

**POLICY 86****EDUCATION OF HOMELESS CHILDREN AND YOUTH POLICY**

The No Child Left Behind Act of 2001 and Commissioner's Regulations allow a homeless child or, a person in a parental relationship to a homeless child or, when the homeless child is living in a shelter for runaway or homeless use, the Director of the shelter to designate this District as the District of attendance for the homeless child when this District is either the School District of current location, the School District of origin or is a School District participating in a Regional Placement Plan.

A homeless child or youth is defined in accordance with the No Child Left Behind Act and Commissioner's Regulations § 100.2 (x).

Homeless child and youth shall be entitled to access to District programs on the same basis as all other District students. Homeless student and youth shall be to the extent possible, integrated with non-homeless children.

The School District designates [insert name] as the Local Educational Liaison for Homeless children and youth for the District. In addition to any other duties required by law, this person shall be responsible for reporting to the Board of Education on an annual basis the number of homeless children in the District, the placement of these children, and any suggestions for lowering any barriers to enrollment, attendance, school success and retention of homeless children and youth in the District.

Where the District receives a completed State Education Department form designating the District as the school of attendance for a child and the District disputes issues relating to school enrollment or school selection of that student, the following shall occur:

1. The student shall be immediately enrolled in the designated school.
2. Prior to making a final determination on the disputed issue, the Superintendent or Superintendent's designee shall afford the student or person in parental relation to the student an opportunity to submit information to the District addressing the disputed issue.
3. The Superintendent or Superintendent's designee shall render a decision in writing and provide a copy to the student or person in parental relation.

The written decision shall include an explanation of the school's decision and a statement regarding the right to appeal the decision to the Commissioner of Education as required by law.

The School District will collect and transmit to the Commissioner of Education in accordance with the Commissioner's rules, a report containing information the Commissioner determines necessary to assess the educational needs of homeless children and youths.

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Second Reading:	August 2, 2017
BOE Adoption:	August 2, 2017

**POLICY 87**

**Dress Code**

**(Refer to Policy 39 – Code of Conduct)**

**Student Dress Code**

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

A student's dress, grooming and appearance shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments are not appropriate.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not include the wearing of hats in the classroom except as a part of a work uniform or for a medical, religious, or approved educational purpose. Hats worn to school must be removed and put in locker during regular school hours.
6. Not include items that are vulgar, obscene, libelous or denigrate others on account of race, color, religion, ethnic group, national origin, gender, sexual orientation, disability or weight.
7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

**Long Pants:**

The student may wear long pants that:

1. Are composed of intact and opaque fabric.
2. Fit at the waist, with or without a belt.
3. Fit appropriately.
4. Meet the safety requirements set forth by specific student activities (i.e., shop, laboratories).

The student may not wear long pants that:

1. Extend longer than the bottom of the heel of the shoe; however, pants may be folded over or under, pinned, or otherwise fastened with tape, stapled, or sewn to meet the appropriate length.
2. Are oversized or excessively bagging (only a maximum of five inches of fabric pulled from thigh).

3. Are tight or snug.
4. Are cargo pants or otherwise have large, deep pockets.

Rationale: Long pants must fit appropriately to avoid injury (i.e., falls, circulatory compromise), to prevent distractions which impede the educational process, and to deter student violence through use of concealed weapons.

**Shorts/Skirts:**

The student may wear shorts/skirts that:

1. Are constructed of intact and opaque fabric.
2. Fit at the waist, with or without the use of a belt.
3. Fit appropriately.
4. Meet the requirements set forth by specific student activities (i.e., shop, laboratories)

The student may not wear shorts or skirts that:

1. Are oversized or excessively baggy.
2. Are snug or tight.
3. Have large, deep pockets.
4. Have a slit(s) or length that extends further up than approximately mid-thigh.

Rationale: To allow for range of motion for daily activities without causing distractions in the school environment, to decrease the possibility of concealed weapons in large, deep pockets or concealed under oversized clothing. Skirts must fit appropriately to avoid injury (i.e., falls, circulatory compromise).

**Shirts/Sweaters/Sweatshirts:**

The student shall wear a shirt that:

1. Is intact and constructed of opaque fabric.
2. Fits appropriately.
3. Is a T-shirt, button-front or polo-style shirt.
4. Is long enough to be tucked in.
5. Meets the requirements of specific student activities (i.e., shop, laboratories)

The student shall not wear a shirt that:

1. Is snug or tight.
2. Is oversized or bagging.
3. Is an undershirt, halter top or a muscle shirt.
4. Exposes the midriff.

Rationale: To provide protection of shoulders, arms and upper torso during daily activities, to avoid distractions in the educational environment and to preclude student violence through use of concealed weapons.

**Dresses:**

Students may wear dresses that meet the descriptions of shirts and skirts listed above (same rationale).

**Miscellaneous:**

The following are prohibited:

1. wallet chains.
2. sunglasses or tinted eye wear are not to be worn inside school buildings.
3. spiked collars, choke chains or other dangerous jewelry.

Each building principal or his or her designee shall be responsible for informing all students and their parents of the school dress code at the beginning of the school year and any revision to the dress code made during the school year.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

This dress code, while directed specifically at students, will be in force for all members of the school community. This includes visitors, parents or anyone conducting business at the school.

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BOE Adoption: August 2, 2017

**POLICY 88**

**PARTICIPATION BY HOME SCHOOLED STUDENTS  
IN EXTRACURRICULAR ACTIVITIES**

Residents of the School District who are instructed at home may participate in extracurricular activities of the School District under the following conditions:

- A current individualized home instruction plan and current quarterly reports for the student participating in such extracurricular activity must be on file in the District and approved by the Superintendent of Schools in accordance with Regulations of the Commissioner of Education prior to commencement of such participation.
- No participation by any home schooled student in an extracurricular activity shall be allowed where such participation will cause the District to expend additional funds for the extracurricular activity.

For purposes of the this policy, extracurricular activity means any student club or other activity for which no academic credit is available for any participant in such club or activity regardless of the enrollment status of such participant. Extracurricular activity does not include interscholastic athletics. The Regulations of the Commissioner of Education (8 NYCRR 135.4) require participants in such interscholastic athletics to be enrolled in the school district sponsoring such program.

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BOE Adoption:

**POLICY 89  
INELIGIBILITY**

**INELIGIBILITY FOR EXTRACURRICULAR ACTIVITIES  
(POOR GRADES)**

**POLICY: Ineligibility for Extracurricular Activities**

Participating in extracurricular activities is a privilege not a right. It is qualified first by eligibility requirements and secondly by performance requirements. Therefore, be it resolved: Students not performing satisfactorily in the academic areas offered or accepting their responsibilities in a manner acceptable to the faculty, administration and Board of Education shall have their names placed on an ineligibility list and not be permitted to participate in any school-sponsored extracurricular activities until such time as the student's name has been removed from the ineligibility list.

School-sponsored extracurricular activities are those that have been approved by the Board of Education or its designee, and include:

- |  |                                     |
|--|-------------------------------------|
| (a) <i>Varsity Football</i>                  | (l) <i>Varsity Cheerleading</i>     |
| (b) <i>Jr. Varsity Football</i>              | (m) <i>Jr. Varsity Cheerleading</i> |
| (c) <i>Varsity Girl's Soccer</i>             | (n) <i>Twirling</i>                 |
| (d) <i>Varsity Basketball (Boys)</i>         | (o) <i>Stage Band</i>               |
| (e) <i>Varsity Basketball (Girls)</i>        | (p) <i>Senior Play</i>              |
| (f) <i>Jr. Varsity Basketball (Boys)</i>     | (q) <i>School Dances</i>            |
| (g) <i>Jr. High School Basketball (Boys)</i> | (r) <i>Yearbook</i>                 |
| (h) <i>Intramural Volleyball</i>             | (s) <i>Library Club</i>             |
| (i) <i>Varsity Baseball (Boys)</i>           | (t) <i>Student Council</i>          |
| (j) <i>Varsity Softball (Girls)</i>          | (u) <i>Class Organizations</i>      |
| (k) <i>Jr. Varsity Baseball (Boys)</i>       | (v) <i>Art Club</i>                 |
| (w) <i>Chess Club</i>                        |                                     |

**Procedures for Determining Ineligibility for Extracurricular Activities:**

- (1) Any faculty member grades 7-12 may issue a "U" (representing unsatisfactory work by the student) for valid academic or behavior reasons which the teacher will be able to substantiate to the student.
- (2) Students will not be ineligible by receiving one "U" but will become ineligible if they have received two "U's" in any one week. For a period of one week the student will then be ineligible to participate in any school-sponsored extracurricular activities.
- (3) Instructors in grades 7-12 are expected to have their "U" report sheets to the guidance office (or guidance mailbox in the main office) by 8:30 a.m. on each Monday of the week. In the event



there is no school on Monday, then the "U" report sheets will be expected on the next full day of school.

(4) After receiving the "U" report sheets from instructors, the guidance counselor will complete an alphabetical list of all students receiving two or more "U's". Also, an alphabetical list of students receiving one "U" will be compiled. The lists will contain the name of the student and in which course(s) the student received the "U". The student is responsible for consulting with the teacher about the unsatisfactory report as no reason will be given on the ineligible list. The list will be compiled by 12:00 noon on each Monday (or next full day of school) and will be posted on the guidance bulletin board, in the trophy display case outside the main office and in the hall near the north bus door.

(5) Any student ineligible and placed on the weekly list who is a member of an extracurricular organization or who is not a member of an extracurricular organization may not associate with any organization in any manner (e.g., sit with team, dress but not participate, practice, travel with organization and the like) until the student's name has been removed from the next published list. An ineligible student is allowed to attend activities only as a spectator.

(6) Each student who is ineligible will be notified the next morning in homeroom by receiving a notice from the guidance office. One copy of this notice will be sent home and a second copy will be placed in the student's folder.

(7) Once a student has been declared ineligible by receiving two "U's" in any one week, that student shall remain ineligible for the week. There is no way for the student's name to be removed from the list except through the appeal procedure found in paragraph 8 of this procedure or through improved performance and the publication of the next list.

(8) Should a student feel that a "U" was undeserved, the student may use the following procedures to appeal the "U":

(1) The student first must discuss with the teacher issuing the "U" the reason for the unsatisfactory report.

(2) The student, if not satisfied with the teacher's explanation, may request, from the main office, an appeal form.

(3) Upon completing the appeal form, the student returns the form to the assistant superintendent's mailbox by the end of the first period on the next school day following the appearance of the student's name on the ineligible list.

(4) The student must tell the teacher involved that an appeal is being made. The teacher may then either:

- a. Explain the reason for the "U" in person to the appeal Board;
- b. Write the reason for the "U" and give it to the appeal Board.



(5) An appeal Board made up of one administrator, one teacher and one student will meet each Tuesday, or if there is no school on Tuesday, the next school day, at noon to decide on any appeals. The student making the appeal will be present to explain his position and the teacher involved or the teacher's written statement will be present to explain the teacher's position.

(6) After listening to both sides, the appeal Board will cast a vote on paper upholding or denying the appeal. Votes will be counted by the administrative member of the appeal Board. The decision is final.

(7) Should the appealing student not be satisfied, the student shall be free to address the Board of Education at its next regular meeting.

Students in grades 7-12 on the ineligible list will be required to attend a structured study hall each day for the week during the sixth period. Students will be expected to study and eat lunch during this period.

Students in grades 7-12 on the ineligible list will be limited to the following study hall privileges only - 1) bathroom, 2) with a pre-signed pass to go to one of the classes a "U" was received in for extra work or help.

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COMMENTS:

(a) The procedures established are elaborate. Whether a procedure which has less detail will be upheld is open to question.

(b) In *Matter of Clark*, the football game was to be held on a Friday. The marks were posted on Monday, the appeal before the three-person committee was held on Tuesday and the Board of Education met to review the decision on Wednesday. The attention given by all parties to the procedure was impressive.

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BOE Adoption:

**POLICY 90  
CENSUS AND REGISTER OF STUDENTS  
WITH DISABLING CONDITIONS**

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

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

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

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

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

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

All persons involved in the collection of data shall have received prior training and written information regarding the procedures to be followed in collecting the data. Summary reports of the student's data shall be prepared and kept on file, including numbers of children who are:

- (a) unserved and the reasons why they are unserved; and
- (b) served.

A summary report of the children served shall be submitted to the State Education Department on prescribed forms. The register and related summary reports shall be kept on file and shall be available to the District Superintendent and other representatives of the State Education Department.

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

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**POLICY 91**

**HEARING OFFICER EXPENSE REIMBURSEMENT**

In accordance with the Commissioner’s Regulations, the maximum compensation rate for Impartial Hearing Officers is \$100 per hour. The activities associated with impartial hearings which are reimbursable under this compensation rate are:

- Pre-hearing activities such as scheduling the hearing and determining the location, conducting pre-hearing conference calls, arranging for interpreters, witnesses, subpoenas, and a stenographer, writing letters to the parties involving the hearing;
- Hearing activities such as conducting the hearing, handling settlement agreements placed on the record, and arranging for subsequent hearing dates;
- Post-hearing activities such as researching information pertinent to the hearing issues and writing the decision.

In addition, travel reimbursement is not considered to be an activity associated with the compensation rate set. Accordingly, and in addition to the maximum hourly rate of \$100, the School District agrees to reimburse an Impartial Hearing Officer at the IRS per mile rate for travel as well as reimbursement for reasonable lodging and meal expenses upon timely presentation of appropriate receipts for such expenses.

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**POLICY 92**

**HEARING OFFICER HOURLY RATE AND TRAVEL REIMBURSEMENT POLICY**

In accordance with the Education Law and Commissioner’s Regulations, the maximum compensation rate for impartial hearing officers is \$100 per hour. There is no maximum per diem on the number of hours for compensation. The hourly rate adopted by the Board of Education is *[\$insert amount]* until otherwise changed.

The activities associated with impartial hearings which are reimbursable under this compensation rate are:

- prehearing activities such as scheduling the hearing and determining the location, conducting prehearing conference calls, arranging for interpreters, witnesses, subpoenas and a stenographer and writing letters to the parties involved in the hearing;
- hearing activities such as conducting the hearing, handling settlement agreements placed on the record and arranging for subsequent hearing dates;
- post hearing activities such as researching information pertinent to the hearing issue(s) and writing the decision.

In addition, travel reimbursement is not considered to be an activity associated with the compensation rate set by the Commissioner. Accordingly, the School District agrees to reimburse an impartial hearing officer for travel at the IRS per mile rate for travel, as well as reimbursement for reasonable overnight and meal expenses upon timely presentation of appropriate receipts for such expenses. The time spent in traveling shall [insert one of the following]:

- a). not be compensated;
- b). be compensated at the hourly rate of *[\$insert amount]*;
- c). be compensated at the same hourly rate as the compensation rate stated above.

In making this choice, the Board should be mindful that some very able hearing officers who may have to travel several hours to the hearing site may decline the appointment if they cannot bill for travel.

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**POLICY 93****INDEPENDENT EDUCATIONAL EVALUATION****INTRODUCTION**

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

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

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

**DEFINED**

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

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

**PUBLIC EXPENSE**

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

when scheduling its own outside evaluations. Requests for an exception to the rates set forth should be forwarded in writing to the Chairperson of the Committee on Special Education (CSE) or Chairperson of the Committee on Preschool Special Education (CPSE).

### **RESPONSIBILITIES**

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

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

### **FURTHER INFORMATION**

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



## ADMINISTRATIVE PROCEDURES

1. Upon completion of the evaluation conducted by the School District and appropriate notice being given to the parent, the parent is requested but not required to send written notice of a request for an independent educational evaluation within forty-five (45) calendar days from the date of receipt of the School District's evaluation.
2. The School District will not pay more than \$750 for a comprehensive independent educational evaluation that would meet the requirements under Commissioner's regulations, which may require an individual psychological evaluation, a physical examination, a social history and other suitable examinations and evaluations as may be necessary to ascertain the physical, mental and emotional factors which may contribute to the suspected disability.
3. The School District has established a list of specific rates and qualified professionals in private practice in this county and adjoining counties or employees of other public agencies to whom parents may go to secure an independent educational evaluation. The School District will pay for an evaluation performed by an employee of any other public school district or BOCES within the county or any adjoining county whom the parent chooses to employ as an independent educational evaluator at the then-current hourly rate paid to that licensed or certified individual which the School District would pay were it to request such an evaluation.
4. The School District will pay for an independent educational evaluation or assessment only if conducted by an individual who possesses current license or certification from the New York State Education Department in the area of the evaluation. The School District will permit parents to select any independent educational evaluator who is in the county in which the School District is located or within any adjoining county at the time the parent makes the request, as long as the individual selected by the parent is appropriately certified or licensed by the State of New York.
5. An independent education evaluation requested by a parent which typically would not be conducted by school certified-licensed personnel would require the parent to demonstrate that unique circumstances justify such an evaluation.
6. The independent educational evaluation must be conducted in accordance with the federal and State regulations, which require that, at a minimum:
  - (a) tests and other evaluation materials
    - (1) are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so;
    - (2) have been validated for the specific purpose for which they are used; and
    - (3) are administered by trained personnel in conformance with the instructions provided by their producer.
  - (b) tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.

- (c) tests are selected and administered so as best to ensure that when a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child’s aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child’s impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).
- (d) no single procedure is used as the sole criterion for determining an appropriate educational program for a child.
- (e) the child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

7. The School District, upon receiving a request for reimbursement for an independent educational evaluation, will forward an acknowledgment letter to the parent with a copy to the evaluator within ten calendar days after receipt of the request. Any information needed by the School District to reach a decision regarding payment will be set forth in the letter.

8. If denial for reimbursement is indicated, the reason(s) for that denial, as well as the School District’s intention immediately to initiate a hearing regarding such denial, will be forwarded to the parent in writing with a copy also being forwarded to the evaluator. If the District agrees to pay for the evaluation, the parent and the evaluator will be notified by letter.

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

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