

MARION CENTRAL SCHOOL
4034 Warner Road, Marion, NY 14505
Regular Board of Education Meeting
Monday, January 23, 2023
6:00 PM Jr.-Sr. High School Library

AGENDA

Documents Pertaining to this Agenda can be found on the District Website

5:30 PM Budget Committee Meeting ~ Jr-Sr High School Library

Meeting will also be streamed LIVE on the District's YouTube channel at the following link:

https://www.youtube.com/channel/UCv1ZrUVduQHU_qq8rTSk-2Q



Mission

We engage all students to achieve their fullest potential today and to be prepared for tomorrow's opportunities.

Vision

The leader in growing future-ready generations.

Core Beliefs

We believe....

Students are at the heart of what we do.

Innovation is critical to our success.

Integrity is the foundation of our conduct.

Engagement is achieved through rigor, relevance and relationships.

Teamwork is the key to excellence.

Personalized Learning is the future of education.

A. OPENING

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. **Approval of Agenda**

(Action)

B. COMMUNITY COMMENTS ON AGENDA ITEMS

- Opportunity for Public Comments/Questions

C. PRESENTATION

1. FFA Presentation ~ Trip to Nationals and General Update on FFA and Ag ~ Mrs. Lachnor/Students: Rebecca VanCamp & Hayden Williams

D. REPORTS

1. **Board of Education**
 - ~~Open Meeting Law and Board Committees~~
 - ~~Community Presentations to the Board~~
2. **Superintendent – D. Bavis**
 - Superintendent's Conference Day Plans

Approval of the MOA for a successor Agreement to the 2016-2020 Collective Bargaining Agreement, as extended through June 30, 2023, between the Marion Teachers Association and the Marion Central School District. (Enc.) **(Action)**
3. **Director of Finance & Operations – R. Walker**
 - Capital Project Update
 - Cooperative Purchasing (Enc.)

E. POLICY REVIEW

1. First Reading of Policies 1000, 7120 – 7350 (Enc.)
2. **Second Reading and Approval of Policies 6220-6560 (Enc.)** **(Action)**

F. CONSENT AGENDA ITEMS **(Action)**

1. Acceptance of Minutes of Board of Education Meeting of January 9, 2023 (Enc.)
2. Approval of CSE/CPSE Recommendations Regarding Student Placement (Enc.)
3. Approval of Budget Transfers (Enc.)
4. Accept the Resignation, for the purpose of Retirement, of **Kim Graffeo**, Elementary Teacher at Marion Elementary School, effective July 1, 2023. (Enc.)

G. COMMUNITY COMMENTS

I. RECOGNITION

**H. ADJOURNMENT – Next Regularly Scheduled Meeting – Monday, February 13, 2023
6:00 PM Jr.-Sr. HS Library**

MEMORANDUM OF AGREEMENT
BETWEEN THE
MARION CENTRAL SCHOOL DISTRICT
AND THE
Marion Teachers Association

For a successor Agreement to the
2016-2020 Collective Bargaining Agreement
- As Extended Through June 30, 2023 -

January 3, 2023

The following is a total package Tentative Agreement (“Agreement”) for a successor agreement to the 2016-2020 collective bargaining agreement, as extended through June 30, 2023, between the Marion Central School District (the “District”) and the Marion Teacher’s Association, (the “Union,” “Unit” or “Association”). The Parties’ Agreement is a total package agreement for a new three (3) year contract from July 1, 2023 to June 30, 2026.

Any proposals or items not expressly included herein are considered withdrawn and this Agreement and the attached salary schedules represents the total agreement between the Parties. The Parties understand and agree that the enforceability of this Tentative Agreement is subject to legislative ratification by the Association and the Board of Education for the District, and that once ratified, shall be fully enforceable as the Parties new collective bargaining agreement. The Parties agree to the change the current collective bargaining agreement as follows:

1. **Table of Contents** – Revise to reflect appropriate page references.
2. **Article I – Recognition** (p. 3)

AMEND Section C. as follows:

“C. The District agrees to deduct from the salaries of employees, annual dues for the Marion Teachers Association, or the Wayne County Teachers Association, or any one or any combination of such associations as a teacher may elect **in writing**. Deductions shall be made under the following conditions:

1. The Association agrees to provide copies of any executed dues authorization cards or other authorization signed by unit members to the District’s business office. The District shall have no obligation whatsoever to deduct dues from any employee unless the District has been provided a copy of a properly signed authorization. Once received, the District agrees to deduct from the salaries of bargaining unit members the amount of dues authorized by such member and in accordance with the terms of the signed authorization.

~~1-2.~~ Deductions shall be made in twenty-one (21) equal installments beginning with the first payroll in September. The Association shall certify to the Superintendent (or his/her designated agent) the amount of dues currently being levied by the named associations, and, at least two weeks in advance of the effective date for dues deductions to begin, shall provide the Business Office with a certified schedule and dues deductions authorizations of employees participating in the plan and the amount of dues to be deducted on behalf of each individual.

~~2-3.~~ Following each pay period in which deductions have been made, the Business Office shall transmit to the Marion Teachers Association a check for the dues withheld. A list of covered teachers shall be transmitted for the first three payroll periods, and any changes thereafter.

4. The District agrees to abide by the terms and conditions of revocation of a properly signed dues authorization card consistent with the terms and procedure outlined on the dues authorization card pursuant to the requirements of New York State Civil Service Law.

5. The right to such membership dues deduction shall remain in full force and effect until:

(i) an individual employee revokes membership in the employee organization in writing in accordance with the terms of the signed authorization; or

(ii) the individual employee is no longer employed by the public employer, provided that if such employee is, within a period of one year, employed by the same public employer in a position represented by the same employee organization, the right to such dues deduction shall be automatically reinstated.”

3. **Article II – Definitions (p. 4)**

AMEND the definition of “Teaching Year” as follows:

“Teaching Year” shall be defined as the period from the opening date of school in September through the closing date in June of the next year, as set forth in the school calendar. Notwithstanding the preceding definition, in years where Labor Day occurs before September 5th, the school year will commence in the last week of August, and the District may schedule a Superintendent’s Conference Day in the last week of August.

4. **Article IX – Teaching Hours, Seniority, Teaching Load (pp. 9-13)**

AMEND Section A. paragraph 6 (p. 10) to read as follows:

“The work year for members of the bargaining unit shall be at least 181, but no more than 185 work days.”

5. **Article IX – Teaching Hours, Seniority, Teaching Load (pp. 9-13)**

AMEND Section A. paragraph 9 (p. 11) to read as follows:

~~9. In the event that the Superintendent decides to cancel school for students due only to low temperature/wind chill concerns, teachers will be expected to report to work. On such days, the workday for all teachers in the district will be from 8:30 AM to 3:00 PM. The Superintendent will provide clear notification via telephone calls and, wherever possible, through television and radio sources.~~

“9. In the event of a weather related Emergency Closing of the District, members of the bargaining unit will not be required to work unless such day of instruction shall be required for the District to achieve the minimum days of instruction required by the State of New York, in which event the District shall, in the sole discretion of the Superintendent of Schools, schedule a make-up day from remaining scheduled holidays. In the event of a non-weather related Emergency Closing of the District or of an individual building(s), members of the bargaining unit may be required to work, either in person, or via remote instruction, as required by the District in the sole discretion of the Superintendent of Schools.”

6. **Article IX – Teaching Hours, Seniority, Teaching Load** (pp. 9-13)

AMEND the Article by adding a new Section D, Coverage Compensation Procedure (p. 13) as follows:

D. Coverage Compensation Procedure.

i. Unit members who agree to cover the class of an absent unit member will be remunerated at the rate of twenty (\$20.00) Dollars per class period of such coverage.

ii. When coverage is needed the Building Principals' office shall solicit volunteers, and the final assignment to provide coverage will be allowed only with the Building Principal's approval. Only unit members that have a non-instructional period during the time needed may provide coverage.

iii. Unit members who volunteer to provide such coverage shall not be entitled to any other compensation or consideration of any kind, nor shall this compensated surrender of a non-instructional period be the basis of a grievance or other claim under the CBA, or elsewhere.

7. **Article XII – Sick Leave, Emergency Personal Leave** (pp. 15-16)

AMEND Section A. Sick Leave, sub-section 3 as follows:

3. Extended Sick Leave - If a teacher's illness or disability extends more than five (5) days beyond the sick leave accumulated by that teacher, the teacher shall receive extended sick leave paid at the difference between the cost of the substitute's daily pay and the teacher's daily salary. ~~Regular sick leave and~~ Extended sick leave together shall not exceed ~~a total of 200~~ 180 days for the same illness or disability and need not be continuous. While on extended sick leave the teacher's allotment of annual sick leave shall not renew. When the teacher returns to work, he/she will receive the annual allotment of sick leave.

8. **Article XIV – Insurance and Other Benefits** (pp. 18-19)

AMEND Section A. as follows:

A. 1. The School District will pay, according to the following schedule of percentages, the cost of a single, two-person, family (no spouse), or family contract (including qualified dependents as designated by such plans) for any active or retired teacher who elects to take advantage.

~~a. The Blue Point 2 Plan (\$15.00 office visit) with vision and eyewear riders and, the \$0/30/50 prescription drug rider shall be the District's base plan for the 2016-17 school year.~~

~~Effective July 1, 2017, the Blue Point 2 Plan (\$20.00 office visit) with vision and eyewear riders and the \$0/30/50 prescription drug rider shall be the District's base plan.~~

- a. Effective July 1, 2023, Healthy Blue 30 (\$30 co-pay with a \$5/\$35/\$70 Drug Rider) will be the base plan.
 - b. The District's contribution to the premium cost of the base plan shall be as follows:
 1. Effective upon ratification, teachers hired before June 30, 2005 - 85% of premium for single, two-person, family (no spouse), or family plan.
 2. Teachers hired after June 30, 2005 - 80% of premium for single, two-person, family (no spouse), or family plan.
 - ~~b.c.~~ Teachers may apply the dollar value of the base plan premium to any other plan offered by the district and will be responsible for any additional personal cost incurred.
2. Members also have the option to enroll in the lowest Signature HDHP (currently \$1,500/\$3,000 deductible) plan. The District will be responsible for covering 100% of the premium cost of this plan for both single and family policies unless the combined cost to the District of the premium and the HSA contribution set forth below exceeds the District's contribution of the premium cost of the base plan, in which event the member will pay the full amount of the excess.
 - a. Additionally, new enrollees will receive a 100% contribution into an HSA of the in-network deductible (currently \$1,500/\$3,000) when their coverage becomes effective, July 1. In January of 2024, new enrollees will receive a 50% contribution into an HSA of the in-network deductible (currently \$1,500/\$3,000). Thereafter, on the next subsequent January 1st and each subsequent January 1st while the member remains enrolled in the Signature HDHP plan the member will receive an additional 100% contribution into an HSA of the in-network deductible (currently \$1,500/\$3,000).
 - b. The District will offer an HSA plan for eligible employees. Administrative fees will be the responsibility of the employee.
 - c. For any Teacher hired mid-year during any school year, the District will contribute a pro-rated amount to that Teacher's HSA based upon the annual contribution indicated above for the applicable calendar year.
23. Full-time teachers may elect to accept a cash opt-out payment in the amount of \$2000 \$2,150 yearly in lieu of the medical insurance contribution if they arrange for alternative medical insurance coverage. ~~The cash opt-out payment is separate from the district's contribution to a Medical Reimbursement Account. Part-time teachers will be prorated accordingly.~~

~~Effective July 1, 2019, the cash opt-out payment amount shall be \$2150 yearly.~~

9. **Article XV – Salaries and Related Matters (p. 21)**

MODIFY Section A. as follows:

A. Teacher Salary

1. The parties agree that **returning** teachers will receive a ~~3.0% salary increase in 2016-17, a 3.25% salary increase in 2017-18, a 3.50% salary increase in 2018-19, and a 3.65% salary increase in 2019-20.~~ **the indicated percentage increase on their base salary from the previous school year as follows:**

2023 – 2024 School Year 4.00%

2024 – 2025 School Year 4.00%

2025 – 2026 School Year 4.00%

10. Article XV – Salaries and Related Matters (p. 22)

AMEND section C *Remuneration for Graduate Credits*, Sub-Section (4)(b) of this Article as follows:

- b. For courses taken after permanent/professional certification the tuition will be paid when the receipted bill is submitted to the Superintendent along with a transcript indicating that a grade of B, B+, A-, A or A+ has been earned for the approved course. If the course is ungraded a satisfactory or passing comment must be received. The teacher will agree to return for at least two (2) years after reimbursement. The total annual pool of funds available for this reimbursement option shall be the SUNY rate for ~~ten~~ **twenty** three-hour graduate courses. The funds will be evenly distributed by all employees who apply for Tuition Reimbursement. If the courses cannot be evenly distributed, any remaining courses will be given to the person whose request was first received by the District Office.

11. Article XVI – Extra Duty Pay Schedule (pp. 24-27)

AMEND Section A, Interscholastic Athletics, sub-section 3, Coaches Pay Schedule (p. 25) to read as follows:

2023-2026

GROUP	1-4 YEARS	5-8 YEARS	9 AND UP
I	\$5,700	\$6,700	\$7,700
II	\$4,500	\$5,500	\$6,500
III	\$3,900	\$4,900	\$5,900
IV	\$2,700	\$3,700	\$4,700
V	\$2,000	\$2,500	\$2,970

12. Article XVI – Extra Duty Pay Schedule (pp. 24-27)

AMEND Section A, Interscholastic Athletics, sub-section 6, Athletic Director - .5 Position (p. 25) to read as follows:

2023-2026

1-4 YEARS	5-8 YEARS	9 AND UP
\$7,500	\$8,700	\$9,900

13. **Article XVI – Extra Duty Pay Schedule (pp. 24-27)**

AMEND Section B, Extra-Curricular Clubs/Pay Scale (p. 26) to read as follows:

<u>Group</u>	<u>2023-2026</u>
I	\$ 600
II	\$1,200 1,300
III	\$1,600 1,700
IV	\$2,000 2,100
V	\$2,400 2,500

Group I	Group II	Group III	Group IV	Group V
Class Advisor, grades 7 – 12 *	Model UN	NHS Advisor	High School Student Council Advisor	High School Yearbook Advisor (2)
	Elementary School Student Council	Elementary School Yearbook Advisor		
	Ski Club (4) 2-High School, 2- Elementary School	Elementary School Intramurals		
		Mileage Club (2)		
		Foreign Language		
		H.S. FFA MES Farm Club		

* In the event two individuals are appointed Class Advisor for Grades 7 through 11 they shall split the listed stipend equally. In the event two individuals are appointed Class Advisor for Grade 12 they shall each receive the listed stipend. Appointments as Class Advisor made after the start of the instructional year shall be pro-rated from date of appointment to the end of the instructional year.

Advisors for Extra-Curricular Clubs that are unable to meet due to lack of membership or extended school closing will be paid a pro-rated stipend based on the length of the school year completed before the end of the club. Activities that can meet virtually during an extended closure will do so and those Advisors will continue to be paid for that time. Advisors who enter a contractual leave will be paid a pro-rated stipend based on the length of the year completed. Advisors who agree to finish a club for which the advisor has gone on a contractual leave will be paid the remaining stipend.

14. **Article XVI – Extra Duty Pay Schedule (pp. 24-27)**

AMEND Section C, Extra-Curricular Music Positions/Pay Scale (pp. 26-27) to read as follows:

<u>Group</u>	<u>2023-2026</u>
I	\$1,600
II	\$2,100
III	\$3,100
IV	\$4,100

GROUP I	GROUP II	GROUP III	GROUP IV
SHOW CHOIR MUSIC DIRECTOR	MUSICAL SET DESIGNER	ASSISTANT MUSICAL DIRECTOR	MARCHING BAND DIRECTOR
SHOW CHOIR DANCE INSTRUCTOR	AUDIO VISUAL DIRECTOR	COLOR GUARD DIRECTOR	MUSICAL DIRECTOR
JAZZ BAND DIRECTOR			

15. **Article XVI – Extra Duty Pay Schedule (pp. 24-27)**

AMEND Section D, Extra-Curricular Procedures, sub-section 4, Appointment Process (p. 27) to read as follows:

All Coaching and Extra-Curricular activity positions are one year appointments. Positions will be posted **exactly as listed in the contract** on a yearly basis for any MTA member or non-member to apply. MTA members will be given preference over non-members pending they meet qualifications necessary to perform the duties required for the position. **If any position listed in the contract is to be altered or not posted for any reason the MTA will be notified by a district administrator prior to the posting with rationale for the change.**

16. **Article XVI – Extra Duty Pay Schedule (pp. 24-27)**

AMEND the Article by adding a new Section E, Chaperones (p. 27) to read as follows:

E. Chaperones.

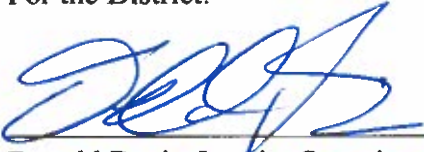
- i. Chaperones on field trips during the school day that extend into the evening or morning hours, resulting in a workday of less than 12 hours will be paid the event supervision rate.
- ii. Chaperones on field trips during the school day that exceeds 12 hours or more or turns into an overnight will be paid \$100.
- iii. Trips including a weekend day, shall be paid twice the event supervision rate for the weekend days and the regular supervision rate for the weekdays.
- iv. If the travel is for activities for which an advisor is paid to supervise a club, the travel shall not be eligible for a stipend.
- v. MTA members who chaperone a field trip outside the US will not receive supervision pay, but will be allowed to attend the trip without taking any leave time.

17. **Article XIX – Duration (p. 28)**

AMEND this Article as follows:

The provisions of this Agreement pertaining to hours, wages, terms and conditions of employment have been negotiated between the parties hereto in accordance with the negotiating procedures set forth herein, shall be effective as of July 1, ~~2016~~ **2023**, and shall remain in force until June 30, ~~2020~~ **2026**.

For the District:



Donald Bavis, Interim Superintendent of Schools

For the Association:



Michael Herlan, MTA President

Date:

1/3/2023

Date:

1/4/23



"The Educated Way to Purchase"

www.ed-data.com

Marion Central School District
4034 Warner Road
Marion, NY 14505

January 11, 2023

Dear Board of Education:

For the past 3 years the Educational Data Services Cooperative Bidding Management Program has produced a total district dollar savings to date of **\$110,437.**

- In a **comparison** of our Cooperative Bid pricing with *National Coops, Regional Ed Svc. Commission Coops and State Coops*, Ed-Data's Cooperative Bidding efforts resulted in **savings of 41-59%.**
- In a **comparison** of our Cooperative Bid pricing with *State Contract* pricing, Ed-Data's Cooperative Bidding efforts resulted in **savings of 54-66%.**

For the **2022 - 2023 School Year** the district realized savings of **\$48,100.**
The savings consist of the following:

- General Classroom, Office and Computer, and Copy Duplicator Supplies: **\$30,673** or **44%** below state contract, National Coop or Regional Ed Services Commission pricing.
- Other Categories where applicable including (Science, I/A, Fine Art, Phys Ed, Health, AV, Athletic, Custodial, etc.) **\$17,426.**

Not included in the above savings are the clerical savings derived from our **online order entry procurement management system, customer service support, and customized district accounting software intergration to download, encumber and print all district purchase orders**, along with the elimination of all bid advertisements, bid mailings, bid openings and bid analysis.

Thank you for making this the most effective and **largest active district cooperative and shared services program** of its kind in the state!!

Sincerely,

A handwritten signature in black ink, appearing to be 'Alan Wohl'.

Alan Wohl
Educational Data Services, Inc.

<u>Marion Central School District Policy</u>	<u>2023</u> <u>1000</u> <u>NEW</u>
<u>STUDENTS SERVING AS EX OFFICIO MEMBERS OF THE SCHOOL BOARD</u>	<u>By-Laws</u>
	<u>Page 1 of 2</u>

The School District may offer to the voters once every two years, on the same date as the annual School District budget vote, a separate referendum to decide whether the School District shall allow a student, as established pursuant to law, to serve on the School Board as an ex officio, non-voting member.

Provided that District voters have voted in favor of having a student serve as a member of the School Board, the School District will allow a District high school student (to be selected in accordance with the provisions enumerated below) to serve as an ex officio member of its Board of Education. This ex officio student member of the Board shall be entitled to sit with Board members at all public meetings of the Board and participate in all Board hearings and meetings.

This ex officio student member of the Board would not have a vote, would not be allowed to attend executive sessions, and would not be entitled to receive compensation of any form for participating at Board meetings.

The ex officio student member of the Board may be any of the following: the elected student president of the high school, a student elected by the student body, a student selected by the high school student government, a student selected by either the high school principal or superintendent of schools, or a student selected by a majority vote of the school board. The student selected must be a senior at the high school and have attended the high school for at least two years prior to the selection.

Education Law Sections 1702(3) (a), (b), (c), and (d),
1804 (12) (a), (b), (c), and (d), 1901 (2)(a), (b), (c), and
(d), 2502(10) (a), (b), (c), and (d)

Adopted: XX/XX/XX

Reviewed:

Revised:

Marion Central School District Policy	2019 <u>2023</u> 7120
AGE OF ENTRANCE	Students
	Page 1 of 1

Kindergarten

Students who are legal residents of the School District and who reside with parents or guardians within the School District at the time of the opening day of school must be five (5) years of age or more on December 1 in order to register for Kindergarten.

A child who transfers into the School District at any time during the school year may be considered for admission to Kindergarten by the Superintendent provided:

- a) The parents were not legal residents of the School District on the opening day of school, and
- b) The child has been registered and enrolled in kindergarten in the District in which his/her parents were legal residents.

Other Grades

Admission of children to other grades shall involve a consideration of both chronological age and the readiness of the children to do the work of those grades.

Proof of Age

A student's birth certificate or other satisfactory evidence of age shall be presented at the time of initial registration. The child shall be entered under his/her legal name.

Education Law Sections 1712, 3202 and 3212

NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth

Adopted: 1/22/07

Reviewed: 12/9/13, 12/9/19, ~~XX/XX/XX~~

Revised: 1/3/11

Marion Central School District Policy	2019 <u>2023</u> 7130
ENTITLEMENT TO ATTEND – AGE AND RESIDENCY	Students
	Page 1 of 4

Ages of Attendance/Compulsory Attendance Age

According to Education Law, a student who becomes six (6) years of age on or before the first of December in any school year shall be required to attend full-time instruction from the first day that the District schools are in session in September of such school year, and a student who becomes six (6) years of age after the first of December in any school year shall be required to attend full-time instruction from the first day of session in the following September. Except as otherwise provided in Education Law Section 3205(3), a student shall be required to remain in attendance until the last day of session in the school year in which the student becomes sixteen (16) years of age.

However, in accordance with Education Law Section 3205(3), the Board of Education authorizes the Superintendent to require minors from sixteen to seventeen years of age who are not employed to attend full-time instruction until the end of the school year in which the student turns seventeen (17) years of age.

All persons dwelling within the District who are between the ages of five (5) years and twenty-one (21) years and who have not received a high school diploma shall be entitled to enroll in the District.

Undocumented children, like U.S. citizen children, have the right to attend school full-time as long as they meet the age and residency requirements established by state law.

Proof of Age

The State Education Department does not require districts to collect students' social security numbers for any purpose. While school districts may need to collect certain data pursuant to State and/or federal laws, they should do so after a student has enrolled in school so as not to inadvertently give the impression that information related to immigration status will be used in making registration/enrollment determinations.

In accordance with Education Law, where a birth certificate or record of baptism is not available, a passport (including foreign passport) may be used to determine a child's age for purposes of enrollment/registration in school. Should none of these be available, the District may consider certain other documentary or recorded evidence to determine a child's age.

Marion Central School District Policy	2019 <u>2023</u> 7130
ENTITLEMENT TO ATTEND – AGE AND RESIDENCY	Students
	Page 2 of 4

The following are examples of documentation that may be used to establish a student's age. This list is not intended to be exhaustive, nor is it a list of required documentation.

- a. School photo ID with date of birth;
- b. Hospital or health records;
- c. State or other government-issued ID;
- d. Military dependent ID card;
- e. Native American Tribal document;
- f. Record(s) from non-profit international aid agencies and voluntary agencies (VOLAGs);
- g. Consulate identification card; and
- h. Official driver's license.

Determination of Student Residency

The residence of children dwelling within the District boundaries shall be established in a manner consistent with State Law and the Regulations of the Commissioner. The Superintendent shall determine whether a child is entitled to attend a District school. Any adverse residency decision by the Superintendent, shall include written notice to the parent/person in parental relation regarding reasons supporting the decision.

A child's residence is presumed to be that of his/her parents or legal guardians. However, the District may encounter students, particularly from other countries, who reside with persons other than their parents or legal guardians. In order to determine residency in these cases, the District may request information regarding such student's custody to establish residency and to ensure the health, safety and welfare of the child.

Children Living With Noncustodial Parents

A child's residence is usually determined by the residence of the custodial parent. However, a noncustodial parent who resides in the District may enroll his/her child in a District school if he/she shares the day-to-day responsibilities for the child and the custodial parent designates the child's residence with the noncustodial parent.

Marion Central School District Policy	2019 <u>2023</u>	7130
ENTITLEMENT TO ATTEND – AGE AND RESIDENCY		Students
		Page 3 of 4

Homeless Children

The parent/person in parental relation to a homeless child; or the homeless child, together with the homeless liaison designated by the School District in the case of an unaccompanied youth; or the director of a residential program for runaway and homeless youth established pursuant to Article 19-H of the Executive Law, in consultation with the homeless child, where such homeless child is living in such program, may designate either the school district of current location, the school district of origin, or a school district participating in a regional placement plan as the district the homeless child shall attend.

Children of Activated Reserve Military Personnel

Students temporarily residing outside the boundaries of the District, due to relocation necessitated by the call to active military duty of the student's parent or person in parental relation, will be allowed to attend the public school that they attended prior to the relocation. However, the District is not required to provide transportation between a temporary residence located outside the District and the school the child attends.

Emancipated Minors

A determination of whether a student is to be designated as an emancipated minor in the Marion Central School District will be based on evidence that the student is no longer under custody, control and support of his/her parents/persons in parental relation. To establish emancipation, a minor may submit documentation of his/her means of support, proof of residency and an explanation of the circumstances surrounding the student's emancipation, including a description of the student's relationship with his/her parents/persons in parental relation.

These statements are renewable each school year. If at any time the above information is changed without prompt notification or proven to be false, the parent/person in parental relation and/or student may be subject to legal action.

Children Living With Persons Not Their Parents -- Guardianship or Custody

In accordance with the Family Court Act and Domestic Relations Law, a person possessing a lawful order of guardianship or custody of a minor child who is not the parent of such child may enroll the child in public school in the school district where he/she and the child reside.

Marion Central School District Policy	2019 <u>2023</u> 7130
ENTITLEMENT TO ATTEND – AGE AND RESIDENCY	Students
	Page 4 of 4

Therefore, upon application for enrollment by the guardian or custodian, the District shall enroll such a child for such time as the child resides with the guardian or custodian in the District upon verification that the guardian or custodian possess a lawful order of guardianship or custody for the child and that the guardian or custodian and the child properly reside in the same household within the District.

McKinney-Vento Homeless Education Assistance Act,
Section 722, as reauthorized by the Every Student
Succeeds Act (ESSA)

Domestic Relations Law Section 74

Education Law Sections 2045, 3202, 3205, 3209

3212(4), 3218(1)(b), and 3218(1)(d)

Family Court Action Section 657

8 New York Code of Rules and Regulations (NYCRR)

Sections 100.2(x) and (y)

NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth

Adopted: 1/22/07

Reviewed: 12/9/13, ~~XX/XX/XX~~

Revised: 1/3/11, 12/9/19

Marion Central School District Policy	2019 <u>2023</u> 7131
EDUCATION OF HOMELESS CHILDREN AND YOUTH	Required Students
	Page 1 of 6

The parent/person in parental relation to a homeless child; or the homeless child, together with the homeless liaison designated by the School District in the case of an unaccompanied youth; or the director of a residential program for runaway and homeless youth established pursuant to Article 19-H of the Executive Law, in consultation with the homeless child, where such homeless child is living in such program, may designate either the school district of current location, the school district of origin, or a school district participating in a regional placement plan as the district the homeless child shall attend.

Pursuant to Commissioner's Regulations, a "homeless child" means a child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child who is:

- a) Sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;
- b) Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
- c) Abandoned in hospitals;
- d) A migratory child who qualifies as homeless in accordance with Commissioner's Regulations. As defined in the No Child Left Behind Act of 2001, the term "migratory child" includes a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who has moved from one school district to another in the preceding 36 months, in order to obtain, or accompanies such parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work.
- e) A child or youth who has a primary nighttime location that is:
 - 1. A supervised, publicly or privately operated shelter designed to provide temporary living accommodations including, but not limited to, shelters operated or approved by the state or local department of social services, and residential programs for runaway and homeless youth established pursuant to Article 19-H of the Executive Law; or
 - 2. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train station or similar setting.

Marion Central School District Policy	2019 <u>2023</u> 7131
EDUCATION OF HOMELESS CHILDREN AND YOUTH	Required Students
	Page 2 of 6

A designator will decide which school district a homeless child or unaccompanied youth will attend. A designator is:

- a) The parent or person in parental relation to a homeless child; or
- b) The homeless child, together with the homeless liaison designated by the District, in the case of an unaccompanied youth; or
- c) The director of a residential program for runaway and homeless youth, in consultation with the homeless child, where the homeless child is living in that program.

The designator may select either the school district of current location, the school district of origin, or a school district participating in a regional placement plan as the district the homeless child will attend. However, the designated school district must determine whether the designation made by the parent, guardian, or youth, in the case of an unaccompanied youth, is consistent with the best interest of the child by considering certain student-centered factors, including factors related to the impact on education and the health and safety of the child or youth.

A homeless child is entitled to attend the school district of origin for the duration of his or her homelessness and also through the remainder of the school year in which he or she locates permanent housing in accordance with his or her best interest.

The term "school district of origin" includes preschool and feeder schools as defined by applicable law.

Enrollment, Retention and Participation in the Educational Program

Enrollment of homeless children shall not be delayed and their ability to continue or participate in the educational program shall not be restricted due to issues such as:

- a) Transportation;
- b) Immunization requirements;
- c) Residency requirements;
- d) Birth certificates, medical records, IEPs, school records and other documentation;
- e) Guardianship issues;
- f) Comprehensive assessment and advocacy referral processes;
- g) Resolution of disputes regarding school selection;
- h) Proof of social security numbers;
- i) Attendance requirements;
- j) Sports participation rules;
- k) Inability to pay fees associated with extracurricular activities such as club dues and sports uniforms; or
- l) Other enrollment issues.

Marion Central School District Policy	2019 2023 7131
EDUCATION OF HOMELESS CHILDREN AND YOUTH	Required Students
	Page 3 of 6

Educational Programs and Services

The School District shall provide homeless children and youth with access to all of its programs, activities and services to the same extent that they are provided to resident students.

Homeless children and youth shall be educated as part of the school's regular academic program. Services must be provided to homeless children and youth through programs and mechanisms that integrate homeless children and youth with their non-homeless counterparts, including programs for special education, vocational and technical education, gifted and talented students, before and after school, English language learners/limited English proficiency, Head Start, Even Start, and school nutrition. Services provided with McKinney-Vento funds must expand upon or improve services provided as part of the regular school program. Consequently, the School District shall ensure that homeless children and youth are not segregated in a separate school, or in a separate program within the school, based on their status as homeless; and to the extent feasible consistent with the requirements of Commissioner's Regulations, keep a homeless child or youth in the school of origin except when doing so is contrary to the wishes of the child's or youth's parent or guardian. Further, the School District shall review and revise policies and practices, including transportation guidelines, that may act as barriers to the enrollment, attendance, school success, and retention of homeless children and youth in the School District.

All homeless children and youth are automatically eligible for Title I Part A services whether or not they meet the academic standards or live in a Title I school attendance area. Homeless students may receive Title I educational or support services from schoolwide and targeted-assistance school programs.

Transportation

In order to ensure immediate enrollment, and so as not to create barriers to the attendance, retention, and success of homeless students, transportation must be promptly provided. If the local social service district or the Office of Children and Family Services is not required to provide transportation, the designated district is responsible for the provision and the cost of the student's transportation through the remainder of the school year in which the homeless student becomes permanently housed.

Where a homeless student designates the school district of current location as the district the student will attend, then that district will provide transportation to the student on the same basis as a resident student. Where the homeless student designates the school district of origin or a school district participating in a regional placement plan, then that district must provide transportation to and from the homeless child's temporary housing and school not to exceed 50 miles each way unless the Commissioner certifies that the transportation is in the best interests of the child.

Marion Central School District Policy	2019 <u>2023</u> 7131
EDUCATION OF HOMELESS CHILDREN AND YOUTH	Required Students
	Page 4 of 6

Transportation is required even if the school of origin is located in another local educational agency (LEA) as long as attendance at the school of origin is in the best interest of the child or youth, even if it requires students to cross district lines. If two school districts are involved, the districts must agree on a method to apportion the cost and responsibility of transportation, or they must split it equally.

Transportation responsibilities apply to all school districts regardless of whether or not they receive McKinney-Vento funds. Transportation must be provided pending final resolution of any enrollment disputes, including any available appeals. If the designated district provides transportation for non-homeless preschool children, it must also provide comparable transportation services for homeless preschool children.

School District Liaison for Homeless Children and Youth

The School District shall designate an appropriate staff person, who may also be a coordinator for other federal programs, as the local educational agency liaison for homeless children and youth to carry out the duties as enumerated in law, Commissioner's Regulations and applicable guidance issued by the U.S. and New York State Education Departments. The District will inform school personnel, local service providers and advocates of the office and duties of the local homeless liaison.

Training

The District will train all school enrollment staff, secretaries, school counselors, school social workers, and principals on the legal requirements for enrollment of homeless students. School nutrition staff, school nurses, teachers, and bus drivers will receive training on homelessness that is specific to their field.

Outreach

The District will make every effort to inform the parents or guardians of homeless children and youth of the education, transportation and related opportunities available to their children including transportation to the school of origin. The parent(s)/guardian(s) will be assisted in accessing transportation to the school they select, and will be provided with meaningful opportunities to participate in the education of their children. Public notice of educational rights of homeless children and youth will be disseminated by the District in places where families and youth are likely to be present (e.g., schools, shelters, soup kitchens), and in comprehensible formats (e.g., geared for low literacy or other community needs).

Marion Central School District Policy	2019 <u>2023</u> 7131
EDUCATION OF HOMELESS CHILDREN AND YOUTH	Required Students
	Page 5 of 6

Dispute Resolution

The District shall establish guidelines for the prompt resolution of disputes regarding school selection or enrollment of a homeless student and provide a written explanation, including a statement regarding the right to appeal to the parent or guardian if the School District sends the student to a school other than the school of origin or the school requested by the parent or guardian. These disputes will include, but are not limited to, disputes regarding transportation and/or a child's or youth's status as a homeless child or unaccompanied youth.

In the event of a dispute regarding eligibility, school selection, or enrollment, the homeless child or youth will be entitled to immediate or continued enrollment and transportation pending final resolution of the dispute, including all available appeals.

Record and Reporting Requirements

If the District, as the school district of origin, receives a request to forward student records to a receiving district, the records must be forwarded within five days of receipt of the request.

The School District shall maintain documentation regarding all aspects of the District's contact with and services provided to homeless students and youth for possible on-site monitoring by the State Education Department.

The District shall collect and transmit to the Commissioner of Education, at such time and in the manner as the Commissioner may require, a report containing such information as the Commissioner determines is necessary to assess the educational needs of homeless children and youths within the state.

Student Privacy

Any information pertaining to the living situation of a homeless student, such as his or her homeless status or temporary address, is considered a student educational record and is not subject to disclosure as directory information under the Family Educational Rights and Privacy Act (FERPA).

Marion Central School District Policy	2019 <u>2023</u> 7131
EDUCATION OF HOMELESS CHILDREN AND YOUTH	Required Students
	Page 6 of 6

McKinney-Vento Homeless Education Assistance Act, as reauthorized by the Every Student Succeeds Act (ESSA)

42 United States Code (USC) Section 11431 et seq.

Education Law Sections 902(b) and 3209

8 New York Code of Rules and Regulations (NYCRR) Section 100.2(x)

NOTE: Refer also to Policy #7511 – Immunization of Students

Adopted: 1/22/07

Reviewed: 12/9/13, ~~XX/XX/XX~~

Revised: 1/3/11, 12/9/19

Marion Central School District Policy	2019 <u>2023</u>	7132
NON-RESIDENT STUDENTS		Students
		Page 1 of 1

Upon written application, subject to approval by the Superintendent of Schools, the children of families who expect to become residents of the District during a given semester and have signed a contract to buy, build or lease a residence may be allowed to attend schools in the semester that they expect to become residents. No tuition will be charged; however, parents/guardians will be responsible for transportation until they become an actual resident of the District.

Former Residents

Students, in good standing, who move out of the District during a semester may be permitted to complete the current semester without the payment of tuition, upon written request by the parent or guardian and approval by the Superintendent. Students, in good standing, who move out of the District after the student has begun the 12th grade may be permitted to complete the 12th grade year without the payment of tuition, upon written request by the parent or guardian and approval by the Superintendent. Parents/guardians are responsible for transportation.

Education Law Sections 1709(13), 2045 and 3202

8 New York Code of Rules and Regulations (NYCRR)

Section 174.2

8 United States Code (USC) Chapter 12

NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth

Adopted: 1/22/07

Reviewed: 12/9/13

Revised: 1/3/11, 10/19/15, 12/9/19, XX/XX/XX

Marion Central School District Policy	2019 <u>2023</u>	7133
EDUCATION OF STUDENTS IN FOSTER CARE		Students
		Page 1 of 7

The District recognizes the importance of educational stability for students in foster care and will collaborate, as appropriate, with the State Education Department (SED) and the local Department of Social Services (LDSS) to ensure that students in foster care have the same opportunity to achieve at the high-levels as their peers. For purposes of this policy, LDSS also refers to the local Social Services District or the local child welfare agency.

Definitions

- a) **Child or youth in foster care** ("student in foster care") means a child who is in the care and custody or custody and guardianship of a local Commissioner of Social Services or the Commissioner of the Office of Children and Family Services.
- b) **Feeder school** means:
 1. A preschool whose students are entitled to attend a specified elementary school or group of elementary schools upon completion of that preschool;
 2. A school whose students are entitled to attend a specified elementary, middle, intermediate, or high school or group of specified elementary, middle, intermediate, or high schools upon completion of the terminal grade of such school; or
 3. A school that sends its students to a receiving school in a neighboring school district pursuant to applicable laws and regulations.
- c) **Foster care** means 24-hour substitute care for children placed away from their parents or guardians and for whom the state or tribal child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. A child is in foster care regardless of whether the foster care facility is licensed and payments are made by the state, tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is federal matching of any payments that are made.
- d) **Preschool** means a publicly funded prekindergarten program administered by SED or a local educational agency or a Head Start program administered by a local educational agency and/or services under the Individuals with Disabilities Education Act (IDEA) administered by a local educational agency.

Marion Central School District Policy	2019 <u>2023</u> 7133
EDUCATION OF STUDENTS IN FOSTER CARE	Students
	Page 2 of 7

e) **Receiving school** means:

1. A school that enrolls students from a specified or group of preschools, elementary schools, middle schools, intermediate schools, or high schools; or
2. A school that enrolls students from a feeder school in a neighboring local educational agency pursuant to applicable laws and regulations.

f) **School district of origin** means the school district within New York State in which the child or youth in foster care was attending a public school or preschool on a tuition-free basis or was entitled to attend at the time of placement into foster care when the Social Services District or the Office of Children and Family Services assumed care and custody or custody and guardianship of such child or youth, which is different from the school district of residence.

g) **School district of residence** means the public school district within New York State in which the foster care placement is located, which is different from the school district of origin.

h) **School of origin** means a public school that a child or youth attended at the time of placement into foster care, or the school in which the child or youth was last enrolled, including a preschool or a charter school. For a child or youth in foster care who completes the final grade level served by the school of origin, the term school of origin will include the designated receiving school at the next grade level for all feeder schools. Where the child is eligible to attend school in the school district of origin because the child was placed in foster care after such child is eligible to apply, register, or enroll in the public preschool or kindergarten or the child is living with a school-age sibling who attends school in the school district of origin, the school of origin will include any public school or preschool in which such child would have been entitled or eligible to attend based on such child's last residence before the circumstances arose which caused such child to be placed in foster care.

District Foster Care Liaison

The District will designate an appropriate staff person to act as the District's point of contact for students in foster care (i.e., the "Foster Care Liaison"). The Foster Care Liaison will not be the same staff person as the McKinney-Vento Liaison unless the McKinney-Vento Liaison has sufficient ability to carry out the responsibilities of both roles.

Marion Central School District Policy	2019 <u>2023</u> 7133
EDUCATION OF STUDENTS IN FOSTER CARE	Students
	Page 3 of 7

The Foster Care Liaison will work collaboratively with representatives from the LDSS.

The District will ensure that the name and contact information for the Foster Care Liaison are:

- a) Submitted to SED;
- b) Provided, in writing, to the point of contact for any LDSS known by the District to have students in its custody; and
- c) Posted on the District website.

Designation of School District and School

The LDSS, in consultation with the appropriate local educational agency or agencies, will determine whether placement in the school district of origin or the school district of residence is in the best interest of a student in foster care. Provided that the District is an appropriate local educational agency, the District will work with the LDSS to make the best interest determination as quickly as possible in order to prevent educational discontinuity for the student. If the student has an Individualized Education Program (IEP), a Section 504 plan, or is an English language learner, relevant school staff may be consulted during the best interest determination process.

To the extent feasible and appropriate, the student should remain in his or her school of origin while the best interest determination is being made.

Subject to a best interest determination, a student in foster care is entitled to attend the school of origin or any school that children and youth who live in the attendance area in which the foster care placement is located are eligible to attend, including a preschool, for the duration of the student's placement in foster care and until the end of the school year in which he or she is no longer in foster care, and for one additional year if that year constitutes the student's terminal year in that building.

Where the school district of origin or school of origin that a student was attending on a tuition-free basis, or was entitled to attend when the student entered foster care is located, in New York State and the student's foster care placement is located in a contiguous state, the student is entitled to attend his or her school of origin or any school that children and youth who live in the attendance area in which the foster care placement is located are eligible to attend, including a preschool, subject to a best interest determination, for the duration of the student's placement in foster care and until the end of the school year in which he or she is no longer in foster care, and for one additional year if that year constitutes the student's terminal year in such building.

Marion Central School District Policy	2019 2023	7133
EDUCATION OF STUDENTS IN FOSTER CARE		Students
		Page 4 of 7

Responsibilities When Designated as the School District of Attendance

If the District is designated as the school district of attendance for a student in foster care, the District will immediately:

- a) Enroll the student in foster care, even if the student is unable to produce records which are normally required for enrollment, such as previous academic records, records of immunization and/or other required health records, proof of residency or other documentation and/or even if the student has missed application or enrollment deadlines during any period of placement in foster care, if applicable;
- b) Treat the student in foster care as a resident for all purposes; and
- c) Make a written request to the school district where the student's records are located in order to obtain a copy of the student's records and coordinate the transmittal of these records in accordance with applicable laws and regulations.

Request for Records

Within five days of receipt of a request for school records from a new school, the District will forward, in a manner consistent with federal and state law, a complete copy of the records of the student in foster care, including, but not limited to: proof of age; academic records; evaluations; immunization records; and guardianship papers (if applicable).

Tuition Reimbursement

Except as otherwise provided in law or regulation, the cost of instruction of a student in foster care will be borne by the school district of origin. Where a district other than the school district of origin is designated as the school district of attendance, the cost of instruction will be borne by the school district of origin and the tuition paid to the designated school district of attendance will be computed in accordance with applicable laws and regulations.

Transportation Responsibilities

Any student in foster care who requires transportation in order to attend his or her school of origin, is entitled to receive that transportation.

As appropriate, the District will coordinate and collaborate with the LDSS to make an appropriate transportation plan that supports the student's school stability plan and is fair to the District's taxpayers, consistent with the District's obligations under federal and state law.

Marion Central School District Policy	2019 <u>2023</u> 7133
EDUCATION OF STUDENTS IN FOSTER CARE	Students
	Page 5 of 7

When the District is the designated school district of attendance, and the student requires transportation to attend his or her school of origin, the District will provide transportation to and from the student's foster care placement location and the school of origin. The costs for transportation may be aidable pursuant to applicable laws and regulations.

When the District is the school district of residence and the designated school district of attendance, and the student does not attend his or her school of origin, the District will provide transportation on the same basis as provided to resident students. The costs for transportation may be aidable pursuant to applicable laws and regulations.

When transporting students in foster care, the District may incur excess transportation costs, as defined by law. The District and the LDSS may enter into a written agreement relating to how excess transportation costs should be funded, consistent with applicable laws and regulations. Absent such an agreement, excess transportation costs incurred by the District will be shared equally between the LDSS responsible for the foster care costs of the student and the designated school district of attendance. The District and the LDSS will consider and utilize all allowable funding sources, including any available federal funds, to cover excess transportation costs.

Where a student in foster care has been placed in foster care in a contiguous state, and the District is the designated district of attendance, the District will collaborate with the LDSS to arrange for transportation.

Where the School of Origin is a Charter School

Where the school of origin is a charter school, the school district designated as the school district of attendance for a student in foster care will be deemed to be the school district of residence for the student for purposes of fiscal and programmatic responsibility and will be responsible for transportation of the student in foster care. If the designated school district of attendance is not the school district of origin, the designated school district of attendance may seek reimbursement from the school district of origin in accordance with applicable laws and regulations.

Dispute Resolution Process

To the extent feasible and appropriate, the District will ensure that a student in foster care remains in his or her school of origin while any dispute is being resolved in order to minimize disruptions and reduce the number of moves between schools.

Marion Central School District Policy	2019 <u>2023</u> 7133
EDUCATION OF STUDENTS IN FOSTER CARE	Students
	Page 6 of 7

Coordination with Other Agencies

The District will coordinate the provision of services described in this policy, as appropriate, with agencies or programs providing services to students in foster care.

The District will coordinate with other school districts on inter-district issues, such as transportation or transfer of school records.

The District will coordinate implementation of the above provision of services with the requirements of IDEA for students with disabilities.

Comparable Services

Each student in foster care will be provided services comparable to other students in the school of attendance, including: transportation services; educational services for which the student meets eligibility criteria; educational programs for students with disabilities; educational programs for English learners; programs in career and technical education; programs for gifted and talented students; and school nutrition programs.

Student Privacy

As appropriate, the District will collaborate with SED and/or the LDSS to determine what documentation related to a student in foster care should be shared among involved parties. In all cases, the District will comply with all statutory requirements to protect student privacy, including the Family Educational Rights and Privacy Act (FERPA) and any other applicable privacy requirements under federal, state, or local laws.

45 USC § 6312

45 CFR § 1355.20(a)

US DOE, Non-Regulatory Guidance: Ensuring Stability for Children in Foster Care (June 23, 2016)

Education Law §§ 3202 and 3244

Memorandum from NY St. Educ. Department on Educational Stability and Transportation Provisions for Students in Foster Care Memo (December 2, 2016)

Marion Central School District Policy	2019 2023 7133
EDUCATION OF STUDENTS IN FOSTER CARE	Students
	Page 7 of 7

NOTE: Refer also to Policies #5660 -- Meal Charging and Prohibition Against Meal Shaming
#7240 -- Student Records: Access and Challenge

Adopted: 12/10/18
Reviewed: 12/9/19, ~~XX/XX/XX~~
Revised:

Marion Central School District Policy	2020 2023	7150
REMOTE LEARNING INSTRUCTION	Students	
<u>Changes from Erie 1 BOCES</u>	Page 1 of 24	

Use of Remote Learning in the DistrictOverview

The District may offer remote or distance learning instruction to students at certain times including, but not limited to, independent study, enrichment courses, and in the event of an ~~extraordinary circumstance such as widespread illness, natural disaster, or other emergency situation~~emergency condition, including, but not limited to, extraordinary adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, destruction of a school building, or a communicable disease outbreak.

In the event the District remains in session and provides remote instruction when it would otherwise close due to an emergency condition, the remote instruction provided by the District will be consistent with the District's emergency remote instruction plan, located in the District-wide school safety plan.

When making decisions about remote learning instruction, the District will consult with students, parents, teachers, administrators, community members, and other stakeholders as appropriate. When implementing remote instruction, ~~t~~The District will ~~also~~ ensure that it is complying with applicable teaching and learning requirements.

Extraordinary Circumstances

~~— In the event of an extraordinary circumstance that requires long-term and widespread use of remote learning, a plan will be developed that outlines how the District will accomplish remote learning. This plan will outline the number of students involved, modes of remote learning, asynchronous and synchronous learning opportunities, internet and device access among students, and alternatives available for students who have neither a device nor consistent access. It will also address the needs of different populations of students including, but not limited to, vulnerable students, younger students, students with disabilities, and English language learners.~~

~~— If warranted, the District may use a hybrid model of in-person instruction and remote learning.~~

Definitions

- "Asynchronous instruction" means instruction where students engage in learning without the direct presence (remote or in-person) of a teacher.
- "Non-digital and/or audio-based instruction" means instruction accessed synchronously and/or asynchronously through paper-based materials where the student to teacher interaction occurs via telephone or other audio platforms.
- "Remote instruction" means instruction provided by an appropriately certified teacher who is not in the same in-person physical location as the student(s) receiving the instruction, where there is regular and substantive daily interaction between the student and teacher.

<u>Marion Central School District Policy</u>	<u>2023</u> <u>7150</u>
<u>REMOTE INSTRUCTION</u>	<u>Students</u>
<u>Changes from Erie 1 BOCES</u>	<u>Page 2 of 4</u>

1. Remote instruction will encompass synchronous instruction provided through digital video-based technology and may also include asynchronous instruction intended to complement synchronous instruction. Digital video-based technology includes online technology and videoconferencing technology.
 2. Remote instruction may encompass non-digital and audio-based asynchronous and/or synchronous instruction where this instruction is more appropriate for a student's educational needs.
- d) "Synchronous instruction" means instruction where students engage in learning in the direct presence (remote or in-person) of a teacher in real time.

Formats and Methods of Remote Learning Instruction

Remote learning instruction may be delivered by teachers through a variety of formats and methods. Instruction may be provided through video, audio, and/or written materials. Communication between teachers and students may occur through video conferencing, prerecorded videos, online discussion boards, and/or other instruction that relies on technology. Remote learning can occur synchronously, which involves real-time interaction and collaboration between teachers and students, or asynchronously, which involves delayed interactions between teachers and students and self-directed learning.

_____ Determinations about how to best deliver remote learning instruction will take into account a variety of factors including, but not limited to, the number of students involved, the subject matter, the students' grade levels, and technological resources of both the District and students. Consideration will also be given to whether accommodations need to be made for students with disabilities or English language learners.

Remote Instruction During an Emergency Condition

Emergency Remote Instruction Plan

_____ The District-wide school safety plan will include plans for the provision of remote instruction during any emergency school closure. The emergency remote instruction plan will include:

- a) Policies and procedures to ensure computing devices will be made available to students or other means by which students will participate in synchronous instruction and policies and procedures to ensure students receiving remote instruction under emergency conditions will access Internet connectivity. The Superintendent will survey students and parents and persons in parental relation to obtain information on student access to computing devices and access to Internet connectivity to inform the emergency remote instruction plan;

Marion Central School District Policy	2020 2023	7150
REMOTE LEARNING INSTRUCTION	Students	
	Page 32 of 42	

- c) A description of how instruction will occur for those students for whom remote instruction by digital technology is not available or appropriate;
- d) A description of how special education and related services will be provided to students with disabilities and preschool students with disabilities in accordance with their individualized education programs to ensure the continued provision of a free appropriate public education; and
- e) If the District receives foundation aid, the estimated number of instructional hours the District intends to claim for state aid purposes for each day spent in remote instruction due to emergency conditions.

Reporting of Computer and Connectivity Survey Results

No later than June 30 of each school year, the Superintendent will report to the Commissioner of Education the results of the survey on student access to computing devices and access to Internet connectivity on a form and format prescribed by the Commissioner.

Minimum Instructional Hours

Remote instruction provided on days when the District would have otherwise closed due to an emergency condition may be counted toward the annual hourly requirement for the purpose of state aid. The Superintendent will certify to the New York State Education Department, on a form prescribed by the Commissioner, that an emergency condition existed on a previously scheduled school day and that the District was in session and provided remote instruction on that day and indicate how many instructional hours were provided on that day and certify that remote instruction was provided in accordance with the District's emergency remote instruction plan.

Remote ~~Learning~~-Instruction Support

As necessary, the District will provide instruction on using remote ~~learning~~-instruction technology and IT support for students, teachers, and families. The District will also work to ensure that teachers and administrators are provided with professional development opportunities related to designing an effective remote ~~learning~~-instruction experience.

Compliance with District Policies, Procedures, and the Code of Conduct

Teachers and students are required to comply with any and all applicable District policies, procedures, and other related documents as they normally would for in-person instruction. Examples include, but are not limited to, the District's policies and procedures on non-discrimination and anti-harassment, acceptable use, and copyright. Students will also be required to abide by the rules contained within the Code of Conduct at all times while engaged in remote ~~learning~~instruction. Violations of the Code of Conduct and/or engaging in prohibited conduct may result in disciplinary action as warranted.

<u>Marion Central School District Policy</u>	<u>2022</u> <u>7150</u>
<u>REMOTE INSTRUCTION</u>	<u>Students</u>
	<u>Page 4 of 4</u>

Privacy and Security of Student and Teacher Data

~~In compliance with law, regulation, and District policy,~~ The District will take measures to protect the personally identifiable information of students and teachers from unauthorized disclosure or access when using remote learning instruction technologies in compliance with law, regulation, and District policy. Examples of these measures include, but are not limited to, minimizing the amount of data shared to only that which is necessary, deidentifying data, and ~~the use of using~~ encryption or an equivalent technical control that renders personally identifiable information unusable, unreadable, or indecipherable to unauthorized persons when transmitted electronically.

8 NYCRR Sections 100.1, 100.5, 155.17, and 175.5

NOTE: Refer also to Policies #5681 -- School Safety Plans

#7220 -- Graduation Options/Early Graduation/Accelerated Programs

Adopted: 12/07/20

Reviewed:

Revised: XX/XX/XX

Marion Central School District Policy	2019 <u>2023</u> 7210
STUDENT EVALUATION	Required Students
	Page 1 of 2

Placement

Placement within the system, with respect to building, teacher, and grade or special class, shall be at the discretion of the school administration and shall be subject to review and change at any time. In making such decisions, the administrator will be guided by performance in class, past records, parent/guardian and teacher recommendations, standardized test scores, and any other appropriate sources of information, but the final decision shall rest with the school administration. Parents may receive, upon request an explanation for the decision.

Promotion and Retention

The procedures to be followed by the staff regarding promotion and retention will be developed by the Superintendent and will be continually evaluated in the light of School District policy. Building Principals may establish written standards for promotion or retention within the school units to which the students are assigned, subject to the guidelines of the Superintendent and the approval of the Board of Education.

Testing Program

The Board of Education endorses and supports the use of ability, achievement, diagnostic, readiness, interest and guidance tests as part of the total educational process to the degree to which tests help the District to serve its students.

Alternative Testing Procedures

The use of alternative testing procedures shall be limited to:

- a) Students identified by the Committee on Special Education and/or Section 504 Team as having a disability. Alternative testing procedures shall be specified in a student's Individualized Education Program or Section 504 Accommodation Plan; and
- b) Students whose native language is other than English (i.e., English language learners) in accordance with State Education Department Guidelines.

The alternative testing procedures employed shall be based upon a student's individual needs and the type of test administered.

The District shall report the use of alternative testing procedures to the State Education Department on a form and at a time prescribed by the Commissioner.

Reporting to Parents/Legal Guardians

Parents/guardians shall receive an appropriate report of student progress at regular intervals.

Marion Central School District Policy	2019 <u>2023</u> 7210
STUDENT EVALUATION	Required Students
	Page 2 of 2

Report cards shall be used as a standard vehicle for the periodic reporting of student progress and appropriate school related data. Report cards, however, are not intended to exclude other means of reporting progress, such as interim reports, conferences, phone conversations, web-based management system, etc.

When necessary, attempts will be made to provide interpreters for non-English speaking parents/guardians.

Section 504 of the Rehabilitation Act of 1973,
29 United States Code (USC) Section 794 et seq.
8 New York Code of Rules and Regulations (NYCRR)
Sections 100.2(g), 117 and 154
Education Law Section 1709(3)

Adopted: 1/22/07
Reviewed: 12/9/13, 12/9/19, ~~XX/XX/XX~~
Revised: 2/7/11

Marion Central School District Policy	2019 2023 7211
PROVISION OF INTERPRETER SERVICES TO PARENTS WHO ARE HEARING IMPAIRED	Required Students
	Page 1 of 1

The Board of Education assures parents or persons in parental relation who are hearing impaired the right to meaningful access to school initiated meetings or activities pertaining to the academic and/or disciplinary aspects of their children's education. School initiated meetings or activities are defined to include, but are not limited to, parent-teacher conferences, child study or building-level team meetings, planning meetings with school counselors regarding educational progress and career planning, suspension hearings or any conferences with school officials relating to disciplinary actions. The term "hearing impaired" shall include any hearing impairment, whether permanent or fluctuating, which prevents meaningful participation in School District meetings or activities.

Parents or persons in parental relation shall be notified of the availability of interpreter services to be provided at no charge, provided that a written request is made to the School District ~~within at least~~ fourteen (14) days ~~of the prior to the~~ scheduled event. Exceptions to the time frame request may be made for unanticipated circumstances as determined by the Principal/designee. The District shall also notify appropriate school personnel as to the terms and implementation of this policy.

If interpreter services are requested, the District shall appoint an interpreter for the hearing impaired to interpret during the meeting or activity. The District will arrange for interpreters through a District-created list or through an interpreter referral service. The District shall also develop interagency agreements, as appropriate, to ensure that sign language interpreters are provided for eligible parents or persons in parental relation when District students attend out-of-District schools or programs.

In the event that an interpreter is unavailable, the School District shall make other reasonable accommodations which are satisfactory to the parents or persons in parental relation. Examples of what constitutes reasonable accommodations in the event an interpreter cannot be located may include, but are not limited to, the use of:

- a) Written communications, transcripts, note takers, etc; and
- b) Technology, such as: a decoder or telecommunication device for the deaf, assistive listening devices, and closed or open captioning.

Education Law Section 3230
8 New York Code of Rules and Regulations (NYCRR)
Section 100.2(aa)

Adopted: 01/22/07
Reviewed: 12/9/13, 12/9/19
Revised: 2/7/11, ~~XX/XX/XX~~

Marion Central School District Policy	2019 <u>2023</u> 7212
TRANSFER STUDENTS: ACADEMIC CREDIT AND INTERSCHOLASTIC ATHLETIC ELIGIBILITY REQUIREMENTS	Students
	Page 1 of 4

Academic Credit

It is the responsibility of the High School Principal to evaluate the transcript or other records of a transfer student enrolling in the District high school, and award the appropriate units of transfer credit towards a high school diploma. However, when a student transfers from a registered New York State high school to a (registered) District high school, the Principal **must** transfer credit for all credit awarded by such registered New York State high school.

Additionally, the Principal, after consulting with relevant faculty, may award transfer credit for work done at other educational and cultural institutions and for work done through independent study. The decision should be based on whether the student's record indicates that the work is consistent with New York State commencement level learning standards and is of comparable scope and quality to that which would have been done in the school awarding the credit.

Transfer students **must** meet all the units of credit requirements for a diploma. While principals have considerable discretion in reviewing a student's record, they cannot waive the units of credit requirements for a diploma. The assessment requirements a student must meet to earn a diploma are based on the year in which the student entered grade 9 for the first time in New York State or in an out-of-state or out-of-country school. Transfer students who are exempted from taking specific State assessments must have their transcripts and permanent records so annotated.

Students who enter a registered New York State high school for the first time in grade 11 in the 2002-2003 school year and thereafter, other than those students who have received home instruction pursuant to section 100.10 of this Part in New York State or who have been enrolled in a registered or non-registered public or nonpublic New York State high school, in order to receive a high school diploma must pass the Regents comprehensive examination in English or the Regents examination in English language arts (common core), a Regents examination in mathematics, a Regents examination in United States history and government, and a Regents examination in science, or approved alternatives. The principal may exempt such student from the requirement for the Regents examination in global history and geography ordinarily taken and passed before the date of the student's entry. Additionally, for such student who first enters grade 11 in a registered New York State high school in the 2018-2019 school year and thereafter, the principal may exempt the student from the two units of credit requirement in global history and geography and may substitute two units of credit in social studies.

Marion Central School District Policy	2019 <u>2023</u> 7212
TRANSFER STUDENTS: ACADEMIC CREDIT AND INTERSCHOLASTIC ATHLETIC ELIGIBILITY REQUIREMENTS	Students
	Page 2 of 4

Academic Credit (Cont'd.)

Students who enter a registered New York State high school for the first time in grade 12 in the 2004-2005 school year and thereafter, other than those students who have received home instruction pursuant to section 100.10 of this Part in New York State or who have been enrolled in a registered or non-registered public or nonpublic New York State high school, in order to receive a high school diploma must pass the Regents comprehensive examination in English or the Regents examination in English language arts (common core), a Regents examination in mathematics, a Regents examination in United States history and government, or approved alternatives. The principal may exempt such student from the requirement for the Regents examination in science and the Regents examination in global history and geography ordinarily taken and passed before the date of the student's entry. Additionally, for such student who first enters grade 12 in a registered New York State high school in the 2019-2020 school year and thereafter, the principal may exempt the student from the two units of credit requirement in global history and geography and may substitute two units of credit in social studies.

Finally, a student transferring between high schools in grade 11 or 12 may be exempt from the second language requirements of three units of credit in one language for a Regents diploma with advanced designation if the language in which the student began a second language sequence in grade 9 or 10 is not offered in the school to which the student is transferred. In such cases, the student shall complete three units of credit in second languages but not necessarily in a single language.

Interscholastic Athletic Eligibility Requirements for Transfer Students

- a. A student in grades 9-12 who transfers, with a corresponding change in residence of his/her parents (or other persons with whom the student has resided for at least six months) shall become eligible after starting regular attendance in the second school. A residence change must involve a move from one school district to another. Furthermore, when a student moves from public school district to another public school district for athletic eligibility the student must enroll in the public school district or in a private school within that district's boundaries of his/her parent's residency. For athletic eligibility, a residency is changed when one is abandoned by the immediate family and another residency is established through action and intent. Residency requires one's physical presence as an inhabitant and the intent to remain indefinitely. The Superintendent, or designee, will determine if the student has met district residency requirements.

Marion Central School District Policy	2019 <u>2023</u> 7212
TRANSFER STUDENTS: ACADEMIC CREDIT AND INTERSCHOLASTIC ATHLETIC ELIGIBILITY REQUIREMENTS	Students
	Page 3 of 4

Interscholastic Athletic Eligibility Requirements for Transfer Students (cont'd)

- b. A student who transfers without a corresponding change in residence of his/her parents (or other persons with whom the student has resided for at least six months prior) is ineligible to participate in any interscholastic athletic contest in a particular sport for a period of one (1) year if as a 9-12 student participated in that sport during the one (1) year period immediately preceding his/her transfer. Students who transfer from any school to the public school district of the residence of his/her parents (or other persons whom the student has resided for at least six months) or a private school within that district's boundaries shall receive a waiver from the Transfer Rule. Such a transfer without penalty will only be permitted once in a high school career. **Schools must submit the required transfer form to the Section office. Athletes are not permitted to practice before the form has been submitted. Athletes are not permitted to compete without approval.**
- NOTE:** A student in a foreign exchange program listed by CSIET has a one-year waiver of the Transfer Rule. If such a student elects to stay a second year he/she becomes a foreign student at the start of the school year with item (b) in effect.

Exemptions to (b): For athletic eligibility a student must enroll in the public school district or in a nonpublic school within that district's boundaries of his/her parent's residency.

Note: Multiple High School Districts - The policies/boundaries of the school district will be followed. If the district has an open enrollment policy, the interpretation to be used will be the same as used for students of K-8 school districts. When a student enrolls in 9th grade, this is the district (building) of their residence. Any subsequent transfer would be subject to the Transfer Rule.

1. The student reaches the age of majority and established residency in a district and can substantiate that they are independent and self-supporting.
2. If a private or parochial school ceases to operate a student may transfer to another private or parochial school of his/her choice. Otherwise, a student must enroll in the public school district of his/her parents' residency.
3. A student who is a ward of the court or state and is placed in a district by court order. Guardianship does not fulfill this requirement.

Marion Central School District Policy	2019 <u>2023</u> 7212
TRANSFER STUDENTS: ACADEMIC CREDIT AND INTERSCHOLASTIC ATHLETIC ELIGIBILITY REQUIREMENTS	Students
	Page 4 of 4

4. A student from divorced or “legally” separated parents who moves into a new school district with one of the aforementioned parents. Such a transfer is allowed once every six months. The legal separation agreement must address custody, child support, spouse’s support and distribution of assets and be filed with the County Clerk or issued by a Judge.
5. A student who is declared homeless by the superintendent pursuant to Commissioner’s Regulation 100.2.
6. A student of a military employee who is transferred to an active military base may enroll in the non-public school closest to their residence and maintain eligibility if the student enrolls in a non-public school immediately following the change in residence.

NOTE: It is provided, however, that each school shall have the opportunity to petition the section involved to approve transfer without penalty based on an undue hardship for the student. Educational Waivers will not be considered as an undue hardship effective for the 2015-2016 school years.

- c. Transfer students trying out for sports before school opens in the fall shall register and be accepted by the principal of that school before the medical examination and the first practice. This shall constitute the start of the regular attendance for falls sports. NOTE: After approval by the school medical officer a student may practice immediately and must satisfy the specific sports standard according to the number of practice sessions.
- d. Practices at the previous school may be counted toward the minimum number of practices required provided the principal or athletic director of the previous school submits, in writing, the number and dates of such practices to the principal or athletic director of the new school.
- e. 7th and 8th graders that compete at the HS level will be subject to the transfer rule in “that” sport, effective with the 2017-2018 school year.

Adopted: 1/22/07

Reviewed: 12/9/19, ~~XX/XX/XX~~

Revised: 6/21/2017

Marion Central School District Policy	2020 <u>2023</u> 7220
GRADUATION REQUIREMENTS	Students
	Page 1 of 1

In order to graduate from Marion Central School District, a student must complete or may exceed the requirements set forth in Part 100 of the Commissioner's Regulations. The Board of Education reserves the right to establish requirements for graduation which exceed the minimum standards as defined by the New York State Regents.

8 New York Code of Rules and Regulations (NYCRR)
Sections 100.1(i) and 100.5

Adopted: 1/22/07
Reviewed: 12/9/13, 4/14/20, ~~XX/XX/XX~~
Revised: 2/7/11

Marion Central School District Policy	2020 <u>2023</u> 7221
EARLY GRADUATION	Students
	Page 1 of 1

A student shall be eligible for early graduation in fewer than eight (8) semesters upon completion of all requirements for graduation, excluding physical education, as mandated by Commissioner's Regulations. A student shall not be required to continue enrollment for the sole purpose of completing physical education requirements. The District, upon request from the student's parent/guardian, shall grant the student a high school diploma prior to his/her completion of the eighth (8th) semester in accordance with Commissioner's Regulations.

8 New York Code of Rules and Regulations (NYCRR)
Sections 100.5(a) and 100.5(e)

Adopted: 1/22/07
Reviewed: 12/9/13, 4/14/20, ~~XX/XX/XX~~
Revised: 10/17/11

Marion Central School District Policy	2020 2023 7222
DIPLOMA AND/OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES	Required Students
	Page 1 of 1

The District will provide students with disabilities appropriate opportunities to earn a diploma or non-diploma high school exiting credential in accordance with Commissioner's regulations. Students with disabilities may be eligible for one or more of the following:

Diploma Options

- a) Regents Diploma, including with honors, an advanced designation, a career and technical education endorsement, and/or any other designation or endorsement as may be available.
- b) Local Diploma, including with any endorsement as may be available.

Existing Credentials Options

- a) Career Development and Occupational Studies (CDOS) Commencement Credential, which may be earned as a supplement to a Regents or local diploma or as a student's only exiting credential.
- b) Skills and Achievement Commencement Credential.

Specific requirements and detailed information for each diploma and non-diploma high school exiting credential are specified in the Commissioner's regulations and various guidance materials issued by the New York State Department of Education.

8 NYCRR §§ 100.1, 100.2, 100.5, and 100.6

NOTE: Refer also to Policy #7220 -- Graduation Requirements

#7221 – Early Graduation

#7223 – Participation in Graduation Ceremonies

Adopted: 1/22/07

Reviewed: 12/9/19, ~~XX/XX/XX~~

Revised: 2/7/11, 3/19/18, 11/19/18, 4/14/20

Marion Central School District Policy	2020 <u>2023</u> 7223
PARTICIPATION IN GRADUATION CEREMONIES AND ACTIVITIES	Students
	Page 1 of 1

Any student who has satisfactorily completed all graduation requirements will be permitted to participate in the graduation ceremony and all related graduation activities.

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

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

Education Law § 3204(4-b)

Adopted:

Reviewed: 12/9/19, ~~XX/XX/XX~~

Revised: 11/19/18, 4/14/20

Marion Central School District Policy	2020 <u>2023</u> 7230
DUAL CREDIT FOR COLLEGE COURSES	Students
	Page 1 of 1

Students who wish to enroll in college level coursework shall meet all academic, grade level and coursework requirements as set forth by administrative guidelines. Students who have demonstrated intellectual and social maturity may choose to matriculate at any one (1) of the colleges that have a cooperative agreement with our School District. Such opportunities may include collegiate-level work offered in the high school. Review and approval by the administration are necessary before any college courses may be taken during the school day.

The Board shall not be required to pay tuition and other related costs for those high school students enrolled in college courses.

Adopted: 01/22/07

Reviewed: 12/9/19, 4/14/20, ~~XX/XX/XX~~

Revised:

Marion Central School District Policy	2020 2023 7240 Required
STUDENT RECORDS: ACCESS AND CHALLENGE	Students
	Page 1 of 4

The School District shall comply with the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Under its provisions, "parents/guardians and noncustodial parent(s), whose rights are not limited by court order or formal agreement, of a student under eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, have a right to inspect and review any and all education records maintained by the School District.

Education Records

The term "education records" is defined as all records, files, documents and other materials containing information directly related to a student; and maintained by the education agency or institution, or by a person acting for such agency or institution (34 Code of Federal Regulations (CFR) Section 99.3). This includes all records regardless of medium, including, but not limited to, handwriting, videotape or audiotape, electronic or computer files, film, print, microfilm, and microfiche.

In addition, for students who attend a public school district, all records pertaining to services provided under the Individuals with Disabilities Education Act (IDEA) are considered "education records" under FERPA. As such, they are subject to the confidentiality provisions of both Acts.

Personal notes made by teachers or other staff, on the other hand, are not considered education records if they are:

- a) Kept in the sole possession of the maker;
- b) Not accessible or revealed to any other person except a temporary substitute; and
- c) Used only as a memory aid.

Additionally FERPA does not prohibit a school official from disclosing information about a student if the information is obtained through the school official's personal knowledge or observation and not from the student's education records.

Records created and maintained by a law enforcement unit for law enforcement purposes are also excluded.

Marion Central School District Policy	2020 <u>2023</u> 7240 Required
STUDENT RECORDS: ACCESS AND CHALLENGE	Students
	Page 2 of 4

Access to Student Records

The Board directs that administrative regulations and procedures be formulated to comply with the provisions of federal law relating to the availability of student records. The purpose of such regulations and procedures shall be to make available to the parents/guardians of students and noncustodial parent(s) whose rights are not limited by court order or formal agreement, or students who are eighteen (18) years of age or older or who are attending an institution of post-secondary education, student records, and files on students, and to ensure the confidentiality of such records with respect to third parties.

Under FERPA, unless otherwise exempted in accordance with law and regulation, the District may release personally identifiable information contained in student records only if it has received a "signed and dated written consent" from a parent or eligible student. Signed and dated written consent may include a record and signature in electronic form provided that such signature:

- a) Identifies and authenticates a particular person as the source of the electronic consent; and
- b) Indicates such person's approval of the information contained in the electronic consent.

Health and Safety Emergency Exception

School districts must balance the need to protect students' personally identifiable information with the need to address issues of school safety and emergency preparedness. Under FERPA, if an educational agency or institution determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records, without consent, to any person whose knowledge of the information is necessary to protect the health and safety of the student or other individuals during the period of the health or safety emergency. School districts may release information from records to appropriate parties including, but not limited to, parents, law enforcement officials and medical personnel. A school district's determination that there is an articulable and significant threat to the health or safety of a student or other individuals shall be based upon a totality of the circumstances, including the information available, at the time the determination is made. The school district must record the articulable and significant threat that formed the basis for the disclosure and maintain this record for as long as the student's education records are maintained.

Marion Central School District Policy	2020 2023 7240 Required
STUDENT RECORDS: ACCESS AND CHALLENGE	Students
	Page 3 of 4

Challenge to Student Records

Parents/guardians of a student under the age of eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, shall have an opportunity for a hearing to challenge the content of the school records, to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

Disclosures to Parents of Eligible Students

Even after a student has become an "eligible student" under FERPA (which is defined as a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education) an educational agency or institution may disclose education records to an eligible student's parents, without the student's consent:

- a) If the student is claimed as a dependent for Federal income tax purposes by either parent;
- b) In connection with a health or safety emergency;
- c) If the student is under twenty-one (21) years of age and has violated an institutional rule or policy governing the use of alcohol or a controlled substance; or
- d) If the disclosure falls within any other exception to the consent requirements under FERPA or its Regulations, such as the disclosure of directory information or in compliance with a court order or lawfully issued subpoena.

Release of Information to the Noncustodial Parent

The District may presume that the noncustodial parent has the authority to request information concerning his/her child and release such information upon request. If the custodial parent wishes to limit the noncustodial parent's access to the records, it would be his/her responsibility to obtain and present to the school a legally binding instrument that prevents the release of said information.

Marion Central School District Policy	2020 2023 7240 Required
STUDENT RECORDS: ACCESS AND CHALLENGE	Students
	Page 4 of 4

Release of Information to Another Educational Institution

The District may disclose any and all educational records, including disciplinary records and records that were created as a result of a student receiving special education services under Part B of IDEA, to another school or postsecondary institution at which the student seeks or intends to enroll, or after the student has enrolled or transferred, so long as the disclosure is for purposes related to the student's enrollment or transfer. Parental consent is not required for transferring education records if the school's annual FERPA notification indicates that such disclosures may be made. In the absence of information about disclosures in the annual FERPA notification, school officials must make a reasonable attempt to notify the parent about the disclosure, unless the parent initiated the disclosure. Additionally, upon request, schools must provide a copy of the information disclosed and an opportunity for a hearing.

Family Educational Rights and Privacy Act of 1974
20 United States Code (USC) Section 1232g
34 Code of Federal Regulations (CFR) Part 99

NOTE: Refer also to Policy #7643 -- Transfer Students with Disabilities

Adopted: 3/16/09
Reviewed: 12/9/19, 4/14/20, ~~XX/XX/XX~~
Revised: 2/7/11

Marion Central School District Policy	2020 <u>2023</u> 7241
STUDENT DIRECTORY INFORMATION	Students
	Page 1 of 1

The District shall publish an annual public notice informing parents or eligible students (i.e., a student eighteen (18) years of age or older or who is attending an institution of post-secondary education) of the District's definition of directory information, the parent/eligible student's right to refuse the release of student directory information and indication of the time period for their response. (Directory information is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.) Following such public notice and a reasonable response period, the District may release such information to an outside group without individual consent.

The Family Educational Rights and Privacy Act (FERPA) defines student directory information as any of the following: name; address; telephone listing; date and place of birth; major field of study; grade level; participation in officially recognized activities and sports; weight and height (if members of athletic teams); dates of attendance; honors, degrees and awards received; electronic mail address; photograph; and the name of the educational agency or institution most recently previously attended by the student. The District will release only the following defined directory information: Student's name, major field of study, participation in officially recognized activities & sports, weights & heights of members of athletic teams, honors and awards received, the most recent previous educational agency or institution attended by the student, and photographs.

Directory information **does not** include:

- a) A student's social security number; or
- b) A student's identification (ID) number, except as provided below.

Directory information includes a student ID number, user ID, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user.

Family Educational Rights and Privacy Act of 1974
20 United States Code (USC) Section 1232(g)
34 Code of Federal Regulations (CFR) Part 99

Adopted: 03/16/09
Reviewed: 12/9/19, 4/14/20, ~~XX/XX/XX~~
Revised: 2/7/11

Marion Central School District Policy	2020 <u>2023</u> 7243
MILITARY RECRUITERS' ACCESS TO SECONDARY SCHOOL STUDENTS AND INFORMATION ON STUDENTS	Students
	Page 1 of 2

In compliance with the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001 (NCLB); and the National Defense Authorization Act, and in accordance with the Family Educational Rights and Privacy Act (FERPA), the School District shall comply with a request by a military recruiter for secondary students' names, addresses, and telephone listings, **unless a parent has "opted out" of providing such information.**

Further, in compliance with the NCLB, the District shall give military recruiters the same access to secondary school students as they provide to postsecondary institutions or to prospective employers.

Under FERPA, the School District must provide notice to parents of the types of student information that it releases publicly. This type of information, commonly referred to as "directory information," which is released by the District includes -- but is not limited to -- such items as students' names, addresses, and telephone listings. The notice must include an explanation of a parent's right to request that the information not be disclosed without prior written parental consent; and further requires that parents be notified that the School District routinely discloses students' names, addresses, and telephone listings to military recruiters upon request, subject to a parent's request not to disclose such information without written parental consent.

A single notice provided through a mailing, student handbook, or other method that is reasonably calculated to inform parents of the above information is sufficient to satisfy the parental notification requirements of both FERPA and the NCLB. The notification shall advise the parent of how to opt out of the public, nonconsensual disclosure of directory information and the method and timeline within which to do so.

If a parent opts out of providing directory information (or any subset of such information) to third parties, the opt-out relating to their child's name, address, or telephone listing applies to request for military recruiters as well. For example, if the opt-out states that telephone numbers will not be disclosed to the public, the District may not disclose telephone numbers to military recruiters.

The Superintendent/designee shall ensure that appropriate notification is provided to parents informing them of their right to opt-out of the release of designated directory information without prior written parental consent.

Marion Central School District Policy	2020 <u>2023</u> 7243
MILITARY RECRUITERS' ACCESS TO SECONDARY SCHOOL STUDENTS AND INFORMATION ON STUDENTS	Students
	Page 2 of 2

Elementary and Secondary Education Act of 1965, Section 9528
 20 United States Code (USC) Section 7908 as amended by the
 No Child Left Behind Act of 2001
 Family Educational Rights and Privacy Act of 1974
 20 United States Code (USC) Section 1232(g)
 National Defense Authorization Act Section 544
 10 United States Code (USC) Section 503
 34 Code of Federal Regulations (CFR) Section 300.571
 Education Law Section 2-a
 8 New York Code of Rules and Regulations (NYCRR)
 Section 3.33

Adopted: 1/22/07
 Reviewed: 12/9/19, 4/14/20, ~~XX/XX/XX~~
 Revised: 2/7/11

Marion Central School District Policy	2020 2023 7250 Required
STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS	Students
	Page 1 of 6

The Protection of Pupil Rights Amendment (PPRA) governs the administration to students of a survey, analysis, or evaluation that concerns one or more of the following **eight protected areas**:

- a) Political affiliations or beliefs of the student or the student's parent/guardian;
- b) Mental or psychological problems of the student or the student's family;
- c) Sex behavior or attitudes;
- d) Illegal, anti-social, self-incriminating, or demeaning behavior;
- e) Critical appraisals of other individuals with whom respondents have close family relationships;
- f) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- g) Religious practices, affiliations, or beliefs of the student or student's parent/guardian; or
- h) Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

PPRA also concerns marketing surveys and other areas of student privacy, parental access to information, and the administration of certain physical examinations to minors.

General Provisions

The requirements of PPRA do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA). Further, PPRA does not supersede any of the requirements of FERPA.

The rights provided to parents/guardians under PPRA transfer from the parent/guardian to the student when the student turns 18 years old or is an emancipated minor under applicable State law.

The School District may use funds provided under Part A of Title V of the Elementary and Secondary Education Act of 1965 to enhance parental/guardian involvement in areas affecting the in-school privacy of students.

Marion Central School District Policy	2020 <u>2023</u> 7250 Required
STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS	Students
	Page 2 of 6

Annual Parental Notification of Policies/"Opt Out" Provisions

The School District shall provide for reasonable notice of the adoption or continued use of this policy directly to the parents/guardians of students enrolled in the District. At a minimum, the District shall provide such notice at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy.

Further, in the notification, the District shall offer an opportunity for parents/guardians to opt their child out of participation in the following activities:

The term "employees" shall include members of the Board of Education; the Superintendent; District officers; District employees; volunteers expressly authorized to participate in a District sponsored volunteer program; or any other person holding a position by election, appointment or employment in the service of the District, whether or not compensated. The term "employee" shall also include a former employee, his/her estate or judicially appointed representative.

- a) The administration of **any survey** containing one or more of the **eight protected areas**.
 1. **U.S. Department of Education-Funded Surveys: Prior written consent from parents must be obtained** before students are required to submit to the survey.
 2. **Surveys funded by sources other than U.S. Department of Education:**
Notification may indicate the specific or approximate dates during the school year when surveys will be administered and provide an opportunity for the parent to opt his/her child out of participating upon receipt of the notification.
- b) Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).
- c) Any non-emergency, invasive physical examination or screening that is required as a condition of attendance; administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students. The term "invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision or scoliosis screening.

Marion Central School District Policy	2020 2023 7250
STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS	Required Students
	Page 3 of 6

Specific Notification

In the event that the District does not identify the specific or approximate dates of the activities or surveys to be administered in the general annual notification, it shall "directly" notify, such as through U.S. Mail or e-mail, the parents of students who are scheduled to participate in the specific activities or surveys prior to participation and provide an opportunity for the parent to opt his/her child out of participation.

U.S. Department of Education-Funded Surveys

In compliance with the Protection of Pupil Rights Amendment (PPRA), the School District is committed to protecting the rights and privacy interests of parents/guardians and students with regard to surveys funded in whole or part by any program administered by the U.S. Department of Education (DOE).

The District shall make instructional materials available for inspection by parents/guardians if those materials will be used in connection with a DOE-funded survey, analysis, or evaluation in which their children participate. In addition, the School District **shall obtain prior written parental/guardian consent** before minor students are required to participate in any DOE-funded survey, analysis, or evaluation that reveals information concerning any of the **eight protected areas**.

Surveys Funded by Sources Other than U.S. Department of Education

The School District has developed and adopted this Board policy:

- a) The right of the parent/person in parental relation to inspect, upon request, a survey created by a third party (i.e., by a party other than the DOE) before the survey is administered or distributed by the school to a student. Requests by parents/guardians to inspect such surveys are to be submitted, in writing, to the Building Principal at least ten (10) days prior to the administration or distribution of any survey. Further, the District shall grant a request by the parent/guardian for reasonable access to such survey within a reasonable period of time after the request is received by the District.

Marion Central School District Policy	2020 <u>2023</u> 7250 Required
STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS	Students
	Page 4 of 6

- b) Arrangements shall be provided by the District to protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of the **eight protected areas**, including the right of the parent/guardian of the student to inspect, upon request, any survey containing one or more of the **eight protected areas**. Such requests must be submitted by the parent/guardian, in writing, to the Building Principal at least 10 days prior to the administration or distribution of any survey.
- c) Parents/guardians shall be granted, upon request, reasonable access and the right to inspect instructional materials used as part of the educational curriculum for the student within a reasonable period of time (defined by the School District, for the purposes of this policy, as 30 days) after such request is received by the District. Requests shall be submitted by parents/guardians, in writing, to the Building Principal. The term "instructional material" means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.
- d) The administration of physical examinations or screenings that the School District may administer to a student.

Further, this law does not apply to any physical examination or screening that is permitted or required by State law, including physical examinations or screenings that are permitted without parental notification.

In the implementation of this provision regarding the administration of physical examinations or screenings that the school may administer to the student, the School District incorporates by reference Board policies that address student health services, as applicable, including but not limited to policies regarding the administration of medication, immunization of students, and student physicals.

Marion Central School District Policy	2020 <u>2023</u> 7250 Required
STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS	Students
	Page 5 of 6

- e) Unless mandated/authorized in accordance with Federal or State law and/or regulation, it is policy of the Board of Education, to **not permit** the collection, disclosure, or use of personal information (the term "personal information" is defined as individually identifiable information including a student's or parent/guardian's first and last name; home address; telephone number; or Social Security number) collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), unless otherwise exempted pursuant to law as noted below. Questions regarding the collection, disclosure, or use of personal information collected from students for such marketing purposes may be referred to the school attorney as deemed necessary by the Superintendent/designee.

This law is not intended to preempt applicable provisions of State law that require parental/guardian notification.

These requirements **do not apply** to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- a) College or other postsecondary education recruitment, or *military recruitment;
*Military recruiter access to student information is governed by the Family Educational Rights and Privacy Act of 1974 (FERPA) and the National Defense Authorization Act for Fiscal Year 2002.
- b) Book clubs, magazines, and programs providing access to low-cost literary products;
- c) Curriculum and instructional materials used by elementary schools and secondary schools;
- d) Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;

Marion Central School District Policy	2020 2023 7250 Required
STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS	Students
	Page 6 of 6

- e) The sale by students of products or services to raise funds for school-related or education-related activities;
- f) Student recognition programs.

Family Educational Rights and Privacy Act of 1974, as
amended by the No Child Left Behind Act of 2001
20 United States Code (USC) Sections 1232h(b) and
1232h(c)
34 Code of Federal Regulations (CFR) Part 98

NOTE: Refer also to Policies #7243 -- Military Recruiters' Access to Secondary School Students and Information on Students
#7511 -- Immunization of Students
#7512 -- Student Physicals
#7513 -- Administration of Medication

Adopted: 1/22/07
Reviewed: 12/9/19, 4/14/20, ~~XX/XX/XX~~
Revised: 2/7/11

Marion Central School District Policy	2020 2023 7310
SCHOOL CONDUCT AND DISCIPLINE	Students
	Page 1 of 2

The Board of Education acknowledges its responsibility to protect the educational climate of the District and to promote responsible student behavior. Accordingly, the Board delegates to the Superintendent the responsibility for assuring the implementation of a *Code of Conduct for the Maintenance of Order on School Property*, including school functions, which shall govern the conduct of students as well as teachers, other school personnel, and visitors.

School property shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus as defined in Vehicle and Traffic Law Section 142. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place.

The Board shall further provide for the enforcement of such Code of Conduct, which shall be developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other personnel and shall incorporate, at a minimum, those components addressed in law and enumerated in Policy #3410 -- *Code of Conduct on School Property*. Specific components may vary as appropriate to student age, building levels, and educational needs.

In accordance with the *Code of Conduct on School Property*, areas addressing student conduct and behavior will further utilize the following strategies in promoting acceptable student behavior:

- a) A bill of rights and responsibilities of students that focuses upon positive student behavior, and is publicized and explained to all students on an annual basis;
- b) A Code of Conduct for student behavior setting forth prohibited student conduct and the range of penalties that may be imposed for violation of such Code, that is publicized and disseminated to all students and parents/guardians on an annual basis pursuant to law;
- c) Strategies and procedures for the maintenance and enforcement of public order on school property that shall govern the conduct of all persons on school premises, in accordance with Section 2801 of the Education Law and accepted principles of due process of law;
- d) Procedures within each building to involve student service personnel, administrators, teachers, parents/guardians and students in the early identification and resolution of discipline problems. For students identified as having disabilities, procedures are included for determining when a student's conduct shall constitute a reason for referral to the Committee on Special Education for review and modification, if appropriate, of the student's individualized education program;
- e) Alternative educational programs appropriate to individual student needs;

Marion Central School District Policy	2020 <u>2023</u> 7310
SCHOOL CONDUCT AND DISCIPLINE	Students
	Page 2 of 2

- f) Disciplinary measures for violation of the school policies developed in accordance with subparagraphs b) and c) of this paragraph. Such measures shall be appropriate to the seriousness of the offense and, where applicable, to the previous disciplinary record of the student. Any suspension from attendance upon instruction may be imposed only in accordance with Section 3214 of the Education Law; and
- g) Guidelines and programs for in-service education for all District staff to ensure effective implementation of school policy on school conduct and discipline.

Education Law Sections 2801 and 3214
8 New York Code of Rules and Regulations (NYCRR)
Section 100.2(l)(2)

NOTE: Refer also to Policy #3410 -- Code of Conduct on School Property

District Code of Conduct on School Property

Adopted: 1/22/07
Reviewed: 4/14/20, ~~XX/XX/XX~~
Revised:

Marion Central School District Policy	2020 <u>2023</u> 7311
SUSPENSION OF STUDENTS	Students
	Page 1 of 7

The Superintendent and/or the Principal may suspend the following students from required attendance upon instruction:

- a) A student who is insubordinate or disorderly; or
- b) A student who is violent or disruptive; or
- c) A student whose conduct otherwise endangers the safety, morals, health or welfare of others.

When a student has been suspended and is of compulsory attendance age, immediate steps shall be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes.

Suspension

Five School Days or Less

The Superintendent and/or the Principal of the school where the student attends shall have the power to suspend a student for a period not to exceed five (5) school days. In the absence of the Principal, the designated "Acting Principal" may then suspend a student for a period of five (5) school days or less.

When the Superintendent or the Principal (the "suspending authority") proposes to suspend a student for five (5) school days or less, the suspending authority shall provide the student with **notice** of the charged misconduct. If the student denies the misconduct, the suspending authority shall provide an **explanation** of the basis for the suspension.

When suspension of a student for a period of five (5) school days or less is proposed, administration shall also immediately notify the parent/person in parental relation in writing that the student *may be* suspended from school.

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

The notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the student and the parent/person in parental relation of their right to request an immediate informal conference with the Principal in accordance with the provisions of Education Law Section 3214(3)(b). Both the notice and the informal conference shall be in the dominant language or mode of communication used by the parents/persons in parental relation. At the informal conference, the student and/or parent/person in parental relation shall be authorized to present the student's version of the event and to ask questions of the complaining witnesses.

Marion Central School District Policy	2020 2023	7311
SUSPENSION OF STUDENTS		Students
		Page 2 of 7

The notice and opportunity for informal conference shall take place **prior to** suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practical.

Teachers shall immediately report or refer a violent student to the Principal or Superintendent for a violation of the *District's Code of Conduct* and a minimum suspension period.

More Than Five School Days

In situations where the Superintendent determines that a suspension in excess of five (5) school days may be warranted, the student and parent/person in parental relation, upon reasonable notice, shall have had an opportunity for a fair hearing. At the hearing, the student shall have the right of representation by counsel, with the right to question witnesses against him/her, and the right to present witnesses and other evidence on his/her behalf.

Where the basis for the suspension is, in whole or in part, the possession on school grounds or school property by the student of any firearm, rifle, shotgun, dagger, dangerous knife, dirk, razor, stiletto or any of the weapons, instruments or appliances specified in Penal Law Section 265.01, the hearing officer or Superintendent shall not be barred from considering the admissibility of such weapon, instrument or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of such weapon, instrument or appliance was the result of an unlawful search or seizure.

Minimum Periods of Suspension

Pursuant to law, Commissioner's Regulations and the *District's Code of Conduct*, minimum periods of suspension shall be provided for the following prohibited conduct, subject to the requirements of federal and state law and regulations:

- a) Consistent with the federal Gun-Free Schools Act, any student who is determined to have brought a weapon or firearm to school or possessed a weapon or firearm on school premises ~~shall~~may be suspended for a period of not less than one (1) calendar year. However, the Superintendent has the authority to modify this suspension requirement on a case-by-case basis.

Marion Central School District Policy	2020 <u>2023</u>	7311
SUSPENSION OF STUDENTS		Students
		Page 3 of 7

- b) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law. The definition of "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority" shall be determined in accordance with the Regulations of the Commissioner.
- c) A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a), provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law.

Suspension of Students with Disabilities

Generally, should a student with a disability infringe upon the established rules of the schools, disciplinary action shall be in accordance with procedures set forth in the *District's Code of Conduct* and in conjunction with applicable law and the determination of the Committee on Special Education (CSE).

For suspensions or removals up to 10 school days in a school year that do not constitute a disciplinary change in placement, students with disabilities must be provided with alternative instruction or services on the same basis as non-disabled students of the same age.

If suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than ten (10) consecutive school days or constitutes a pattern because the suspensions or removals cumulate to more than ten school days in a school year, a manifestation determination must be made.

Manifestation Determinations

A review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made by a manifestation team immediately, if possible, but in no case later than ten (10) school days after a decision is made:

- a) By the Superintendent to change the placement to an interim alternative educational setting (IAES);
- b) By an Impartial Hearing Officer (IHO) to place the student in an IAES; or
- c) By the Board, District Superintendent, Superintendent or building principal to impose a suspension that constitutes a disciplinary change of placement.

Marion Central School District Policy	2020 2023 7311
SUSPENSION OF STUDENTS	Students
	Page 4 of 7

The manifestation team shall include a representative of the District knowledgeable about the student and the interpretation of information about child behavior, the parent and relevant members of the CSE as determined by the parent and the District. The parent must receive written notice prior to the meeting to ensure that the parent has an opportunity to attend. This notice must include the purpose of the meeting, the names of those expected to attend and notice of the parent's right to have relevant members of the CSE participate at the parent's request.

The manifestation team shall review all relevant information in the student's file including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine if: the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or the conduct in question was the direct result of the District's failure to implement the IEP.

Finding of Manifestation

If it is determined, as a result of this review, that the student's behavior is a manifestation of his/her disability the CSE shall conduct a functional behavioral assessment and implement or modify a behavioral intervention plan. Unless the change in placement was due to behavior involving serious bodily injury, weapons, illegal drugs or controlled substances, the student must be returned to the placement from which the student was removed unless the parent and the District agree to a change of placement as part of the modification of the behavioral intervention plan.

No Finding of Manifestation

If it is determined that the student's behavior is not a manifestation of his/her disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner and for the same duration for which they would be applied to students without disabilities, subject to the right of the parent/person in parental relation to request a hearing objecting to the manifestation determination and the District's obligation to provide a free, appropriate public education to such student.

Provision of Services Regardless of the Manifestation Determination

Regardless of the manifestation determination, for subsequent suspensions or removals for 10 consecutive school days or less that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change of placement, and for suspensions or other disciplinary removals in excess of ten (10) school days in a school year which do constitute a disciplinary change in placement for behavior, the CSE shall determine the services to be provided to students with a disability necessary for them to continue to participate in the general education curriculum and progress toward meeting the goals set out in their IEP, and shall conduct or provide, as appropriate, a

Marion Central School District Policy	2020 <u>2023</u> 7311
SUSPENSION OF STUDENTS	Students
	Page 5 of 7

functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur.

Interim Alternative Educational Setting (IAES)

Students with disabilities who have been suspended or removed from their current placement for more than ten (10) school days may, as determined by the CSE, be placed in an IAES which is a temporary educational setting other than the student's current placement at the time the behavior precipitating the IAES placement occurred.

Additionally, the District may seek an order from a hearing officer for a change in placement of a student with a disability to an appropriate IAES for up to forty-five (45) school days if the District establishes, in accordance with law, that such student is substantially likely to injure himself/herself or others.

There are three specific instances when a student with a disability may be placed in an IAES for up to 45 school days without regard to a manifestation determination:

- a) Where the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the District; or
- b) Where a student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the District; or
- c) Where a student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District. Serious bodily harm has been defined in law to refer to one of the following:
 1. Substantial risk of death;
 2. Extreme physical pain; or
 3. Protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such an event or activity takes place, including any that may take place in another state.

Marion Central School District Policy	2020 <u>2023</u>	7311
SUSPENSION OF STUDENTS		Students
		Page 6 of 7

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct.

In all cases, the student placed in an IAES shall:

- a) Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress towards the goals set out in the student's IEP, and
- b) Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

The period of suspension or removal may not exceed the amount of time a non-disabled student would be suspended for the same behavior.

Suspension From BOCES

The BOCES Principal may suspend School District students from BOCES classes for a period not to exceed five (5) school days when student behavior warrants such action.

In-School Suspension

In-school suspension will be used as a lesser discipline to avoid an out-of-school suspension. The student shall be considered present for attendance purposes. The program is used to keep each student current with his/her class work while attempting to reinforce acceptable behavior, attitudes and personal interaction.

BOCES Activities

BOCES activities, such as field trips and other activities outside the building itself, are considered an extension of the school program. Therefore, an infraction handled at BOCES is to be considered as an act within the School District itself.

A student who is ineligible to attend a District school on a given day may also be ineligible to attend BOCES classes. The decision rests with the Superintendent or his/her designee.

Marion Central School District Policy	2020 <u>2023</u> 7311
SUSPENSION OF STUDENTS	Students
	Page 7 of 7

Exhaustion of Administrative Remedies

If a parent/person in parental relation wishes to appeal the decision of the Building Principal and/or Superintendent to suspend a student from school, regardless of the length of the student's suspension, the parent/person in parental relation must appeal to the Board of Education prior to commencing an appeal to the Commissioner of Education.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 615(k)(1)]
18 United States Code (USC) Section 921
Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Sections 1400 et seq.
20 United States Code (USC) Section 7151, as
reauthorized by the No Child Left Behind Act of 2001
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 2801, 3214 and 4402
Penal Law Section 265.01
8 New York Code of Rules and Regulations (NYCRR)
Section 100.2(l)(2) and Part 201

Adopted: 1/22/07
Reviewed: 4/14/20
Revised: 10/17/11, ~~XX/XX/XX~~

Marion Central School District Policy	2020 <u>2023</u> 7320
ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)	Students
	Page 1 of 3

The Board of Education recognizes that the misuse of drugs, alcohol and/or tobacco is a serious problem with legal, physical, emotional and social implications for the entire community. Therefore, the consumption, sharing and/or selling, use and/or possession, distributing or exchanging of alcoholic beverages-including powdered alcohol, tobacco products-including cigarettes, pipes, chewing tobacco, snuff, herbal tobacco products, simulated tobacco products that that imitate or mimic tobacco products, e-cigarettes, vapes, cloves, bidis and kreteks as well as matches and lighters; illegal drugs, counterfeit and designer drugs, or paraphernalia-which shall include all e-cigarettes, vapes and any other device which may be used for the purposes of facilitating the use of inappropriate substances is prohibited at any school-sponsored event or on school property at all times. The inappropriate use of prescription and over-the-counter drugs shall also be disallowed. Persons shall be banned from entering school grounds or school-sponsored events when exhibiting behavioral, personal or physical characteristics indicative of having used or consumed alcohol or other substances.

School property shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus as defined in Vehicle and Traffic Law Section 142. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place.

Through the collaborative efforts of staff, students, parents/guardians and the community as a whole, a comprehensive program shall be developed addressing alcohol, tobacco, drugs, and other substances to include the following elements:

Primary Prevention

Preventing alcohol, tobacco, drugs, and other substance use/abuse by students shall be the major focus of a comprehensive K through 12 program in which proactive measures of prevention and early intervention are emphasized. This program shall include:

- a) A sequential K through 12 curriculum based on recognized principles of effectiveness that is developed and incorporated into the total educational process. This curriculum shall be concerned with education and prevention in all areas of alcohol, tobacco, drugs, and other substances use/abuse;
- b) Training school personnel and parents/guardians to reinforce the components of the policy through in-service and community education programs with up-to-date factual information and materials;
- c) An effort to provide positive alternatives to alcohol, tobacco, drugs, and other substances use/abuse through the promotion of drug/tobacco/alcohol-free special events, service projects and extracurricular activities that will develop and support a positive peer influence.

Marion Central School District Policy	2020 <u>2023</u> 7320
ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)	Students
	Page 2 of 3

Intervention

School-based intervention services shall be made available to all students, grades K through 12, and provided by prevention professionals who are appropriately trained in this area. The purpose of intervention is to eliminate any existing use/abuse of alcohol, tobacco, drugs, and other substances and to identify students considered to be at risk for use/abuse. Intervention programming shall include:

- a) Counseling of students in groups and as individuals on alcohol, tobacco, drugs, and other substance use/abuse. Counselors shall be appropriately trained and skilled school staff assigned for this purpose;
- b) Referring students to community or other outside agencies when their use/abuse of alcohol, tobacco, drugs, and other substances requires additional counseling or treatment. Referral is a key link in school and community efforts and the process is basic to the dissemination of information regarding available counseling and health services;
- c) Providing a supportive school environment designed to continue the recovery process for students returning from treatment. A re-entry program may include continuing student and/or family counseling and emphasizing positive alternatives to alcohol, tobacco, drugs, and other substance use/abuse;
- d) Ensuring confidentiality as required by state and federal law.

Disciplinary Measures

Disciplinary measures for students consuming, sharing and/or selling, using and/or possessing alcoholic beverages, tobacco products, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs shall be outlined in the *District's Code of Conduct on School Property*.

Staff Development

There shall be ongoing training of District staff about the components of an effective alcohol, tobacco and other substances program. Training shall include, but not be limited to, District policies and regulations and the staff's role in implementing such policies and regulations. Teachers shall be trained to implement the District's K through 12 alcohol, tobacco, drugs and other substance prevention curricula; intervention staff shall be suitably trained to carry out appropriate services.

Marion Central School District Policy	2020 <u>2023</u> 7320
ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)	Students
	Page 3 of 3

Implementation, Dissemination and Monitoring

It shall be the responsibility of the Superintendent to implement the alcohol, tobacco, drugs, and other substances Board policy by collaboration with school personnel, students, parents/guardians and the community at large.

Additionally, copies of Board policy shall be disseminated to District staff, parents/guardians and community members. The Superintendent/designee shall periodically review the tobacco, drugs and alcohol abuse prevention program to determine its effectiveness and support appropriate modifications, as needed.

Safe and Drug-Free Schools and Communities Act,
as reauthorized by the No Child Left Behind Act of 2001
20 United States Code (USC) Section 7101 et seq.
Education Law Section 2801(1)

NOTE: Refer also to Policies #3280 -- Community Use of School Facilities
#3410 -- Code of Conduct on School Property
#5640 -- Smoking/Tobacco Use
#7310 -- School Conduct and Discipline
District Code of Conduct on School Property

Adopted: 1/22/07
Reviewed: 4/14/20, ~~XX/XX/XX~~
Revised: 10/17/11, 4/6/15

Marion Central School District Policy	2020 <u>2023</u> 7330
WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT	Required Students
	Page 1 of <u>13</u>

Any student who has been found guilty of bringing in or possessing a firearm or weapon in violation of this policy will be disciplined in a manner consistent with law and the District's *Code of Conduct*. Discipline may include a mandatory suspension for a period of not less than one calendar year for a student who is determined to have violated the Federal Gun-Free Schools Act and its implementing provisions in the New York State Education Law, provided that the Superintendent may modify the suspension requirement on a case-by-case basis.

Students who have brought a "weapon" or "firearm" to school will be referred by the Superintendent to either a presentment agency (the agency or authority responsible for presenting a juvenile delinquency proceeding) or to appropriate law enforcement officials. These referrals will be made as follows: a student who is under the age of 16 and who is not a 14 or 15 year-old who qualifies for juvenile offender status under the Criminal Procedure Law will be referred to a presentment agency for juvenile delinquency proceedings; a student who is 16 years old or older, or who is 14 or 15 and qualifies for juvenile offender status, will be referred to the appropriate law enforcement authorities.

For the purposes of this policy, the term "weapon" will be as defined in 18 USC 930(g)(2).

For the purposes of this policy, the term "firearm" will be as defined in 18 USC 921(a).

Students with disabilities continue to be entitled to all rights set forth in the Individuals with Disabilities Act and Education Law Article 89. This policy does not authorize suspension of students with disabilities in violation of those authorities.

This policy also does not diminish the authority of the Board to offer courses in instruction in the safe use of firearms in accordance with Education Law Section 809-a.

Weapons in School

The possession of a weapon on school property, in District vehicles, in school buildings, or at school sponsored activities or settings under the control and supervision of the District regardless of location, is strictly prohibited, except by law enforcement personnel. Any person possessing a weapon for educational purposes in any school building must have written authorization of the Superintendent of Schools or his/her designee.

The Penal Code of the State of New York shall be used to determine what is considered a weapon.

Penal Law Sections 265.01-265.06

Specific Penalties Imposed by the Gun-Free Schools Act

No student shall bring or possess any "firearm" as defined in federal law on school premises (including school buildings and grounds, District vehicles, school settings and/or school sponsored activities under the control and supervision of the District regardless of location). For purposes of this policy, the term "firearm" includes any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such weapon; any firearm muffler or silencer; or any "destructive device" (e.g., any explosive, incendiary, or poison gas, including bombs, grenades, rockets or other similar devices). The term does not include a rifle which the owner intends to use solely for sporting, recreational or cultural purposes; antique firearms; or Class C common fireworks.

In accordance with the Gun Free Schools Act and Section 3214(3)(d) of the Education Law, any student who brings or possesses a firearm, as defined in federal law, on school property, will be referred by the Superintendent to the appropriate agency or authority for a juvenile delinquency proceeding in accordance with Article 3 of the Family Court Act when the student is under the age of sixteen (16) except for a student fourteen (14) or fifteen (15) years of age who qualifies for juvenile offender status under the Criminal Procedure Law, and will be referred by the Superintendent to the appropriate law enforcement officials when the student is sixteen (16) years of age or older or when the student is fourteen (14) or fifteen (15) years of age and qualifies for juvenile offender status under the Criminal Procedure Law.

Marion Central School District Policy	2020_____7330
WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT	Required Students
	Page 2 of 3

~~— In addition, any student attending a District school who has been found guilty of bringing a firearm to or possessing a firearm on school property, after a hearing has been provided pursuant to Section 3214 of the Education Law, shall be suspended for a period of not less than one (1) calendar year and any student attending a non-district school who participates in a program operated by the School District using funds from the Elementary and Secondary Education Act of 1965 who is determined to have brought a firearm to or possessed a firearm at a District school or on other premises used by the School District to provide such programs shall be suspended for a period of not less than one (1) calendar year from participation in such program. The procedures of Education Law Section 3214(3) shall apply to such a suspension of a student attending a non-district school. Further, after the imposition of the one (1) year penalty has been determined, the Superintendent of Schools has the authority to modify this suspension requirement for each student on a case-by-case basis. In reviewing the student's one (1) year suspension penalty, the Superintendent may modify the penalty based on factors as set forth in Section 100.2 of the Regulations of the Commissioner of Education and in Commissioner's Decisions. The determination of the Superintendent shall be subject to review by the Board of Education in accordance with Education Law Section 3214(3)(c) and by the Commissioner of Education in accordance with Education Law Section 310.~~

Student with a Disability

~~A student with a disability who is determined to have brought a firearm to school or possessed a firearm at school may be placed in an interim alternative educational setting, in accordance with federal and state law, for not more than forty-five (45) calendar days. If the parent or guardian requests an impartial hearing, the student must remain in the interim alternative placement until the completion of all proceedings, unless the parent or guardian and District can agree on a different placement.~~

~~A student with a disability may be given a long term suspension pursuant to the Gun-Free Schools Act only if a group of persons knowledgeable about the student, as defined in federal regulations implementing the IDEA, determines that the bringing of a firearm to school or possessing a firearm at school was not a manifestation of the student's disability, subject to applicable procedural safeguards.~~

~~If it is determined that the student's bringing of a firearm to school or possessing a firearm at school was a manifestation of the student's disability, the Superintendent must exercise his/her authority under the Gun-Free Schools Act to modify the long term suspension requirement, and determine that the student may not be given a long term suspension for the behavior. The Committee on Special Education may review the student's current educational placement and initiate change in placement proceedings, if appropriate, subject to applicable procedural safeguards.~~

Marion Central School District Policy	2020 — 7330
WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT	Required Students
	Page 3 of 3

~~The District may offer home instruction as an interim alternative educational setting during the pendency of review proceedings only if the student's placement in a less restrictive alternative educational setting is substantially likely to result in injury either to the student or to others.~~

~~The District may also seek a court order to immediately remove a student with a disability from school if the District believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others.~~

~~Students with disabilities continue to be entitled to all rights enumerated in the Individuals With Disabilities Education Act and Article 89 of the Education Law; and this policy shall not be deemed to authorize suspension of students with disabilities in violation of these laws.~~

~~This policy does not prohibit the District from utilizing other disciplinary measures including, but not limited to, out-of-school suspensions for a period of five days or less, or in-school suspensions, in responding to other types of student misconduct which infringe upon the established rules of the school. Additionally, this policy does not diminish the authority of the Board of Education to offer courses in instruction in the safe use of firearms pursuant to Education Law Section 809-a.~~

~~The District will continue to provide the suspended student who is of compulsory attendance age with appropriate alternative instruction during the period of the student's suspension.~~

~~Gun-Free Schools Act as reauthorized by the No Child Left Behind Act of 2001 amended by the Every Student Succeeds Act (ESSA) of 2015, 20 USC § 7961~~

~~18 United States Code (USC) Section 921(a) and 930 (g)(2) Individuals With Disabilities Education Act (IDEA)~~

~~20 United States Code (USC) Sections 1400-1485 and 7151 Criminal Procedure Law Section 1.20(42)~~

~~Education Law Sections 310, 809-a and, 3214 and Article 89 Family Court Act Article 3~~

~~8 New York Code of Rules and Regulations (NYCRR) Section 100.2 and Part 200~~

NOTE: Refer also to Policies #3411 -- Unlawful Possession of a Weapon Upon School Grounds

Adopted: 2/5/07

Reviewed: 4/14/20

Revised: 10/17/11, XX/XX/XX

Marion Central School District Policy	2019 <u>2023</u> 7350
CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS	Students
	Page 1 of 2

Corporal Punishment

Corporal punishment as a means of discipline will not be used against a student by any teacher, administrator, officer, employee, or agent of this District.

Whenever a school employee uses physical force against a student, the school employee will immediately report the situation to the building principal or designee who will within the same school day, make a report to the Superintendent describing in detail the circumstances and the nature of the action taken.

The Superintendent will submit a written report semi-annually to the Commissioner of Education, with copies to the Board, by January 15 and July 15 of each year, setting forth the substance of each written complaint about the use of corporal punishment received by the District authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

Emergency Interventions

If alternative procedures and methods which do not involve physical force do not work, then the use of reasonable physical force is permitted for the following reasons:

- a) Self-protection;
- b) Protection of others;
- c) Protection of property; or
- d) Restraining or removing a disruptive student.

Emergency interventions will only be used in situations where alternative procedures and methods that do not involve the use of reasonable physical force cannot reasonably be employed. Emergency interventions will not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify, or eliminate a targeted behavior.

Staff who may be called upon to implement emergency interventions will be provided appropriate training in safe and effective restraint procedures. The parent(s) of the student will be notified whenever an emergency intervention is utilized.

Marion Central School District Policy	2019 <u>2023</u> 7350
CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS	Students
	Page 2 of 2

The District will maintain documentation on the use of emergency interventions for each student including:

- a) Name and date of birth of student;
- b) Setting and location of the incident;
- c) Name of staff or other persons involved;
- d) Description of the incident and emergency intervention used, including duration;
- e) A statement as to whether the student has a current behavioral intervention plan; and
- f) Details of any injuries sustained by the student or others, including staff, as a result of the incident.

This documentation will be reviewed by District supervisory personnel and, if necessary, by the school nurse or other medical personnel.

8 NYCRR §§ 19.5, 100.2(l)(3) and 200.22(d)

NOTE: Refer also to Policy #7311 -- Suspension of Students

Adopted: 12/9/19

Reviewed: 4/14/20, ~~XX/XX/XX~~

Revised:

Marion Central School District Policy	2019 <u>2022</u>	6220
TEMPORARY PERSONNEL		Personnel
		Page 1 of 1

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

Student Teachers

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

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

Substitute Teachers

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

The Board of Education shall annually establish the ordinary rate for per diem substitute teachers.

Education Law Section 3023

8 New York Code of Rules and Regulations (NYCRR)

Section 80-5.4

Adopted: 7/24/06

Reviewed: 10/7/13, 10/21/19, ~~XX/XX/XX~~

Revised:

Marion Central School District Policy	2019 <u>2022</u> 6230
MENTORING PROGRAMS FOR FIRST YEAR TEACHERS	Personnel
	Page 1 of 2

Effective February 2, 2004, all new teachers in the Marion Central School District holding an initial certificate must complete a mentored teaching experience within their first year of employment as a teacher. Also effective February 2, 2004, the Marion Central School District must incorporate the design and planning of such mentored experiences for all first-year teachers in its employ into the Marion Central School District Professional Development Plans.

The purpose of the mentoring program is to provide support for new teachers in order to ease the transition from teacher preparation to practice, thereby increasing the retention of teachers, and to increase the skills of new teachers in order to improve student achievement in accordance with the New York State learning standards. The Professional Development Plan shall describe how the Marion Central School District will provide a mentoring program for teachers who must participate in a mentoring program to meet the teaching experience requirement for the professional certificate as prescribed by Commissioner's Regulations.

The mentoring program shall be developed and implemented consistent with any collective bargaining obligation required by Article 14 of the Civil Service Law (i.e., the Taylor Law); however, Commissioner's Regulation does not impose a collective bargaining obligation that is not required by the Taylor Law.

In accordance with Commissioner's Regulations, the Professional Development Plan shall describe the following elements of the mentoring program:

- a) The procedure for selecting mentors, which shall be published and made available to staff of the Marion Central School District and, upon request, to members of the public;
- b) The role of mentors, which shall include but not be limited to providing guidance and support to the new teacher;
- c) The preparation of mentors, which may include but shall not be limited to the study of the theory of adult learning, the theory of teacher development, the elements of the mentoring relationship, peer coaching techniques, and time management methodology;
- d) Types of mentoring activities, which may include but shall not be limited to modeling instruction for the new teacher, observing instruction, instructional planning with the new teacher, peer coaching, team teaching, and orienting the new teacher to the school culture; and
- e) Time allotted for mentoring, which may include but shall not be limited to scheduling common planning sessions; releasing the mentor and the new teacher from a portion of their instructional and/or non-instructional duties; and providing time for mentoring during Superintendent conference days, before and after the school day, and during summer orientation sessions.

Marion Central School District Policy	2019 <u>2022</u> 6230
MENTORING PROGRAMS FOR FIRST YEAR TEACHERS	Personnel
	Page 2 of 2

Confidentiality of Mentor-New Teacher Interaction

The information obtained by a mentor through interaction with the new teacher while engaged in the mentoring activities of the program shall not be used for evaluating or disciplining the new teacher unless:

- a) Withholding such information poses a danger to the life, health, or safety of an individual including, but not limited to, students and staff of the school; or
- b) Such information indicates that the new teacher has been convicted of a crime, or has committed an act which raises a reasonable question as to the new teacher's moral character; or
- c) The Marion Central School District has entered into an agreement, negotiated pursuant to Article 14 of the Civil Service Law whose terms are in effect, that provides that the information obtained by the mentor through interaction with the new teacher while engaged in the mentoring activities of the program may be used for evaluating or disciplining the new teacher.

Exemptions to above Mentoring Requirements

Pursuant to Commissioner's Regulations, teachers holding initial certificates who have two (2) or more prior years of teaching experience do not need to be provided a mentored experience as enumerated in this policy.

Recordkeeping Requirements

The Marion Central School District shall maintain documentation of the implementation of the mentoring program described in the Professional Development Plan for at least seven (7) years from the date of completion of the mentoring activity; and it shall be available for review by the State Education Department. Such documentation will include the information enumerated in Commissioner's Regulations.

Education Law Sections 3004 and 3006
8 New York Code of Rules and Regulations (NYCRR)
Sections 52.21(b)(3)(xvi) and (xvii), 80-3.4(b)(2),
80-5.13, 80-5.14, and 100.2(dd)

Adopted: 7/24/06

Reviewed: 10/7/13, 10/21/19, ~~XX/XX/XX~~

Revised:

Marion Central School District Policy	2019 <u>2022</u> 6240
DISCLOSURE OF TEACHER RATINGS	Personnel
	Page 1 of 1

Parents are entitled to receive the final quality rating and composite score (numeric) of their child's current teacher(s) and building principal, as well as an explanation of the composite effectiveness scoring ranges as defined by the District's adopted Annual Professional Performance Review (APPR) Plan. Requests for such information shall be made to the Building Principal of the child's current school.

Notice of this disclosure shall be given to parents annually.

Adopted: 9/9/13
Reviewed: 10/21/19, XX/XX/XX
Revised:

Marion Central School District Policy	2019 <u>2022</u> 6240
APPOINTMENT SUPPORT STAFF	Personnel
	Page 1 of 1

The probationary period for all new civil service employees shall be for the maximum period established by the local Civil Service Commission.

The time, place, conditions of employment, and transfer of support staff shall be vested in the Superintendent of Schools who shall conduct such actions in compliance with all applicable contract provisions. The duties for each Civil Service employee shall be clearly defined.

Civil Service Law Section 63

Adopted: 7/24/06

Reviewed: 11/4/13, 12/9/19, ~~XX/XX/XX~~

Revised:

Marion Central School District Policy	2019 <u>2022</u> 6320
SUPPLEMENTARY SCHOOL PERSONNEL	Personnel
	Page 1 of 2

Teacher Aides

In accordance with the Regulations of the Commissioner, the Board of Education may employ teacher aides to assist in the daily operation of the school through **non-teaching duties**.

The duties and responsibilities to be assumed by teacher aides shall be outlined by the Superintendent in accordance with Civil Service guidelines. Teacher aides shall be responsible to the Building Principal/designee.

A teacher aide may be assigned to assist teachers in such non-teaching duties as:

- a) Managing records, materials and equipment;
- b) Attending to the physical needs of children; and
- c) Supervising students and performing such other services as support teaching duties when such services are determined and supervised by a teacher.

Teaching Assistants

In accordance with the Regulations of the Commissioner, the Board of Education may employ teaching assistants to provide, under the general supervision of a licensed or certified teacher, **direct instructional service** to students.

Teaching assistants assist teachers by performing duties such as:

- a) Working with individual students or groups of students on special instructional projects;
- b) Providing the teacher with information about students that will assist the teacher in the development of appropriate learning aspects;
- c) Assisting students in the use of available instructional resources and assisting in the development of instructional materials;
- d) Utilizing their own special skills and abilities by assisting in instructional programs in such areas as foreign language, arts, crafts, music, and similar subjects; and
- e) Assisting in related instructional work as required.

Marion Central School District Policy	2019 <u>2022</u> 6320
SUPPLEMENTARY SCHOOL PERSONNEL	Personnel
	Page 2 of 2

Teaching assistants who hold a pre-professional teaching assistant certificate shall have the same scope of duties as enumerated above for other teaching assistants. Within that scope of duties, teaching assistants holding a pre-professional teaching assistant certificate may, at the discretion of the District, and while under the general supervision of a teacher, perform such duties as:

- a) Working with small groups of students so that the teacher can work with a large group or individual students;
- b) Helping a teacher to construct a lesson plan;
- c) Presenting segments of lesson plans, as directed by the teacher;
- d) Communicating with parents of students at a school site or as otherwise directed by a teacher; and
- e) Helping a teacher to train other teaching assistants.

Licensure and certification requirements shall be as mandated pursuant to Commissioner's Regulations.

8 New York Code of Rules and Regulations (NYCRR)
Section 80-5.6

Adopted: 7/24/06
Reviewed: 11/4/13, 12/9/19, XX/XX/XX
Revised:

Marion Central School District Policy	2019 2022 6330
SCHOOL BUS MONITORS AND ATTENDANTS	Personnel
	Page 1 of 2

School Bus Monitors and Attendants

In accordance with Education Law and Commissioner's Regulations, the employment of each school bus monitor and school bus attendant shall be approved by the Superintendent of Schools for each school bus operated within the School District. Approval for employment as a school bus monitor or attendant shall be in writing on a form prescribed by the Commissioner of Education.

As defined in Commissioner's Regulations:

- a) A **school bus monitor** shall mean any person employed for the purpose of assisting children to safely embark and disembark from a school bus which is owned, leased or contracted for by a public school district or board of cooperative educational services, and for the purpose of assisting the school bus driver with maintaining proper student behavior on such bus.
- b) A **school bus attendant** shall mean any person who is employed for the purpose of serving pupils with a disabling condition on a school bus which is owned, leased or contracted for by a public school district or board of cooperative educational services.

All school bus monitors and attendants shall be at least nineteen (19) years of age; and shall have the physical and mental ability to satisfactorily perform his/her duties.

On order of the Superintendent of Schools, each monitor or attendant may be examined by a duly licensed physician within two (2) weeks prior to the beginning of such monitor's or attendant's service in each school year. The written report of the physician shall be considered by the Superintendent in determining the fitness of the monitor or attendant to carry out his/her functions. The examining physician shall require the monitor or attendant to undergo any diagnostic tests that are necessary to determine the physical and mental ability of the monitor or attendant to perform his/her duties.

Each school bus monitor or attendant of a school bus owned, leased or contracted for by a school district or board of cooperative educational services shall pass a physical performance test approved by the Commissioner.

A school bus monitor or attendant who fails any portion of the physical performance test shall be deemed unqualified to perform the duties of that position. The monitor or attendant may request a re-examination. The cost of such re-examination shall be borne by the employer if the monitor/attendant passes the re-examination, or by the monitor/attendant if he or she fails the re-examination.

Marion Central School District Policy	2019 2022 6330
SCHOOL BUS MONITORS AND ATTENDANTS	Personnel
	Page 2 of 2

All school bus monitors and attendants shall meet the qualifications and/or certification requirements as enumerated in law and/or Commissioner's Regulations. Further, pursuant to Commissioner's Regulations, school bus monitors and attendants shall receive pre-service instruction, safety training, specialized training, and refresher training.

In addition to such instruction, any person employed as a school bus monitor, or as a school bus attendant serving students with a disabling condition, shall, receive instruction as prescribed by the Commissioner upon recommendation of the Commissioner's School Bus Driver Instructor Advisory Committee relating to special needs transportation, including, but not limited to, the proper techniques for assisting disabled students in entering and exiting the school bus. Any person hired shall complete such special needs instruction prior to assuming their duties as a school bus monitor or as a school bus attendant.

School Bus Attendants - Special Requirements

Every school bus attendant serving students with a disabling condition shall receive school bus safety training and instruction relating to the special needs of such students. Such training shall include guidance on the proper techniques for assisting disabled students in entering and exiting the school bus, and shall include instruction in cardiopulmonary resuscitation (CPR) where such skills are required as part of the individualized education plan (IEP) prepared for the student. Such training and instruction shall also include any additional first aid or health emergency skills that the Commissioner of Education deems appropriate and necessary for school bus attendants to possess. In addition, school bus attendants shall demonstrate the ability to perform procedures necessary in emergency situations as deemed appropriate by the Commissioner of Education.

Any person employed as a school bus attendant serving students with a disabling condition shall comply with the requirements of Education Law and Commissioner's Regulations. Any person hired shall comply with such prior to assuming their duties.

Education Law Section 3624
Vehicle and Traffic Law Section 1229-d
8 New York Code of Rules and Regulations
(NYCRR) Section 156.3

Adopted: 7/24/06
Reviewed: 11/4/13, ~~XX/XX/XX~~
Revised: 12/9/19

Marion Central School District Policy	2019 <u>2022</u> 6410
MAINTAINING DISCIPLINE AND CONDUCT	Personnel
	Page 1 of 1

All personnel employed by the District are responsible for maintaining student discipline and appropriate conduct during school hours and at extracurricular events on and off school property.

School property shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus as defined in Vehicle and Traffic Law Section 142. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state or country.

Education Law Section 2801(1)

Adopted: 7/24/06

Reviewed: 11/4/13, 12/9/19, ~~XX/XX/XX~~

Revised:

Marion Central School District Policy	2019 <u>2022</u> 6430
EMPLOYEE ACTIVITIES	Personnel
	Page 1 of 1

Political Activities

The Board of Education recognizes the right of its employees, as citizens, to engage in political activities and to exercise their constitutionally-protected rights to address matters of public concern.

However, a District employee's constitutional rights to raise matters of public concern are limited when the speech or action occurs on school grounds and/or during school times. When such speech or action occurs on school grounds and/or during school time, the Board of Education can impose reasonable restrictions on the time, place and manner of the speech or action, and can further regulate the content of such speech when it materially imperils the efficient operation of the school.

Teachers may not use their classrooms or school surroundings as a means to promote their personal political views and beliefs. However, teachers are encouraged to address issues of current events for their instructional and informational value to students, to invite public and/or political figures to visit the classroom as a community resource, and to motivate students to participate in the political process.

Solicitations by Staff

Staff members shall not be engaged in advertising or commercial solicitations on school time, except as authorized by the Superintendent and/or designee.

NOTE: Refer also to Policy #5560 -- Use of Federal Funds for Political Expenditures

Adopted: 7/24/06

Reviewed: 11/4/13, 12/9/19, ~~XX/XX/XX~~

Revised:

Marion Central School District Policy	2019 <u>2022</u> 6440
NEGOTIATIONS	Personnel
	Page 1 of 1

Legal Status

The legal status for negotiations is the Public Employees' Fair Employment Law (Taylor Law), Article 14 of the Civil Service Law.

Organizations recognized for the purposes of collective bargaining include:

- a) Marion Teachers' Association;
- b) Marion Civil Service Employees' Association;
- c) Marion Administrators' Association.

Adopted: 7/24/06

Reviewed: 11/4/13, ~~XX/XX/XX~~

Revised: 12/9/19

Marion Central School District Policy	2019 <u>2022</u> 6450
THEFT OF SERVICES OR PROPERTY	Personnel
	Page 1 of 1

The theft of services or property from the District by an employee will result in immediate disciplinary action that can lead to dismissal or other penalty, and shall not preclude the filing of criminal or civil charges by the District.

Adopted: 7/24/06

Reviewed: 11/4/13, 12/9/19, ~~XX/XX/XX~~

Revised:

Marion Central School District Policy	2019 <u>2022</u> 6460
JURY DUTY	Personnel
	Page 1 of 1

A District employee called for jury duty shall receive his/her full day's pay from the School District plus mileage from the State. No employee shall be entitled to receive the per diem allowance from the Unified Court System for any regularly scheduled workday on which jury duty is rendered if on such a day his/her wages are not withheld on account of such service.

Judiciary Law Section 521(b)

Adopted: 7/24/06

Reviewed: 11/4/13, 12/9/19, ~~XX/XX/XX~~

Revised:

Marion Central School District Policy	2020 2022 6470
STAFF USE OF COMPUTERIZED INFORMATION RESOURCES	Personnel
	Page 1 of 3

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, wireless networks/access 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 staff to have independent access to the DCS from their home or other remote locations, and/or to access the DCS from their personal devices. All use of the DCS and the wireless network, including independent use off school premises and use on personal devices, 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. To that end, the Board directs the Superintendent or his/her designee(s) to provide staff with training in the proper and effective use of the DCS.

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 ensure 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.

Access to confidential data is a privilege afforded to District employees in the performance of their duties. Safeguarding this data is a District responsibility that the Board of Education takes very seriously. Consequently, District employment does not automatically guarantee the initial or ongoing ability to use mobile/personal devices to access the DCS and the information it may contain.

This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage. 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 protected by federal and state law.

Marion Central School District Policy	2020 2022 6470
STAFF USE OF COMPUTERIZED INFORMATION RESOURCES	Personnel
	Page 2 of 3

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.

Social Media Use by Employees

The School District recognizes the value of teacher and professional staff inquiry, investigation and communication using new technology tools to enhance student learning experiences. The School District also realizes its obligations to teach and ensure responsible and safe use of these new technologies. Social media, including social networking sites, have great potential to connect people around the globe and enhance communication. Therefore, the Board of Education encourages the use of District approved social media tools and the exploration of new and emerging technologies to supplement the range of communication and educational services.

For purposes of this Policy, the definition of **public social media networks or Social Networking Sites (SNS)** are defined to include: websites, Web logs (blogs), wikis, social networks, online forums, virtual worlds, video sites and any other social media generally available to the School District community. The definition of District approved password-protected social media tools are those that fall within the District's electronic technology network or which the District has approved for educational use. Within these internal forums, the District has greater authority and ability to protect minors from inappropriate content and can limit public access.

The use of social media (whether public or internal) can generally be defined as Official District Use, Professional/Instructional Use and Personal Use. The definitions, uses and responsibilities will be further defined and differentiated in the Administrative Regulation. The School District takes no position on an employee's decision to participate in the use of social media or SNS for personal use on personal time. However, personal use of these media during District time is prohibited. In addition, employees are encouraged to maintain the highest levels of professionalism when communicating, whether using District devices or their own personal devices, in their professional capacity as educators. They have a responsibility to address inappropriate behavior or activity on these networks, including requirements for mandated reporting and compliance with all applicable District Policies and Regulations.

Marion Central School District Policy	2020 2022 6470
STAFF USE OF COMPUTERIZED INFORMATION RESOURCES	Personnel
	Page 3 of 3

Confidentiality, Private Information and Privacy Rights

Confidential and/or private data, including but not limited to, protected student records, employee personal identifying information, and District assessment data, shall only be loaded, stored or transferred to District-owned devices which have encryption and/or password protection. This restriction, designed to ensure data security, encompasses all computers and devices within the DCS, any mobile devices, including flash or key drives, and any devices that access the DCS from remote locations.

Staff will not leave any devices unattended with confidential information visible. All devices are required to be locked down while the staff member steps away from the device, and settings enabled to freeze and lock after a set period of inactivity.

Staff data files and electronic storage areas shall remain District property, subject to District control and inspection. The Director of Technology and Innovative Programs may access all such files and communications without prior notice to ensure 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 to implement the terms of this policy, addressing general parameters of acceptable staff conduct as well as prohibited activities so as to provide appropriate guidelines for employee use of the DCS.

NOTE: Refer also to Policies #5672 -- Information Security Breach and Notification
#6180 – Staff/Student Fraternization
#7243 -- Student Data Breaches
#8271 -- Internet Safety/Internet Content Filtering Policy

Adopted: 7/24/06
Reviewed: 12/9/19, XX/XX/XX
Revised: 2/10/20

Marion Central School District Policy	2019 <u>2022</u> 6510
HEALTH INSURANCE	Personnel
	Page 1 of 1

Health insurance for certified and support staffs shall be in accordance with their respective negotiated agreements.

Continuation of Medical Insurance Coverage at Termination of Employment

Under the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), employees and their dependents are eligible to continue their insurance coverage for up to eighteen (18) months when termination of their insurance is due to a reduction in their hours worked, or upon termination of their employment.

Dependents of employees are eligible to continue their insurance for up to thirty-six (36) months upon occurrence of one (1) of the following events:

- a) Death of the covered employee; or
- b) Divorce or legal separation from the covered employee; or
- c) An employee becomes eligible for Medicare and ceases to participate in the employer-sponsored plan; or
- d) The dependents of a covered employee reach the maximum age for dependent coverage.

Those who are eligible to continue coverage have up to sixty (60) days to complete the Continuation of Coverage Election Form. They must pay the full cost of their premium plus administrative costs incurred by the District.

Consolidated Omnibus Budget Reconciliation Act of 1985

Adopted: 7/24/06

Reviewed: 12/9/19, ~~XX/XX/XX~~

Revised:

Marion Central School District Policy	2019 <u>2022</u> 6520
HEALTH INSURANCE	Personnel
	Page 1 of 1

Employees injured in the performance of their duties are covered by Workers' Compensation Insurance. Employees shall report work-related injuries immediately to their immediate supervisor. Delay in reporting, if necessary, must be justified to the satisfaction of the Board of Education and/or the insurance agency.

Reimbursement for Workers' Compensation Insurance benefits shall be in accordance with their respective negotiated agreements.

Education Law Sections 1604(31), 1709(34) and 2503(10)

Adopted: 7/24/06

Reviewed: 12/9/19, ~~XX/XX/XX~~

Revised:

Marion Central School District Policy	2019 <u>2022</u> 6530
PAYROLL DEDUCTIONS	Personnel
	Page 1 of 1

Payroll deductions may be made when authorized by employees or when required by law or negotiated agreements.

Education Law Sections 1604 and 1709

Adopted: 7/24/06
Reviewed: 12/9/19, ~~XX/XX/XX~~
Revised:

Marion Central School District Policy	2019 2022 6540
DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES	Personnel
	Page 1 of 2

Liability Protection Pursuant to Education Law

The Board of Education recognizes its statutory obligation to indemnify School District employees (and in certain circumstances, Board of Education members and volunteers) pursuant to the provisions of Sections 3023, 3028 and 3811 of the Education Law. For the purposes of this policy, the term "employee" shall be as defined in the applicable statute(s).

The District shall not be subject to the duty to defend unless the employee, within the time prescribed by statute, delivers appropriate notice of the claim to the Board of Education.

- a) For purposes of Education Law Section 3811, the employee must give written notice within five (5) days after service of process upon him/her. The statute mandates only written notice of the claim to the Board of Education; however, submission of relevant legal documents by the employee to the Board is also encouraged.
- b) For purposes of Education Law Sections 3023 and 3028, the employee must deliver the original or a copy of the relevant legal documents to the Board within ten (10) days after service of process upon him/her.

The District will provide legal defense and/or indemnification for all damages, costs, and reasonable expenses incurred in the defense of an action or proceeding if authorized pursuant to statute and provided that the alleged action or omission which occurred or allegedly occurred is covered by the appropriate statute(s). Furthermore, the District will not be required to provide indemnification protection and/or legal defense unless the employee was, at the time of the alleged incident, acting in the discharge of his/her duties within the scope of his/her employment or authorized volunteer duties and/or under the direction of the Board of Education.

Public Officers Law Section 18

The Board of Education hereby also confers the benefits of Section 18 of the New York State Public Officers Law upon the "employees" of the District, as defined in Section 18 of the Public Officers Law; and the District assumes the liability for the costs incurred in accordance with the provisions of Section 18. The benefits accorded to District employees under Section 18 of the Public Officers Law shall supplement and be available in addition to defense or indemnification protection conferred by other enactment or provisions of law.

The term "employees" shall include members of the Board of Education; the Superintendent; District officers; District employees; volunteers expressly authorized to participate in a District sponsored volunteer program; or any other person holding a position by election, appointment or employment in the service of the District, whether or not compensated. The term "employee" shall also include a former employee, his/her estate or judicially appointed representative.

Marion Central School District Policy	2019 <u>2022</u> 6540
DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES	Personnel
	Page 2 of 2

Pursuant to the provisions of Section 18 of the Public Officers Law, and upon compliance by the employee with the requirements of this statute, the District shall provide for the defense of the employee in any civil action or proceeding, state or federal, arising out of any alleged act or omission which occurred or allegedly occurred while the employee was acting within the scope of his/her public employment or duties. Furthermore, the District shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in a state or federal court, or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or claim arose occurred while the employee was acting within the scope of his/her public employment or duties. However, in the case of a settlement, the duty to indemnify and save harmless shall be conditioned upon the approval of the amount of the settlement by the Board of Education.

The duty to defend and/or indemnify and save harmless, in accordance with Section 18 of the Public Officers Law, shall be conditioned upon the delivery by the employee to the School Attorney or to the Superintendent a written request to provide for his/her defense, together with the original or a copy of any summons, complaint, process, notice, demand or pleading within ten (10) days after he/she is served with such document. Pursuant to Section 18, the full cooperation of the employee in the defense of such action or proceeding and in the defense of any action or proceeding against the District based upon the same act or omission, and in the prosecution of any appeal, shall also be required as a condition for the District's duty to defend and/or indemnify and save harmless to exist.

Exceptions to Liability Coverage

Indemnification coverage and/or provision of legal defense by the District will not apply unless the actionable claim is of the type covered by the statute(s) and/or is not otherwise exempt from coverage pursuant to law. Additionally, indemnification coverage and/or the duty to provide a defense shall not arise where such action or proceeding is brought by or on behalf of the School District.

Paul D. Coverell Teacher Protection Act of 2001, as authorized by the
No Child Left Behind Act of 2001
20 United States Code (USC) Section 6731 et seq.
Education Law Sections 1604(25), 1604(31-b), 1709(26), 1709(34-b),
2560, 3023, 3028 and 3811
General Municipal Law Sections 6-n and 52
Public Officers Law Section 18

Adopted: 7/24/06

Reviewed: 12/9/19, ~~XX/XX/XX~~

Revised:

Marion Central School District Policy	2019 <u>2022</u> 6550
LEAVES OF ABSENCE	Personnel
	Page 1 of 2

In general, leaves of absence:

1. Shall be administered by the Superintendent.
2. The Board reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in the policy statement.
3. Under laws and rules governing such action, the Board may undertake appropriate disciplinary action where a leave of absence is falsely requested or improperly used.
4. Except by permission of the Superintendent, as expressed in writing, the purpose or conditions of a leave of absence may not be altered.

Leaves of absence, contractual, et al:

1. Employees who are members of a negotiating unit:
Authorization is granted to the Superintendent to approve requests for leaves of absence submitted pursuant to provisions of contracts in effect between the District and each bargaining unit.
2. Employees who are not members of a negotiating unit:
Authorization is granted to the Superintendent to approve requests for leaves of absence submitted by such employees where such requests are consistent with provisions of contracts in effect between the District and the bargaining unit most compatible with the employment status of the employee.
3. Employees who are under contract to the District:
Authorization is granted to the Superintendent to implement provisions for leaves of absence contained in each such contract.

Emergency Service Volunteer Leave

Upon presentation of a written request from the American Red Cross and with the approval of the Superintendent, employees certified by the American Red Cross as disaster volunteers shall be granted leave from work with pay for up to twenty (20) days in any calendar year to participate in specialized disaster relief operations. This leave shall be provided without loss of seniority, compensation, sick leave, vacation leave or other overtime compensation to which the volunteer is otherwise entitled.

Marion Central School District Policy	2019 <u>2022</u> 6550
LEAVES OF ABSENCE	Personnel
	Page 2 of 2

Uniformed Services Employment and Reemployment Rights
Act of 1994 (USERRA)

38 United States Code (USC) Sections 4301-4333

Civil Service Law Sections 71-73

Education Law Sections 1709(16), 3005, 3005-a and 3005-b

General Municipal Law Section 92-c

Military Law Sections 242 and 243

Adopted: 7/24/06

Reviewed: 12/9/19, ~~XX/XX/XX~~

Revised:

Marion Central School District Policy	2019 2022	6551
FAMILY AND MEDICAL LEAVE ACT		Personnel
		Page 1 of 6

The Board of Education, in accordance with the Family and Medical Leave Act of 1993 (FMLA), gives "eligible" employees of the District the right to take unpaid leave for a period of up to twelve (12) workweeks in a twelve-month period as determined by the District. The District will compute the twelve-month period according to the following time frame: a "rolling" twelve-month period will be used that is measured backward from the date an employee uses any FMLA leave.

The entitlement to leave for the birth or placement of a child shall expire at the end of the twelve (12) month period beginning on the date of such birth or placement.

Employees are "eligible" if they have been employed by the District for at least twelve (12) months and for at least 1,250 hours of service during the previous twelve-month period. Full-time teachers are deemed to meet the 1,250 hour test. The law covers both full-time and part-time employees.

Qualified employees may be granted leave for one (1) or more of the following reasons:

- a) The birth of a child and care for the child;
- b) Adoption of a child and care for the child;
- c) The placement with the employee of a child from foster care;
- d) To care for a spouse, minor child or parent who has a serious health condition as defined by the FMLA;
- e) To care for an adult child who is incapable of self-care due to a disability (regardless of date of the onset of disability) and has a serious health condition as defined by the FMLA; and/or
- f) A serious health condition of the employee, as defined by the FMLA, that prevents the employee from performing his/her job.

A "serious health condition" is defined as an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider that renders the person incapacitated for more than three (3) consecutive calendar days. Furthermore, the first visit to a health care provider for an employee claiming a "serious health condition" under FMLA must occur within seven (7) days of the aforementioned incapacity with the second required visit occurring within thirty (30) days of the incapacitating event. In order for an employee to claim the need for continuous treatment under FMLA for a chronic serious health condition, the condition must require a minimum of two (2) visits per year to a healthcare provider, continue over an extended period of time, and may cause episodic rather than a continuing period of incapacity. A "serious health condition" is also defined as any period of incapacity related to pregnancy or for prenatal care.

Marion Central School District Policy	2019 <u>2022</u> 6551
FAMILY AND MEDICAL LEAVE ACT	Personnel
	Page 2 of 6

Military Family Leave Entitlements

Military Caregiver Leave

An eligible employee who is the spouse, son, daughter, parent, or next of kin (defined as the nearest blood relative) is entitled to up to twenty-six (26) weeks of leave in a single twelve (12) month period to care for a "military member" who is:

- a) Recovering from a service-connected serious illness or injury sustained while on active duty; or
- b) Recovering from a serious illness or injury that existed prior to the service member's active duty and was aggravated while on active duty; or
- c) A veteran who has a qualifying injury or illness from service within the last five (5) years and aggravates that illness or injury.

This military caregiver leave is available during a single twelve (12) month period during which an eligible employee is entitled to a combined total of twenty-six (26) weeks of all types of FMLA leave. Military Caregiver Leave may be combined with other forms of FMLA-related leave providing a combined total of twenty-six (26) weeks of possible leave for any single twelve (12) month period; however, the other form of FMLA leave when combined cannot exceed twelve (12) of the twenty-six (26) weeks of combined leave. Military Caregiver Leave has a set "clock" for calculating the twelve (12) month period for when FMLA leave begins and tolling starts at the first day of leave taken.

The term "military member" means:

- a) A member of the Regular Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- b) A veteran (discharged or released under condition other than dishonorable) who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

Marion Central School District Policy	2019 2022 6551
FAMILY AND MEDICAL LEAVE ACT	Personnel
	Page 3 of 6

"Qualifying Exigency" Leave/Call to Active Duty

An "eligible" employee is entitled to FMLA leave because of "a qualifying exigency" arising out of circumstances where the spouse, son, daughter, or parent of the employee is serving in the Regular Armed Forces or either the National Guard or the Reserves and is on active duty during a war or national emergency called for by the President of the United States or Congress, or has been notified of an impending call to active duty status, in support of a contingency operation. There is no "qualifying exigency" unless the military member is or is about to be deployed to a foreign country.

A "qualifying exigency" related to families of the Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve and Coast Guard Reserve personnel on (or called to) active duty to take FMLA protected leave to manage their affairs is defined as any one of the following reasons:

- a) Short-notice deployment;
- b) Military events and related activities;
- c) Childcare and school activities;
- d) Parental care leave;
- e) Financial and legal arrangements;
- f) Counseling;
- g) Rest and recuperation (for up to fifteen [15] calendar days);
- h) Post-deployment activities; and
- i) Any additional activities where the employer and employee agree to the leave.

In any case in which the necessity for leave due to a qualifying exigency is foreseeable, the employee shall provide such notice to the employer as is reasonable and practicable. This military-related leave is for up to twelve (12) weeks during a single twelve (12) month period. Leave may be taken intermittently or on a reduced leave schedule.

Marion Central School District Policy	2019 2022 6551
FAMILY AND MEDICAL LEAVE ACT	Personnel
	Page 4 of 6

Implementation/Benefits/Medical Certification

At the Board of Education's or employee's option, certain types of paid leave may be substituted for unpaid leave.

An employee on FMLA leave is also entitled to have health benefits maintained while on leave. If an employee was paying all or part of the premium payments prior to leave, the employee will continue to pay his/her share during the leave period.

In most instances, an employee has a right to return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave.

The Board of Education has a right to thirty (30) days advance notice from the employee where practicable. In addition, the Board may require an employee to submit certification from a health care provider to substantiate that the leave is due to the "serious health condition" of the employee or the employee's immediate family member. Under no circumstance should the employee's direct supervisor contact any health care provider regarding the employee's condition; all contact in this manner must be made by a health care provider (employed by the employer), a human resource professional, a leave administrator or a management official. If the medical certification requested by the employer is found to be deficient, the employer must indicate where the errors are, in writing, and give the employee seven (7) days to provide corrected materials to cure any deficiency prior to any action being taken.

Special Provisions for School District Employees

An instructional employee is an employee whose principal function is to teach and instruct students in a class, a small group, or an individual setting (e.g., teachers, coaches, driving instructors, special education assistants, etc.). Teaching assistants and aides who do not have instruction as the principal function of their job are not considered an "instructional employee."

Intermittent Leave Taken By Instructional Employees

FMLA leave that is taken at the end of the school year and resumes at the beginning of the next school year is not regarded as intermittent leave but rather continuous leave. The period in the interim (i.e., summer vacation) is not counted against an employee and the employee must continue to receive any benefits that are customarily given over the summer break.

Intermittent leave may be taken but must meet certain criteria. If the instructional employee requesting intermittent leave will be on that leave for more than twenty percent (20%) of the number of working days during the period for which the leave would extend, the following criteria may be required by the employer:

Marion Central School District Policy	2019 <u>2022</u> 6551
FAMILY AND MEDICAL LEAVE ACT	Personnel
	Page 5 of 6

- a) Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- b) Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

Appropriate notice for foreseeable FMLA leave still applies and all employees must be returned to an equivalent position within the School District. Additional work-related certifications, requirements and/or training may not be required of the employee as a contingent of their return to work.

Leave Taken by Instructional Employees Near the End of the Instructional Year

There are also special requirements for instructional employees taking leave and the leave's relation to the end of the term. If the instructional employee is taking leave more than five (5) weeks prior to the end of the term, the District may require that the employee take the leave until the end of the term if the leave lasts more than three (3) weeks and the employee was scheduled to return prior to three (3) weeks before the end of the term.

If the instructional employee is taking leave less than five (5) weeks prior to the end of the term for any of the following FMLA-related reasons except qualifying exigency, the District may require that the employee remain out for the rest of the term if the leave lasts more than two (2) weeks and the employee would return to work during that two (2) week period at the end of the instructional term.

If the instructional employee begins taking leave during the three (3) weeks prior to the end of the term for any reason except qualifying exigency, the District may require that the employee continue leave until the end of the term if the leave is scheduled to last more than five (5) working days.

Any additional time that is required by the employer due to the timing of the end of the school year, will not be charged against the employee as FMLA leave because it was the employer who requested that the leave extend until the end of the term.

FMLA Notice

A notice which explains the FMLA's provisions and provides information concerning the procedures for filing complaints of violations of the FMLA shall be posted in each school building and a notice of an employee's FMLA rights and responsibilities shall be either placed in the employee handbook of the employer or furnished to each new employee upon hire. The employer has five (5) days to supply such notice from the date of hire.

Marion Central School District Policy	2019 <u>2022</u> 6551
FAMILY AND MEDICAL LEAVE ACT	Personnel
	Page 6 of 6

Administration is directed to develop regulations to implement this policy, informing employees of their rights and responsibilities under the FMLA.

Family and Medical Leave Act of 1993 Public Law 103-3
National Defense Authorization Act of 2008, Public Law 110-181
10 USC 101(a) (13)
29 USC 1630.1 and 2611-2654
29 Code of Federal Regulations (CFR) Part 825 and Part 1630
42 USC 12102
Health Insurance Portability and Accountability Act of 1996
(HIPAA), Public Law 104-191
45 CFR Parts 160 and 164

Adopted: 7/24/06
Reviewed:
Revised: 12/9/19

Marion Central School District Policy	2019 2022	6552
MILITARY LEAVES ON ABSENCE		Personnel
		Page 1 of 3

The School District, upon advance notice by the employee, shall grant military leaves of absence to full and part time employees who are ordered to duty or volunteer for qualifying military service. No advance notice is required if military necessity prevents the giving of notice; or the giving of notice is otherwise impossible or unreasonable.

However, the law does not require or authorize the granting of military leaves of absence by employers for temporary employees.

Employment Rights

Time during which an employee is absent pursuant to military leave shall not constitute an interruption of continuous employment in the School District and no such employee shall be subjected, directly or indirectly, to any loss or diminution of service time; increment; vacation or holiday privileges; or any other right or privilege, by reason of such absence; or be prejudiced by reason of such absence with reference to continuation in employment, reemployment, reinstatement, transfer, or promotion.

Salary

Every employee shall be paid his/her salary or other compensation for any and all periods of absence while engaged in the performance of ordered military duty, and while going to and returning from such duty, not exceeding a total of 30 days or 22 working days, whichever is greater, in any one calendar year; and not exceeding 30 days or 22 working days, whichever is greater, in any one continuous period of such absence.

Employee Benefits

Health Insurance

The School District will continue an employee's health insurance coverage for fewer than 31 days as if the service member had remained employed (i.e., employees serving on military leave for fewer than 31 days may not be required to pay more than their regular employee contribution, if any, for health coverage). For employees performing military duty for 31 or more days, the School District must offer COBRA-type coverage for at least 24 months pursuant to law. A waiting period or exclusion cannot be imposed upon reinstatement if health coverage would have been provided to the employee had the employee not been absent for military service.

Marion Central School District Policy	2019 2022	6552
MILITARY LEAVES ON ABSENCE		Personnel
		Page 2 of 3

Pension/Retirement Plans

While on military duty, any School District employee who is a member of any pension or retirement system may elect to contribute to such pension or retirement system the amount which he/she would have contributed had such employment been continuous. Upon making such contribution, the employee shall have the same rights in respect to membership in the retirement system as he/she would have had if the employee had been present and continuously engaged in the performance of his/her position. To the extent that such contributions are paid, absence while engaged in the performance of military duty shall be counted in determining the length of total service under such pension or retirement system.

Alternatively, employees will have an opportunity to make up contributions to the pension or retirement system upon return to employment in the District in accordance with law and the individual employee's pension/retirement system.

Time during which an employee is absent on military duty shall not constitute an interruption of continuous employment, but such time shall not be counted or included in determining the length of total service in the pension or retirement system unless such employee contributes to the retirement system the amount he/she would have been required to contribute if the employee had been continuously employed during the period of military leave.

Reemployment/Restoration Rights

Employee absences for military duty shall be deemed a leave of absence and shall not constitute an interruption of employment. Consequently, such District employees shall be reinstated to their positions as soon as possible in accordance with applicable law.

Further, an employee shall be entitled to the rate of compensation he/she would have received had the employee remained in his/her position continuously during the period of military duty and shall not be subjected, directly or indirectly, to any loss of service time, increment or any other right or privilege. Moreover, an employee shall not be prejudiced in any way because of such absence with reference to promotion, transfer, reinstatement or continuous employment.

All other rights and responsibilities of a School District employee's call to military duty shall be in accordance with law.

Marion Central School District Policy	2019 <u>2022</u>	6552
MILITARY LEAVES ON ABSENCE		Personnel
		Page 3 of 3

Probationary Service

Teachers

Where a teacher enters military duty before the expiration of the probationary period to which he/she may have been appointed, the time the teacher is absent on military duty shall be credited as satisfactory service during this probationary period. If the end of such probationary service occurs while the teacher is on military duty or within one year following the termination of military duty, the period of the probationary service may be extended by the Board of Education for a period not to exceed one year from the date of termination of military duty. However, in no event shall the period of probationary service in the actual performance of teaching services extend beyond that required by the School District at the time of the teacher's entry into military service.

Non-Teaching Employees

If a public employee enters military duty before the expiration of the probationary period in any position to which he/she may have been appointed, or to which he/she may thereafter be appointed or promoted, the time such employee is absent on military duty shall be credited as satisfactory service during such probationary period.

Notice of Rights and Duties

The School District shall provide a notice of the rights, benefits and obligations of employees and the district under USERRA. The notice may be posted where the District customarily places notices for employees. Districts also may provide notice to applicable employees in other ways that will minimize cost while ensuring that the full text of the notice is provided (e.g., by handing or mailing out the notice, or distributing the notice via electronic mail).

The U.S. Department of Labor has created a sample poster which may be accessed at <http://www.dol.gov/vets/programs/userra/poster.pdf>.

The Uniformed Services Employment and
Reemployment Rights Act of 1994 (USERRA)
38 United States Code (USC) Sections 4301-4334
20 Code of Federal Regulations (CFR) Part 1002
Military Law Section 242, et. al.
Military Law Section 243, et. al.

Adopted: 7/24/06

Reviewed: 12/9/19, ~~XX/XX/XX~~

Revised:

Marion Central School District Policy	2019 <u>2022</u> 6560
DETERMINATION OF EMPLOYMENT STATUS EMPLOYEE OR INDEPENDENT CONTRACTOR	Personnel
	Page 1 of 2

Regulations promulgated by the Office of the State Comptroller provide guidance to school districts to help them determine whether an individual is an employee, and therefore eligible for membership in the New York State and Local Retirement System (NYSLRS) and for service credit, or an independent contractor who is not eligible for membership.

A certification of the determination that an individual is an employee will now be required when the School District initially reports to the NYSLRS certain covered professionals -- those persons providing services as an attorney, physician, engineer, architect, accountant or auditor.

Employee shall mean an individual performing services for the School District for which the District has the right to control the means and methods of what work will be done and how the work will be done. Independent contractor shall mean a consultant or other individual engaged to achieve a certain result who is not subject to the direction of the employer as to the means and methods of accomplishing the result. (Guidance from the New York State Education Department emphasizes that School Districts and BOCES do not have the authority to enter into agreements with independent contractors for instructional services).

Employees to be Reported to NYSLRS

Only persons who are active members of NYSLRS and who have been assigned a registration number shall be included in the reporting requirements. In the case of employees who are in the process of being registered to membership, all service, salary and deductions data and mandatory contributions shall be accumulated by the District and such accumulation shall be included with the first monthly report which is due after the employee's registration number has been assigned.

An individual serving the District as an independent contractor or consultant is not an employee and should not be reported to the retirement system.

The District has the primary responsibility for determining whether an individual is rendering services as an employee or as an independent contractor. When making such a determination the District must consider the factors enumerated in State Regulations.

The District shall also complete, as necessary, a Certification Form for Individuals Engaged in Certain Professions (Form RS2414) as promulgated by the Office of the New York State Comptroller. As noted on the Certification Form instructions, when making a determination as to an individual's status as an employee or independent contractor, no single factor should be considered to be conclusive

of the issue. All factors should be considered in making an assessment of an individual's status when engaged to perform services.

Marion Central School District Policy	2019 <u>2022</u> 6560
DETERMINATION OF EMPLOYMENT STATUS EMPLOYEE OR INDEPENDENT CONTRACTOR	Personnel
	Page 2 of 2

Written Explanation by District: Certain Professions

In the case of an individual whose service has been engaged by the School District in the capacity of attorney, physician, engineer, architect, accountant or auditor and the District has determined that the individual is rendering service as an employee and, therefore, may be eligible for credit with a retirement system, the District shall submit to the retirement system, in a form prescribed by the Comptroller and certified by the Chief Fiscal Officer of the District, an explanation of the factors that led to the conclusion that the individual is an employee and not an independent contractor or consultant.

Retirement and Social Security Law Sections 11, 34, 311, and 334

2 New York Code of Rules and Regulations (NYCRR) Sections
315.2 and 315.3

Adopted: 7/24/06

Reviewed: 12/14/15, 12/9/19, ~~XX/XX/XX~~

MARION CENTRAL SCHOOL
4034 Warner Road, Marion, NY 14505
Regular Board of Education Meeting
January 9, 2023 – 6:00 PM
Jr-Sr High School Library

- BOARD MEMBERS PRESENT:** M. Kuelling, R. Marshall, J. Monroe, J. Reesor, and A. Taber
- ADMINISTRATORS PRESENT:** D. Bavis, S. Dehn, E. Lloyd, N. Miller, C. Steiner, R. Walker, and D. Wise
- GUESTS:** Guest Register
- A1. CALL TO ORDER** Mr. Marshall called the meeting to order at 6:00 P.M. and led the Pledge of Allegiance.
- A4. APPROVAL OF AGENDA** Motion by Mrs. Kuelling, seconded by Mr. Reesor and unanimously carried by Board members present the following resolution: BE IT RESOLVED, that the Board of Education, upon the recommendation of the Superintendent of Schools and pursuant to Education Law, approves the agenda of January 9, 2023 with the following additions to Consent Agenda, Item 10. Accept resignation of Donnette Boucher as 5-hour Food Service Helper at Marion Jr-Sr High School effective January 6, 2023 and Item #11. Approval to change 5-hour Food Service Helper position to a 3-hour position. (FY 22/23 January #1) 5-0-0
- B. COMM AGENDA COMMENTS** An opportunity for community questions and comments on agenda items was given. No comments were made.
- C. PRESENTATIONS** Kaela Sittig and Marissa Holloway presented to the Board the work they are doing in each building to build relationships with families, especially those that are hard to reach. They explained the work they are doing with respect to attendance goals, student support both with groups and individuals, community partnerships and collaborations with staff and teachers.
- D1. ACCEPT REQUESTED LEAVE** Motion by Ms. Taber, seconded by Mrs. Kuelling, and unanimously carried the following resolution: BE IT RESOLVED, that the Board of Education, upon the recommendation of the Superintendent of Schools and pursuant to Education Law, accepts the request for leave of **Casey Steiner as PK-12 Assistant Principal**, , effective February 1, 2023 until the Elementary Principal position is filled. (FY 22/23 January #1)

- D2. APPOINT INTERIM PRINCIPAL** Motion by Mrs. Kuelling, seconded by Mr. Reesor, and unanimously carried the following resolution: BE IT RESOLVED, that the Board of Education, upon the recommendation of the Superintendent of Schools and pursuant to Education Law, Approves the Appointment of **Casey Steiner**, as Interim Elementary Principal, effective February 1, 2023 until Elementary Position is filled, salary \$90,000 prorated. (FY 22/23 January #1)
- D3. ACCEPT REQUESTED LEAVE** Motion by Mr. Monroe, seconded by Ms. Taber, and unanimously carried the following resolution: BE IT RESOLVED, that the Board of Education, upon the recommendation of the Superintendent of Schools and pursuant to Education Law, accepts the request for leave of **Brianne Raes** as Special Education Teacher and Administrative Intern, effective February 1, 2023 until the Elementary Principal position is filled. (FY 22/23 January #1)
- D4. APPOINT INTERIM PK-12 AP** Motion by Mrs. Kuelling, seconded by Mr. Reesor, and unanimously carried the following resolution: BE IT RESOLVED, that the Board of Education, upon the recommendation of the Superintendent of Schools and pursuant to Education Law, Approves the Appointment of **Brianne Raes**, as Interim PK-12 Assistant Principal, effective February 1, 2023 until Elementary Position is filled, salary \$65,000 prorated. (FY 22/23 January #1)
- E1. BOARD REPORT** Mr. Marshall discussed restarting conversations about a School Resource Officer and asked Mr. Walker to reach out to the Sheriff's Department for a community forum. Mr. Marshall returned to the discussion about a Student Representative on the School Board and whether it would be one student or a monthly student presentation; no decision was made, but we will move forward with establishing a policy. They then started a conversation regarding open meeting law and the Policy Committee which was then tabled until the next meeting. Lastly, they discussed Community Presentations. The board had mixed thoughts and this conversation was tabled until another meeting.
- E2. SUPERINTENDENT REPORT** Mr. Bavis reported that the transition to Dr. Lloyd was going well. He then explained the reasoning for the MOA with the Director of Technology and Innovative Programs. Lastly, he spoke briefly about the additional course options being added to the Course Description Guide.

APPROVAL MOA

Motion by Mrs. Kuelling, seconded by Ms. Taber, and unanimously carried the following resolution: Be it resolved that the Board of Education, upon the recommendation of the Superintendent of Schools and pursuant to Education Law, approves the Memorandum of Agreement between Marion Central School District and the Marion Administrators' Association regarding changes to the assigned duties of the Director of Technology and Innovative Programs. (FY 22/23 January #1) 5-0-0

APPRVAL ADD'L COURSE DESCPS

Motion by Mr. Reesor, seconded by Mrs. Kuelling, and unanimously carried the following resolution: Be it resolved that the Board of Education, upon the recommendation of the Superintendent of Schools and pursuant to Education Law, approves the additional courses to the Course Description Guide for 2023-2024 as presented. (FY 22/23 January #1) 5-0-0

E3. FINANCE REPORT

Mr. Walker gave an update on the Capital Project stating that at the Jr-Sr High, they are on the last 5 rooms of the initial phase of the project; a leak was found in the bathroom and repaired and that all of the old carpeting in the building will be replaced with the new hallway carpeting. He then reported that there was no substantial changes to the financial report.

APPRVE FINANCIAL REPORTS

Motion by Mr. Monroe, seconded by Ms. Taber, and unanimously carried by Board members present the following resolution: BE IT RESOLVED, that the Board of Education, upon the recommendation of the Superintendent of Schools and pursuant to Education Law, approves the Financial Reports as presented. (FY 22/23 January #1) 5-0-0

E4. ADMINISTRATORS REPORTS

Mrs. Miller reported that she had done curriculum work with Social Studies team at the Elementary School. She reported that the state has released more information regarding the accountability system and once she understands it all, she will present it to the Board. Lastly, she is working on planning the Conference Day.

Mrs. Steiner reported that at the Elementary School they retaught Bus Behavior; they are reviewing discipline and referrals are down in December from November and a PBIS celebration is being planned. Mrs. Steiner then reported that the Jr-Sr High is gearing up for midterms and she is working on the schedule and proctoring.

Mr. Dehn reported that the FFA had a great dance which was well attended and students had a nice time. He reported that Ethan Welch set a school pole vault record for Indoor Track, the Penny Fund raised \$860 dollars between the two buildings and the All Greater Rochester Fall Athletes were named.

Dr. Lloyd reported that they had a great week the week before break, the PTO crafting event was well done and classrooms had parents and families visit. January is Wellness month and they will focus on good handwashing; the students got to put their hands under a black light which was neat. Stanley the Goldendoodle is coming in for half days and he's doing great. And lastly, there are new cafeteria tables and the kids are excited because they are round.

Mr. Wise reported that the computer servers need to be replaced and the new server was delivered today and they have already begun installing it which will increase storage. Lastly, he reported that he is getting ready for midterm data process.

F1. FIRST READ OF POLICIES

The Board discussed and held the first reading of Policies 6220-6570

E1. SECOND READ OF POLICIES

The Board discussed and held the second reading of Policies 1510, 5220, 5410-5412, 7110, 7540, 7554, 8110, 8260, 8320, 8330, 8340.

**APPROVAL OF POLICIES
1510, 5220, 5410-5412, 7110, 7540,
7554, 8110, 8260, 8320, 8330, 8340**

Motion by Mr. Reesor, seconded by Ms. Taber, and unanimously carried by Board members present the following resolution: Be it resolved that the Board of Education, upon the recommendation of the Superintendent of Schools and pursuant to Education Law, approves Policies 1510, 5220, 5410-5412, 7110, 7540, 7554, 8110, 8260, 8320, 8330, 8340. (FY 22/23 December #1) 5-0-0

G. CONSENT AGENDA ITEMS

Motion by Mrs. Kuelling, seconded by Ms. Taber, and unanimously carried by Board members present: 5-0-0

G1. MEETING MINUTES

RESOLVED, that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves the Meeting Minutes of the December 19, 2022 meeting. (FY 22/23 January #1)

G2. CSE/CPSE PLACEMENTS

RESOLVED, that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves the placement of students into special education programs. (FY 22/23 January #1)

- G3. APPRVE TREASUR/WARRNTS** RESOLVED, that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves the treasurer's and warrants reports as presented. (FY 22/23 January #1)
- G4. APPRVE INT CLAIMS AUD RPT** RESOLVED, that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves the Internal Claims Auditor's Report as presented. (FY 22/23 January #1)
- G5. APPROVE MOA EXTRA CLASS** RESOLVED, that the Board of Education, upon the recommendation of the Superintendent of Schools and pursuant to Education Law, approves the Memorandum of Agreement regarding extra class load between Marion Central School District and **Brandie Jones**. (FY 22/23 January #1)
- G6. APPROVE NON-CERT SUB** RESOLVED, that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves the appointment of **Jackson Bay** as a Non-Certified Substitute Teacher, Teacher Assistant, Teacher/Classroom Aide, and School Monitor for Marion Central School District, fingerprint clearance on file. (FY 22/23 January #1)
- G7. APPROVE NON-CERT SUB** RESOLVED, that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves the appointment of **Travis DeLyser** as a Non-Certified Substitute Teacher, Teacher Assistant, and Teacher/Classroom Aide for Marion Central School District, fingerprint clearance on file. (FY 22/23 January #1)
- G8. APPROVE NON-CERT SUB** RESOLVED, that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves the appointment of **Helene Becker** as a Non-Certified Substitute Teacher, Teacher Assistant, and Teacher/Classroom Aide for Marion Central School District, fingerprint clearance on file. (FY 22/23 January #1)
- G9. APPROVE NON-CERT SUB** RESOLVED, that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves the appointment of **Alleyna Fulton** as a Non-Certified Substitute Teacher, Teacher Assistant, and Teacher/Classroom Aide for Marion Central School District, pending fingerprint clearance. (FY 22/23 January #1)

G10. ACCEPT RESIGNATION

RESOLVED, that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, accepts the resignation of **Donnette Boucher** as a 5-hour Food Service Helper at Marion Jr-Sr High School, effective January 6, 2023. (FY 22/23 January #1)

G11. APPROVE CHANGE

RESOLVED, that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves the change of the 5-hour Food Service Helper position at Marion Jr-Sr High School to a 3-hour Food Service Helper position. (FY 22/23 January #1)

H. COMMUNITY COMMENTS

An opportunity for community questions and comments was given. A community member commented that the district should look into a Buddy System to assist children that have difficulties socially to help them fit in and not feel isolated.

I. EXECUTIVE SESSION

Motion by Mrs. Kuelling, seconded by Mr. Monroe, and unanimously carried by Board members present, BE IT RESOLVED, that upon recommendation of the Superintendent of Schools and pursuant to Educational Law, that the Board of Education adjourn to Executive Session for the specific purpose of discussing anticipated tenure appointment. (FY 22/23 January #1) 5-0-0

The Board of Education entered into Executive Session at 7:27 PM

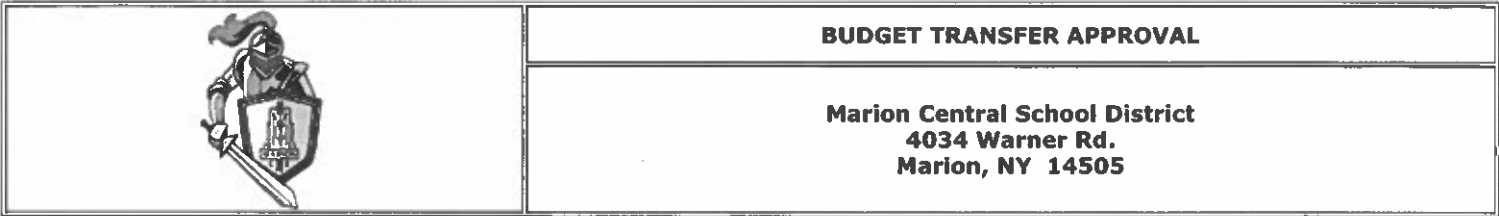
The Board of Education returned to Open Session at 7:40 PM

J. ADJOURNMENT

Motion by Mr. Monroe, seconded by Mr. Reesor, and unanimously carried by Board members present the following resolution: BE IT RESOLVED, that the Board of Education approves the adjournment of its January 9, 2023, meeting at 7:41 PM.

Respectfully Submitted,

Nadine A. Mitchell
School District Clerk



**Marion Central School District
4034 Warner Rd.
Marion, NY 14505**

Fund: A

Ru

Handwritten signature

SD

Signed: 1/13/2023 11:54:42 AM by Staci O'Quain

January 4, 2023

Dr. Ellen Lloyd
Superintendent
Mr. Don Bavis
Interim Superintendent
Marion Central School District
4034 Warner Road
Marion, NY 14505

Dear Dr. Lloyd and Mr. Bavis,

It is with heart-felt gratitude and fond memories that I submit this letter of resignation from my position as an Elementary Teacher at Marion Elementary School, effective July 1, 2023.

My 23+ years here at MES have been an enjoyable highlight of my adult life. Working in the district where I live has given me a huge sense of accomplishment, as I watched so many Marion children grow, mature and graduate with the best that we could provide. Thanks for the memories!

Sincerely,

A handwritten signature in cursive script, appearing to read "Kim E. Graffeo".

Kim E. Graffeo

✓ Cc: N. Mitchell