be necessary to enable the voters then present to cast their ballots.

NOTICE IS FURTHER GIVEN that applications for absentee ballots may be applied for at the office of the District Clerk on regular school days between the hours of 8:00 o'clock A.M. and 4:00 o'clock P.M. (Prevailing Time). If the ballot is to be mailed to the voter, the completed application must be received by the District Clerk not later than 4:00 o'clock P.M. (Prevailing

Time), on Tuesday, November 28, 2017. If the ballot is to be delivered personally to the voter, the completed application must be received by the District Clerk not later than 4:00 o'clock P.M. (Prevailing Time), on Monday, December 4, 2017. Completed ballots must be received by the District Clerk no later than 5:00 o'clock P.M. (Prevailing Time) on the date of the vote.

A list of all persons to whom absentee ballots shall have been issued will be available for public inspection in the office of the District Clerk during regular office hours until the day of the vote.

A person shall be entitled to vote at said Special District meeting only if such person is a qualified voter. A qualified voter is one who is (1) a citizen of the United States, (2) eighteen years of age or older, and (3) a resident within the District for a period of thirty days next preceding said Special District Meeting. The Board of Education has adopted the provisions of Education Law Section 2018-c which require all new persons offering to vote at any school district meeting or election to provide one form of proof of residency. Acceptable proof of residency shall be a driver's license, a non-driver's license, a non-driver identification card, a utility bill, or a voter registration card.

BY THE ORDER OF THE BOARD OF EDUCATION

Dated: October 10, 2017

Janice Baisley
District Clerk

Section 4. The vote upon the Bond Proposition to be submitted to the qualified voters shall be by ballot on voting machines, and the District Clerk is hereby authorized and directed to have the necessary ballots prepared for the said voting machines, in form corresponding as nearly as may be with the requirements of the Education Law.

Section 5. The proceeds of the bonds authorized pursuant to the Bond Proposition set forth in Section 3 hereof, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the District for expenditures made for the purpose or purposes for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 6. This resolution shall take effect immediately.

* * *

HOMELESS CHILDREN

The Board of Education recognizes its responsibility under federal (McKinney-Vento) and state laws and regulations to identify homeless children within the district, encourage their enrollment and eliminate existing barriers to their identification, enrollment, attendance, or success in school education which may exist in district practices. The Board will provide homeless children attending the district's schools with access to the same free and appropriate public education and other school programs and activities, including publicly funded preschool education, as other children.

A homeless child is a child who lacks a fixed, regular, and adequate nighttime residence or who has a primary nighttime location in a public or private shelter designed to provide temporary living accommodations, or a place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. This definition also includes a child who shares the housing of others due to loss of housing, economic hardship, or similar reason; lives in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; lives in a car, park, public space or abandoned building, substandard housing, bus or train station or similar setting; has been abandoned in a hospital ~~or is awaiting foster care placement~~; or is a migratory child who qualifies as homeless. An unaccompanied youth is a homeless child not in the physical custody of a parent or guardian for whom no parent or person in parental relation is available.

To assist in determine eligibility for services under the McKinney-Vento Act, the district shall use a housing questionnaire for all enrolling students, and those reporting a change of address, which asks for a description of the student's current living arrangements.

~~— A homeless child has the right to attend school in either the school of origin (i.e., where he/she resided before becoming homeless), or the school he/she was last enrolled, the school in the district of current location (i.e., where he/she currently resides as a result of his/her homelessness) that he/she is entitled to attend based on attendance zone or general eligibility, or a school in a participating in a regional placement plan.~~

A homeless child or youth has the right to attend his/her school of origin, or any school that permanently housed students who live in the attendance area in which the homeless student is actually living are eligible to attend. For homeless students, a school of origin can be:

1. the public school where he/she attended when permanently housed (i.e., before becoming homeless); or
2. the public school where he/she was last enrolled, or
3. the public school he/she was entitled or eligible to enroll in when the child became homeless, if that child became homeless after such child was eligible to apply, register, or enroll in a public preschool or kindergarten, or he/she is living with a school-age sibling who attends school in the district; or
4. the designated receiving school at the next grade level for any feeder school, where the child has completed the final grade in the feeder school.

Such schools include publicly-funded preschools administered by the district or the State Education Department (SED).

The homeless child is entitled to attend the designated school on a tuition-free basis for the duration of his or her homelessness. If the child becomes permanently housed, the child is entitled to continue to attendance in the same school building until the end of the school year and for one additional year if that year constitutes the child's terminal year in such building. If a homeless child completes the final grade level in his/her school or origin, the child may also attend the designated receiving school at the next grade level for all feeder schools.

The Superintendent of Schools shall develop procedures necessary to expedite the homeless child's access to the designated school. Such procedures shall include:

1. *Admission:* Upon designation, the district shall immediately admit the homeless child to school, even if the child is unable to produce records normally required for enrollment, such as previous academic records, medical or immunization records (however, the district may temporarily exclude a child from attendance if there are actual symptoms of a communicable disease that poses a significant risk of transmission to others), proof of residency or other documentation and even if there is a dispute with the child's parents regarding school selection or enrollment. During a dispute, the student may continue attending the school until final resolution of the dispute, including all available appeals. Homeless children will have the same opportunity as other children to enroll in and succeed in the district's schools. They will not be placed in separate schools or programs based on their status as homeless. The district shall eliminate barriers to identification, enrollment and retention of homeless children, including barriers to enrollment and retention due to outstanding fees, fines or absences.
2. *Transportation:* The district shall promptly provide transportation for homeless students currently ~~residing within the~~ attending district schools as required by applicable law. In general, the district shall ensure that transportation is provided to homeless students enrolled in the district who attend a school of origin, including a publicly funded preschool administered by the district or SED, even if the student lives outside the district's boundaries. Transportation shall be provided for the duration of homelessness, through the remainder of the school year in which the student becomes permanently housed, and one additional year if that is the student's final year in the school.
3. *School Records:* For homeless students attending school out of the district, the district shall, within five days of receipt of a request for records, forward a complete copy of the homeless child's records including proof of age, academic records, evaluation, immunization records and guardianship paper, if applicable. For homeless students attending school in the district, the district shall request the student's records (academic, medical, etc.) from the school the student last attended.
4. *Coordination:* The district shall coordinate with local social services agencies and other entities providing services to homeless children and their families for the provision of services to homeless children, and shall coordinate with other school districts on issues of prompt identification, transportation, transfer of records, and other inter-district activities. This shall include ensuring the provision of appropriate services to homeless students with disabilities who are eligible for services under either Section 504 of IDEA.

A portion of the district's Title I, Part A funds shall be set aside for homeless children and youth to provide educationally related support services and services not ordinarily provided to other students.

Information about a homeless child's living situation shall be treated as a student education record, and shall not be deemed ~~considered~~ directory information under FERPA. See policy 5500, Student Records, for more information.

The Superintendent shall also designate a McKinney-Vento liaison for homeless children and ensure that this person is aware of, and able to carry out, his or her responsibilities under the law. The Superintendent shall ensure that the liaison receives appropriate professional development on identifying and meeting the needs of homeless students, including the definitions of terms related to homelessness. The liaison's responsibilities shall include, but not be limited to, ensuring that:

1. parents or guardians of homeless children are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
2. parents and guardians and unaccompanied youth are fully informed of all transportation services available to them, and are assisted in accessing them;
3. enrollment disputes involving homeless children are promptly mediated and resolved;
4. school personnel, through outreach and in coordination with shelters and social service agencies and other appropriate entities identify homeless children, including homeless preschoolers;
5. homeless children receive educational services, including Head Start and preschool services to which they are eligible, as well as referrals to health care and other appropriate services for homeless children and their families;
6. public notice of the educational rights of homeless children is disseminated in locations frequented by homeless unaccompanied youth and parents/guardians of homeless children, in a manner and form understandable to them;
7. staff who provide services to homeless students receive required professional development and support on identifying and meeting the needs of homeless children;
8. homeless unaccompanied youth are informed of their rights, are enrolled in school, and have opportunities to meet the same state standards set for all students, including receiving credit for full or partial coursework earned in a prior school pursuant to Commissioner's regulations.

In accordance with law and regulation, the district will offer a prompt dispute resolution process. A student shall be entitled to continued enrollment in the district's schools, and transportation, pending resolution of the dispute and all available appeals.

In accordance with Commissioner's regulations, the district shall collect and transmit to the Commissioner information necessary to assess the educational needs of homeless children within the State.

Cross-ref: 5150, School Admissions
 5420, Student Health Services
 5500, Student Records

Ref: 20 USC § 6313(c)
42 USC §§11431 et seq.
McKinney-Vento Education for Homeless Children and Youth Program, 81 Fed. Reg. 14432-14436 (3/17/16)
U.S. Department of Education, Education for Homeless Children and Youths Program, Non-Regulatory Guidance (7/27/16), <https://www2.ed.gov/policy/elsec/leg/essa/160240ehcyguidance072716.pdf>
School Enrollment Guidelines on the McKinney Vento Act, 67 Fed. Reg. 10,697-10,701 (March 8, 2002)
Education Law §§207; 305; 3202; 3205; 3209
Executive Law §§532-b; 532-c
Social Services Law §§17; 62; 397
8 NYCRR §§100.2(x); 175.6

Presented for:
1st reading – 6/9/15
2nd reading & adoption – 6/23/15
Revisions presented for:
1st reading & adoption - 10/18/16
Revisions presented for:
1st reading – 10/10/17

CHILD ABUSE, MALTREATMENT OR NEGLECT IN A DOMESTIC SETTING

The Board of Education recognizes that because of their sustained contact with school-aged children, employees are in an excellent position to identify abused, maltreated or neglected children and refer them for treatment and protection. The Board further recognizes the specific dictates of law which require school officials to report suspected instances of child abuse, maltreatment (which includes neglect) in a domestic setting.

The purpose of mandatory reporting is to identify suspected abused and maltreated children as soon as possible, so that such children determined to be abused or maltreated can be protected from further harm and, where appropriate, can be offered services to assist him or her and his or her family.

School officials, who have reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment, must immediately report this to the New York State Central Register for Child Abuse and Maltreatment (Central Register), as required by law. No conditions may be imposed which limit their responsibility to report. A school official is defined as:

- Teacher
- Guidance counselor
- Psychologist
- Nurse
- Social Worker
- Full or part-time paid athletic coach
- Administrator
- Any school personnel required to hold a teaching or administrative license or certificate.

The school official will also report the matter to the Building Principal.

The report shall be made by telephone or by telephone facsimile machine on a form supplied by the Commissioner of Social Services. A written report shall be made within forty-eight hours to the appropriate local child protective service, and to the statewide Central Register.

School employees who are not school officials, as defined above, but who have reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment are encouraged to report to the Central Register. However, the school employee must report the matter to the Building Principal. If the matter has not yet been reported to the Central Register, the Building Principal shall make the report, in accordance with state law. In being required to file such report, the Building Principal does not have discretion.

School employees or officials may not contact the child's family or any other person to determine the cause of the suspected abuse or maltreatment. It is not the responsibility of the school official or employee to prove that the child has been abused or maltreated.

Any school official or employee who has cause to suspect that the death of any child is a result of child abuse or maltreatment must report that fact to the appropriate medical examiner or coroner.

In accordance with the law, any school official who fails to report an instance of suspected child abuse or maltreatment may be guilty of a Class A misdemeanor and may be held liable for the damages caused by the failure to report. The law grants immunity to persons who, in good faith, report instances of child abuse from any liability.

School employees will not be subject to retaliatory action, as defined in state law, as a result of making a report when they reasonably suspect that a child has been abused or maltreated.

The Board recognizes that knowingly reporting a false claim of child abuse is a violation of state law and this policy acknowledges that it is a crime to do so. The district will make every reasonable effort to ensure the integrity of the district's child abuse reporting process and procedure.

School District Relationship with Local Social Service District:

The school district will cooperate to the extent possible with authorized child protective services workers in investigations of alleged child abuse. The Superintendent, or his or her designee, will represent the district when collaborating with local social service agencies to address instances of abuse or maltreatment, and in the development of policy and procedures regarding abuse or maltreatment (including educational neglect). In addition, the Superintendent will share a copy of the district's attendance policy, 5100, with the local social service district.

The school district shall maintain an ongoing training program which will address the identification and reporting of child abuse and maltreatment, including the legal implications of reporting and not reporting. Attendance at sessions of this training program shall be required of all school officials. Attendance records shall be kept.

The Superintendent or designee shall develop, with input from appropriate personnel, a plan for implementation of such a training program. In addition, the policy and regulations will be included in all employee handbooks and distributed annually to all school officials who are not covered under existing handbooks. The Superintendent will prepare and implement all regulations as are necessary to accomplish the intent of this policy

As required by state law and regulation, the district shall publicize the toll-free number for reporting child abuse and neglect to the Central Register (800-342-3720), and directions for accessing the NYS Office of Children and Family Services website (<http://ocfs.ny.gov/main/cps/>), in both English and Spanish.

Cross-ref: Attendance, 5100

Ref: Child Protective Services Act of 1973, Social Services Law §§411 et seq.
Social Services Law §34-a
Family Court Act §1012
Family Educational Rights and Privacy Act,
20 U.S.C. §1232g, 45 CFR §99.36
Education Law §§ 409-1;3209-a, 3036
Penal Law 240.50
8 NYCRR §100.2(nn)

Presented for:
1st reading – 6/9/15
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STUDENT RECORDS

~~The Board of Education recognizes the legal requirement to maintain the confidentiality of student records. The procedures for the confidentiality of student records shall be consistent with federal statutes, including the Family Educational Rights and Privacy Act of 1974 (FERPA) and its implementing regulations, and the Commissioner's Regulations.~~

~~Students records are privileged and confidential. However, the privilege merely prevents the disclosure of the records to third parties, which are persons other than parents/guardians or eligible students and other than the person updating the record. The parent/guardian or eligible student is entitled to such information. At the time of inspection of student records, appropriate personnel shall be present, when necessary, to prevent misinterpretation by the parent/guardian or eligible student of the meaning of the record, since some records may not be properly evaluated and understood by the parents/guardians or eligible student.~~

~~The Board also recognizes its responsibility under the Local Government Records Law to ensure the orderly retention and disposition of the district's student records.~~

~~The Superintendent of Schools shall be responsible for ensuring that all requirements under federal statutes and Commissioner's Regulations shall be carried out by the district.~~

~~The policy applicable to the release of student directory information applies equally to military recruiters, the media, colleges and universities, and prospective employers.~~

~~The district shall arrange to provide translations of this notice to non-English speaking parents in their native language.~~

~~Cross Ref: — 1120, School District Records
5170, Student Attendance Accounting
5460, Suspected Child Abuse and Maltreatment~~

~~Ref: — Family Educational Rights & Privacy Act 20 USC 12320g; 34 CFR Part 99
Education Law §§2(13); 225; 301
Public Officers Law §87(2)(a)
Arts and Cultural Affairs Law, Article 57-A
Civil Practice Law and Rules §§2303; 2307
Matter of Board of Education of City of New York v. Regan 131 Misc. 2d 514 (1986)
8 NYCRR Part 185
Records Retention and Disposition Schedules for Use by School District, Schedule ED-1 (1991)~~

~~Note: — Prior policies, 5124, 5124.1, 5124.2, revised~~

STUDENT RECORDS

The Board of Education recognizes its legal responsibility to maintain the confidentiality of student records. As part of this responsibility, the Board will ensure that eligible students and parents/guardians have the right to inspect and review education records, the right to seek to amend education records and the right to have some control over the disclosure of information from the education record. The procedures for ensuring these rights shall be consistent with state and federal law, including the Family Educational Rights and Privacy Act of 1974 (FERPA) and its implementing regulations.

The Board also recognizes its responsibility to ensure the orderly retention and disposition of the district's student records in accordance with Schedule ED-1 as adopted by the Board in policy 1120.

The District will use reasonable methods to provide access to student educational records only to those authorized under the law and to authenticate the identity of the requestor. The district will document requests for and release of records, and retain the documentation in accordance with law. Furthermore, pursuant to Chapter 56 of the Laws of 2014, the district will execute agreements with third-party contractors who collect, process, store, organize, manage or analyze student personally identifiable information (PII) to ensure that the contractors comply with the law in using appropriate means to safeguard the data.

The Superintendent of Schools shall be responsible for ensuring that all requirements under law and the Commissioner's regulations are carried out by the district.

Definitions

Authorized Representative: an authorized representative is any individual or entity designated by a State or local educational authority or a Federal agency headed by the Secretary, the Comptroller General or the Attorney General to carry out audits, evaluations, or enforcement or compliance activities relating to educational programs.

Education Record: means those records, in any format, directly related to the student and maintained by the district or by a party acting on behalf of the district, except:

- (a) records in the sole possession of the individual who made it and not accessible or revealed to any other person except a substitute (e.g. memory joggers);
- (b) records of the district's law enforcement unit;
- (c) grades on peer-graded papers before they are collected and recorded by a teacher.

Eligible student: a student who has reached the age of 18 or is attending postsecondary school.

Legitimate educational interest: a school official has a legitimate educational interest if they need to review a student's record in order to fulfill his or her professional responsibilities.

Personally identifiable information: is information that would allow a reasonable person in the school or its community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. Such data might include social security number, student identification number, parents' name and/or address, a biometric record, etc.

School official: a person who has a legitimate education interest in a student record who is employed by the district as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a member of the Board of Education; a person or company with whom the district has contracted to perform a special task (such as attorney, auditor, medical consultant or therapist); or a parent or student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official performing his or her tasks.

Third party contractor: is any person or entity, other than an educational agency, that receives student data or teacher or principal data from an educational agency pursuant to a contract or other written agreement for purposes of providing services to such educational agency, including but not limited to data management or storage services, conducting studies or audit or evaluation of publicly funded programs.

Annual Notification

At the beginning of each school year, the district will publish a notification that informs parents, guardians and students currently in attendance of their rights under FERPA and New York State Law and the procedures for exercising those rights. A 'Parents' Bill of Rights for Data Privacy and Security' will be posted on the district website and included in any agreements with third-party contractors.(see 5500-E.4) The notice and 'Bill of Rights' may be published in a newspaper, handbook or other school bulletin or publication. The notice and 'Bill of Rights' will also be provided to parents, guardians, and students who enroll during the school year.

The notice and Parents' Bill of Rights will include a statement that the parent/guardian or eligible student has a right to:

1. inspect and review the student's education records;
2. request that records be amended to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy rights;
3. consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent; and
4. file a complaint with the United States Department of Education alleging failure of the district to comply with FERPA and its regulations; and/or file a complaint regarding a possible data breach by a third party contractor with the district and/or the New York State Education Department's Chief Privacy Officer for failure to comply with state law.

The annual notice and Parents' Bill of Rights will inform parents/guardians and students:

1. that it is the district's policy to disclose personally identifiable information from student records, without consent, to other school officials within the district whom the district has determined to have legitimate educational interests. The notice will define 'school official' and 'legitimate educational interest.'
2. that, upon request, the district will disclose education records without consent to officials of another school district in which a student seeks to or intends to enroll or is actually enrolled.
3. that personally identifiable information will be released to third party authorized representatives for the purposes of educational program audit, evaluation, enforcement or compliance purposes.
4. that the district, at its discretion, releases directory information (see definition below) without prior consent, unless the parent/guardian or eligible student has exercised their right to prohibit release of the information without prior written consent. The district will not sell directory information.
5. that, upon request, the district will disclose a high school student's name, address and telephone number to military recruiters and institutions of higher learning unless the parent or secondary school student exercises their right to prohibit release of the information without prior written consent.
6. of the procedure for exercising the right to inspect, review and request amendment of student records.
7. that the district will provide information as a supplement to the 'Parents' Bill of Rights' about third parties with which the district contracts that use or have access to personally identifiable student data.

The district may also release student education records, or the personally identifiable information contained within, without consent, where permitted under federal law and regulation. For a complete list of exceptions to FERPA's prior consent requirements see accompanying regulation 5500-R, Section 5.

The district shall effectively notify parents, guardians and students who have a primary or home language other than English.

In the absence of the parent or secondary school student exercising their right to opt out of the release of information to the military, the district is required to, under federal law, release the information indicated in number five (5) above.

Directory Information

The district has the option under FERPA of designating certain categories of student information as "directory information." The Board directs that "directory information" include a student's:

- Name
- Address (except information about a homeless student's living situation, as described below)
- Telephone number

Information about a homeless student's living situation shall be treated as a student educational record, and shall not be deemed directory information. A parent/guardian or eligible student may elect, but cannot be compelled, to consent to release of a student's address information in the same way they would for other student education records. The district's McKinney-Vento liaison shall take reasonable measures to provide homeless students with information on educational, employment, or other postsecondary opportunities and other beneficial activities.

Social security numbers or other personally identifiable information will not be considered directory information.

Students who opt out of having directory information shared are still required to disclose their student ID cards.

Once the proper FERPA notification is given by the district, a parent/guardian or student will have 14 days to notify the district of any objections they have to any of the "directory information" designations. If no objection is received, the district may release this information without prior approval of the parent/guardian or student for the release. Once the student or parent/guardian provides the "opt-out," it will remain in effect after the student is no longer enrolled in the school district.

The district may elect to provide a single notice regarding both directory information and information disclosed to military recruiters and institutions of higher education.

Cross-ref: 1120, School District Records
4321, Programs for Students with Disabilities Under IDEA and Part 89
4532, School Volunteers
5550, Student Privacy
5151, Homeless Children

Ref: Family Educational Rights and Privacy Act, as amended, 20 USC 1232g; 34 CFR Part 99
No Child Left Behind Act, 20 USC §7908 (Military Recruiter Access)
10 USC §503 as amended by §544 of the National Defense Reauthorization Act for FY 2002
Education Law §§ 2-a; 2-b; 2-c; 2-d; 225;
Public Officers Law §87(2)(a)
Arts and Cultural Affairs Law, Article 57-A (Local Government Records Law)
8 NYCRR 185.12 (Appendix 1) Records Retention and Disposition, Schedule ED-1 for Use by School Districts and BOCES
"Guidance for Reasonable Methods and Written Agreements,"
http://www2.ed.gov/policy/gen/guid/fpco/pdf/reasonablemtd_agreement.pdf
Parents' Bill of Rights for Data Privacy and Security, July 29, 2014:
<http://www.p12.nysed.gov/docs/parents-bill-of-rights.pdf>
Family Policy Compliance Office website: <http://www2.ed.gov/policy/gen/guid/fpco/index.html>

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