

The **SPECIAL BUSINESS/POLICY MEETING** of the Board of Education West Hempstead Union Free School District was called to order in the High School Video Conference Room on December 4, 2018 at 7:45 p.m.

PRESENT: Ms. Brohm, who presided, and six other members of the Board: Mr. Cole, Ms. Greaves, Mr. Katrakazis, Mr. Magaraci, Ms. Shinsato and Mr. Trocchia. Also present were Mr. Rehman, Ms. Reilly, Mr. Press, Mr. Mestecky, Ms. Giordano, Ms. Girolamo and members of the community.

Under **SPECIAL BUSINESS** the following dockets were discussed:

Docket #8-170: Upon the motion of Ms. Shinsato, seconded by Mr. Trocchia and carried by seven, the Board approved the appointment of William Dworsak as Supervisor of School Facilities and Operations.

Docket #8-171: Upon the motion of Ms. Shinsato, seconded by Mr. Trocchia and carried by seven, the Board discussed this docket. Upon the motion of Ms. Shinsato, seconded by Ms. Greaves and carried by seven, the Board approved the appointment of William Dworsak as AHERA Compliance Officer and Health and Safety Officer, as amended.

Upon the motion of Ms. Brohm, seconded by Ms. Shinsato and carried by seven, the following dockets were motioned to be adopted at the December 18, 2018 Business Meeting:

Docket #8-160: **Policy 2510 – Obligation of School Officials to Produce Pupils for Questioning by Police Officers on School Grounds** – total revision as follows:

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview students in schools or at school functions, or to use school facilities in connection with police work.

- a. Police officials may enter school property or a school function to question a student or to conduct a formal investigation involving students only if they have:
 1. A search or arrest warrant;
 2. Probable cause to believe a crime has been committed on school property or at a school function;
 3. Probable cause to believe that a crime is about to be committed on school property or at a school function, which will endanger the health and safety of students, faculty, and/or staff.

Before police officials are permitted to question any student, the Principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning. If the student's parent cannot be contacted prior to the police questioning, the questioning shall not be conducted, unless the student is 16 years of age or older. The Principal or designee will also be present during any police questioning of a student on school property or at a school function.

Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.

Adopted 11/8/60
Reaffirmed 12/17/91
Amended 5/12/09
Revised 12/18/18

Docket #8-161: Policy 3160 – Transfer of Funds between Categories

The following amendments were made:

First paragraph, second line to read ...”The Superintendent of Schools or his/her designee....”
Fourth line to read “...line item accounts for teachers’ salaries and ordinary contingent expenses.....”

Second paragraph, add after first sentence: “The Superintendent will place transfers in excess of \$5,000 on the Board agenda as an action item at its next meeting.”

Docket #8-162: Policy - 3370 Financial Accountability: Allegations of Fraud

The following amendments were made:

First paragraph, first line to read “All Board of Education members and officers.....”

Sixth line to read “...financial improprieties/fraud and/or wrongful conduct.....”

Second paragraph, third line to read “.....of suspected financial improprieties/fraud and/or wrongful conduct,”

Third paragraph, second line to read “...financial improprieties/fraud and/or wrongful conduct....”

Third section to read “Knowingly Making False Accusations”

Docket #8-163 Policy 3380 – Fund Balance

The following amendments were made:

Number 2, second paragraph to read “The District will report fund balance in accordance with Governmental Accounting Standards Board (“GASB”) Statement No. 54. Statement 54 distinguishes....”

Number 3 – third paragraph to read “The District’s basic goal.....”

Third line to read “...4% of the estimated annual expenditures of the ensuing fiscal year.....”

Docket #8-164 Policy 5139 – Provision of Copy of Individualized Education Program (IEP) to Student Service Providers

Change name of policy to **Confidentiality and Access to Individualized Education Program (IEPS)**

The entire policy was revised as follows:

In accordance with the requirements of Subdivision 7 of Section 4402 of the Education Law, the District shall provide a copy of the Individualized Education Program (“IEP”) (including amendments to the IEP) to the regular and special education teachers, related service providers and/or other service providers who are responsible for the implementation of a student’s IEP while respecting the confidentiality of the IEP. All IEP copies will be provided to individuals according to this policy.

District Responsibility to Provide IEP Copies

Prior to the implementation of such program, and as soon as practicable after a committee on Special Education meeting (“CSE”) or Committee on Pre-School Education, (“CPSE”) the Director of Pupil Personnel Services, CSE or CPSE Chairperson, Case Manager or other appropriate person shall:

Transmit a copy of the IEP to teachers, related service providers or other service providers with responsibilities for implementing services under the IEP;

Provide, with the IEP, a statement explaining the IEP is a confidential document and re-disclosures can only be made under certain circumstances, which are provided for in FERPA (the “Buckley Amendment”) and the Individuals with Disabilities Education Act (“IDEA”).

Notification of Responsibilities

At the CSE meeting, or as soon after the meeting as practicable (and prior to the implementation of services under the IEP), the CSE chairperson shall designate one or more than one member of the professional staff to apprise each regular education teacher, special education teacher, related service provider, other service provider, supplementary school personnel (i.e. a teaching assistant or teacher aide as defined in Commissioner’s Regulations) other provider and support staff of his or her responsibility to implement the recommendations and services on a student’s IEP, including the responsibilities to provide specific accommodations, program modifications, supports and/or other services for the student in accordance with the IEP. The designee shall apprise such providers of their responsibilities under the IEP prior to the implementation of the IEP.

The District shall also ensure that each teacher aide and any other provider responsible for assisting in the implementation of a student’s IEP has the opportunity to review a copy of the student’s IEP (including amendments) prior to the implementation of such program as well as have ongoing access to such copy.

Confidentiality

Any copy of a student’s IEP shall remain confidential in compliance with the Individuals with Disabilities Education Act, the Family Educational Rights and Privacy Act, and District policy regarding confidentiality of student records; and shall not be disclosed to any other person other than the parent of such student, except in accordance with federal and state laws and/or regulations. Procedures will be established to ensure that copies of students’ IEPs are stored in secure locations.

A copy of a student’s IEP shall be provided to the student’s parents at no cost to the student’s parents.

Cross Ref: 5138, Student Records – Students with Disabilities
5158, Confidentiality of Student Records – Access and Challenge

Ref: Individuals with Disabilities Education Act (IDEA), 20 USC §§1400 et seq.
Family Educational Rights and Privacy Act (FERPA), 20 USC §1232g; 34 CFR Part
99
Education Law §4402(7)
8 NYCRR §§200.2(b)(11); 200.4(e)(3); 200.16(e)(6)

Adopted 11/19/02
Revised 12/18/18

Docket #8-165 **Policy 5151A – Concussion Management**

The following amendments were made:

After third paragraph add fourth paragraph:

The District’s athletic trainer shall oversee the implementation of the concussion protocol.

Under Phase 4 - “...and running and high aerobic activities.”

After paragraph 6 add: If any post concussion symptoms occur while in any phase of the concussion protocol, then the student/athlete should return to the previous phase and try to progress forward to the next phase after a 24-hour rest period has passed.”

Docket #8-166 **Policy 5158 – Confidentiality of Student Records – Access and Challenge**

The policy was revised as follows:

The District 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 the confidentiality of student records 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 legal responsibility to ensure the orderly retention and disposition of the District student records in accordance with Schedule ED-1 as adopted by the Board in Policy 2551.

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. The District will execute agreements with third-party contractors in accordance with Education Law § 2-d.

The Superintendent of Schools or his/her designee 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, with certain exceptions provided by FERPA and its implementing regulations, including:

- (a) records in the sole possession of the individual who made it and are 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 post-secondary 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: any person or entity, other than an educational agency, that receives student data or teacher or principal data (as defined in Education Law § 2-d) 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 notice that informs parents, guardians and eligible student (18 years or older) currently in attendance of their rights under FERPA and the New York State Law and the procedures for exercising those rights. The notice may be published in a newspaper, handbook, school calendar or other school bulletin or publication. The notice will also be provided to parents, guardians and eligible students who enroll during the school year. The District shall publish the Parents' Bill of Rights on its website and included in any agreements with third-party contractors, as defined above.

The notice 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.

In addition, the notice will inform parents, guardians and eligible students:

1. That it is the District 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 or school district in which a student seeks 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, 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 parents or eligible student exercise their right to prohibit release of the information without prior written consent.
5. Of the procedure for exercising the right to inspect, review and request amendment of student records.
6. 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 may also release student education records, or the personally identifiable information contained within, without consent, where permitted under federal law and regulation.

The District will provide translations of this notice, where necessary, to parents, guardians and eligible students in their native language or dominant mode of communication, as well as parents, guardians, and eligible students who are disabled.

In the absence of the parent or eligible 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 four (4) 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
- Date and Place of birth
- Major course of study
- Participation in school activities or sports
- Weight and height (if a member of an athletic team)
- Dates of attendance
- Degrees and awards received
- Most recent school attended
- Class schedule
- Photograph
- Class roster

Information about a homeless student’s living situation shall be treated as a student educational record, and shall not be deemed directory information.

Once the proper FERPA notification is given by the District, a parent, guardian or eligible student will have fourteen (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 eligible student for the release. Once the eligible student or parent/guardian provides the “opt-out,” it will remain in effect after the student is no longer enrolled in the District or until the eligible student or parent/guardian revokes the “opt-out.”

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

Ref: Family Educational Rights and Privacy Act, 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 I) Records Retention and Disposition, Schedule ED-1 for Use by School Districts and BOCES

Adopted 10/21/08

Revised 12/18/18

Docket #8-167 **Policy 5163 – Food Service Account and prohibition Against Meal Shaming**

The following amendment was made:

Under Parent Outreach – second line to read “The District will make every attempt to determine if such student is directly certified to be eligible for free meals.”

Docket #8-168 **Policy 9275 – Internal Audit Function**

The following amendments were made:

Second paragraph, last sentence to read:

“...such function and provided such persons possess the requisite degrees, certifications, knowledge and/or skills to perform the work and there is no conflict of interest or incompatibility of office or position.”

Add: Cross Ref: 3300 Audit Committees

Docket #8-169

Policy 9277 – Internal Claims Auditor

Change name of policy to Claim Auditor

The following amendments were made:

The **Claims Auditor** is an integral part of a properly designed system of internal controls. The position was created to carry out the important **Board of Education** responsibility to verify the appropriateness of all claims paid by the District.

The Board of Education will annually designate and appoint a Claims Auditor for the District. The Claims Auditor shall serve at the pleasure of the Board. **The Claims Auditor shall report directly to the Board.** The Board shall, at least once every five (5) years, consider proposals from interested parties (including the incumbent) qualified for the position of Claims Auditor.

The Claims Auditor is responsible for formally examining, **allowing or rejecting** all accounts, charges, claims or demands against the District. The auditing process should determine:

After numbering add:

The Claims Auditor shall provide periodic written reports as may be requested by the Board.

Under second set of numbers, after Number 5, add the following:

6. The individual or entity responsible for the internal audit function;
7. The independent auditor responsible for the annual external audit; and/or
8. A close or immediate family member of an employee, officer or contractor providing services to the District. For purposes of this subparagraph, a “close family member” shall be defined as a parent, sibling or nondependent child, and an “immediate family member” shall be defined as a spouse, spouse equivalent, or dependent (whether or not related).

Cross Ref: 9275, Internal Audit Function

Ref: Education Law §§1604 (35); 1709(20-a); 1724; 2509; 2526; 2554(b)
8 NYCRR § 170.12(c)
Matter of Levy, 22 EDR 550 (1983)

At 7:55 p.m. upon the motion of Mr. Magaraci, seconded by Ms. Shinsato and carried by seven, the Policy Meeting was adjourned to Executive Session for the purpose of advice from counsel.

At 8:11 p.m. upon the motion of Mr. Trocchia, seconded by Mr. Magaraci and carried by seven, the Board adjourned Executive Session back into the Special Business Meeting.

Docket #8-172: Upon the motion of Ms. Shinsato, seconded by Mr. Trocchia and carried by seven, the Board denied a Transportation request.

At 8:13 p.m. the Special Meeting was adjourned by Ms. Shinsato, seconded by Mr. Trocchia and carried by seven.

Kathryn Girolamo, District Clerk