

WEST HEMPSTEAD UNION FREE SCHOOL DISTRICT
252 Chestnut Street
West Hempstead, NY 11552

BOARD OF EDUCATION AGENDA
Special Business/Policy Meeting
February 5, 2013

High School Video Conference Room – 7:30 p.m.

A. Convene

B. Pledge of Allegiance

C. Special Business

2-226 Emergency Repairs to Chestnut Street School – The Board approves or disapproves emergency repairs to Chestnut Street School.

2-227 Long Island Assembly Delegation – Online Petition – The Board approves or disapproves supporting the restoration of Long Island’s fair share of state aid.

D. Policy Matters

2-153 Existing Policy – 5151A – Concussion Management

2-204 Existing Policy – 4354 – Employee Protection (Whistle Blower)

2-205 Existing Policy – 5120 – District Attendance Policy

2-206 Proposed Policy – Provision of Special Education Services to Students Unilaterally Placed by Parent/Guardian in Non-public Schools

2-207 Existing Policy – 4110 – Length of School Day for Teachers

2-208 Existing Policy – 4114 – Medical Examinations

2-209 Existing Policy – 4115 – Employees with Aids or HIV

2-210 Existing Policy – 4120 – Recognition in Longevity and Meritorious Performance

2-211 Existing Policy – 4121 – Teacher Exchange Program

- 2-212 **Existing Policy – 4132** – Substitute Teachers
- 2-213 **Existing Policy – 4145** – Participation of Professional Staff in Organizations
- 2-214 **Existing Policy – 4164** – Sick, Personal and Extended Leaves
- 2-215 **Existing Policy – 5131** – Regents and Final School Examinations
- 2-216 **Existing Policy – 5132** – Assignment to Groups
- 2-217 **Existing Policy – 5133** – Promotion in Elementary Schools
- 2-218 **Existing Policy – 5143** – Student Body Officers
- 2-219 **Existing Policy – 5144** – Extra Curricular Activities
- 2-220 **Existing Policy – 5145** – Collecting Monies
- 2-221 **Existing Policy – 5146** – Gifts to Schools
- 2-222 **Existing Policy – 5156** – Taking Students Home in Emergency
- 2-223 **Existing Policy – 5170** – Internet Safety and Acceptable Use Policy (AUP)

E. **Consideration of policy items for future meetings** –

F. **Adjournment**

Docket No. 2-226

Superintendent's Action Report #10

February 5, 2013

Topic: **Emergency Repairs to Chestnut Street School**

RESOLVED, that upon the recommendation of the Superintendent of Schools, the Board of Education hereby declares that repairs at the Chestnut Street School, as full described in documentation provided by the District's Architect BJLJ, to address areas of damage arising from an accident are emergency repairs necessary to preserve District property, necessary to ensure the life, health, and safety of the building's occupants, and require immediate action and, therefore constitute ordinary contingent expenses;

IT IS FURTHER RESOLVED, that the Board of Education declares that such repairs cannot await competitive bidding and accordingly such repairs in the amount of \$25,000 are exempt from competitive bidding requirements pursuant to General Municipal Law Section 103(4);

IT IS FURTHER RESOLVED, that the Board of Education authorizes the Superintendent of Schools to take all necessary actions to recover the cost of damage from the responsible party and/or insurance companies.

Docket No. 2-227

Superintendent's Action Report #10

February 5, 2013

Topic: Long Island Assembly Delegation – Online Petition

RESOLVED that the West Hempstead Board of Education sign the Long Island Assembly Delegation's Online Petition at: <http://bit.ly/LISchools> supporting the restoration of Long Island's fair share of state aid.

Concussion Management

The Board of Education of the West Hempstead Union Free School District recognizes that concussions and head injuries are commonly reported injuries in children and adolescents who participate in sports and recreational activity and can have serious consequences if not managed carefully. Therefore, the District adopts the following policy to support the proper evaluation and management of head injuries.

Concussion is a mild traumatic brain injury. Concussion occurs when normal brain functioning is disrupted by a blow or jolt to the head. Recovery from concussion will vary. Avoiding re-injury and overexertion until fully recovered are the cornerstones of proper concussion management.

While District staff will exercise reasonable care to protect students, head injuries may still occur. Physical education teachers, coaches, nurses and other appropriate staff will receive training to recognize the signs, symptoms and behaviors consistent with a concussion. Any student exhibiting those signs, symptoms or behaviors while participating in a school-sponsored class, extracurricular activity or interscholastic athletic activity shall be removed from the game or activity and be evaluated as soon as possible by an appropriate health care professional. The Chief School Medical Officer will notify the student's parents or guardians and recommend appropriate monitoring to parents or guardians.

If a student sustains a concussion at a time other than when engaged in a school-sponsored activity, the District expects the parent or guardian to report the condition to the Chief School Medical Officer so that the District can support the appropriate management of the condition.

The student shall not return to school or activity until authorized to do so by an appropriate health care professional. The school's Chief School Medical Officer will make the final decision on return to activity, including physical education class and after-school sports. Any student who continues to have signs or symptoms upon return to activity must be removed from play and reevaluated by their health care provider.

The Superintendent, in consultation with appropriate District staff, including the Chief School Medical Officer, will develop regulations and protocols to guide the return to activity.

Ref: New York State Athletic Association
Adopted 10/18/11

CONCUSSION MANAGEMENT POLICY

The Board of Education of the West Hempstead Union Free School District recognizes that mild traumatic brain injuries (commonly referred to as "concussions") and head injuries are the most commonly reported injuries in children and adolescents who participate in sports and recreational activity. Therefore, the District adopts the following policy to assist in the proper evaluation and management of head injuries, including concussions.

Any student demonstrating signs, symptoms or behaviors consistent with a concussion while participating in a school-sponsored class, extracurricular activity, or interscholastic athletic activity shall be removed from the game or activity immediately. In the event that there is any doubt as to whether the student has sustained a concussion, it shall be presumed that the student has been so injured until proven otherwise.

The student shall not be permitted to return to athletic activity until the student has been symptom-free for at least twenty-four (24) hours and has been evaluated by and received written and signed authorization from a licensed physician and, in the case of extra-class athletic activities, has received clearance from the District's medical director to participate in such activity.

Any student who continues to have signs or symptoms upon return to activity must be removed from play and reevaluated by their health care provider.

All school coaches (including teachers with coaching qualifications and experience, those with temporary coaching licenses or professional coaching certificates), physical education teachers, nurses, and certified athletic trainers who work with and/or provide instruction to students engaged in school-sponsored activities must complete, on a biennial basis, a course of instruction relating to recognizing the symptoms of concussions and monitoring and seeking proper medical treatment for students who suffer concussions. The course of instruction will include, but not be limited to: the definition of a mild traumatic brain injury or "concussion"; signs and symptoms of concussions; how such injuries may occur; preventative practices; the guidelines for return to school and school activities after a student has suffered a concussion regardless of whether the injury occurred outside of school.

The District will include on its website information related to concussions, including the definition of a mild traumatic brain injury or "concussion"; signs and symptoms of concussions; how such injuries may occur; preventative practices; the guidelines for return to school and school activities after a student has suffered a concussion regardless of whether the injury occurred outside of school. Such information will also be included in any permission form or parental consent form which may be required for a student's participation in interscholastic athletics.

COUNSEL RECOMMENDS USING NYSSBA'S POLICY

Employee Protection (Whistle Blower)

The West Hempstead Board of Education encourages all employees to disclose suspected illegal and/or unethical activities occurring within the school district to the Board of Education, Superintendent of Schools, Principal or immediate supervisor.

No employee shall intimidate, threaten, coerce or command another employee for the purpose of interfering with that employee's intention to disclose suspected illegal and/or unethical activities.

An employee who has disclosed suspected illegal and/or unethical activities and believes that he/she has, as a result, been subjected to acts or attempted acts of reprisal and/or harassment shall file a written complaint with the Superintendent of Schools or the District Clerk. The Superintendent of Schools, or if necessary, the Board of Education, shall investigate all such complaints and, if founded, may recommend disciplinary action toward the offending employee(s). Such disciplinary action may include a report to law enforcement officials should there be suspected violation(s) of law.

Adopted: 3/17/09

**DISCLOSURE OF WRONGFUL CONDUCT
(Whistleblower Policy)**

NOTE: This policy has been reviewed and updated in light of the recent increased attention on test security and educator integrity by the State Education Department (SED).

Please note that SED recently established a Test Security and Educator Integrity Unit to safeguard and ensure the reliability of student statewide test results. SED may promulgate additional procedures in the near future regarding reporting to SED, and whistleblower protections. We will monitor this issue and provide new or revised policies in the future, if necessary.

Section 75-b of the state Civil Service law, upon which this policy is based, prohibits adverse employment actions against public employees (including school district employees) who disclose information they believe to be true and constitutes an improper governmental action. Section 75-b protections apply to alleged violations of test security, as long as the employee discloses his/her concerns to the district prior to disclosure to an outside authority. Although the law is not new, we have added underlined text to explicitly reflect this provision of law. If separate whistleblower protections are enacted for test integrity, we will review the policy and keep districts informed.

The Board of Education expects officers and employees of the district to fulfill the public's trust and to conduct themselves in an **(DELETE honorable) ADD ethical** manner, abiding by all district policies and regulations and by all applicable state and federal laws and regulations.

However, when district officers or employees know or have reasonable cause to believe that **DELETE serious** instances of wrongful conduct (e.g., mismanagement of district resources, unethical behavior, violations of law or regulation, and/or abuse of authority) have occurred, they should report such wrongful conduct to the Board **DELETE or one of its designated officers ADD of Education or the Superintendent**.

DELETE: For purposes of this policy, the term "wrongful conduct" shall be defined to include: ADD Examples of 'wrongful conduct' include, but are not limited to:

- theft of district money, property, or resources;
- misuse of authority for personal gain or other non-district purpose;
- fraud;
- **corruption, conflicts of interest or abuse by another employee relating to his/her office or employment**
- actions that compromise the security and integrity of the district's or state's testing program;

SCHOOL POLICY UPDATE SECOND INSTALLMENT NOVEMBER 2012

- violations of applicable federal and state laws and regulations; and/or
- serious violations of district policy, regulation, and/or procedure.

Disclosure and Investigation

Employees and officers who know or have reasonable cause to believe that wrongful conduct has occurred shall report such mismanagement, fraud or abuse to the Superintendent of Schools, the School Attorney or the **DELETE Independent Auditor ADD Board of Education**. Each of these Board-designated officers, upon receiving a report of alleged wrongful conduct, shall take immediate steps to conduct an investigation.

NOTE: The first sentence below reflects the current guidance from SED's Test Security Unit.

Staff members who suspect that a violation of state testing procedures has occurred shall report their concerns to the Building Principal, the Superintendent, or the State Education Department. Any Building Principal receiving such a report shall relay this information to the Superintendent.

The Superintendent, School Attorney or the **DELETE Independent Auditor ADD Board of Education and District Clerk** shall maintain a written record of the allegation, conduct an investigation to ensure that the appropriate unit (auditors, police, SED, etc.) investigates the disclosure, and notify the Board when appropriate to do so.

Except as otherwise provided in either state and/or federal law, the Board-designated officer shall make all reasonable attempts to protect the identity of the employee making the disclosure in a confidential manner, as long as doing so does not interfere with conducting an investigation of the specific allegations or taking corrective action.

NOTE: We have added the paragraph below to reflect the protections of Civil Service Law section 75-b.

DELETE The district shall not take adverse employment action against an employee who has notified the district of wrongdoing, allowing the district the opportunity to investigate and correct the misconduct.

Complaints of Reprisal RENAME WHISTLEBLOWER PROTECTIONS

DELETE ENTIRE SECTION (see addition below) An employee who has been subject to an adverse employment action based on his or her prior disclosure of alleged or actual wrongful conduct may contest the action by filing a written complaint of reprisal with the Board President. The Board President, or his/her designee, will review the complaint expeditiously to determine:

- **whether the complainant made a disclosure of alleged wrongful conduct before an adverse employment action was taken;**
- **whether the responding party could reasonably have been construed to have had knowledge of the disclosure and the identity of the disclosing employee;**
- **whether the complainant has in fact suffered an adverse employment action after having made the disclosure; and**
- **whether the complainant alleges that adverse employment action occurred as a result of the disclosure.**

If the designee determines that all of the above elements are present, he or she shall appoint a review officer or panel to investigate the claim and make a recommendation to the Board. At the time of appointment, the designee shall inform the complainant and the respondent, in writing, of:

- **the intent to proceed with an investigation;**
- **the specific allegations to be investigated;**
- **the appointment of the review officer or panel; and**
- **the opportunity of each party to support or respond, in writing, to the allegation.**

Once the review officer or panel has conducted a review and considers the investigation to be complete, the officer or panel will notify the designee of its completion. From the date of that notice, the review officer has ___ days [insert number of days, e.g., 30] to report his or her findings and make any recommendations he or she deems appropriate to the designee. The designee, in conferral with the appropriate administrator shall issue a letter of findings to both the complainant and the respondent.

The decision of the review officer or panel is binding.

Nothing in this policy is intended to interfere with legitimate employment decisions.

The Superintendent of Schools shall establish regulations necessary to implement this policy.

This policy and accompanying regulations shall be published in employee handbooks, posted in employee lounges and given to all employees with fiscal accounting and/or money handling responsibilities on an annual basis.

SCHOOL POLICY UPDATE SECOND INSTALLMENT NOVEMBER 2012

The Superintendent of Schools, the Auditor, the School Attorney and others involved in implementing this policy shall meet with the Board once a year to evaluate the effectiveness of this policy and to make appropriate adjustments, if any, to the policy and accompanying regulations.

ADD the following six paragraphs: Employees who have a reasonable belief that the conduct about which he/she complains constitutes a violation of law, rule or regulation are protected by Civil Service law §75-b. Accordingly, the District shall not terminate or take any other disciplinary or adverse personnel action against an employee because he/she disclosed information to a governmental body regarding a violation of a law, rule or regulations where the violation: 1) creates and presents a substantial and specific danger to the public health or safety; or 2) is one which the employee reasonably believes to be true and reasonably believes constitutes an improper school District action.

Before reporting any such information to another governmental agency, and in order to obtain the protections of Civil Service Law §75-b, an employee must make a good faith effort to provide the Superintendent, or where the allegations involve the Superintendent, the Board of Education, with the information to be disclosed and a reasonable time and opportunity to take appropriate action to correct the improper activity, policy or practice. This “Whistle Blower Protection” shall extend to retaliation consisting of adverse personnel action affecting an employees’ compensation, appointment, promotion, transfer, assignment, reassignment or evaluation of performance.

Further protection of a school employee who reports information regarding illegal or inappropriate financial practices shall be accorded the employee pursuant to Education Law §3028-d. Any employee of the District having reasonable cause to suspect that the fiscal practices or actions of any employee or officer of the District violate any local, state or federal law, rule and/or regulation relating to the financial practices of the District, and who, in good faith, reports such information to an official of the District or to the Office of the State Comptroller, the Commissioner of Education or to law enforcement authorities, shall have immunity from any civil liability that may arise from the making of such report. Neither the District, nor its employees or officers, shall take, request or cause a retaliatory action against any such employee who makes such a report.

Nothing in this policy is intended to interfere with legitimate employment decisions.

The Superintendent of Schools shall establish regulations necessary to implement this policy.

This policy and accompanying regulations shall be published in employee handbooks, posted in employee lounges and given to all employees with fiscal accounting and/or money handling responsibilities on an annual basis.

NYSSBA Sample Policy 9645

NOTE: We have added a citation to the Commissioner's Regulations section designating Building Principals as responsible for test administration. This is not a new section of the regulations; we believe it should be specifically referenced in this policy. We have also corrected the citation in the Brey case, and have added short explanations of why the two court cases are included as references. If the district adopts these updates, the explanations can be omitted.

Ref: Civil Service Law §75-b
Labor Law §740
8 NYCRR §§102.3, 102.4
Garrity v. University at Albany, 301 A.D. 2d 1015 (3rd Dept. 2003)
(Article 75-b protections only apply if employee first discloses wrongdoing to employer, allowing for investigation and correction prior to disclosure to outside agencies)
Matter of Brey v. Bd. of Educ., 245 A.D. 2d 613 (3rd Dept. 1997)
DELETE (termination based on work deficiency, not retaliation)
ADD Education Law §3028-d

Adoption date:

District Attendance Policy

Statement of Purpose

Attendance is a strong component of a comprehensive educational experience. Student attendance maximizes students' opportunities for learning. Improved student attendance helps improve student achievement and lowers the dropout rate. This attendance policy is designed to ensure that classroom attendance and participation are encouraged and valued. It will also provide for early intervention for students with attendance problems. In order for this policy to be a success, we require the cooperation of the entire educational community including staff, parent, students and community.

Notification

For this policy to be a success, it is imperative that all students and parents be aware of this policy, its purpose, procedures and the consequences of non-compliance. To ensure that students, parents, teachers and administrators are notified of and understand this policy, the following will occur:

- The policy will be mailed to all students' homes annually and posted on the district website
- An orientation session will be held where the policy will be explained to students at the secondary level each year and to parents of all students at "back to school" night annually
- At the elementary level, the policy will be explained to students at their orientation assembly.

Attendance Incentives

Each school will design and implement their own systems to acknowledge student efforts to maintain or improve school attendance. These systems may take the form of certificates, rewards, special activities and/or school wide recognition as deemed appropriate by the individual schools.

Procedures

1. **High School**

Classroom participation shall be an integral component of a student's overall performance grade. Each marking period a percentage of the grade shall be based upon classroom participation.

Students are expected to attend all scheduled classes. An absence from class that is not made up will result in loss of credit for student participation in that session.

When students are absent from a class, they are responsible to make up any and all work missed. Any student who does not make up work will be counted as “absent/not made up.” Immediately upon return from an absence, a student is responsible to get the make-up work from his/her teacher. The teacher will determine if the quality of the make-up work is adequate to negate the absence for the purpose of this policy.

Only students with excused absences or pre-approved absences will be permitted to make up work. Students who are absent because of truancy or who cut class will not be given the opportunity to make up missed work for credit. Students will be given a “zero” for any test or quiz given on a day that they are absent because of truancy or cutting. Excused absences include: illness, death in the family, religious observance, required court appearances, approved college visits, class trips, approved school programs, school counseling or military obligations. In addition, other reasons for absence must be given prior approval by the Principal, Superintendent of Schools or the Commissioner of Education in order to be made up. Absence notes are required upon a student’s return to school. As appropriate, physician notes will be required.

Both excused and unexcused absences count as absences pursuant to this policy. **Students will be given eight (8) absences a quarter with the opportunity to make up three (3).** A distinction, however, between excused and unexcused absences is made relative to the opportunity for a student to make up absences so as not to exceed the maximum number of absences as set forth below. Students SHALL be given the opportunity to make up work missed for an excused or otherwise pre-approved absence. Students SHALL NOT be allowed to make up missed work due to cuts, truancy or unexcused absences for credit.

Students who have a combination of **twenty (20)** excused and unexcused absences in a full year course shall not be given credit for the course. Students who have a combination of **ten (10)** excused or unexcused absences in a half-year course shall not be given credit for the course. Excused or approved absences may be made up by satisfying approved make-up work provided by the classroom teacher or an educational designee as appointed by the Principal, Assistant Superintendent or Superintendent of Schools. Students denied credit under the conditions of this policy shall receive a grade of “incomplete” for the course. This may only be changed to a grade for course credit upon satisfaction of approved make-up work. Students who are absent (~~delete the word MAY~~) make up work within FIVE (5) school days upon their return to school.

In the event that classroom make ups are not completed in a timely fashion, students who receive an **failing (delete the word incomplete)** grade must attend summer school and pass, or repeat the course. This applies to all state required courses. Failure to do so, may affect a student's graduation status.

In order to keep parents apprised of student attendance, parent contact will be made according to the following schedule for absences which have not been made up:

- A. Attendance letter will be sent out by the teacher after **five (5)** absences for a full-year course and four (4) absences for a half-year course.
- B. A second attendance letter will be sent by the teacher after **ten (10)** absences for a full-year course and seven (7) absences for a half-year course. **ADD For the half-year course, a meeting will be held with the Principal, parent, student and guidance counselor present. This meeting will be considered the appeal.** Teachers will inform the appropriate guidance counselor and assistant principal.
- C. A third letter will be issued by the Principal's office upon **fifteen (15)** absences for a full-year course. A meeting will be held with the Principal, parent, student and guidance counselor present. **ADD This meeting will be considered the appeal. For the half-year course a third and final letter will be issued by the Principal's office. Credit will be denied.**
- D. A fourth letter will be issued by the Principal's office upon **twenty (20)** absences for a full-year course and **ten (10)** absences for a half-year course. Credit will be denied.

For ½ credit courses, contact will be at 4, 7 and 10 absences.

2. Middle School

Legal excuses for absence/lateness to school are: illness, death in the family, religious observance, required court appearances, class trips, approved school programs and school counseling.

Examples of excuses considered unexcused are: trip, vacation, tired, overslept, helping at home, missed the bus, etc.

Absence notes are required upon a student's return to school. As appropriate, physician notes will be required.

Excessive absences may lead to the revocation of participation in certain school activities such as: dances, plays, class trips and athletics.

Parents will be informed of excessive absences at seven (7), ten (10) and eighteen (18) absences. Excessive unexcused absences will prompt a meeting with the guidance counselor, parents and student at ten (10) absences and with the principal at eighteen (18). Should the absences continue unabated, additional meetings may be held and Child Protective Services may be informed.

Students are expected to make up all missed work.

Classroom participation shall be an integral component of a student's overall performance grade. Each marking period a percentage of the grade shall be based upon classroom participation.

3. **Elementary Schools**

Classroom participation shall be an integral component of a student's overall performance grade. Each progress report will reflect the total number of absences and latenesses on record. Students are expected to attend school each day and to arrive promptly.

Upon return from an absence, a student will submit an absence note. As appropriate, physician notes will be required. A student is responsible to get make up work from their teacher and complete it in a timely manner. Consideration will be given to the age of the student and parental contact will be made as appropriate.

Only students with legal absences (illness, death in the family, religious observance, required court appearances, class trips, approved school programs, and school counseling) will be permitted to make up work.

Unexcused absences will result in intervention action by the school administration. Letters to the parents, home visits, and/or contacting Child Protective Services are examples of possible interventions. Notification to parents will be made as determined appropriate by the building principal. Such notification may take the form of telephone calls and/or letters. Such notification may be done by the teacher, building principal or principal's designee. (For example, the school nurse.)

A general schedule of written notification will be:

- A. Five (5) absences or latenesses for initial notification,
- B. Ten –fifteen (10-15) absences for second notification and
- C. Twenty (20) absences for a third notification and ultimate referral to Child Protective Services.

4. **Kindergarten**

The Kindergarten Principal will interact and collaborate with parents on establishing good attendance habits for their children.

Adopted 5/25/99

Reaffirmed 10/17/00, 10/18/11

Amended 2/9/10, 2/15/11

Provision of Special Education Services to Students Unilaterally Placed by
Parents/Guardians in Nonpublic Schools

Parents/Guardians must request special education services in writing to the school district of location by June 1 preceding the school year for which the request for services is made, except that when a student is first identified as a student with a disability after the first day of June preceding the school year for which the request is made and prior to the first day of April of such current school year, the parent must submit the written request for services within thirty (30) days after the student was first identified.

Ref: Chapter 378 of the Laws of 2007

COUNSEL RECOMMENDS DELETING THIS POLICY

Length of School Day for Teachers

Regulations concerning starting and leaving time for teachers shall take into consideration the responsibility of the schools for the safety and welfare of the pupils, as well as the professional status of teachers.

The teaching staff shall report prior to the opening of school at such time as is deemed necessary by the Superintendent of Schools.

Teachers are to remain at the close of the school day for such time as shall be sufficient to complete routine duties, give special help to individual students and to carry out any other duties deemed necessary by the administration.

Adopted 11/6/62

Renumbered from 6112 and Reaffirmed on 10/20/92

COUNSEL RECOMMENDS DELETING THIS POLICY

Medical Examinations – Professional Staff

Each professional employee upon initial appointment shall undergo a general health and physical examination by a private physician or by the school physician. A chest x-ray or a tuberculin skin test shall be required as part of this examination. Such examination shall be confidentially reported to the Superintendent on a form provided by the District and shall become part of the personnel record of that employee.

In case of an unsatisfactory health examination report, consultation as to the next steps to be taken shall be held between the Superintendent and the school physician. Recommendations arising from this consultation shall be made to the Board.

All professional employees must be re-examined not more than three (3) months prior to being placed on tenure and the Superintendent shall include, with his/her recommendation to the Board concerning employees eligible for tenure, a statement as to each employee's condition of health.

The Board further authorizes the Superintendent to require additional health examinations whenever, in his/her discretion, such examinations seem necessary or advisable.

The foregoing shall not restrict medical and other examinations as may be authorized under the Education Law of the State of New York.

Adopted 10/2/62
Amended 12/19/72, 3/17/09
Reaffirmed 10/20/92

COUNSEL RECOMMENDS DELETING THIS POLICY AND USING NYSSBA'S

Employees with AIDS or HIV

1. Except as noted below, no employee shall be relieved of duties solely because he/she has been diagnosed as infected with AIDS or HIV.
2. A team consisting of the employee's physician, a public health official, the employee and/or his/her representatives, a school physician and school personnel as designated by the Superintendent of Schools, shall upon notification, meet to consider a recommendation to the Superintendent regarding the employee's ability to continue to perform his/her duties. In making the determination, the team shall consider: (a) the physical condition of the school employee; (b) the expected type of interaction with others in the school setting; and (c) the impact on both the infected school employee and others in that setting.
3. Upon receipt of the recommendations by the team convened to consider the ability of an AIDS-infected employee to continue to perform his/her duties, the Superintendent shall forward such recommendations to the Board of Education.
4. The Board of Education, upon receipt of the recommendations described above, shall convene forthwith, in Executive Session, to consider them and to render a final decision upon them.
5. The sexual orientation of a school employee shall not constitute reasonable cause to believe that he or she is an infected individual. No school employee or potential school employee shall be required to provide information as to his or her sexual orientation.
6. Consistent with federal guidelines, no mass medical screening of employees shall be undertaken for the purpose of determining exposure to AIDS or HIV.
7. The confidentiality of an infected employee will be maintained to the extent possible consistent with the needs of others who may be required to take precautions appropriate to working with an infected individual.

HIV/AIDS

The Board of Education recognizes the public concern over the health issues surrounding Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS). The Board recognizes, based upon the current state of medical knowledge, that the virus associated with AIDS is not easily transmitted and there is no evidence that AIDS or the HIV virus can be transmitted by casual social contact in the open school setting.

The Board further recognizes the privacy rights of students diagnosed with HIV infection or AIDS and their right to a free appropriate public education; the rights of HIV infected employees to privacy and reasonable accommodations; the rights of all non-infected individuals to a safe environment free of any significant risks to their health; and the rights of all students to instruction regarding the nature, transmission, prevention, and treatment of HIV infection, pursuant to the Commissioner's Regulation, Part 135.3.

No individual shall be denied access to any program or activity sponsored by or conducted on the grounds of the district, solely on the basis of his/her status as an HIV-infected individual.

Students

It is the policy of the Board that:

1. A student's education shall not be interrupted or curtailed solely on the basis of his/her HIV status. HIV-infected students shall be afforded the same rights, privileges, and services available to every other student.
2. No student shall be referred to the Committee on Special Education solely on the basis of his/her HIV status. A student who is infected with HIV shall be referred to the Committee on Special Education (CSE) only when the student's disability interferes with his/her ability to benefit from instruction. Such referral shall be made in accordance with Part 200 of Commissioner's Regulations.
3. If a student who is HIV-infected requires special accommodations to enable him/her to continue to attend school, the student shall be referred to the appropriate multi-disciplinary team as required by §504 of the Rehabilitation Act.
4. No disclosure of HIV-related information involving a student shall be made without first obtaining the informed consent of the parent, guardian or student on the Department of Health (DOH) approved form.

Employees

It is the policy of the Board that:

1. No employees shall be prevented from continuing in his/her employment solely on the basis of his/her HIV status; such employees are entitled to all rights, privileges, and services accorded to other employees and shall be entitled to reasonable accommodations to the extent that such accommodations enable such individuals to perform their duties.
2. No disciplinary action or other adverse action shall be taken against any employee solely on the basis of his/her status as an HIV infected or a person with AIDS. Such action will only be taken where, even with the provision of reasonable accommodations, the individual is unable to perform his/her duties.
3. All employees shall have access to the district's exposure control plan as required by the federal Office of Safety and Health Association (OSHA).
4. In accordance with OSHA regulations, training in universal precautions and infection control shall be offered to all employees and shall be provided to every employee with potential occupational exposure.

Confidentiality

Any information obtained regarding the HIV status of an individual connected to the school shall not be released to third parties, except to those persons who are:

1. named on an Authorization for Release of Confidential HIV Related Information form;
2. named in a special HIV court order; or
3. as indicated in Public Health Law §2782, when necessary to provide health care to the individual (i.e., to the school physician and the school nurse).

Any employee who breaches the confidentiality of a person who is HIV infected shall be subject to disciplinary action in accordance with applicable law and/or collective bargaining agreement.

To protect the confidentiality of an HIV infected individual, any documents identifying the HIV status of such individuals shall be maintained by the school nurse (or another authorized individual) in a secure file, separate from the individual's regular file. Access to such file shall be granted only to those persons named on the Department of Health approved Authorization for Release of Confidential HIV Related Information form, or through a special HIV court order. When information is disclosed, a statement prohibiting further redisclosure, except when in compliance with the law, must accompany the disclosure.

HIV/AIDS Testing

No school official shall require a student or employee to undergo an HIV antibody test or other HIV-related test. In accordance with OSHA regulations in the event of an incident involving the exposure one individual to a potentially infectious body fluids of another individual, particularly blood or any other fluid which contains visible blood, an HIV test may be requested but NOT required. The request and refusal must be documented.

However, school officials shall not be precluded from requiring a student or employee to undergo a physical examination pursuant to Education Law §§903 and 913, when other illness is suspected (e.g., tuberculosis), as long as no HIV antibody test or other HIV-related test is administered without the individual's informed consent as required by Public Health Law §27-F.

To implement this policy, the Superintendent of Schools is directed to arrange for staff training, to distribute copies of this policy to all employees of the district, and to include it in the district's student handbook, and to establish an advisory council to make recommendations on the development, implementation, and evaluation of HIV/AIDS instruction as a part of comprehensive health education.

Cross-ref: 5420, Student Health Services

Ref: 29 USC §§794 et seq. (Rehabilitation Act of 1973)
20 USC §§1400 et seq. (Individuals with Disabilities Education Act)
42 U.S.C. §12132, et seq. (Americans with Disabilities Act)
34 CFR Part 104
29 CFR Part 1910.1030
Executive Law §296 (Human Rights Law)
Education Law §§903; 913
Public Health Law, Article 27-F
8 NYCRR §§29.1(g); 135.3; 136.3
An Implementation Package for HIV/AIDS Policy in New York State School Districts, NYS HIV/AIDS Prevention Education Program, June 17, 1998

Adoption date:

Recognition for Longevity and Meritorious Performance

The Board of Education (**delete shall**) **may** recognize staff who have completed twenty (20) years of satisfactory service **in a manner to be determined by the Board.**

The Board of Education (**delete shall**) **may** also acknowledge a staff member who has distinguished himself/herself in a particular endeavor by a letter of commendation.

Docket # 2-211

4121

Teacher Exchange Program

It shall be the policy of this district to permit teacher participation in teacher exchange programs, which have been approved by the Superintendent.

Adopted 2/21/67
Reaffirmed 10/20/92

Substitute Teachers

The administration shall obtain substitute teachers whenever necessary and shall develop appropriate procedures regarding the hiring of such substitutes.

In the event that a substitute teacher serves a consecutive period in excess of twenty (20) teaching days in the same assignment and assumes the full responsibilities of the regular teacher, said substitute will receive \$100 per day.

Adopted 12/4/62

Amended 1/15/74, 10/20/92, 2/24/98

Participation of Professional Staff in Organizations

Members of the staff are encouraged to participate in the activities of professional organizations engaging in research, study and improvement of teaching of the various subjects and special education areas.

Participation in such professional organizations shall not interfere with the performance of a staff member's professional duties and responsibilities.

COUNSEL RECOMMENDS DELETING THIS POLICY

Sick, Personal and Extended Leaves

1. Absence from duty because of personal illness by a member of the certified staff shall be excused with full pay as prescribed in the applicable collective bargaining agreements between the Board of Education and the District's bargaining units.
2. Unused sick leave in any school year shall be cumulative to the extent same is permitted by the applicable collective bargaining agreement.
3. In addition to a statement of the cause of absence (applicable to all types of absences), certified staff members absent for personal illness must file a disability certificate with the Superintendent of Schools. If such absence is of four or more consecutive days, the certificate must be signed by a physician other than the school medical examiner, unless the school medical examiner is also the staff member's family physician.
4. During the final year of service, a member of the certified staff may take a retirement leave of absence pursuant to paragraph "2" of Policy 4156. Such leave, if taken, shall be in lieu of the final salary increase provided for in Policy 4156, at paragraph "1."
5. Absence from duty because of personal business and emergency by a member of the certified staff shall be excused with full pay as prescribed in negotiated agreements between the Board of Education and the District's bargaining units.

Adopted 12/19/61

Amended 6/2/64, 11/22/94

The Regents and Final School Examinations

Students in class sections at the Honors and Regents levels must take the Regents examination appropriate to the course. The Regents exam is the final exam and is calculated into the final average for the course.

School credit for a course may be given despite failure in a Regents examination, and conversely, school credit may be withheld despite success in a Regents examination. School credit is determined by the final course average.

Upon written request of his/her parent, a student who fails a Regents examination, but receives school credit, may (again) take the Regents examination without repeating the course. Retaking the course in summer school is highly advisable, however. This will serve as valuable preparation for retaking the Regents exam.

State regulations now require all students to take Regents exams in courses that terminate with such an exam.

Adopted 3/6/62

Amended 1/19/93, 12/16/97, 5/25/99

Assignment to Groups

Special instructional classes may be formed by the administration for students when such grouping is deemed to be advantageous to the progress of the pupils. Such classes may be for the full school day or for part of the day.

COUNSEL RECOMMENDS USING NYSSBA'S

Promotion in Elementary Schools

Promotion is the responsibility of the Superintendent of Schools. In making decisions regarding promotion, the progress of pupils in academic achievement and the maintenance of academic standards will be considered. The assignment of each pupil shall be that which is judged to be most profitable academically, socially, and emotionally for that pupil.

PROMOTION AND RETENTION OF STUDENTS

It is essential that each child experience both challenge and success from school activities. To this end, the district will make every effort to place each student in the most appropriate learning level for a successful educational experience.

District curriculum guides indicate goals for achievement by the "average" student at each grade level. However, academic growth, like physical growth, does not take place at the same pace or time for all individuals. Certain students may achieve mastery in a shorter period, while others need additional time. Early identification and intervention, promotion and retention are methods of meeting the needs of such children.

The following guidelines shall govern student progression:

Early Identification/Intervention

Classroom teachers are expected to make every effort to identify early those students at risk of failing. The Building Principal and the parents/guardian must be notified promptly if retention is anticipated, and a special support program shall be designed for each child identified as in danger of failing. Such support services may include, but are not limited to, individualized assistance before, during or after the school day; remedial classes; a change in instructional treatment, and, where appropriate, referral to the Committee on Special Education for evaluation.

Promotion/Retention

Elementary schools. At the elementary level, students who pass all subjects will be promoted. Students who do not make satisfactory progress in one or more basic subjects -- Reading, English, Mathematics, Spelling, Social Studies and Science -- shall have their cases considered on an individual basis and may be retained. Retention shall be limited to those situations where the best interest of the child is reasonably assured. Diligent effort shall be made to use all available resources to determine the child's appropriate placement.

Middle schools. Students who pass all subjects but one shall have the failure evaluated and a determination made as to the reason for the failure. The student may be required to repeat the subject, but in typical cases shall be promoted with recommendation for either summer school or assignment to a lower academic ability group. The decision shall be arrived at by consensus from a case conference approach involving teacher, Principal and guidance counselor.

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

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

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

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

Retention. A decision to retain shall be arrived at by consensus from a case conference approach involving the teacher, Building Principal, school psychologist, and parent/guardian. Factors to be considered include teacher recommendation; classroom achievement and attitude; standardized test scores; social and emotional development; results of the family conference; and, for identified students, recommendations by the Committee on Special Education. If a consensus cannot be reached, the decision of the Building Principal shall be final.

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

Ref: Education Law §§1709; 2503(4); 3202
8 NYCRR §100.4
Isqwith v. Levitt, 285 App. Div. 833; 137 N.Y.S.2d 497 (1955)
Matter of Eckert, 13 EDR 270 (1979)
Op. Counsel, 1 EDR 775 (1952)

Docket # 2-218

5143

Student Body Officers

In those schools having student councils, the Board of Education shall recognize duly elected officers of such councils as the representatives of the student body.

Adopted 6/20/72
Amended 1/19/93

Extra Curricular Activities

Students shall be free and encouraged to organize clubs or non-athletic activities within the school for any lawful purpose. Teachers shall be free to recommend such activities to the school principal. The responsibility for chartering clubs or non-athletic activities that have received the approval of the school principal shall be delegated to the student councils in the various schools. The total number of clubs and non-athletic activities available to students in all schools shall be determined by the Board of Education.

Adopted 3/10/70
Amended 2/23/93

Collection of Monies

School district personnel and/or school district facilities may not be used to collect monies from students.

Exceptions from this policy may be permitted upon the approval of the Superintendent of Schools.

Reference: Regents Rule 19.6

Adopted 9/6/60
Amended 1/19/93

Gifts to School

A gift to a school is to be presented to the **appropriate building** principal.

DELETE (If he/she believes that it will not contribute to the well being of the children he/she shall not accept it, and shall so notify the Superintendent. In all instances) ADD: Upon such presentation, the principal will notify the Superintendent of Schools who will, in turn, notify the Board of Education **of the proposed gift.**

DELETE (Before a gift can be accepted which requires an expense of installation or maintenance, the approval of the Board of Education must be obtained.) ADD: No gift to District schools shall be accepted without Board authorization.

COUNSEL RECOMMENDS DELETING THIS POLICY

Taking Students Home in Emergency

Whenever it shall become necessary to escort or transport a student to his home during the school day, he shall be accompanied by one of the individuals listed below:

1. Building Principal
2. School Nurse
3. Any additional person designated by the Superintendent at the beginning of the school year. Such designated person shall report to the building principal upon his departure and return.

Internet Safety and Acceptable Use Policy (AUP)

It is the policy of the West Hempstead Board of Education that the Internet in any school or office is a privilege, not a right, and that access will be provided to only those sites deemed appropriate for educational use. The West Hempstead School District reserves the right to monitor and oversee any interaction involving the use of the Internet. The use of the Internet may be suspended or terminated by the administration at any time. The Superintendent will develop regulations for the purpose of implementing this policy.

Staff Use of Computerized Information Resources

The Board of Education will provide staff with access to various computerized information resources through the District's computer system (DCS hereafter) consisting of software, hardware, computer networks and electronic communication systems. This may include access to electronic mail, so-called "on-line services" and the "Internet." It may also include the opportunity for some staff to have independent access to the DCS from their home or other remote locations. All use of the DCS, including independent use off school premises, shall be subject to this policy and accompanying regulations.

The Board encourages staff to make use of the DCS to explore educational topics, conduct research and contact others in the educational world. The Board anticipates that staff access to various computerized information resources will both expedite and enhance the performance of tasks associated with their positions and assignments.

Staff use of the DCS is conditioned upon written agreement by the staff member that use of the DCS will conform to the requirements of this policy and any regulations adopted to insure acceptable use of the DCS. All such agreements shall be kept on file in the District office.

Generally, the same standards of acceptable staff conduct, which apply to any aspect of job performance shall apply to use of the DCS. Employees are expected to communicate in a professional manner consistent with applicable District policies and regulations governing the behavior of school staff. Electronic mail and tele-communications are not to be utilized to share confidential information about students or other employees.

Administrative regulations will further define general guidelines of appropriate staff conduct and use, as well as proscribed behavior.

District staff shall also adhere to the laws, policies and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and rights of privacy created by federal and state law.

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Staff members who engage in unacceptable use may lose access to the DCS and may be subject to further discipline under the law and in accordance with applicable collective bargaining agreements. Legal action may be initiated against a staff member who willfully, maliciously or unlawfully damages or destroys property of the District.

Privacy Rights

Staff data files and electronic storage areas shall remain District property, subject to District control and inspection. The Director of Technology, as directed by the Superintendent, may access all such files and communications to insure system integrity and that users are complying with requirements of this policy and accompanying regulations. Staff should NOT expect that information stored on the DCS will be private.

Implementation

Administrative regulations will be developed by the Superintendent of Schools to implement the terms of this policy.

Internet Computer Network Terms and Conditions:

1. **Disclaimer** - Use of any information obtained is at the user's risk. Any violation of federal, state or local laws shall be the sole responsibility of the user. The District shall have no responsibility for use of the system by employees, students and community members who abuse the system, violate this policy and/or the law.
2. **Commercial Services** - The user is liable for any commercial service costs that may be incurred.
3. **Security Issues** - If any user identifies a security problem on the Internet/Computer Network, they must notify the Superintendent. Attempts to log in to the Network as a system administrator will result in cancellation of privileges.
4. **Vandalism** - Vandalism will result in the cancellation of privileges. This includes, but is not limited to, the uploading or creation of computer viruses. The user will be financially responsible to reimburse the District for repair or replacement of any harmed equipment, software or data.

Internet Safety

The Board, in order to comply with federal regulations requiring Internet filtering for schools and libraries receiving E-Rate and Title III funds, adopt the following policies to address the required elements of the Internet filtering legislation.

Internet Filtering Services

The Board will employ filtering technology on all school computers with Internet access and will monitor the online activities. This filtering system will enable the school to:

1. Operate technology protection measures that block and/or filter Internet access for minors and adults to visual depictions that are:
 - a. Obscene;
 - b. Child Pornography;
 - c. Harmful to Minors;
 - d. Otherwise inappropriate for minors, as determined by administration
2. Restrict minor's access to materials harmful to minors.

Board Policies Regarding Inappropriate, Unlawful and/or Unauthorized Use of Internet Services

1. Electronic mail, chat rooms and other forms of direct electronic communications (i.e. instant messaging services): To ensure the safety and security of minors during use, the school will restrict Internet use to an educational purpose that may include classroom activities, career development and research.
2. Unauthorized access, hacking and other unlawful activities by minors online: The school will provide appropriate guidance to students via the professional staff regarding what is lawful and what is appropriate usage of the school's online network systems.
3. Unauthorized disclosure, use and dissemination of personal identification information regarding minors: The school will maintain firewall technology to ensure that student information is not publicly accessible to unauthorized users, and the school professional staff will provide guidance, instruction and supervision that makes students aware of and assures that students understand the importance of Internet privacy and anonymity.

4. Disabling during certain use to enable access for bona fide research and other purpose: The school will allow authorized professional staff to disable the school's technology protection measure to enable access for bona fide research and other purpose.
5. Online activities will be monitored to ensure compliance with the above.

Reference: Children's Internet Protection Act (CIPA), 114 Stat. 2763A-335.

Adopted 10/20/98
Reaffirmed 10/5/99
Revised 10/21/08, 2/14/12