

MARION CENTRAL SCHOOL  
4034 Warner Road, Marion, NY 14505  
Regular Board of Education Meeting  
**Monday, March 27, 2023**

**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/UCv1ZrUVduQH\\_uqq8rTsk-2Q](https://www.youtube.com/channel/UCv1ZrUVduQH_uqq8rTsk-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 on agenda items

**C. PRESENTATION**

- Safety Survey Results ~ E. Lloyd

**D. REPORTS**

1. Board of Education Reports
  - Safety Survey Discussion
  - Budget Vote Proposition - Student Representative serving on School Board

2. Superintendent – E. Lloyd

- Principal Evaluation Training
- Engagement Letter – Harris Beach PLLC

**Approval of Engagement Letter for Legal Services between Marion Central School District and Harris Beach PLLC. (Enc.)**

**(Action)**

3. Director of Finance & Operations – R. Walker

- Capital Project Update
- Capital Project Change Order (Enc.)

**Approval of Capital Project Change Order Greater than \$35,000**

**(Action)**

**Approval of Resolution regarding SEQR for 2023-24**

**Outlay Project (Enc.)**

**(Action)**

**Approval of MOA between Marion Central School District and the Marion Teachers Association (Enc.)**

**(Action)**

**E. POLICY REVIEW**

1. First Reading of Policies 7512, 7610-7690, 8320, 8330, 8450 (Enc.)
2. **Second Reading and Approval of Policies 7410-7590 (Enc.)**

**(Action)**

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

1. Acceptance of Minutes of Board of Education Meeting of March 13, 2023 (Enc.)
2. Approval of CSE/CPSE Recommendations Regarding Student Placement (Enc.)
3. Approval of the Internal Claims Auditor's Reports (Enc.)
4. Approval of Budget Transfers (Enc.)
5. Approve the Health Services Contract between Marion Central School District and Newark Central School District. (Enc.)
6. Approval of the appointment of **Mark Hetherley** as a Non-Certified Substitute Teacher, Teacher Assistant, Teacher Aide, and Cafeteria/Recess Monitor for Marion Elementary School, pending fingerprint clearance.
7. Approval of the Appointment of **Denise Simmons** as the Evening Cleaner for Marion Elementary School, effective 04/01/2023, rate: \$15.30/hr + 5% shift differential; pending fingerprint clearance. (Enc.)
8. Approval of the unpaid parenting leave for **Michelle Williams** effective from the beginning of the 2023-24 School Year until October 2, 2023. (Enc.)
9. Accept the Resignation, for the Purpose of Retirement, of **Tom Nortier**, Director of Facilities effective July 28, 2023. (Enc.)

**G. COMMUNITY COMMENTS**

- Opportunity for Public Comments/Questions

**H. EXECUTIVE SESSION (Action)**

It is anticipated that the Board of Education will go into Executive Session for the specific purpose of discussing the Superintendent's Evaluation.

**I. ADJOURNMENT – Next Regularly Scheduled Meeting – Monday, April 17, 2023, 6:00 PM, Marion Jr-Sr High School Library**

**HARRIS BEACH** PLLC  
ATTORNEYS AT LAW

99 GARNSEY ROAD  
PITTSFORD, NY 14534  
(585) 419-8800

**SARA E. VISINGARD**

DIRECT: (585) 419-8748  
FAX: (585) 419-8801  
SVISINGARD@HARRISBEACH.COM

March 10, 2023

**VIA ELECTRONIC MAIL**

Ellen Lloyd  
Superintendent of Schools  
Marion Central School District  
4034 Warner Road  
Marion, New York 14505

RE: Engagement Letter for Legal Services Between Harris Beach PLLC and Marion Central School District

Dear Ms. Lloyd:

This letter summarizes the proposed terms of Harris Beach PLLC's ("we", "us", "our" or the "Firm") representation of Marion Central School District (the "District" or "Client"), including the scope of services the firm will provide pursuant to this engagement and the agreed-upon fee and billing arrangements. Unless otherwise set forth herein, our representation will be limited to the District and its Board only, and does not extend to any separate or differing interests of Client's officers, directors, owners, subsidiaries, affiliates, agents, employees, or family members, or to any other potentially-interested or related parties (individually "Affiliate," and collectively, "Affiliates").

**Scope of Engagement.** The firm shall serve as special counsel to the District and provide such legal advice, consultation, and other services as requested by the District related to general school district matters including, but not limited to, operations, labor and personnel, student issues, financial matters, facilities, and property.

At times the scope of legal matters today can stretch beyond the area in which the Firm practices. Should any matter require counsel outside the regions we ordinarily serve, we have relationships with other firms and can provide the names of other lawyers and firms Client may want to interview for that purpose. While we believe those professionals will work on Client's best behalf, it is important to note that they are not employees or under control of our Firm.

Except as we may otherwise both agree in writing, Client agrees that we may disclose the fact of our representation of Client, including in materials that the Firm uses to describe its practices and expertise.

**Firm Personnel; Principal Contact.** I will be responsible for the supervision of the Firm's representation of the District, but the Client is engaging the Firm as a whole and not any individual attorney. I can be reached at (585) 419-8748 or [svisingard@harrisbeach.com](mailto:svisingard@harrisbeach.com). As necessary or appropriate, we will draw upon the talents and experience of other Firm attorneys, professionals, and staff in providing services relating our representation.

**Fee Arrangement.** The Firm's fee is based on the time spent by the attorneys and legal assistants who work on Client matters. The hourly rate for these services for the 2022-23 fiscal year is \$266 for attorneys and educational consultants, \$180 for law clerks (unadmitted law graduated), \$130 for law student clerks, and \$145 for paralegal/library research services. Beginning on July 1, 2023 the rate for these services will be \$276 for attorneys and educational consultants, \$180 for law clerks (unadmitted law graduated), \$130 for law student clerks, and \$145 for paralegal/library research services. We will, from time to time at Client's request, provide estimates concerning our estimated fee. Should a fee dispute arise which is not resolved by discussion between Client and our Firm, Client may have the right to arbitration of that dispute pursuant to Part 137 of the Rules of the Chief Administrator of the Courts, a copy of which will be provided to Client upon request.

**Other Charges.** In addition to the Firm's fees for rendering professional services, Client shall be responsible for, and Firm invoices will include, separate charges for performing services such as photocopying, scanning, delivery charges, long distance telephone calls, facsimile transmissions, specialized computer applications, travel, and other expenses and services incurred incidentally to the performance of the Firm's legal services. Client shall also be responsible for payment of any expenses and disbursements incurred by the Firm on Client's behalf (*i.e.*, transcription fees, filing fees, expert witness fees, etc.), which will be billed to Client with the Firm's invoice. Based on the nature of the expense, the Firm may also request that Client pay or advance the fee directly to the person/entity requesting/charging the same. The Firm shall promptly notify Client of any significant expense that is incurred in connection with the Matter.

Should Client ever issue a litigation hold to the Firm for a matter unrelated to the Firm (*e.g.*, due to a subpoena or litigation/threatened litigation in which the Firm is not a party or potential party), Client shall reimburse the Firm for its reasonable costs expended in complying with such litigation hold.

**Billing Cycle and Retainer.** The Firm generally requires its clients to deposit a retainer for legal services against which the Firm bills and collects fees and disbursements. The Firm has waived the requirement for an initial retainer with respect to this Matter, but reserves the right to require one if deemed appropriate in the future. Fees for legal services and other charges are billed monthly and are payable within 30 days of Client's receipt of the Firm's invoice.

Should Client's account remain unpaid after 30 days, a late-payment fee of 0.75% per month, or 9.00% per annum, will be added to the amount due. If Client's account becomes delinquent by more than 90 days, the Firm will contact Client about making arrangements to bring the account current. It is our hope that, by addressing payment issues promptly, we can avoid any misunderstanding. However, as a condition to the Firm's continued representation of Client, Client must remain current in Client's payments to the Firm for services and expenses. Should a delinquency continue and satisfactory payment terms not be arranged, the Firm reserves the right to withdraw from its representation of Client and pursue collection of the amount owed. In such an event, Client shall be responsible for the cost of collecting the debt, including court costs, filing fees, and reasonable attorneys' fees incurred by the Firm for the collection.

If Client ever overpays an invoice, Client agrees that the Firm may apply such overpayment to any outstanding fees and expenses or to Client's next bill, with notice to Client as to how the Firm applied the overpayment. If there are no outstanding fees or expenses and no work in progress, the Firm shall refund the overpayment to Client.

**Termination of Engagement.** Either party may terminate the engagement described herein at any time for any reason by providing the other party written notice, subject, on the Firm's part, to the rules of professional conduct. No such termination, however, will relieve Client of the obligation to pay the legal fees owed to the Firm for services performed and other charges owed to the Firm through the date of termination. After the Firm's completion of legal services to Client, changes may occur in applicable laws or regulations that could have an impact upon Client's future rights and liabilities. Unless Client engages the Firm after completion of the Matter to provide additional advice on issues relating specifically to the Matter, the Firm has no continuing obligation to advise Client with respect to future legal developments, whether relating to the Matter or otherwise.

**Conclusion of Representation; Disposition of Client Documents.** Unless previously terminated, the Firm's representation of Client with respect to the Matter will conclude when the Firm sends Client the last invoice for services rendered in the Matter. Following such conclusion, any otherwise nonpublic information Client has supplied to the Firm that is retained by the Firm will be kept confidential in accordance with applicable rules of professional conduct. At Client's request, the Firm will return Client's papers and property promptly after receipt of payment for any outstanding fees and costs. If Client does not make such a request within 90 days following the conclusion of the engagement set forth herein, Client agrees and understands that any materials left with the Firm after the engagement ends may be retained or destroyed at the Firm's discretion.

Please note that "materials" include paper files and information in other storage media, including, but not limited to, voicemail, e-mail, and other electronic files, printer files, copier files, video files, and other formats. The Firm reserves the right to make, at its expense, copies of all documents generated or received by the Firm in the course of its representation. The Firm will retain its files pertaining to the Matter. These Firm files include, for example, Firm administrative records; internal lawyers' work product, such as drafts, notes, and internal memoranda; and legal and factual research, including memos and investigative reports prepared by or for the internal use of lawyers. The Firm will retain all remaining documents for a certain period of time, but reserves the right for various reasons, including the minimization of unnecessary storage expenses, to destroy or otherwise dispose of them within a reasonable time after the conclusion of the engagement set forth herein.

**Client Cooperation.** Client agrees to cooperate fully with the Firm and to provide promptly all information known or available to Client relevant to the Firm's representation of Client, as well as any updates or changes to Client's contact information. Such cooperation is essential, as the Firm will, of necessity, be relying on the completeness and accuracy of the information Client provides to the Firm when performing services on Client's behalf. Should Client not fully

Ellen Lloyd  
Superintendent  
March 10, 2023  
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**HARRIS BEACH** <sup>PLLC</sup>  
ATTORNEYS AT LAW

cooperate with the Firm, both the efficiency and economy of the Firm's representation of Client may suffer.

**Communication with Client.** Unless Client directs otherwise, the Firm will use unencrypted e-mail as the primary means of communication with Client, and Client shall inform the Firm of which e-mail address(es) the Firm should use for such communication. The Firm may also use cellular telephones (including smart phones) and facsimile machines to communicate with Client. Texting is not a preferred method of communication, but may be used on a limited basis to communicate non-sensitive information to Client. The Firm will take reasonable steps to protect the confidentiality of Firm-Client communications, but, unless applicable law provides otherwise, the Firm will not be responsible for disclosures of Client's confidential information occurring from the use of such communication technologies. Client agrees to notify the Firm if

Client has any requests or requirements regarding the Firm's methods of communication with Client that differ from the foregoing.

**Possible Conflicts.** Conflicts of interest will be handled as required by applicable rules of professional conduct. Unless otherwise agreed, for the purpose of determining whether a conflict of interest exists, it is only Client that the Firm represents, and not any of its Affiliates. Client agrees not to give the Firm any confidential information regarding any Affiliate unless: (a) that Affiliate has separately engaged the Firm to perform services on that Affiliate's behalf; or (b) such information is essential to the engagement set forth herein. While the Firm recognizes that to act adversely to any Affiliate could jeopardize a long-term relationship with Client, which the Firm does not wish to do, for conflict of interest purposes the Firm reserves the right to represent another client with interests adverse to any Affiliate that is not itself a Firm client without obtaining any consent from Client or Client's Affiliates.

The Firm maintains a Risk Management Committee that acts as in-house counsel to its attorneys and will, on occasion, retain outside counsel when an attorney handling a client matter may have a concern on a matter of professional responsibility. To the extent the Firm is addressing its duties, obligations, or responsibilities to Client in those consultations, it is possible that a conflict of interest might be deemed to exist as between Firm lawyers or the Firm and Client. Client agrees that these consultations are protected from disclosure by the Firm's attorney-client privilege and that Client will not seek to discover or inquire into them. Of course, nothing in the foregoing shall diminish or otherwise affect the Firm's obligation to keep Client informed of material developments in the Firm's representation of Client, including any conclusions arising out of such consultations to the extent that they affect Client's interests.

Please contact me directly with any questions regarding this engagement letter. Otherwise, if this proposal is acceptable, please so indicate by returning a countersigned copy of this engagement letter. Consistent with its policy, the Firm reserves the right to delay commencement of work on this Matter until Client has signed and returned this engagement letter to us.

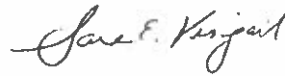
Ellen Lloyd  
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**HARRIS BEACH** PLLC  
ATTORNEYS AT LAW

We appreciate the opportunity to represent, and look forward to working with the Marion Central School District.

Sincerely,

HARRIS BEACH PLLC



By: \_\_\_\_\_  
Sara E. Visingard

Agreed and Accepted this \_\_\_\_\_  
day of March, 2023

**MARION CENTRAL SCHOOL DISTRICT**

By: \_\_\_\_\_  
Ellen Lloyd, Superintendent



# AIA Document G701/CMa™ – 1992

## Change Order - Construction Manager-Adviser Edition

**PROJECT (Name and address):**

Marion 2020 CIP  
4034 Warner Road  
Marion, NY 14504

**CHANGE ORDER NUMBER:** AC-013

**INITIATION DATE:** 02/22/2023

**OWNER:** ☒
**CONSTRUCTION MANAGER:** ☒
**ARCHITECT:** ☒
**CONTRACTOR:** ☒
**FIELD:** ☐
**OTHER:** ☐
**TO CONTRACTOR (Name and address):**

Sessler Environmental Services  
1330 Research Forrest  
Macedon, NY 14502

**PROJECT NUMBERS:** 19-3064/20-106-01

**CONTRACT DATE:** 03/29/2022

**CONTRACT FOR:** Asbestos Abatement

**THE CONTRACT IS CHANGED AS FOLLOWS:**

JR/SR High School #65-07-01-04-0-005-025

PCI: AC-010 Alt# 2-2 Jr./Sr. High School Area "D" Ceiling

49,000.00

**PCI Total:** \$49,000.00

charging an amount of Forty-Nine Thousand Dollars And 00 / 100 (\$49,000.00).

Allowance Name	Beginning Allowance	Previous CO Charged Against Allowance	Current Charge Against Allowance	Remaining Allowance
AC-1 Tents	7,200.00	7,200.00	0.00	0.00
AC-2 Glovebags	2,250.00	2,250.00	0.00	0.00
AC-3 Enclosures	3,500.00	3,500.00	0.00	0.00
AC-4 HangersTie Wires	675.00	675.00	0.00	0.00
AC-5 Contingency	30,000.00	29,170.00	0.00	830.00
<b>Total:</b>	<u><u>43,625.00</u></u>	<u><u>42,795.00</u></u>	<u><u>0.00</u></u>	<u><u>830.00</u></u>

The Contract Sum is ☒ Increased ☐ Decreased ☐ Unchanged

The Original Contract Amount: \$2,198,300.00

Net Change by Previously Authorized Change Orders: \$48,203.00

The Contract Amount Prior to this Change Order was: \$2,246,503.00

The Contract will be increased by this Change Order in the amount of: \$49,000.00

The new Contract Amount including this Change Order will be: \$2,295,503.00

The Contract Time will be unchanged by Zero (0) days.

The date of Substantial Completion as of the date of this Change Order therefore is

**NOTE:** This summary does not reflect changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive.

**NOT VALID UNTIL SIGNED BY THE OWNER, CONSTRUCTION MANAGER, ARCHITECT AND CONTRACTOR**

**CONTRACTOR**

Sessler Environmental Services  
1330 Research Forrest, Macedon, NY  
14502

Signature: Dave Ogletree  
Name: David Ogletree  
Title: ree  
Date: 2023.03.02

**ARCHITECT**

SEI Design Group Architects  
224 Mill Street, Rochester, NY 14614

Signature: [Signature]  
Name: Sarah Bald  
Title: Project Manager  
Date: 3/14/23

**CONSTRUCTION MANAGER**

Watchdog Building Partners LLC  
3445 Winton Place, Suite 102, Rochester,  
NY 14623

Signature: [Signature]  
Name: Lester Roberts  
Title: Pr  
Date: 2/22/23

**OWNER**

Marion Central School District  
4034 Warner Road, Marion, NY  
14505

Signature: [Signature]  
Name: Robert Marshall  
Title: School Board President  
Date:



**PCI**

To: David Ogletree  
Sessler Environmental Services  
1330 Research Forrest  
Macedon, NY 14502  
Ph: 315-617-5710

Number: AC-010  
Date: 2/22/23  
Job: 20-106-01 Marion 2020 CIP  
Issue No.: IS-097

Description: At# 2-2 Jr./Sr. High School Area "D" Ceiling

**Scope Of Work**

Alternate 2-2 Accepted

Attachment(s):

If you have any questions, please contact me at (585) 760-7855.

Submitted by: Lester Roberts  
Watchdog-Building Partners LLC

Approved by: \_\_\_\_\_  
Date: \_\_\_\_\_

Cc: John Fox (Watchdog Building Partners)

**SECTION 004110 - BID FORM****Project Name: Marion CSD - 2020 Capital Improvement Project****Fid Contract Name and Number:** Contract 105: Abatement**Name of Bidder:** Sessler Environmental Services, LLC.**Phone:** 516-619-5719**Address:** 1330 Research Forest, Macedon, NY 14502**Email:** mlaucks@sesslerenv.com**FEIN:** 31-4253263

In compliance with the Instructions to Bidders, the undersigned, hereby proposes to furnish all labor, supplies, materials and equipment to construct the subject project within the times specified, and per the drawings and specifications and any subsequently issued addenda for the following amount:

Two Million One Hundred Ninety Eight thousand Three Hundred

(Written Amount)

Dollars (\$ 2,198,300.00 )  
(Figures)

Indicate BASE BID amount in both words and numerals. The amount indicated in words shall govern if a discrepancy exists.

**BID SECURITY:**

- Attached hereto is a Bid Bond in the amount of five percent (5%) of the Base Bid.

**ALLOWANCES:**

- Reference Specification Section 012190 "Allowances" for any Allowances to be included in the BASE BID.

**SECTION 004110 – BID FORM****ALTERNATES:**

- Indicate in the spaces provided below the amount to be ADDED to or the amount to be DEDUCTED from (as applicable) the BASE BID if the Owner accepts the following alternates as described in Specification Section 012300 "Alternates".
- Include in the amount of the Alternates, all labor, materials, overhead and profit, modification of Work specified in Contract Documents, and additional work required by all trades that may be required by acceptance of the ALTERNATE. Refer to Specification Section 002740 "Instructions to Bidders" and Specification Section 012300 "Alternates".
- Provide Alternate costs as indicate; if not applicable to contract then please indicate "N/A" for not applicable or \$0 dollars if there is not an associated cost for the added alternate.

**Alternate 1-1: Elementary Gymnasium Bleacher Replacement**

No Change Dollars (\$ NA )  
(Written Amount) (Figures)

**Alternate 1-2: Elementary Gymnasium Floor Refinishing**

No Change Dollars (\$ NA )  
(Written Amount) (Figures)

**Alternate 1-3: OMIT****Alternate 1-4: Elementary UV replacement and Relief Air**

Sixty-Three Thousand Two Hundred Dollars (\$ 63,200.00 )  
(Written Amount) (Figures)

**Alternate 1-5: Abatement and Ceiling Replacement – Band Room:**

Sixty-Seven Thousand Nine Hundred Dollars (\$ 67,900.00 )  
(Written Amount) (Figures)

**Alternate 1-6: Abatement and Ceiling Replacement – Third Floor Area B**

Sixty-Eight Thousand Eight Hundred Dollars (\$ 68,800.00 )  
(Written Amount) (Figures)

**Alternate 1-7: Elementary PA System**

No Change Dollars (\$ NA )  
(Written Amount) (Figures)

**Alternate 1-8: Playground Poured in Place Rubber**

No Change Dollars (\$ NA )  
(Written Amount) (Figures)

**Alternate 2-1: Jr./Sr. High School Foundation and Support Steel for Video Screen**

No Change Dollars (\$ NA )  
(Written Amount) (Figures)

**Alternate 2-2: Jr./Sr. High School Area "D" Ceiling Replacement**

Forty-Nine Thousand Dollars (\$ 49,000.00 )  
(Written Amount) (Figures)

**Alternate 2-3: Jr./Sr. High School Motors for Existing Basketball Hoops.**

No Change Dollars (\$ NA )  
(Written Amount) (Figures)

**Alternate 2-4: Jr./Sr. High School Select Gym Wall Pad Replacement**

No Change Dollars (\$ NA )  
(Written Amount) (Figures)

**Alternate 2-5: Jr./Sr. High School Area of Fitness Center and Maintenance**

One Hundred Sixty Thousand Six Hundred Dollars (\$ 160,600.00 )  
(Written Amount) (Figures)

**Alternate 3-1: Maintenance Storage Building**

No Change Dollars (\$ NA )  
(Written Amount) (Figures)

**Alternate 5-1: Old Bus Garage Roof**

No Change Dollars (\$ NA )  
(Written Amount) (Figures)

**SECTION 004110 - BULKFORM****UNIT PRICING:**

- Indicate in the spaces provided below the price per unit of measure as described in Specification Section 012203 "Unit Prices". Should the amount of work stipulated for this Project be increased or decreased, due to changes in design, the undersigned agrees that the unit prices contained herein will be the basis for adjustment to the Contract Sum.
- Provide Unit costs as indicate by number to aligns with indicated applicable contract; ~~if not applicable to contract then please indicate N/A for not applicable.~~

**Unit Price No. (GC)101-1: ~~Roller Window Shades~~****COST PER UNIT, the sum of:**

NA Dollars (\$ NA )  
(Written Amount) (Figures)

**Unit Price No. (GC)101-2: ~~Remove and Replace Acoustical Ceiling Tile~~****COST PER UNIT, the sum of:**

NA Dollars (\$ NA )  
(Written Amount) (Figures)

**Unit Price No. (MC)103-1a: 1" Removal and Replace Ball Valve****COST PER UNIT, the sum of:**

NA Dollars (\$ NA )  
(Written Amount) (Figures)

**Unit Price No. (MC)103-1b: 1-1/4" Removal and Replace Ball Valve****COST PER UNIT, the sum of:**

NA Dollars (\$ NA )  
(Written Amount) (Figures)

**Unit Price No. (MC)103-1c: 1-1/2" Removal and Replace Ball Valve****COST PER UNIT, the sum of:**

NA Dollars (\$ NA )  
(Written Amount) (Figures)

**Unit Price No. (MC)103-1d: 2" Removal and Replace Ball Valve****COST PER UNIT, the sum of:**

NA Dollars (\$ NA )  
(Written Amount) (Figures)

Unit Price No. (MC)103-1e: 2-1/2" Removal and Replace Ball Valve

COST PER UNIT, the sum of:

NA Dollars (\$ NA )  
(Written Amount) (Figures)

Unit Price No. (MC)103-1f: 3" Removal and Replace Ball Valve

COST PER UNIT, the sum of:

NA Dollars (\$ NA )  
(Written Amount) (Figures)

Unit Price No. (AC)105-1: Provides a tent for glovebag removal of asbestos containing pipe and for fitting insulation

COST PER UNIT, the sum of:

Nine Hundred Dollars (\$ 900.00 )  
(Written Amount) (Figures)

Unit Price No. (AC)105-2: Glovebag removal of asbestos containing pipe and/or fitting insulation

COST PER UNIT, the sum of:

Seventy-Five Dollars (\$ 75.00 )  
(Written Amount) (Figures)

Unit Price No. (AC)105-3: Provides decontamination enclosure system

COST PER UNIT, the sum of:

Three Thousand Five Hundred Dollars (\$ 3,500.00 )  
(Written Amount) (Figures)

Unit Price No. (AC)105-4: Install Hangers/Tie Wires through ACM Acoustic Plaster Ceilings

COST PER UNIT, the sum of:

Forty-Five Dollars (\$ 45.00 )  
(Written Amount) (Figures)

Unit Price No. (SC)107-1: Underpinning

COST PER UNIT, the sum of:

NA Dollars (\$ NA )  
(Written Amount) (Figures)

Unit Price No. (SC)107-2: Soil Stabilization Fabric

COST PER UNIT, the sum of:

NA Dollars (\$ NA )  
 (Written Amount) (Figures)

Unit Price No. (SC)107-3: Heavy Duty Asphalt

COST PER UNIT, the sum of:

NA Dollars (\$ NA )  
 (Written Amount) (Figures)

Unit Price No. (SC)107-4: Storm Water Management Trench (Silt)

COST PER UNIT, the sum of:

NA Dollars (\$ NA )  
 (Written Amount) (Figures)

Unit Price No. (SC)107-5: Poured in Place (Pip) Playscape Surfacing

COST PER UNIT, the sum of:

NA Dollars (\$ NA )  
 (Written Amount) (Figures)

**SECTION 004110 - BID FORM****PREPARATION OF BID:**

- All blanks on the Bid form shall be legibly executed in a non-erasable medium.
- Two (2) copies of the Bid are to be submitted in the bid package, including the Iran Divestment Act Certification, Non-Collusive Bidding Certification and Certified Corporate Resolution.
- Reference the Instructions to Bidders for additional requirements.

**POST-BID SUBMITTALS:**

- The three (3) apparent low bidders shall provide the following information within 72 hours of receipt of bids:
  - Comparable Product / Equivalent Request Form.
  - Proposed Subcontractors Form.
  - Contractor's Qualifications Statement (AIA Document A-305).

**ADDENDA:**

- The receipt of the following Addenda to the Contract Documents is acknowledged:

Addendum No. 1, dated 02/16/2022Addendum No. 5, dated 03/08/2022Addendum No. 2, dated 02/24/2022

Addendum No. \_\_\_\_\_, dated \_\_\_\_\_

Addendum No. 3, dated 03/04/2022

Addendum No. \_\_\_\_\_, dated \_\_\_\_\_

Addendum No. 4, dated 03/07/2022

Addendum No. \_\_\_\_\_, dated \_\_\_\_\_

**ACCEPTANCE AND EXECUTION OF CONTRACT:**

- The undersigned affirms and agrees that this Proposal is a firm one which remains in effect and will be irrevocable for a period of forty-five (45) days following the opening of Bids. When written notice of acceptance of the Proposal is mailed or delivered to the undersigned within the time period, or anytime thereafter should the Proposal not be withdrawn, the undersigned agrees to execute a Contract with the Owner.

**SIGNATURE:****LEGAL NAME OF PERSON, PARTNERSHIP OR CORPORATION:**

Sessler Environmental Services, LLC.

**SIGNATURE** (Corporate Officer): Mitch Phillips**DATE:**

03/09/2022

(Corporate Seal)



**SECTION 004110 - BID FORM****CERTIFICATIONS**

This form must be submitted with each Bid.

**Project Name: Marion CSD - 2020 Capital Improvement Project**

By submission of this bid, the bidder certifies the following:

**1. IRAN DIVESTMENT ACT:**

- a. Each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the state finance law. The list of "Entities determined to be non-responsive bidders/officers pursuant to The New York State Iran Divestment Act of 2012" can be found at <https://www.ogs.ny.gov/about/reg/docs/ListofEntities.pdf>
- b. Bidder further certifies that it will not utilize on this Contract any subcontractor that is identified on the Prohibited Entities List. Bidder agrees that should it seek to renew or extend this Contract, it must provide the same certification at the time the Contract is renewed or extended.
- c. Bidder agrees that any proposed Assignee of this Contract will be required to certify that it is not on the Prohibited Entities List before the contract assignment will be approved by the State.
- d. During the term of the Contract, should the New York State Education Department (AGENCY) receive information that a person is in violation of the above referenced certification, AGENCY will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then AGENCY shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default.
- e. The Owner reserves the right to reject any bid or request for assignment for an entity that appears on the prohibited entities list prior to the award of a contract, and its pursue a responsibility review with respect to any entity that is awarded a contract and appears on the prohibited entities list after contract award.

**2. NYS GENERAL MUNICIPAL LAW: SECTION 103(Kc):**

- a. Bidder, or any "substantially owned-affiliated entity" as defined by paragraph g of subdivision five of section two hundred twenty of the labor law, has not been found to be in violation of the Davis-Bacon Act pursuant to 40 U.S.C. 3144, the Copeland Act pursuant to 18 U.S.C. 874 and 40 U.S.C. 3145 or the Contract Work Hours and Safety Standards Act pursuant to 40 U.S.C. 332.
- b. Bidder further certifies that its principles or entities related to the company named below, is not now, or ever has been, debarred from contracting with the United States Government or any State government.
- c. The company is not now under investigation by any agency of the Federal Government or the government of any State for any actions by the company, its principles or any related entity, for any alleged malfeasance or misfeasance of any kind or nature which could lead to a debarment from governmental contracting or criminal prosecution, as well as render any contracts signed in reliance on this certification voidable by the party relying on this certification.

DUNS NUMBER (if applicable):

80675509

DATE:

03/09/2022

LEGAL NAME OR PERSON, PARTNERSHIP OR CORPORATION:

Sessler Environmental Services, LLC.

SIGNATURE / TITLE (Corporate Officer): Mitch Phillips / Manager



**SECTION 004110 - BID FORM****NON-COLLUSIVE BIDDING CLAUSE**

This form must be submitted with each Bid. Bids without this form completely executed shall not be accepted.

**Project Name: Marion CSD - 2020 Capital Improvement Project**

By submission of this bid, the bidder certifies the following:

1. This Bid has been independently arrived at without collusion with any other Bidder or with any competitor or potential competitor.
2. This Bid has not been knowingly disclosed and will not be knowingly disclosed prior to the opening of Bids for this Project, to any other Bidder, competitor or potential competitor.
3. No attempt has been made or will be made to induce any other person, partnership or corporation to submit or not to submit a Bid.
4. The person signing this Bid certifies that he has fully informed himself regarding the veracity of the statements contained in this certificate, and, under the penalties of perjury, affirms the truth thereof, such penalties being applicable to the Bidder as well as the person signing on his behalf.
5. That attached hereto (if a Corporate Bidder) is a certified copy of resolution authorizing the execution of this certificate by the signatory of this Bid on behalf of the Corporate Bidder.

**SIGNATURE:**

LEGAL NAME OR PERSON, PARTNERSHIP OR CORPORATION:  
Sessler Environmental Services, LLC.

SIGNATURE (Corporate Officer): Mitch Phillips

TITLE  
Manager

DATE:  
03/09/2022

**SECTION 004110 - ~~BID FORM~~**

**CERTIFIED CORPORATE RESOLUTION**

This form must be submitted with each Bid; Bids without this form completely executed shall not be accepted.

Resolved that Mitch Phillips be authorized to sign and submit the BID of this Corporation for the following project:

**Project Name: Marion CSD - 2020 Capital Improvement Project**

and to include in such Bid the Certificate as to non-collusion required by Section 139-d of the State Finance Law as the act and deed of such Corporation, and for an inaccuracies or misstatements in such Certificate this Corporate Bidder shall be liable under the penalty of perjury.

The foregoing is true and correct copy of the resolution adopted by Sessler Environmental Services, LLC Corporation at a meeting of its Board of Directors, held on the 9th day of March, 2022.

**SIGNATURE:**

LEGAL NAME OR PERSON, PARTNERSHIP OR CORPORATION:  
Sessler Environmental Services, LLC.

ADDRESS:  
1330 Research Forest, Macedon, NY 14502

SIGNATURE (Corporate Officer): Mitch Phillips  


TITLE  
Manager

DATE:  
03/09/2022

END OF SECTION 004110

**NOTICE TO PROCEED**

To: David Ogletree  
Sessler Environmental Services  
1330 Research Forrest  
Macedon, NY 14502  
Ph: 315-617-5710

Transmittal #: 166

Date: 3/2/2023

Job: 20-106-01 Marion 2020 CIP

Subject: Marion CSD h. 1- RFP/PCT - AC-010: Alt# 2-2 Jr./Sr. High School Area "D" Ceiling

**WE ARE SENDING YOU**☐ Attached☐ Shop drawings☐ Prints☐ Plans☐ Samples☐ Copy of letter☐ Change order☐ Specifications☒

Document Type	Copies	Date	No.	Description
RFP/PCI	1	2/22/23	AC-010	Alt# 2-2 Jr./Sr. High School Area "D" Ceiling
Attachment	1			Re: RFP/PCI AC-010 - 105 - AC Sessler Environmental.pdf

**THESE ARE TRANSMITTED as checked below:**☐ For approval☐ Approved as submitted☐ Resubmit \_\_\_ copies for approval☐ For your use☐ Approved as noted☐ Submit \_\_\_ copies for distribution☐ As requested☐ Returned for corrections☐ Return \_\_\_ corrected prints☐ For review and comment☐ Other☐ FOR BIDS CDE☐ PRINTS RETURNED AFTER LOAN TO US

The attached RFP has been accepted. Please proceed with the work as outlined.  
Please see attached Notice to Proceed with acceptance of Alt #2 per owners request.

Sincerely,

Jessica Burggraaff (Watchdog Building Partners)

Copy To:

Signature: \_\_\_\_\_


**THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK**

Office of Facilities Planning, 89 Washington Avenue, Room 1060 Education Building Annex, Albany, NY 12234  
 Tel. (518) 474-3906  
 Tel. (518) 474-3906  
 www.p12.nysed.gov/facplan/

## CHANGE ORDER CERTIFICATION

Must be attached to back of Change Order

**Instructions:** This CERTIFICATION is required for all change orders submitted to SED  
 Fill out all three parts completely.

**Change Order Number:**

AC-013

### Part One - General Information

**Provide separate Change Orders for each Project Number**

SED Project Number

6	5	0	7	0	1	0	4	0	0	0	5	0	2	5
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

District BEOS Code

Building Identification Number

Project number

District & Building Name

Marion Central School District - JR/SR High School

Type of Project

☒ Reconstruction / Alteration    ☐ Addition & Alteration    ☐ New Building    ☐ Other

Project Description

2020 Capital Improvement Project

Architect / Engineer firm

SEI Design Group Architects, DPC

224 Mill Street Rochester, NY 14614

name

address

Contact Person

Gian-Paul Piane, Principal

585-442-7010 / gpp@seidesigngroup.com

name & title

phone number & e-mail

Construction Manager firm

Watchdog Building Partners, LLC

3445 Winton Place Suite 235 Rochester, NY 14623

name

address

Contact Person

Todd LaBarr

585-760-7855 / tlabarr@WatchDogBP.com

name & title

phone number & e-mail

District Contact Person

Richard Walker, Director of Finance and Operations 315-826-2300 / rwalker@marioncs.org

name & title

phone number & e-mail

### Part Two

**Provide the following information for each individual item in the change order:**

(Number each item if there is more than one and provide additional sheets as necessary.)

- A. Requested By** (Who initiated the change request)
- B. Relationship to Project Scope** (How is this change related to the original project scope)
- C. Basis of Need** (Describe why the change is needed)
- D. Description of Work** (Provide a detailed description of the work or services provided in the change order. Provide text, a drawing or both as necessary to demonstrate code compliance and the individual cost of each item.)

A. Requested by: District

B. Relationship to Project Scope: Asbestos Abatement Trades Contract.

C. Basis of Need: Alternates that was competitively bid with overall scope of the project and accepted at a later date.

D. Description of Work: Alt # 2-2 Jr./Sr. High School Area "D" Ceiling

**Contract Sum Add: \$49,000.00**

# CHANGE ORDER CERTIFICATION

## Part Three

1

### Change order requirements:

- ✓ The scope of the change order must relate to the project scope previously approved.
- ✓ Dollar amounts applied from allowances toward costs associated with the changes must be provided.
- ✓ If the cost of this change order is not within the approved amount as currently established on the SA-4, please provide a Form FP-FI, Request for Revision of Financial Information, with documentation showing the additional authorization of funds.
- ✓ Each change order shall be signed by the president of the board of education, the architect/engineer, and the contractor.

2

### Certification of the Superintendent of Schools (District Superintendent if a BOCES project)

The following statements are true and correct to the best of my knowledge and belief:

- The revised total cost is within the authorized appropriation for this project.
- Where any work of this change order requires a type or kind of work that is not included in the original contract documents, the school district's attorney has been contacted to assure conformance with the Opinion of the State Comptroller No. 60-505.

\_\_\_\_\_  
Date

Dr. Ellen Lloyd, Superintendent

\_\_\_\_\_  
Signature and printed name of the School Superintendent or District Superintendent if a BOCES project

3

### Certification of the Architect or Engineer

The following statements are true and correct to the best of my knowledge and belief:

- Work required by this change order is in accordance with applicable sections of the approved contract documents.
- Any plan, sketch, or attachment referenced in this change order is included herein.
- Work required by this change order is in accordance with applicable provisions of the NYS Uniform Fire Prevention and Building Code, State Education Department's building standards, and NYS Department of Labor's Code Rule 56.
- Work required by this change order was designed by an architect or engineer who is currently licensed by the State of New York.
- Work required by this change order that involves asbestos-containing building material (ACBM) was designed by an architect or engineer who is currently licensed by the State of New York and who is appropriately certified as an asbestos designer by the NYS Department of Labor at the time he/she designed the asbestos-related project.

3/14/23

\_\_\_\_\_  
Date

SEI Design Group Architects, DPC

\_\_\_\_\_  
Architectural / Engineering Firm Name

Gian-Paul Piane, Principal

\_\_\_\_\_  
Signature and printed name of the Architect or Engineer

## **RESOLUTION**

**WHEREAS**, the Board of Education of the Marion Central School District will be considering a proposition to undertake the 2023-2024 Capital Outlay Project consisting of upgrades to the building management systems mechanical controls at the Jr. Sr. High School; and

**WHEREAS**, the proposed elements of the 2023-2024 Capital Outlay Project are routine activities of an educational institution for the purpose of maintenance or repair of existing structures and facilities; replacement, rehabilitation or reconstruction of a structure or facility, in kind; and/or routine activities of educational institutions including expansion of existing facilities by less than 10,000 square feet of gross floor area; and

**WHEREAS**, such actions are deemed, pursuant to the regulations adopted by the New York State Department of Environmental Conservation, to be “Type II” actions and are not subject to the requirements of the New York State Environmental Quality Review Act;

**NOW THEREFORE IT IS RESOLVED**, that the proposed proposition is a Type II action pursuant to 6 NYCRR § 617.5(c) and that review pursuant to the New York State Environmental Quality Review Act is not necessary.

**MEMORANDUM OF AGREEMENT**  
**Between The**  
**Marion Central School District**  
**And The**  
**Marion Teachers' Association**

This Agreement is made as of the \_\_\_\_ day of March, 2023, between the Marion Central School District (the "District"), and the Marion Teacher's Association ("MTA").

**WHEREAS**, the District and the MTA are parties to a collective bargaining agreement covering July 1, 2016 to June 30, 2020 as extended to June 30, 2023 by agreement between the parties ("the CBA"); and

**WHEREAS**, the parties recognize that Article IX, Section C of the CBA provides restrictions on the full-time teaching load; and

**WHEREAS**, the District from time to time, and in certain circumstances, has a need to adjust certain teaching positions and/or assignments; and

**WHEREAS**, such adjustments may result in the need to fill vacant positions to meet the pedagogical needs of the District and to provide appropriate and necessary course offerings to students of the District which would result in some members of the teaching staff having teaching responsibilities in excess of the restrictions referenced above; and

**WHEREAS**, the parties wish to ensure that in these circumstances the affected members of the teaching staff are properly compensated in a uniform manner.

**NOW THEREFORE**, in the spirit of good faith and cooperation, it is hereby understood and agreed to by the Parties that:

1. The District may offer an assignment of an additional class period to a member of the teaching staff for either the entire academic school year, or for a portion of the school year. The decision of whether to offer an additional class period, and to whom such offer shall be made, rests in the District's sole and absolute discretion.
2. To compensate a member of the teaching staff for performing the additional duties incumbent in being assigned additional class period(s) of instruction they shall be entitled to additional payment based on the ratio the additional assignment to their base salary (e.g. they would receive 1/6 of their base salary for a course lasting the entire academic school year. Courses lasting less than a full academic school year would be prorated accordingly).
3. The above changes will take effect when this Agreement is fully executed, and approved by the Board of Education.
4. The Parties acknowledge that the terms of this Agreement shall be incorporated into any successor agreement to the CBA.
5. All other components of the CBA shall remain unaltered.

\_\_\_\_\_  
Dr. Ellen Lloyd, Superintendent of Schools

\_\_\_\_\_  
Michael Herlan MTA President

Date: \_\_\_\_\_

Date: \_\_\_\_\_



Marion Central School District Policy	<del>2020</del> 2023 7512
STUDENT PHYSICALS	Students
	Page 1 of <del>63</del>

## Health Examination

Each student enrolled in District schools must have a satisfactory health examination conducted by the student's physician, physician assistant or nurse practitioner within twelve months prior to:

- The student's first entrance in a District school at any grade level;
- Entrance to pre-kindergarten or kindergarten;
- The beginning of ~~2nd, 4th, 7th and 10th grades.~~ 1<sup>st</sup>, 3<sup>rd</sup>, 5<sup>th</sup>, 7<sup>th</sup>, 9<sup>th</sup>, and 11<sup>th</sup> grades.

The District may also require an examination and health history of a student when it is determined by the District that it would promote the educational interests of the student.

In addition, the District requires a certificate of physical fitness for:

- All athletes within twelve (12) months prior to the start of the first practice for their sport; and
- All students who need work permits.

## Health Certificate

Each student must submit a health certificate attesting to the health examination within thirty (30) calendar days after ~~his or her~~ their first entrance into:

- A District at any grade level;
- Prekindergarten or kindergarten; and
- 1<sup>st</sup>, 3<sup>rd</sup>, 5<sup>th</sup>, 7<sup>th</sup>, 9<sup>th</sup>, and 11<sup>th</sup> grades.

~~-If a student does not submit the required health certificate within 30 calendar days after their entrance, the building principal or designee will send a notice to the student's parent or person in parental relation stating that if the required health certificate is not submitted within 30 calendar days from the date of the notice, the School Medical Director will conduct an examination by health appraisal of the student. school and within thirty (30) days after his or her entry into the 2nd, 4th, 7th and 10th grades.~~

-The health certificate shall be filed in the student's cumulative record. The health certificate must:

- Be on a form prescribed by the Commissioner;
- Describe the condition of the student when the examination was given, provided that such examination was not given more than 12 months prior to the commencement of the school year in which the examination is required;

Marion Central School District Policy	<del>2020</del> <u>2023</u>	7512
STUDENT PHYSICALS		Students
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~~b)c)~~ State the results of any test conducted on the student for sickle cell anemia;

~~d)~~ State whether the student is in a fit condition of health to permit ~~his/her~~ their attendance at ~~public school a~~ District and, where applicable, whether the student has ~~defective~~ impaired sight or hearing, has received a scoliosis screening, or has any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of such work to prevent injury to the student;

~~e)e)~~ State the student's body mass index (BMI) and weight status category; and

~~f)~~ Be signed by a duly licensed physician, physician assistant, or nurse practitioner, who is authorized by law to practice in New York State consistent with any applicable written practice agreement; or authorized to practice in the jurisdiction in which the examination was given, provided that the Commissioner of Health has determined that such jurisdiction has standards of licensure and practice comparable to those of New York.

~~d)~~ A licensed health professional with appropriate training may conduct a scoliosis screening.

### Dental Health Certificate

The District will request a dental health certificate from each student at the same time that health certificates are required.

The District may also request an assessment and dental health history of a student when it is determined by the District that it would promote the educational interests of the student.

A notice of request for a dental health certificate will be distributed at the same time that the parent or person in parental relation is notified of health examination requirements. The notice of request for a dental health certificate will list dental practices, dentists, and registered dental hygienists to which students may be referred for dental services on a free or reduced cost basis upon request of the student's school.

The dental health certificate will be filed in the student's cumulative record. The dental health certificate must:

a) Describe the dental health condition of the student when the assessment was given, provided that the assessment was not given more than 12 months prior to the commencement of the school year in which the assessment is requested; and

<u>Marion Central School District Policy</u>	<u>2023</u> <u>7512</u>
<u>STUDENT PHYSICALS</u>	<u>Students</u>
	<u>Page 3 of 6</u>

- b) State whether the student is in fit condition of dental health to permit their attendance at a District school; and
- c) Be signed by a duly licensed dentist, or a registered dental hygienist, who is:
1. Authorized by law to practice in New York State, and consistent with any applicable written practice agreement; or
  2. Authorized to practice in the jurisdiction in which the assessment was performed, provided that the Commissioner has determined that the jurisdiction has standards of licensure and practice comparable to New York State.

#### Examination by Health Appraisal

The Principal or the Principal's designee will report to the Director of School Health Services the names of all the students who are required to and have not submitted the required health certificate or who are students with disabilities.

~~send a notice to the parents of, or person in parental relationship to, any student who does not present a health certificate, that if the required health certificate is not furnished within thirty (30) days from the date of such notice, an examination by health appraisal will be made of such student by the Director of School Health Services.~~

The Director of School Health Services shall cause such students to be separately and carefully examined and tested to ascertain whether any such student has defective sight or hearing, or any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of such work to prevent injury to the student.

Each examination will also include a calculation of the student's BMI and weight status category. Further, the physician, physician assistant, or nurse practitioner administering the examination will determine whether a one-time test for sickle cell anemia is necessary or desirable and, if so determined, will conduct the test and include the results in the health certificate.

~~—The physician, physician assistant or nurse practitioner administering such examination shall determine whether a one-time test for sickle cell anemia is necessary or desirable and, if so determined, shall conduct such test and include the results in the health certificate.~~

If it is ~~ascertained~~ determined that any students ~~have defective~~ has an impaired sight or hearing, or other physical disability or other conditions, including sickle cell anemia, the ~~building p~~Principal or pPrincipal's designee shall notify the student's parents or persons in parental relation as to the existence of such disability. If the parents or persons in parental relation are unable or unwilling to provide the



<u>Marion Central School District Policy</u>	<u>2023</u>	<u>7512</u>
<u>STUDENT PHYSICALS</u>		<u>Students</u>
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-necessary relief and treatment for such students, such fact shall be reported by the building pPrincipal or pPrincipal's designee to the Director of School Health Services, who then has the duty to provide relief for such students.

### District Reporting of BMI and Weight Status Category

Each school year, the New York State Department of Health randomly selects a certain number of districts across New York State to report, in the aggregate, students' BMI and weight status categories. Selected districts must report this information online. A student's parent or person in parental relation may refuse to have the student's BMI and weight status category included in this survey.

### Lead Screenings

Prior to or within three months after initial enrollment of a student under six years old, the District shall obtain from the student's parent or person in parental relation evidence that the student has been screened for lead. If the District does not receive evidence that the student has been screened for lead, the District will provide the student's parent or person in parental relation with information on lead poisoning in children and lead poisoning prevention, as well as refer the parent or person in parental relation to a primary care provider or the local health authority for a blood lead test.

### **Health Screenings**

The District will provide:

- a) Scoliosis screening, if not documented on the student's health certificate, at least once each school year for all students in grades male students in grade5 through 9, and for female students in grades 5 and 7. The positive results of any such screening examinations for the presence of scoliosis shall be provided in writing to the student's parent or person in parental relation within ninety (90) days after such finding;
- b) Vision screening, if not documented on the student's health certificate, to all students who enroll in school including at a minimum color perception, distance acuity, near vision and hyperopia within six (6) months of admission to the school. In addition, all students shall be screened for distance acuity and near vision in grades prekindergarten or Kindergarten, 1, 2, 3, 5, 7 and 110 and at any other time deemed necessary. The results of all such vision screening examinations shall be in provided in writing to the student's parent or person in parental relation and to any teacher of the pupil. The vision report will be kept in a permanent file of the school for at least as long as the minimum retention period for such records;

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- c) Hearing screening, if not documented on the student's health certificate, to all students within six months of admission to the school. In addition, all students will receive a hearing screening and in grades prekindergarten or Kindergarten, 1, 3, 5, 7 and 10, as well as at any other time deemed necessary. Screening shall include, but not be limited to, pure tone ~~and threshold air conduction~~ screening. The results of any such hearing tests shall be provided in writing to the student's parent or person in parental relation and to any teacher of the student.

The results of all health screenings (~~dental, hearing, vision and scoliosis~~) shall be recorded in the students cumulative health record which will be maintained by the school for at least as long as the minimum retention period for these records. on appropriate forms signed by the health professional making the examination, include appropriate recommendations, and be kept on file in the school.

### Student Health Records

The health records of individual students will be kept confidential in accordance with the federal Family Educational Rights and Privacy Act (FERPA) and any other applicable federal and State laws.

### **Accommodation for Religious Beliefs**

No health examinations, health history, examinations for health appraisal, screening examinations for sickle cell anemia and/or other health screenings shall be required where a student or the parent or person in parental relation to such student objects thereto on the grounds that such examinations, health history and/or screenings conflict with their genuine and sincere religious beliefs. A written and signed statement from the student or the student's parent or person in parental relation that such person holds such beliefs shall be submitted to the Principal or Principal's designee, in which case the Principal or Principal's designee may require supporting documents.

### Students in Temporary Housing

For students in temporary housing (i.e., homeless children and youth), the enrolling school must immediately refer the parent or guardian of the student to the District's McKinney-Vento liaison, who will assist them in obtaining the necessary medical records.

Family Educational Rights and Privacy Act of 1974  
(FERPA)

20 United States Code (USC) Section 1232(g)

Education Law Sections 903~~1~~-905, 912 and 3220~~17~~

8 New York Code of Rules and Regulations (NYCRR)

Section ~~135.4 and Part~~ 136.1 and 136.3

<u>Marion Central School District Policy</u>	<u>2023</u> <u>7512</u>
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NOTE: Refer also to Policies #7131 -- Education of Homeless Children and Youth  
#7250 – Student Privacy, Parental Access to Information, and  
Administration of Certain Physical Examinations to Minors  
#7510 – School Health Services  
#7511 -- Immunization of Students  
#7590 – Concussion Management

Adopted: 2/5/07  
Reviewed: 4/14/20,  
Revised: XX/XX/XX

Marion Central School District Policy	<del>2020</del> <u>2023</u> 7610
SPECIAL EDUCATION: DISTRICT PLAN	Students
	Page 1 of 1

A District plan shall be developed and updated every two (2) years describing the Special Education program in the Marion Central School District. The District plan shall include the following:

- a) A description of the nature and scope of special education programs and services currently available to students residing in the District, including but not limited to descriptions of the District's resource room programs and each special class program provided by the District in terms of group size and composition.
- b) Identification of the number and age span of students (school age and preschool) to be served by type of disability and recommended setting.
- c) The method to be used to evaluate the extent to which the objectives of the program have been achieved.
- d) A description of the policies and practices of the Board of Education to ensure the allocation of appropriate space within the District for special education programs that meet the needs of students and preschool children with disabilities.
- e) A description of the policies and practices of the Board of Education to ensure that appropriate space will be continually available to meet the needs of resident students and preschool students with disabilities who attend special education programs provided by Boards of Cooperative Educational Services.
- f) A description of how the District intends to ensure that all instructional materials to be used in the schools of the District will be made available in a usable alternative format for each student with a disability at the same time as such instructional materials are available to non-disabled students. The alternative format must meet the National Instructional Materials Accessibility Standard defined in federal law.
- g) The estimated budget to support such plan.
- h) The date on which such plan was adopted by the Board of Education.

The District plan, with personally identifiable student information deleted, shall be filed and available for public inspection and review by the Commissioner.

20 United States Code (USC) 1474(e)(3)(B)  
8 New York Code of Rules and Regulations (NYCRR)  
Part 155 and Section 200.2(c)

Adopted: 3/8/07  
Reviewed: 12/07/20, ~~XX/XX/XX~~  
Revised: 2/3/14, 3/19/18

Marion Central School District Policy	<del>2020</del> <u>2023</u>	7611
CHILDREN WITH DISABILITIES		Students
		Page 1 of 1

The Board of Education recognizes the existence of individual differences in the intellectual, social, emotional and physical development of children attending school in the District. In recognizing these differences, the Board supports a system of services offered in the least restrictive environment for children with disabilities which includes:

- a) Not requiring any student to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving services.
- b) Education in regular classes with or without support services, education in a resource room, education for part of the day in a special class, full time education in a special class, home instruction, day treatment and education in a residential setting.
- c) Providing for the education of students with disabilities with non-disabled peers to the extent appropriate.
- d) Consideration of the location of a school program(s) to a student's residence, before placement into an educational program.
- e) Adoption of written policies and procedures ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with Commissioner's Regulations.
- f) Allocation of appropriate space within the District for special education programs that meet the needs of students with disabilities.
- g) Assurance that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by BOCES.

Individuals with Disabilities Education Improvement

Act of 2004 [Public Law 108-446 Section 614(a)

21 United States Code (USC) 812(c)

Education Law Sections 3208 and 4401-4407

8 New York Code of Rules and Regulations (NYCRR)

Sections 100.5, 100.9, 200.2(b)(3), 200.2(c)(2)(v),

200.4(e)(9) and 200.6(a)(1)

NOTE: Refer also to Policies #7615 -- Least Restrictive Environment

Adopted: 3/8/07

Reviewed: 12/07/20, ~~XX/XX/XX~~

Revised: 2/3/14, 3/19/18



Marion Central School District Policy	<del>2020</del> <u>2023</u> 7612
<b>GROUPING BY SIMILARITY OF NEEDS</b>	<b>Required</b>
	<b>Students</b>
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The Board of Education will provide appropriate special education and related services to students with disabilities. For those students for whom an appropriate education requires that they be placed together for purposes of special education, the following guidelines shall apply:

- a) That each student with a disability shall be identified, evaluated and placed as determined by the Committee on Special Education (CSE).
- b) The Committee shall determine written goals for each student with a disability by considering the special and individual needs of each student with a disability.
- c) The Committee shall recommend to the Board of Education appropriate educational programs and services for each student with a disability based upon the CSE evaluation.
- d) The CSE shall provide information to those teachers and professionals who arrange instructional groups for students with disabilities. Information shall include physical, psychological and social information as well as achievement test results.
- e) The curriculum and instruction provided to students with disabilities who are grouped by similarity of needs shall be consistent with the individual needs of each student in the group.
- f) Students with disabilities may be grouped according to:
  1. Academic achievement, functional performance and learning characteristics;
  2. Social needs;
  3. Physical development; and
  4. Management needs.
- g) When grouping students by similarity of needs, the social needs or physical development of a student shall not be the sole determinant for placement of a student in a special education program.
- h) The management needs of such students may vary, provided that environmental modifications, adaptations, or human or material resources required to meet the needs of any one student in the group are provided and do not consistently detract from the opportunities of other students in the group to benefit from instruction.

8 New York Code of Rules and Regulations (NYCRR)

Sections 200.2(b)(3) and 200.6(a)(3)

Adopted: 3/8/07

Reviewed: 12/07/20, ~~XX/XX/XX~~

Revised: 2/3/14, 3/19/18

Marion Central School District Policy	<del>2020</del> <u>2023</u> 7613
THE ROLE OF THE BOARD OF EDUCATION IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM	Students
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The Board of Education shall establish at least one Committee on Special Education and one Committee on Preschool Special Education. The Board shall also establish, as necessary, Subcommittees on Special Education to ensure timely evaluation and placement of students with disabilities.

### **Committee on Special Education**

The Board of Education shall, upon completion of its review of the recommendations of the CSE, arrange for the appropriate special education programs and services to be provided to a student with a disability. The Board shall notify the parent/guardian of its action in accordance with federal and state law and regulations.

For a student not previously identified as having a disability, the CSE shall provide a recommendation to the Board which shall arrange for the appropriate special education programs and services to be provided within sixty (60) school days of the date of receipt of consent to evaluate. For a student with a disability referred for review, a recommendation shall be provided to the Board which shall arrange for the appropriate special education programs and services to be provided within sixty (60) school days of the referral for review. However, if such recommendation of the CSE is for placement in an approved in-state or out-of-state private school, the Board shall arrange for such special education programs and services for students with disabilities within thirty (30) school days of the Board's receipt of the recommendation of the CSE.

If on review of the recommendation of the CSE, the Board of Education disagrees with such recommendation, the Board shall follow one of the following procedures:

- a) The Board may remand the recommendation to the CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or concerns. The CSE shall consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the CSE, the Board may continue to remand the recommendation to the original committee for additional reviews of its objections or concerns, or establish a second CSE to develop a new recommendation in accordance with the following paragraph, provided that the Board arranges for the programs and services in accordance with the student's IEP within the timelines as outlined above; or, in the alternative,

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THE ROLE OF THE BOARD OF EDUCATION IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM		Students
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- b) The Board may establish a second CSE to develop a new recommendation for the student. If the Board disagrees with such new recommendation, the Board may remand the recommendation to the second CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or concerns. The second CSE shall consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the second CSE, the Board may continue to remand the recommendation for additional reviews of its objections or concerns by the second CSE, provided that the Board arranges for the programs and services in accordance with the student's IEP, as developed by the second CSE, within the timelines as outlined above.

Pursuant to Commissioner's Regulations, the Board may not select the recommendation of the original CSE once it has established a second CSE.

The Board shall provide the student's parents/guardians with written notice and a copy of the statement of its objections or concerns and notice of due process rights in accordance with Section 200.5 of the Regulations of the Commissioner.

#### **Committee on Preschool Special Education**

Upon receipt of the recommendation of the Committee on Preschool Special Education (CPSE), the Board of Education shall arrange for the preschool student with a disability to receive such appropriate programs and services in accordance with the student's IEP, commencing with the July, September or January starting date for the approved program, unless such services are recommended by the CPSE less than thirty (30) school days prior to, or after, the appropriate starting date selected for the preschool student with a disability; in that case, such services shall be provided no later than thirty (30) days from the recommendation of the CPSE.

If the Board disagrees with the recommendation of the CPSE, the Board shall send the recommendation back to the CPSE with notice of the need to schedule a timely meeting to review the Board's concerns and to revise the IEP as deemed appropriate. The Board of Education shall provide such notice as required by federal and state law and regulations.

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THE ROLE OF THE BOARD OF EDUCATION IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM	Students
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### Subcommittee on Special Education

The number of Subcommittees on Special Education will be determined by the CSE and the CSE will be responsible for the oversight and monitoring of the activities of each subcommittee to assure compliance with the requirements of applicable state and federal laws and regulations.

Each Subcommittee may perform the functions for which the CSE is responsible, except:

- a) When a student is considered for initial placement in a special class; or
- b) When a student is considered for initial placement in a special class outside of the student's school of attendance; or
- c) When a student is considered for placements in a school primarily serving students with disabilities or a school outside the District.

Subcommittees shall report annually to the CSE regarding the status of each student with a disability within its jurisdiction. Upon receipt of a written request from the parent or person in parental relation to a student, the Subcommittee shall refer to the CSE any matter in which the parent disagrees with the Subcommittee's recommendation concerning a modification or change in the identification, evaluation, educational placement or provision of a free appropriate education to the student.

Education Law Sections 4402 and 4410  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 200.2(d)(1), 200.4(c), 200.4(d), 200.5 and  
200.16(e)

NOTE: Refer also to Policies #7631 -- Appointment and Training of Committee on Special Education (CSE)/Subcommittee on Special Education Members

#7632 -- Appointment and Training of Committee on Preschool Special Education (CPSE) Members

Adopted: 3/8/07

Reviewed: 12/07/20, ~~XX/XX/XX~~

Revised: 2/3/14, 3/19/18

Marion Central School District Policy	<del>2020</del> <u>2023</u> 7614
PRESCHOOL SPECIAL EDUCATION PROGRAM	<b>Required Students</b>
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The Board recognizes the need for educational programs for three (3) and four (4) year old children with disabilities and directs that administrative practices and procedures be developed to:

- a) Ensure the provision of special education services and programs for each preschool child with a disability residing in the District.
- b) Establish a Committee on Preschool Special Education (CPSE) which shall be comprised in accordance with applicable federal and state law and regulation.
- c) Ensure that parents have received and understand the request for consent for evaluation and re-evaluation of a preschool aged child.

Individuals With Disabilities Education Act (IDEA)  
 20 United States Code (USC) Section 1400 et seq.  
 Education Law Section 4410  
 8 New York Code of Rules and Regulations (NYCRR)  
 Section 200.2(b)(5)

NOTE: Refer also to Policy #7632 -- Appointment and Training of Committee on Preschool Special Education (CPSE) Members

Adopted: 3/8/07  
 Reviewed: 12/07/20, ~~XX/XX/XX~~  
 Revised: 2/3/14, 3/19/18

Marion Central School District Policy	<del>2020</del> 2023 7615
LEAST RESTRICTIVE ENVIRONMENT	Required Students
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*Least restrictive environment* means that placement of students with disabilities in special classes, separate schools or other removal from the regular educational environment occurs only when the nature or severity of the disability is such that even with use of supplementary aids and services, education in regular classes cannot be satisfactorily achieved. The placement of an individual student with a disability in the least restrictive environment shall:

- a) Provide the special education and related services, as well as supplementary aids and services, needed by the student. The term "related services" does not include a medical device that is implanted, or the replacement of such device;
- b) Provide for education of the student to the maximum extent appropriate to the needs of the student with other students who do not have disabilities; and
- c) Be as close as possible to the student's home.

The District has an obligation, pursuant to law and regulation, to educate students with disabilities in the least restrictive environment. The School District shall ensure that:

- a) Each student with a disability shall be educated with nondisabled students to the maximum extent appropriate;
- b) Each student with a disability shall be removed from the regular educational environment only when the nature or severity of the student's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- c) To the maximum extent appropriate to the student's needs, each student with a disability shall participate with nondisabled students in nonacademic and extracurricular services and activities.

The District shall ensure that a continuum of alternative placements, in accordance with law and/or regulation, will be available to meet the needs of students with disabilities for special education and related services. To enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate, specially designed instruction and supplementary services may be provided in the regular class. Such services may include, but are not limited to, consultant teacher services and other group or individual supplemental or direct special education instruction.

Individuals with Disabilities Education Act (IDEA)

20 United States Code (USC) Section 1400 et seq.

34 Code of Federal Regulations (CFR) Part 300

Education Law Sections 4401-4410-a

8 New York Code of Rules and Regulations (NYCRR)

Sections 100.5, 100.9, 200.1(cc), 200.1(qq), 200.2(b),  
200.4 and 200.6

Adopted: 3/8/07

Reviewed: 12/07/20, ~~XX/XX/XX~~

Revised: 2/3/14, 3/19/18



Marion Central School District Policy	<del>2020</del> <u>2023</u> 7616 <b>Required</b>
PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION (PRIOR TO A REFERRAL FOR SPECIAL EDUCATION)	<b>Students</b>
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The School District shall establish a plan for implementing schoolwide approaches and prereferral interventions in order to remediate a student's performance *prior to referral* for special education.

The provision of programs and/or services for students starts with consideration/implementation of instruction in the general education curriculum, with appropriate supports and/or modifications as may be necessary. In implementing prereferral intervention strategies, the District may utilize resources/strategies already in place for qualified students including, but not limited to, services available through Section 504 of the Rehabilitation Act of 1973, and Educationally Related Support Services and Academic Intervention Services as defined in Education Law and/or Commissioner's Regulations. All of these programs may be considered as possible components of Prereferral/Intervention Instructional Support Plans. The District will ensure that they have a system in place, with appropriate personnel, for developing, implementing and evaluating prereferral intervention strategies.

The District will provide general education support services, instructional modifications, alternative instructional approaches, or alternative program options to address a student's performance prior to a referral to a Committee on Special Education (CSE). Formal Instructional Support Teams (IST) will be formed in accordance with law and/or regulations as may be applicable as well as District guidelines. The IST will include representatives from general and special education as well as other disciplines and include individuals with classroom experience. Parents/persons in parental relation to students will be involved in developing prereferral strategies to address the educational needs of their child.

Administration shall ensure that appropriate opportunities exist for collaboration between general educators and special educators, and that consultation and support are available to teachers and other school personnel to assist parents/persons in parental relation to students and teachers in exploring alternative approaches for meeting the individual needs of any student prior to formal referral for special education.

The determination of prevention and prereferral intervention strategies/services shall consider the student's strengths, environment, social history, language and cultural diversity in addition to the teacher's concerns. The building administrator will further ensure that all staff are familiar with intervention procedures and procedures for operating an IST.

Marion Central School District Policy	<del>2020</del> 2023 7616 <b>Required</b>
PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION (PRIOR TO A REFERRAL FOR SPECIAL EDUCATION)	Students
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Prereferral/Intervention Instructional Support Plans shall be proactive in their strategies to meet the broad range of student needs and to improve student performance. Prereferral/Intervention strategies and/or Instructional Support Plans are to be reviewed and evaluated to determine their effectiveness, and modified as may be appropriate. Appropriate documentation of the prevention and/or intervention strategies implemented shall be maintained.

However, should a referral be made to the CSE during the course of implementing prereferral/intervention instructional support services, the CSE is obligated in accordance with law to continue its duties and functions, and must meet mandatory time lines in evaluating the student for special education services and implementation of an individualized education program, if applicable.

#### **Educational Related Support Services**

*Educational related support services* (ERSS) means curriculum and instructional modification services; direct student support team services; assessment and non-career counseling services; special instruction to eligible students with disabilities as defined in Education Law Section 4401, which does not generate excess cost aid including related services but excluding transportation and transition services; and to eligible, qualified students pursuant to Section 504 of the Rehabilitation Act of 1973. These services are provided to eligible students, individually or in groups, and may include those related consultation services provided to their families and related school personnel in order to enhance the academic achievement and attendance of such students. Educational related support services shall also mean speech and language improvement services as defined in Commissioner's Regulations.

ERSS may be utilized as a component of any Prereferral/Intervention Instructional Support Plan.

#### **Section 504 of the Rehabilitation Act of 1973**

For students who are qualified for services pursuant to Section 504 of the Rehabilitation Act, but are not classified as students with disabilities as defined in Education Law Section 4401, Section 504 Accommodation Plans may address instructional support services that can be utilized as components of any prereferral/intervention strategies as deemed necessary and/or appropriate.



Marion Central School District Policy	<del>2020</del> <u>2023</u> 7616 <b>Required</b>
PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION (PRIOR TO A REFERRAL FOR SPECIAL EDUCATION)	Students
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### Academic Intervention Services

*Academic intervention services* means additional instruction which supplements the instruction provided in the general education curriculum and assists students in meeting the State learning standards as defined in Commissioner's Regulations and/or student support services which may include guidance, counseling, attendance, and study skills which are needed to support improved academic performance.

However, such services shall not include services provided to students with limited English proficiency pursuant to Commissioner's Regulations or special education services and programs as defined in Education Law Section 4401. Academic intervention services are intended to assist students who are at risk of not achieving the State learning standards in English language arts, mathematics, social studies and/or science, or who are at risk of not gaining the knowledge and skills needed to meet or exceed designated performance levels on State assessments.

The District has developed a description of the academic intervention services offered to grades K-12 students in need of such services. The District will review and revise this description every two years based on student performance results.

Parental notification of students who have been determined to need academic intervention services will be provided as per Commissioner's Regulations.

In implementing prevention and/or prereferral intervention support strategies in order to remediate a student's performance prior to referral for special education, the utilization of academic intervention services, as enumerated in Commissioner's Regulations, may be included as a component of any such Prereferral/Intervention Instructional Support Plan.

Section 504 of the Rehabilitation Act of 1973,  
29 United States Code (USC) Section 794 et seq.  
Education Law Sections 3602(32), 4401 and 4401-a  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 100.1(g), 100.1(p), 100.1(r), 100.1(s),  
100.1(t), 100.2(v), 100.2(dd)(4), 100.2(ee),  
200.2(b)(7), 200.4(a)(2), 200.4(a)(9); 200.4(c) and  
Part 154

Adopted: 3/8/07

Reviewed: 12/07/20, XX/XX/XX

Revised: 2/3/14, 3/19/18

Marion Central School District Policy	<del>2020</del> 2023 7617 <b>Required</b>
<b>DECLASSIFICATION OF STUDENTS WITH DISABILITIES</b>	<b>Students</b>
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The School District shall establish and implement a plan for the appropriate declassification of students with disabilities which must include:

- a) The regular consideration for declassifying students when appropriate;
- b) A reevaluation of the student prior to declassification; and
- c) The provision of educational and support services to the student upon declassification.

### **Eligibility Determinations**

The School District must evaluate a student with a disability prior to determining that a student is no longer a student with a disability as defined in accordance with Commissioner's Regulations, and the District shall provide a copy of the evaluation report and the documentation of eligibility to the student's parent. The results of any reevaluations must be addressed by the Committee on Special Education (CSE) in a meeting to review and, as appropriate, revise the student's IEP.

Prior to the reevaluation, the School District shall obtain informed written parental consent unless otherwise authorized pursuant to law and/or regulation. Parental consent need not be obtained if the District can demonstrate that it has taken reasonable measures to obtain that consent, and the student's parents fail to respond. The District must have a record of its attempts to obtain parental consent. Should the student's parents refuse consent for the reevaluation, the District may continue to pursue the reevaluation by using mediation and/or due process procedures.

The District shall take whatever action is necessary to ensure that the parent understands the proceedings at the meeting of the CSE, including arranging for an interpreter for parents with deafness or whose native language is other than English.

### **Recommendation for Declassification**

If the student has been receiving special education services, but it is determined by CSE that the student no longer needs special education services and can be placed in a regular educational program on a full-time basis, the recommendation shall:

- a) Identify the declassification support services, if any, to be provided to the student; and/or the student's teachers; and
- b) Indicate the projected date of initiation of such services, the frequency of provision of such services, and the duration of these services, provided that such services shall not continue for more than one (1) year after the student enters the full-time regular education program.

Marion Central School District Policy	<del>2020</del> 2023 7617 <b>Required</b>
DECLASSIFICATION OF STUDENTS WITH DISABILITIES	Students
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### **Declassification Support Services**

When appropriate, the District shall provide declassification support services to students who have moved from special education to a full-time regular educational program in accordance with the recommendation of the CSE.

*Declassification support services* means those services provided by persons appropriately certified pursuant to Part 80 of Commissioner's Regulations, or holding a valid teaching license in the appropriate area of service, to a student or the student's teacher to aid in the student's move from special education to full-time regular education, including for the student, psychological services, social work services, speech and language improvement services, noncareer counseling, or other appropriate support services.

### **Procedural Safeguards Notice**

The District shall use the procedural safeguards notice prescribed by the Commissioner of Education. The District will further ensure that the procedural safeguards notice is provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the District shall take steps to ensure that the notice is translated orally or by other means to the parent in his/her native language or other mode of communication; that the parent understands the content of the notice; and that there is written evidence that all due process procedures, pursuant to law and/or regulation, have been met.

Individuals with Disabilities Education Act (IDEA)  
20 United States Code (USC) Section 1400 et seq.  
34 Code of Federal Regulations (CFR) Part 300  
 Education Law Sections 4401-4410-a  
 8 New York Code of Rules and Regulations (NYCRR)  
 Sections 100.2(u), 200.1(ooo), 200.2(b)(8),  
 200.4(b)(4), 200.4(b)(5), 200.4(c)(3), 200.4(c)(4),  
 200.4(d)(1) and 200.5

Adopted: 3/8/07

Reviewed: 2/3/14, 12/07/20, ~~XX/XX/XX~~

Revised: 3/19/18

Marion Central School District Policy	<del>2020</del> <u>2023</u> 7620 <b>Required</b>
STUDENTS WITH DISABILITIES PARTICIPATING IN SCHOOL DISTRICT PROGRAMS	Students
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All students with disabilities residing in the District, including those of preschool age, shall be provided with full access and opportunity to participate in School District programs, including extracurricular programs and activities, that are available to all other students enrolled in the public schools of the District. Parents/guardians of students with disabilities, including those students placed in out-of-District programs, shall receive timely notice of such District programs and activities.

8 New York Code of Rules and Regulations (NYCRR)

Sections 200.2(b)(1) and 200.2(b)(2)

Adopted: 3/8/07

Reviewed: 2/3/14, 3/19/18, 12/07/20, ~~XX/XX/XX~~

Revised: 11/1/10

Marion Central School District Policy	<del>2020</del> 2023 7621
SECTION 504 OF THE REHABILITATION ACT OF 1973	<b>Required Students</b>
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The Board of Education affirms its compliance with those sections of the Rehabilitation Act of 1973 dealing with program accessibility.

Section 504 of the Rehabilitation Act prohibits discrimination against qualified individuals with disabilities in federally assisted programs or activities solely on the basis of disability. The District shall make its program and facilities accessible to all its students with disabilities.

The District shall also identify, evaluate and extend to every qualified student with a disability under Section 504 a free, appropriate public education, including modifications, accommodations, specialized instruction or related aids and services, as deemed necessary to meet their educational needs as adequately as the needs of non-disabled students are met.

The District official responsible for coordination of activities relating to compliance with Section 504 is the Superintendent of Schools and/or designee. This official shall provide information, including complaint procedures, to any person who feels his/her rights under Section 504 have been violated by the District or its officials.

Section 504 of the Rehabilitation Act of 1973,  
29 United States Code (USC) Section 794 et seq.

NOTE: Refer also to Policy #7550 -- Dignity For All Students Act

Adopted: 3/8/07

Reviewed: 2/3/14, 3/19/18, 12/07/20, ~~XX/XX/XX~~

Revised: 11/1/10

Marion Central School District Policy	<del>2020</del> 2023 7631 <b>Required</b>
APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS	Students
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### **Committee on Special Education (CSE) Membership**

The Board of Education shall appoint a Committee on Special Education (CSE) whose membership shall include, but not be limited to, the following members:

- a) The parent(s) of the student. To ensure that one or both parents are present at each CSE meeting, the District and the parent(s) may agree to use alternative means of participation such as videoconferences or conference phone calls.
- b) Not less than one (1) regular education teacher of such student (if the student is, or may be, participating in the regular education environment);
- c) Not less than one (1) special education teacher of the student, or, where appropriate, at least one (1) special education provider (i.e., related service provider) of such student;
- d) A representative of the School District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general education curriculum and about the availability of resources of the District;
- e) An individual who can interpret the instructional implications of evaluation results, who may be a CSE member selected from the regular education teacher, the special education teacher or provider, the school psychologist, or the School District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;
- f) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the committee;
- g) Whenever appropriate, the student with a disability;
- h) A school psychologist;
- i) A school physician, if requested in writing at least seventy-two (72) hours prior to the meeting by the parents of the student or the School District; and

Marion Central School District Policy	<del>2020</del> <u>2023</u> 7631 <b>Required</b>
APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS	Students
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- j) An additional parent residing in the District or a neighboring school district who is a parent of a student with a disability, a parent of a student who has been declassified and is no longer eligible for an individualized education program (IEP), or a parent of a disabled child who has graduated. This parent member may serve for a period of five years beyond the student's declassification or graduation, provided that the parent shall not be employed by or under contract with the School District. Such parent is not a required member if the parents of the student request, in writing, that the additional parent member not participate in the meeting.

#### **Subcommittee on Special Education Membership**

The Board of Education shall appoint, as necessary, a Subcommittee on Special Education whose membership shall include, but not be limited to, the following members:

- a) The parent(s) of the student;
- b) Not less than one (1) regular education teacher of such student (if the student is, or may be, participating in the regular education environment);
- c) Not less than one (1) special education teacher, of the student, or where appropriate, at least one (1) special education provider (i.e., related service provider) of such student;
- d) A representative of the School District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general education curriculum and about the availability of resources of the District;
- e) A school psychologist, whenever a new psychological evaluation is reviewed or a change to a program option with a more intensive staff/student ratio, as set forth in Section 200.6(f)(4) of the Regulations of the Commissioner, is considered;
- f) At the discretion of the parent or the Committee, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the subcommittee;
- g) An individual who can interpret the instructional implications of evaluation results, who may be a member described in letters "b" through "f" of this subheading; and
- h) Whenever appropriate, the student with a disability.



Marion Central School District Policy	<del>2020</del> 2023 7631 <b>Required</b>
APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS	Students
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### Training

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

The Director of Educational Services shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Part 200 of the Commissioner's Regulations as well as members of the Committee on Special Education.

### Alternative Means of Meeting

When conducting a meeting of the CSE, the parent and the representative of the District appointed to the CSE may agree to use alternative means of meeting participation, such as videoconferences and conference calls.

Individuals with Disabilities Education Act (IDEA)  
20 United States Code (USC) Section 1400 et seq.  
34 Code of Federal Regulations (CFR) Part 300  
 Education Law Section 4402  
 8 New York Code of Rules and Regulations (NYCRR)  
 Sections 200.2(b)(3), 200.3, and 200.4(d)(4)(i)(d)

NOTE: Refer also to Policies #7613 -- The Role of the Board of Education in Implementing a Student's Individualized Education Program  
 #7632 -- Appointment and Training of Committee on Preschool Special Education Members

Adopted: 3/8/07  
 Reviewed: 2/3/14, 3/19/18, 12/07/20, ~~XX/XX/XX~~  
 Revised: 11/1/10

Marion Central School District Policy	<del>2020</del> 2023 7632
APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS	<b>Required</b> Students
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### **Committee on Preschool Special Education (CPSE) Membership**

The Board of Education shall appoint a Committee on Preschool Special Education (CPSE) whose membership shall include, but not be limited to, the following members:

- a) The parent(s) of the preschool child;
- b) Not less than one (1) regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
- c) Not less than one (1) special education teacher of the child or, where appropriate, at least one (1) related service provider of such child;
- d) A representative of the School District who is qualified to provide, or supervise the provision of, special education and who is knowledgeable about the general education curriculum and about the availability of preschool special education programs and services and other resources of the District and the municipality (who shall serve as Chairperson of the CPSE);
- e) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the regular education teacher, the special education teacher or provider, the school psychologist, the School District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;
- f) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the committee;
- g) An additional parent of a child with a disability who resides in the School District or a neighboring school district, and whose child is enrolled in a preschool or elementary level education program provided that such parent shall not be employed by or under contract with the School District or municipality; and provided further that such parent shall not be a required member if the parents of the child request, in writing, that the additional parent member not participate in the meeting;
- h) For a child's transition from early intervention programs and services (Infant and Toddler Programs), the appropriately licensed or certified professional from the County Early Intervention Program. This professional must attend all meetings of the CPSE conducted prior to the child's initial receipt of services; and

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APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS	<b>Required Students</b>
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- i) A representative from the municipality (Wayne County Representative for Preschool) of the preschool child's residence. Attendance of the appointee of the municipality (Wayne County Representative for Preschool) is not required for a quorum.

### Training

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

The Director of Educational Services shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Part 200 of the Commissioner's Regulations as well as members of the Committee on Preschool Special Education.

#### Individuals with Disabilities Education Act (IDEA)

20 United States Code (USC) Section 1400 et seq.

34 Code of Federal Regulations (CFR) Part 300

Education Law Section 4410

8 New York Code of Rules and Regulations (NYCRR)  
Sections 200.2(b)(3) and 200.3

NOTE: Refer also to Policies #7613 -- The Role of the Board of Education in Implementing a Student's Individualized Education Program  
#7614 -- Preschool Special Education Program  
#7631 -- Committee on Special Education/Subcommittee on Special Education Members

Adopted: 3/8/07

Reviewed: 2/3/14, 3/19/18, 12/07/20, ~~XX/XX/XX~~

Revised: 11/1/10

Marion Central School District Policy	<del>2020</del> 2023 7640 <b>Required</b>
<b>STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP): DEVELOPMENT AND PROVISION</b>	<b>Students</b>
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### **Development of Individualized Education Program**

The Board of Education directs that the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) shall have prepared a written statement (program) for each child with a disability.

Such an Individualized Education Program (IEP) will be developed by the CSE or CPSE upon referral, and reviewed or revised, whichever is appropriate, for every child with a disability at least annually or in the event that the program no longer appears to be appropriate to meet the student's needs and ability level.

The District shall ensure that each student with a disability has an IEP in effect at the beginning of each school year.

### **Individual Evaluations**

Unless a referral is withdrawn, an individual evaluation at no cost to the parent will be completed by the CSE/CPSE within sixty (60) calendar days of receiving written parental consent, unless:

- a) A student enrolls in the District after sixty (60) days and prior to a determination by the student's previous school district as to whether the student has a disability, but only if the new school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent and the new district agree to a specific timeframe for completion; or
- b) The parent or student repeatedly fails or refuses to produce the student for evaluation.

No student shall be required to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving an evaluation.

The individual evaluation will include a variety of assessment tools and strategies, including information provided by the parent. The purpose of the evaluation is to gather relevant functional, developmental and academic information that may assist in determining whether the student is a student with a disability and the content of the student's IEP. This shall include information relating to enabling the student to participate and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities.)

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STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP): DEVELOPMENT AND PROVISION	Students
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As part of any evaluation, a group that includes the CSE/CPSE and other qualified professionals, as appropriate, shall review existing evaluation data on the student including evaluations and information provided by the parents of the student, current classroom-based assessments, local or state assessments, classroom-based observations, and observations by teachers and related services providers.

On the basis of that review, and input from the student's parents, the group shall identify what additional data, if any, are needed to determine:

- a) Whether the student has or continues to have a disability;
- b) The present levels of academic achievement and related developmental needs of the student, including:
  1. Academic achievement, functional performance, and learning characteristics;
  2. Social development;
  3. Physical development; and
  4. Management needs.
- c) In the case of a reevaluation of a student, whether the student continues to need special education; and
- d) Whether any additions or modifications to the special education services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general education curriculum.

If additional data are not needed, the District must notify the parents of that determination and the reasons for it and of the right of the parents to request an assessment to determine whether, for purposes of services provided in accordance with law and Commissioner's Regulations, the student continues to be a student with a disability and to determine the student's educational needs. The District is not required to conduct the assessment unless requested to do so by the student's parents.

#### **Individual Re-evaluations**

A Committee on Special Education (CSE/CPSE) shall arrange for an appropriate re-evaluation of each student with a disability:

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- a) If the District determines that the educational or related services needs, including improved academic achievement and functional performance of the student warrant re-evaluation;
- b) If the student's parent or teacher request a re-evaluation;
- c) At least once every three (3) years.

A re-evaluation shall not be conducted more frequently than once a year unless the parent and the District representative appointed to the CSE/CPSE agree otherwise.

The re-evaluation will be conducted by a multi-disciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the student's disability. The re-evaluation shall be sufficient to determine the student's individual needs, educational progress and achievement, the student's ability to participate in instructional programs in regular education and the student's continuing eligibility for special education. The results of any re-evaluations must be addressed by the CSE/CPSE in reviewing, and as appropriate, revising the student's IEP.

To the extent possible, the District shall encourage the consolidation of re-evaluation meetings for the student and other CSE/CPSE meetings for the student.

#### **Amendments to the IEP**

Amendments to the IEP made after the annual review by the CSE may be made by rewriting the IEP or by developing a written document to amend or modify the student's current IEP, provided that:

- a) The IEP may be amended by mutual consent without a formal CSE meeting; and
- b) The parent receives any documents that amend the IEP, or upon request, a revised copy of the entire IEP with the amendments incorporated.

#### **Use of Recording Equipment at IEP Meetings**

The Board of Education shall allow recording equipment to be used at meetings regarding individualized education programs for students with disabilities.

#### **Provision of Individualized Education Program**

The Board of Education directs that the Superintendent/designee(s) establish administrative practices and procedures to ensure that each regular education teacher, special education teacher, related service provider and/or other service provider who is responsible for the implementation of a



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student's IEP is *provided a paper or electronic copy of such student's IEP (including amendments to the IEP) prior to the implementation of such program.* For purposes of this policy, "other service provider" means a representative of another public school district, charter school, Board of Cooperative Educational Services (BOCES) or school enumerated in Articles 81, 85 or 89 of the Education Law where the student receives or will receive IEP services. Further, the District will designate at least one school official who shall be responsible for maintaining a record of the personnel who have received IEP copies for each student.

Any copy of a student's IEP shall remain confidential in compliance with the Individuals with Disabilities Education Act, the Family Educational Rights and Privacy Act, and District policy regarding confidentiality of student records; and shall not be disclosed to any other person other than the parent of such student, except in accordance with federal and state laws and/or regulations. Appropriate training and information will be provided to designated school personnel, as applicable, to ensure the confidentiality of such information. Procedures will be established to ensure that copies of students' IEPs are stored in secure locations and retrieved or destroyed when such professionals are no longer responsible for implementing a student's IEP.

The Chairperson of the CSE, CSE subcommittee, or CPSE *shall designate* for each student one or, as appropriate, more than one professional employee of the School District with knowledge of the student's disability and education program *who will be responsible to, prior to the implementation of the IEP, inform* each regular education teacher, special education teacher, related service provider, other service provider, supplementary school personnel (i.e., a teaching assistant or a teacher aide as defined in Commissioner's Regulations), and other provider and support staff person of his/her responsibility to implement the recommendations on a student's IEP, including the responsibility to provide specific accommodations, program modifications, supports and/or services for the student in accordance with the IEP. In selecting the professional staff person(s), the Chairperson could select him/herself for this responsibility, another administrator, or a teacher, related service provider or other professional based on the particular circumstances of the student's disability and education program.

The School District shall also ensure that each teaching assistant, teacher aide and each other provider responsible for assisting in the implementation of a student's IEP has *the opportunity to review* a copy of the student's IEP (including amendments) prior to the implementation of such program. Further, each teaching assistant, teacher aide and such other provider responsible for assisting in the implementation of a student's IEP shall have *ongoing access* to a copy of the IEP, which may be the copy provided to the student's special education teacher or the teacher or related service provider under whose direction the supplementary school personnel or other provider works.

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However, the District may, at its discretion, provide a copy of the IEP to teaching assistants and/or teacher aides.

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

Individuals with Disabilities Education Improvement  
Act of 2004 [Public Law 108-446 Section 615(k)(1)]  
Individuals with Disabilities Education Act (IDEA)  
20 United States Code (USC) Sections 1400 et seq.  
21 United States Code (USC) 812(c)  
Education Law Articles 81, 85 and 89  
Education Law Sections 3208 and 4402(7)  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 200.1(hh), 200.2(b)(11), 200.4(b)(4),  
200.4(e)(3), 200.4(f) and 200.16(e)(6)

Adopted: 3/8/07  
Reviewed: 2/3/14, 3/19/18, 12/07/20, ~~XX/XX/XX~~  
Revised: 11/1/10



Marion Central School District Policy	<del>2020</del> <u>2023</u> 7641
TRANSITION SERVICES	Students
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Beginning not later than the first IEP to be in effect when the student is age 15 (and at a younger age, if determined appropriate), and updated annually, the student's IEP must include:

- a) A statement of the student's needs taking into account the student's strengths, preferences and interests as they relate to transition from school to post-school activities;
- b) Appropriate measurable postsecondary goals based upon age appropriate transition assessments relating to training, education, employment and, where appropriate, independent living skills;
- c) A statement of transition service needs that focuses on the student's courses of study, such as participation in advanced-placement courses or a vocational educational program;
- d) Needed activities to facilitate the student's movement from school to post-school activities, including instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation; and
- e) A statement of the responsibilities of the District and participating agencies, when applicable, for the provision of such services and activities, before the student leaves the school setting, that promote movement from school to post-school opportunities.

As defined by the Commissioner's Regulations, transition services means a coordinated set of activities for a student with a disability, designed within a results-oriented process that is focused on improving the academic and functional achievement of the child with a disability to facilitate movement from school to post-school activities. Post-school activities include, but are not limited to, post-secondary education, vocational training, integrated competitive employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based on the individual student's needs, taking into account the student's strengths, preferences and interests and shall include needed activities in the following areas:

- a) Instruction;
- b) Related services (the term "related services" does not include a medical device that is implanted, or the replacement of such device);
- c) Community experiences;
- d) The development of employment and other post-school adult living objectives; and
- e) When appropriate, acquisition of daily living skills and functional vocational evaluation.

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TRANSITION SERVICES		Students
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When developing transition goals and services, the District will discuss with the student's parents:

- a) Graduation requirements;
- b) The student's progress toward receiving a diploma; and
- c) The appeal, safety net, and Superintendent determination pathway options that may be available.

At the CSE meeting where the District discusses transition services with parents, it will provide written information explaining the graduation requirements, including eligibility criteria and processes for seeking an appeal and for requesting a local diploma through the Superintendent's determination pathway. The District will also inform parents that graduating with a local or Regents diploma terminates their child's entitlement to a free public education and special education services.

The District must invite a student with a disability to attend the student's CSE meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the student and the transition services needed to assist the student in reaching those goals. If the student does not attend the CSE meeting, the District must take other steps to ensure that the student's preference and interests are considered. To the extent appropriate, with the consent of the parent or a student who has reached the age of majority, the District must also invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

### **Graduation/Aging Out**

The District is not required to conduct a reevaluation of a student before the termination of a student's eligibility due to graduation with a local high school or Regents diploma or exceeding the age eligibility for a free appropriate public education. However, the District must provide the student with a summary of the student's academic achievement and functional performance, including recommendations on how to assist the student in meeting his or her post-secondary goals.

Before a student's graduation from high school with a Skills and Achievement (SA) Commencement Credential or Career Development and Occupational Studies Commencement Credential (CDOS), parents must receive prior written notice indicating that the student continues to be eligible for a free appropriate public education until the end of the school year in which the student turns 21 or until receipt of a regular high school diploma.

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TRANSITION SERVICES	Students
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Individuals with Disabilities Education Act (IDEA)  
20 United States Code (USC) Sections 1400 et seq.  
34 Code of Federal Regulations (CFR) Sections  
300.321, 300.343, 300.347 and 300.348  
Education Law Section 4401  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 200.1(qq), 200.1(fff), 200.4(d)(2)(ix), and  
200.5(c)(2)(vii)

NOTE: Refer also to Policies #7617 – Declassification of Students with Disabilities

Adopted: 3/8/07  
 Reviewed: 2/3/14, 12/07/20, ~~XX/XX/XX~~  
 Revised: 11/1/10, 3/19/18

Marion Central School District Policy	<del>2020</del> <u>2023</u> 7642
TWELVE MONTH SPECIAL SERVICES AND/OR PROGRAMS	Students
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The School District shall provide, directly or by contract, special services and/or programs during July and August to those students whose disabilities are severe enough to exhibit the need for a structured learning environment of twelve (12) months duration in order to prevent substantial regression as determined by the CSE/CPSE. Written consent of the parent is required prior to initial provision of special education services in a twelve-month special service and/or program.

For students eligible for twelve (12) month service and/or program, the IEP shall indicate the identity of the provider of services during the months of July and August, and for preschool students determined by the CPSE to require a structured learning environment of twelve (12) months duration to prevent substantial regression, a statement of the reasons for such recommendation.

Individuals with Disabilities Education Improvement  
Act of 2004 [Public Law 108-446 Section 614(a)]  
Individuals with Disabilities Education Act (IDEA)  
20 United States Code (USC) Sections 1400 et seq.  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 200.1(qq), 200.4(d)(2)(x), 200.5(b)(1)(iii),  
200.6(j) and 200.16(h)(3)(v)

Adopted: 3/8/07

Reviewed: 2/3/14, 3/19/18, 12/07/20, ~~XX/XX/XX~~

Revised: 11/1/10

Marion Central School District Policy	<del>2020</del> 2023 7643
TRANSFER STUDENTS WITH DISABILITIES	Students
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To facilitate the transition of students with disabilities transferring into or out of the District the District shall:

- a) As the district of origin take reasonable steps to promptly respond to all requests from the new school district.
- b) As the new school district take reasonable steps to promptly obtain the student's records from the previous school, including the IEP, supporting documents and any other records relating to the provision of special education services.
- c) Provide to a student with a disability (as defined in Section 200.1(zz) of Commissioner's Regulations) who transfers school districts within the same academic year a free appropriate education including services comparable to those described in the student's previous IEP.
  1. For transfers within New York State, the previously held IEP will be followed in consultation with the parents until the District adopts the previously held IEP or develops, adopts and implements a new IEP consistent with federal and State law and regulation.
  2. For transfers from outside New York State, in consultation with the parents the previously held IEP will be followed until the District conducts an evaluation and, if appropriate, develops a new IEP consistent with federal and State law and regulation.

Individuals with Disabilities Education Improvement  
Act of 2004 [Public Law 108-446 Section 614(a)]  
Individuals with Disabilities Education Act (IDEA)  
20 United States Code (USC) Sections 1400 et seq.  
8 New York Code of Rules and Regulations (NYCRR)  
Section 200.4(e)(8)

Adopted: 3/8/07

Reviewed: 2/3/14, 3/19/18, 12/07/20, ~~XX/XX/XX~~

Revised: 11/1/10

Marion Central School District Policy	<del>2020</del> <u>2023</u> 7650
IDENTIFICATION AND REGISTER OF CHILDREN WITH DISABILITIES (CHILD FIND)	Students
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The School District is required to locate and identify all students with disabilities who reside in the District, including students who do not attend public school. Therefore, it is the policy of the Board of Education to conduct a census in order to have all children with disabilities within its jurisdiction under the age of twenty-one (21) identified, located and evaluated, including children of preschool age, homeless children, children who are wards of the State as defined in Commissioner's Regulations and children in all public and private agencies and institutions.

Procedures must be established to locate, identify and evaluate all nonpublic elementary and secondary school students with disabilities, including religious-school children, to ensure the equitable participation of parentally placed private school students with disabilities and an accurate count of such students. The District will consult with representatives of private schools and representatives of parents of parentally placed private school students on the child find process. The District in which the nonpublic elementary or secondary school is located is responsible for child find, equitable provision of services and consultation requirements. Any such student suspected of having a disability is to be referred to the CSE of the student's district of residence for evaluation and possible identification as a student with disability.

Census data shall be reported by October 1 to the CSE/CPSE as appropriate. The CSE/CPSE will maintain and revise annually a register and related summary reports containing the data requirements indicated in Commissioner's Regulations including the number of students enrolled in private schools by their parents who are evaluated to determine if they are students with disabilities, the number of such students who are determined to have a disability and the number who received special education services.

[Individuals with Disabilities Education Improvement Act of 2004 \[Public Law 108-446 Section 612\]](#)  
[Individuals with Disabilities Education Act \(IDEA\) 20 United States Code \(USC\) Section 1400 et seq.](#)  
[34 Code of Federal Regulations \(CFR\) Part 300](#)  
 Education Law Sections 3240-3242, 3602-c(2-a) and 4402(1)(a)  
 8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(a) and 200.4

Adopted: 3/8/07

Reviewed: 2/3/14, 3/19/18, 12/07/20, ~~XX/XX/XX~~

Revised:

Marion Central School District Policy	<del>2020</del> 2023	7660
PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES		Students
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The Board of Education recognizes the rights of the parent/guardian to be fully informed of all information relevant to the identification, or change in identification, evaluation and educational placement of a child with a disability.

All due process procedures for parents/guardians and children in the Commissioner's Regulations shall be observed by the School District.

### **Definition of Parent**

Parent means a birth or adoptive parent, a guardian, a person in parental relationship to the child as defined in Education Law section 3212, an individual designated as a person in parental relation pursuant to Title 15-A of the General Obligations Law including an individual so designated who is acting in the place of a birth or adoptive parent (including a grandparent, stepparent or other relative with whom the child resides), or a surrogate parent who has been appointed in accordance with section 200.5(n) of Commissioner's Regulations. The term does not include the State if the student is a ward of the State.

A foster parent may act as a parent unless State law, regulations or contractual obligations with a State or local entity prohibit the foster parent from acting as a parent.

Unless a judicial decree identifies a specific person(s) to act as the parent or make educational decisions for the student, if one or more parties is qualified to act as a parent, the birth or adoptive parent is presumed to be the parent unless they do not have the legal authority to do so.

### **Surrogate Parents**

It is the duty of the School District to determine whether a child needs a surrogate parent and to assign a surrogate parent in the manner permitted under New York State law. This determination shall be completed within a reasonable time following the receipt of a referral for an initial evaluation or re-evaluation.

In the event that no parent or guardian for a child with a disability can be identified; or after reasonable efforts the whereabouts of the parent or guardian cannot be determined; or the student is an unaccompanied homeless youth; or the child with a disability is a ward of the State and does not have a "parent" as defined above; or the rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law; the Board shall assign an individual to act as a surrogate for the parents or guardians.

Alternatively, the surrogate parent may be appointed by a judge overseeing the child's case.



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PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES		Students
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The person selected as a surrogate shall have no interest that conflicts with the interest of the child he/she/they represents, and shall have knowledge and skills that ensure adequate representation of the child.

### **Prior Written Notice**

Prior written notice must be given to parents of a student with a disability a reasonable time before the District proposes to, or refuses to, initiate or change the identification, evaluation, educational placement of the student or the provision of a free appropriate public education to the student. Prior written notice must also be provided informing the parents when no additional data is required to determine the student's educational needs, the reasons for this determination and their right to request an assessment.

If the prior written notice relates to a proposed action that also requires parental consent, the District must give notice at the same time it requests parental consent. The prior written notice will contain all elements required by Commissioner's Regulations.

A parent may elect to receive prior written notice and other required notifications by electronic mail (e-mail) communication if the District makes this option available.

### **Parental Consent**

In accordance with due process, a parent or guardian of a special education student or a student suspected of having a disability must provide informed consent before the School District can take certain actions.

#### Consent for Evaluations

The parent or guardian must provide informed consent to the initial evaluation, or reevaluations in accordance with law and/or regulations. If a parent does not provide consent for an initial evaluation, the School District *may* pursue the evaluation by commencing a due process hearing to override the refusal to provide consent.

Parental consent for a reevaluation is not needed if the District can demonstrate that it has taken reasonable measures to obtain consent, but the parents or guardians have failed to respond.

#### Consent for the Initial Provision of Services

Parental consent is also required for the initial provision of special education services. Consent for an initial evaluation does not constitute consent for the initial provision of services. If a parent does not provide consent for the initial provision of services, the School District *shall not* provide the special education program and services to the student and shall not use the due process procedures to



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challenge the parent's refusal to consent. The School District shall not be considered to be in violation of the requirements to provide a free appropriate public education (FAPE), shall not be required to convene a meeting of the committee on special education or develop an IEP.

#### Consent for Other Actions

Prior written consent must also be provided:

- a) Prior to releasing any personally identifiable information; and
- b) Prior to each time the District proposes to access a parent's private insurance.

#### Consent for an Unaccompanied Homeless Youth

Consent may be provided by a surrogate parent. However, until a surrogate parent is appointed, consent may be provided on a temporary basis by an employee of a temporary housing facility operated or approved by a local social services district or a residential facility for runaway and homeless youth.

#### Consent for a Ward of the State

A ward of the State means a child or youth under the age of twenty-one (21):

- a) Who has been placed or remanded pursuant to Social Services Law or the Family Court Act or freed for adoption pursuant to Social Services Law; or
- b) Who is in the custody of the Commissioner of Social Services or the Office of Children and Family Services; or
- c) Who is a destitute child under Social Services Law.

In the event that a child is a ward of the State, the School District shall make reasonable efforts to obtain the informed consent from the parent of the child for an initial evaluation to determine whether the child is a child with a disability.

The School District is not required to obtain informed consent if:

- a) Despite reasonable efforts to do so, the School District cannot discover the whereabouts of the parent of the student, including consulting with the agency responsible for the care of the student; or
- b) The rights of the parents of the student have been terminated in accordance with State law; or

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PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES	Students
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- c) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law.

#### **Procedural Safeguards Notice**

The School District will provide the procedural safeguards notice prescribed by the Commissioner of Education to the parents of a student with a disability at least one time per year and also:

- a) Upon initial referral or parental request for evaluation;
- b) Upon the first filing of a due process complaint notice to request mediation or an impartial hearing; and
- c) Upon request by a parent.

[Individuals with Disabilities Education Improvement Act of 2004 \(Public Law 108-446\) Section 614\(a\)](#)  
[Individuals with Disabilities Education Act \(IDEA\)](#)  
[20 United States Code \(USC\) Section 1400 et seq.](#)  
[34 Code of Federal Regulations \(CFR\) Part 300](#)  
[Education Law Sections 3212, 4005, 4202, 4401 and 4402](#)

8 New York Code of Rules and Regulations (NYCRR)  
Sections 200.1 and 200.5

Adopted: 3/8/07

Reviewed: 2/3/14, 3/19/18, 12/07/20, ~~XX/XX/XX~~

Revised: 1/3/11

Marion Central School District Policy	<del>2020</del> 2023 7670 <b>Required</b>
IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS	Students
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The School District is committed to making every effort to amicably resolve differences involving the educational programs for students with disabilities. Mediation will be available to resolve disputes involving any matter, including matters arising prior to the filing of a request for an impartial hearing. In addition, the District may establish procedures providing the opportunity to meet with a disinterested party from a community dispute resolution center for an explanation of the benefits of the mediation process. For those exceptional circumstances where a more formal method is required, the impartial hearing process will be utilized. The Impartial Hearing Officer (IHO) renders a written decision after the parties present and refute evidence before him/her. The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

#### **Impartial Due Process Hearing Process**

The request for an impartial due process hearing must be submitted within two (2) years of the date the parent or the District knew or should have known about the alleged action forming the basis of the complaint. However, the two (2) year timeline does not apply if the parent was prevented from requesting the hearing due to specific misrepresentations by the District that it had resolved the problem or the District's withholding of information from the parent that is required by Commissioner's Regulations.

The following is an overview of the impartial hearing process/prehearing conference:

#### **Due Process Complaint Notification**

- a) The parent or the School District may request an impartial hearing by first submitting a due process complaint notice.

A hearing may not be held until a due process complaint notice is filed. Either the parent, the District, or the attorney representing either party may present a complaint with respect to any matter relating to the identification, evaluation or educational placement of a student with a disability or a student suspected of having a disability, or the provision of a free appropriate public education to such student.

This written due process complaint notice must include:

1. The name of the student;
2. The address of the student's residence or, in the case of a homeless student, available contact information;
3. The name of the school the child is attending;

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IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS	<b>Required</b> Students
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4. A description of the nature of the problem of the student relating to the proposed initiation or change, including facts relating to the problem; and
  5. A proposed resolution of the problem to the extent known and available to the party at the time.
- b) The due process complaint notice will be deemed sufficient unless the party receiving the notice notifies the other party and the IHO in writing within fifteen (15) days of receiving the notice that they believe the notice requirements have not been met.
  - c) Within five (5) days of the receipt of the notice of insufficiency, the IHO shall make a determination on the face of the notice of whether the notification meets the notice requirements and shall immediately notify the parties in writing of the determination.
  - d) If the District has not sent a prior written notice to the parent regarding the subject matter of the complaint notice, the District will send a response to the parent within ten (10) days of receiving the complaint which includes:
    1. An explanation of why the District proposed or refused to take the action raised in the complaint;
    2. A description of other options the CSE/CPSE considered and why those options were rejected;
    3. A description of each evaluation procedure, assessment, record, or report the District used as a basis for the proposed or refused action; and
    4. A description of the factors relevant to the District's proposal or refusal.
  - e) Upon receipt or filing of the due process complaint notice, the District will provide the procedural safeguards notice to the parents. The District will also inform parents in writing of the availability of mediation and of any free or low-cost legal and other relevant services available in the area.
  - f) Within 10 days of receiving the complaint notice, the non-complaining party must send a response specifically addressing the issues raised in the notice.
  - g) A party may amend its due process complaint notice only if:
    1. The other party consents in writing and is given the opportunity to resolve the complaint through a resolution session;
    2. The IHO grants permission, but not later than five (5) days before the impartial due process hearing commences.

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Applicable timelines for the impartial due process hearing will recommence at the time of the filing of the amended notice.

- h) No issues may be raised at the impartial due process hearing that were not raised in the due process complaint notice.

#### Resolution Session

- a) Within fifteen (15) days of receiving the due process complaint notice from the parent and prior to the due process hearing itself, the District shall convene a meeting with the parents and relevant members of the CSE/CPSE who have specific knowledge of the facts identified in the complaint. A representative of the District who has decision-making authority must attend. The attorney for the District may not attend unless the parent is accompanied by an attorney. At this resolution meeting, the District has the opportunity to resolve the complaint after the parents discuss their complaint and the facts forming its basis.
- b) When conducting meetings and carrying out administrative matters (such as scheduling), the parent and District may agree to use alternative means of meeting participation such as video conferences or conference calls.
- c) The parent and District may agree in writing to waive the resolution session or agree to use the mediation process to resolve the dispute.
- d) If a settlement is reached, the parties shall execute a legally binding agreement signed by the parent and the representative of the District who has authority to bind the District. This agreement is enforceable in court. However, either party may void the agreement within three (3) business days of the agreement's execution.
- e) If the District has not resolved the complaint to the satisfaction of the parents within thirty (30) days of receipt of the complaint notice, the impartial hearing process may begin and all applicable timelines commence.

#### Pre-Hearing Conference

A pre-hearing conference (which may take place via telephone) may be scheduled by the IHO to simplify or clarify issues; establish dates for the completion of the hearing; identify evidence to be entered into the record; identify witnesses expected to provide testimony; and/or address other administrative issues.

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### Impartial Due Process Hearing

In the event the complaint is not resolved in a resolution session, the Board will arrange for an impartial hearing to be conducted. When carrying out administrative matters relating to an impartial due process hearing, such as scheduling, exchange of witness lists and status conferences, the parent and District may agree to use alternative means of meeting participation such as video conferences or conference calls.

- a) The District must immediately (but not later than two (2) business days after receipt of the due process complaint notice or mailing of the due process complaint notice to the parent) initiate the process to select an IHO. The District selects the IHO through a rotational selection process in accordance with regulatory timelines. The Superintendent's Secretary/District Clerk will be responsible for contacting IHOs and maintaining appropriate records.
- b) The IHO must be certified by the Commissioner of Education, be independent and have access to the support and equipment necessary to perform the duties of an IHO. When the selected IHO indicates availability, the Board of Education must immediately appoint him/her. To expedite this process, the Board may designate one (1) or more of its members to appoint the IHO on behalf of the Board.
- c) The IHO may not accept appointment unless he/she is available to make a determination of sufficiency of a due process complaint notice within five (5) days of receiving such a request and (unless an extension is granted) to initiate the hearing within the first fourteen (14) days after (whichever of the following comes first):
  1. The date the IHO receives the parties' written waiver of the resolution session; or
  2. The date the IHO receives the parties' written confirmation that a resolution session was held but no agreement could be reached; or
  3. The expiration of the thirty (30) day period beginning with the receipt of the due process complaint notice.
- d) The hearing, or a prehearing conference, shall commence within the timeframe specified in c) above, unless an extension is granted pursuant to Commissioner's Regulations.



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IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS	<b>Students</b>
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- e) Except in the case of expedited due process hearings, each party must disclose to all parties all evaluations completed by that date and recommendations based on the offering party's evaluation that they intends to use at the hearing not less than five (5) days prior to the hearing. The IHO may bar any party that fails to comply with this requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.
- f) The hearing will be conducted at a time and location that is reasonable and convenient to the parent and the student involved. The hearing shall be closed to the public unless the parent requests an open hearing.
- g) The role and responsibilities of the IHO will be as enumerated in Commissioner's Regulations.
- h) The student shall remain in his/her current placement during the pendency of the impartial hearing unless both parties agree or except as otherwise provided for expedited impartial hearings for certain disciplinary suspensions or removals of a student.
- i) The IHO renders and forwards the finding of fact and decision to the parties and to the State Education Department in accordance with regulatory timelines but not later than forty-five (45) days after the date required for commencement of the impartial hearing specified in c) above. For expedited hearings the deadline is fifteen (15) business days from receipt of the request for a hearing; for preschool hearings the timeframe is thirty (30) days after the receipt by the Board of a request for a hearing or after the initiation of such hearing by the Board.
- j) The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

### **Recordkeeping and Reporting**

The District will utilize the New York State Education Department's Impartial Hearing Reporting System (IHRS) to access the alphabetical list of the names of each IHO who is certified in New York State and available to serve in the District. The District will record and report to the State Education Department required information relating to the selection of IHOs and the conduct of impartial hearings according to the manner and schedule specified by the Department. The Superintendent shall designate a staff member(s) who will be responsible for reporting such information as required relating to the impartial hearing process into the State Education Department's web-based reporting system.

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### **Compensation of Impartial Hearing Officers**

The District will be responsible for compensating the IHO for prehearing, hearing and post-hearing activities at the rate agreed upon at the time of the IHO's appointment. The rate of compensation may not exceed the maximum rate approved by the Director of the Division of the Budget. The District will also reimburse the IHO for travel and other hearing-related expenses (e.g., duplication and telephone costs) pursuant to an annually determined schedule. On an annual basis, the District will forward a copy of its compensation rates to each IHO on the District's rotational list.

### **Mediation**

Mediation is voluntary and does not deny or delay a parent's right to an impartial hearing. If mediation is initiated after a request for an impartial hearing has been received, the impartial hearing must continue unless the request for the impartial hearing is withdrawn. However, a party may request an extension to an impartial hearing in order to pursue mediation.

### **Guardians ad Litem at Impartial Hearings**

Unless a surrogate parent has been previously appointed, the IHO must appoint a guardian ad litem when he/she determines that the interests of the parent(s) are opposed to or are inconsistent with those of the student or whenever the interests of the student would be best protected by such appointment.

### **Confidentiality**

All issues relating to a request for and conduct of an impartial hearing must be kept confidential by all District staff.

[Individuals with Disabilities Education Act \(IDEA\)](#)

[20 United States Code \(USC\) Section 1400 et seq.](#)

[34 Code of Federal Regulations \(CFR\) Part 300](#)

Education Law Sections 4005, 4202, 4404(1) and 4410(7)

8 New York Code of Rules and Regulations (NYCRR)

Sections 200.1, 200.2, 200.5, 200.16, 200.21 and 201.11

NOTE: Refer also to Policy #7690 -- [Special Education Mediation](#)

Adopted: 3/8/07

Reviewed: 2/3/14, 3/19/18, 12/07/20, ~~XX/XX/XX~~

Revised: 1/3/11



Marion Central School District Policy	<del>2020</del> <u>2023</u> 7680
INDEPENDENT EDUCATIONAL EVALUATIONS	Students
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Parents of children with disabilities have the right under Federal and State regulations to obtain an independent evaluation at public expense under certain conditions. Regulatory standards are outlined in New York State Regulations of the Commissioner of Education Part 200.5(g). Additionally, the Federal Regulations (34 Code of Federal Regulations [CFR] 300.503) specify requirements for an independent evaluation.

Administrative regulations on independent evaluations will be developed in order to explain The rights of parents and the responsibilities of school districts will be explained with regard to independent evaluations, and also to avoid any misunderstandings.

34 Code of Federal Regulations (CFR) §§ 300.12 and 300.503

8 New York Code of Rules and Regulations (NYCRR) §§ 200.1(z) and 200.5(g)

Adopted: 3/8/07

Reviewed: 2/3/14, 3/19/18, 12/07/20, ~~XX/XX/XX~~

Revised: 1/3/11

Marion Central School District Policy	<del>2020</del> <u>2023</u>	7690
SPECIAL EDUCATION MEDIATION		Students
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The District will offer mediation to resolve any disputes involving any matter for which an impartial due process hearing may be brought, including matters arising prior to the filing of a request for an impartial hearing.

Such mediation shall be conducted by mediators furnished by a community dispute resolution center who are not employees of a State educational agency providing direct services to the student who is the subject of the mediation process or a school district or program serving students with disabilities. Mediators may not have a personal or professional interest which would conflict with their objectivity in the mediation process and should be knowledgeable in laws and regulations relating to the provision of special education services.

Parents or persons in parental relation to students suspected of or having disabilities will receive written notice of the availability of the mediation program each time they receive notice of their entitlement to the impartial hearing procedures in accordance with Federal and State law and regulations. If the parent and District agree, alternative means of meeting participation may be utilized, such as video conferences and conference calls.

Discussions during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearing or civil proceedings. The parties may be required to sign a confidentiality pledge prior to the commencement of the process.

If resolution to the complaint is reached through mediation, the parent and the representative of the District who has the authority to bind the District will execute a legally binding written agreement specifying the resolution and stating that all discussions occurring during the mediation process are confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding. If the written agreement is inconsistent with the student's current IEP, the IEP must be immediately amended to reflect the mediation agreement.

The mediation process is voluntary and will not operate to diminish or limit any rights provided for in law, including the right of the parent or person in parental relation to request an impartial hearing subsequent to mediation. Parents or persons in parental relation to students suspected of or having disabilities continue to have full access to all rights, including due process procedures, provided for in federal and state laws and regulations. Similarly, mediation shall not be construed to limit a parent or person in parental relation from requesting an impartial hearing without having first utilized mediation procedures set forth in Education Law.

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SPECIAL EDUCATION MEDIATION	Students
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[Individuals with Disabilities Education Improvement Act of 2004 \(Public Law 108-446\) Section 614\(a\)](#)  
[Individuals with Disabilities Education Act \(IDEA\)](#)  
[20 United States Code \(USC\) Section 1400 et seq.](#)  
[34 Code of Federal Regulations \(CFR\) Part 300](#)  
 Education Law Sections 4005, 4202 and 4404-a  
 Judiciary Law Section 849a  
 8 New York Code of Rules and Regulations (NYCRR)  
 Sections 200.1 and 200.5

Adopted: 3/8/07  
 Reviewed: 2/3/14, 3/19/18, 12/07/20, ~~XX/XX/XX~~  
 Revised: 1/3/11

Marion Central School District Policy	<del>2022</del> <u>2023</u> 8320
SELECTION OF LIBRARY AND AUDIOVISUAL MATERIALS	Instruction
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The Board of Education agrees that the responsibility of the school library is:

- a) To provide materials that will enrich and support the curriculum, taking into consideration the varied interests, abilities and maturity levels of the students served.
- b) To provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values and ethical standards.
- c) To provide a background of information that will enable students to make intelligent judgments in their daily lives.
- d) To provide materials on opposing sides of controversial issues so that young citizens may develop, under guidance, the practice of critical reading and thinking.
- e) To provide materials representative of the many religious, ethnic, and cultural groups and their contribution to our American heritage.
- f) To place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive collection appropriate for the users of the library.

In interpreting these principles, the following will apply:

- a) Broad and varied collections will be developed systematically by the librarian and the audiovisual specialist, based on recommendations of the professional staff and suggestions of students and parents. Final approval will be made by the Building Principal.
- b) Qualitative standards of selection involving factual accuracy, authoritativeness, artistic quality and appeal will be applied by librarians and audiovisual specialists before purchases are made.
- c) Materials will not be excluded because of the race, nationality, political opinions or religious views of the author.
- d) Materials will be continuously re-evaluated in relation to changing curriculum and instructional needs. Worn out, outdated materials will be discarded in accordance with Policy 5250 Sale and Disposal of School District Property.

8 New York Code of Rules and Regulations (NYCRR) Section 21.4

Adopted: 9/5/06

Reviewed: 1/19/21, 1/9/23

Revised: 11/3/14

Marion Central School District Policy	<del>2021</del> 2023	8330
OBJECTION TO INSTRUCTIONAL MATERIALS <u>AND CONTROVERSIAL ISSUES</u>	Instruction	
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The Board recognizes the right of District community members to voice concerns and objections about instructional materials and the discussion of controversial issues. This policy addresses how those concerns and objections can be raised.

### Definitions

For purposes of this policy, the following definitions apply:

- a) "Controversial issues" means questions, subjects, or problems which can create a difference of opinion. They can include issues which may have political, social, environmental, or personal impacts on students and/or the wider community: locally, nationally, or internationally.
- b) "Instructional material" means any print or non-print material with instructional content or an instructional function that is used to facilitate formal or informal learning either in the classroom, library media center, or elsewhere in the District. Examples of instructional materials include, but are not limited to: textbooks; workbooks; hardcover and paperback books; ebooks; online databases; DVDs; streaming videos; sound recordings; magazines; newspapers; pamphlets; pictures; charts; games; kits; maps; models; microforms; slides; specimens; and transparencies.
- c) "Library material" means any print or non-print material which is catalogued and processed as part of the library media center for use by students and staff. Examples of library materials include, but are not limited to: hardcover and paperback books; ebooks; online databases; DVDs; streaming videos; sound recordings; magazines; newspapers; pamphlets; pictures; charts; games; kits; maps; models; microforms; slides; specimens; and transparencies.
- d) "Textbook" means a text, or a text-substitute, that a student is required to use in a particular class or program of the District. Textbooks include:
  1. Books, or book substitutes, including hardcover or paperback books, workbooks, or manuals; and
  2. Courseware or other content-based instructional materials in an electronic format.

### Objections to Instructional Materials

The Board has authority to prescribe curriculum in the District and to designate the textbooks to be used in the District. The parent of a student cannot compel the Board to use a particular textbook or discontinue the use of a particular textbook. Further, the District may not be compelled to assign an alternate curriculum to a student based upon a parent's disapproval of classroom assignments. Students may be able to be excused from instruction in very limited circumstances outlined in law and regulation.



<u>Marion Central School District Policy</u>	<u>2023</u> <u>8330</u>
<u>OBJECTION TO INSTRUCTIONAL MATERIALS AND CONTROVERSIAL ISSUES</u>	<u>Instruction</u>
	<u>Page 2 of 3</u>

District community members who have questions or concerns about instructional materials are encouraged to bring these questions and concerns to instructional staff and/or the school library media specialist(s).

District community members who wish to formally object to instructional materials must submit their objections in writing to the Superintendent. District staff who object to instructional materials must follow the same process as all District community members. Challenged instructional materials will remain in use and/or circulation until a final decision has been made. The Board will be informed of any objection the Superintendent receives.

The Superintendent will designate a review committee to investigate and evaluate the challenged instructional material. The committee will include, among others, the school library media specialist from the building where the objection originated and the building principal. The committee will evaluate the challenged material according to the District's criteria for the evaluation and selection of instructional materials.

The review committee will submit a written report of the results of their review to the Superintendent within 60 days of receipt of the formal written objection.

Appeals of decisions by the review committee may be submitted in writing to the Superintendent who will then submit the appeal to the Board for action.

If subsequent objections after an appeal are issued for the same material within a period of five years, the Superintendent can deny the objection based on the previous review and decision.

### Controversial Issues

Controversial issues may be studied as part of the curriculum. Instructional staff will present these issues in their classrooms in an impartial and objective manner. It is expected that a library media center's collection, both print and digital, will include items that are considered to be controversial.

Instructional staff wishing to call upon outside speakers to present on controversial issues are required to work with the building principal who will keep in mind the obligation to present balanced viewpoints. The building principal will inform the Superintendent of the presentation on the controversial issue prior to it occurring.

Any objection to how a controversial issue is being taught, including the use of a guest speaker, should be directed to the building principal who will consult with appropriate instructional staff to address the objection.

<u>Marion Central School District Policy</u>	<u>2023</u> <u>8330</u>
<u>OBJECTION TO INSTRUCTIONAL MATERIALS AND CONTROVERSIAL ISSUES</u>	<u>Instruction</u>
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If the objection is related an instructional material being used in the teaching of a controversial issue, the process requesting reconsideration of library or instructional materials should be followed. Objections to instructional materials by District community members must be submitted in writing to the Superintendent. If the objection is related to the curriculum or New York State learning standards, the building principal will address the matter with the individual(s) raising the objection.

Any criticism of instructional materials that are in the schools should be submitted in writing to the Superintendent. The Board of Education will be informed. A committee, including the librarian and Building Principal, will be designated by the Superintendent to investigate and judge the challenged material according to the principles and qualitative standards stated in Policy #8320—  
Selection of Library and Audiovisual Materials.

#### **Curriculum Areas In Conflict With Religious Beliefs**

In accordance with applicable law and regulation, a student may be excused from the study of specific materials relating to health and hygiene if these materials are in conflict with the religion of his/her parents/guardians. Alternatives may be provided that are of comparable instructional value.

Education Law ~~§§Section~~ 701, 711, 809, 1604, 1709, 1804, 2503, and 3204(S)

8 New York Code of Rules and Regulations (NYCRR)  
~~—§§Section~~ 16.2 and 135.3

NOTE: Refer also to Policies #8320 -- Selection of Library and Audiovisual Materials

#8360 -- Religious Expression in the Instructional Program

Adopted: 9/5/06

Reviewed: 11/3/14, 1/19/21, 1/9/23

Revised: XX/XX/XX

Marion Central School District Policy	<del>2021</del> <u>2023</u>	8450
<u>HOME, HOSPITAL, OR INSTITUTIONAL INSTRUCTION (HOMEBOUND INSTRUCTION)-TUTORING (TEMPORARY INSTRUCTION)</u>	Instruction	
	Page 1 of <del>1</del> <u>3</u>	

~~Resident children attending public or non-public schools who qualify for home tutoring due to a long-term illness shall be provided with such instruction in accordance with New York State Education Law and Commissioner's Regulations.~~

~~Procedures for students requiring home tutoring shall be developed under the direction of the Superintendent or his/her designee.~~

### Overview

~~Home, hospital, or institutional instruction (sometimes referred to as homebound instruction) is an educational service provided by districts to resident students enrolled in a public or nonpublic school who are unable to attend school in person for at least ten days during a three-month period due to illness or injury which requires the student to remain at home or in a hospital or other institution for the treatment of children, other than a school.~~

~~The District will provide home, hospital, or institutional instruction to all resident students enrolled in a public or nonpublic school from kindergarten to age 21 when, due to a temporary or chronic physical, mental, or emotional illness or injury, as documented by the student's treating healthcare provider, the student is unable to participate in their usual education setting.~~

### Definitions

~~"Instruction delivery plan" means a written plan to continue the student's academic progress and to maintain a record of delivery of instructional services and student progress.~~

~~"School district of residence" means the public school district within the State of New York where the students legally reside with their parents or guardians.~~

~~"Treating health care provider" means a person who is treating a student and is licensed or otherwise authorized to provide diagnosis pursuant to a profession enumerated in Title VIII of the Education Law.~~

~~"Tutor" means an employee of the school district of residence or an individual with whom the school district of residence contracts to provide home, hospital, or institutional instruction. The tutor must hold a New York State teaching certificate. A tutor may include a teacher employed by a board of cooperative educational services (BOCES) that contracts with the school district of residence to provide this instruction.~~



<u>Marion Central School District Policy</u>	<u>2023</u> <u>8450</u>
<u>HOME, HOSPITAL, OR INSTITUTIONAL INSTRUCTION (HOMEBOUND INSTRUCTION)</u>	<u>Instruction</u>
	<u>Page 2 of 3</u>

### **Request for Home, Hospital, or Institutional Instruction**

To request home, hospital, or institutional instruction for a resident student, the parent or guardian must submit a request to the District that includes written medical verification from the student's treating healthcare provider demonstrating the student's anticipated inability to attend school in person for at least ten days during the next three months and written consent authorizing the Director of School Health Services or designee to contact the student's treating healthcare provider. Refusal to provide this written consent will result in a denial of the request for home, hospital, or institutional instruction.

The request will be forwarded to the Director of School Health Services who will review the need for home, hospital, or institutional instruction and either approve or deny the request. During this review, the Director of School Health Services may contact the student's treating healthcare provider to obtain additional information necessary regarding the student's health or mental health.

Within five school days after receipt of written medical verification from the student's treating healthcare provider, the District will notify the parent or guardian whether their request for home, hospital, or institutional instruction has been approved or denied. In the case of a denial, reason(s) for denial will be provided.

### **Appeals**

Parents and guardians may appeal the denial of home, hospital, or institutional instruction to the District's Board within ten school days of receipt of notification of the denial. Home, hospital, or institutional instruction will be provided while an appeal is pending before the District's Board.

### **Home, Hospital, or Institutional Instruction Requirements**

The District will provide home, hospital, or institutional instruction to a student within five school days after receiving notification of the student's medical condition or within five school days from the request for home, hospital, or institutional instruction, whichever occurs first. This instruction, which may include remote instruction, will meet the minimum requirements outlined in law and regulation.

### **Students with Disabilities**

Students with disabilities who are recommended for home, hospital, or institutional instruction by the Committee on Special Education (CSE) will be provided instruction and appropriate related services as determined and documented by the CSE in consideration of the student's unique needs. This instruction will only be recommended if the placement is in the least restrictive environment and must be provided for at least the number and length of time as provided for other students receiving home, hospital, and institutional instruction.

<u>Marion Central School District Policy</u>	<u>2023</u> <u>8450</u>
<u>HOME, HOSPITAL, OR INSTITUTIONAL INSTRUCTION (HOMEBOUND INSTRUCTION)</u>	<u>Instruction</u>
	<u>Page 3 of 3</u>

### Recordkeeping

The District will maintain a record of delivery of instructional services and student progress. This includes, but is not limited to, a record of the dates, amount, and type of instructional services the student received including the tutor's name, subjects taught, and the location where the instructional services were provided.

Education Law Sections 1604(20), 1709(24), 3202 ~~and 4401~~  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 100.22, 175.21, and 200.6

NOTE: Refer also to Policy #7150 – Remote Instruction

Adopted: 9/5/06  
Reviewed: 11/3/14, 1/19/21  
Revised: XX/XX/XX

Marion Central School District Policy	<del>2020</del> <u>2023</u> 7410
EXTRACURRICULAR ACTIVITIES	Students
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The Board of Education considers extracurricular activities to be a valuable part of the program of the school and shall support these activities within the financial means of the District.

- a) Definition of School Activity – A regularly scheduled student activity which is non-credit bearing.
- b) School activities will include but not be limited to the following:
  1. All varsity/junior varsity sports;
  2. All non-credit bearing musical performing groups;
  3. All major student activities ~~See Faculty Handbook~~ as listed in current the Marion Teachers Association (MTA) Contract;

~~The following activities are considered major activities:~~

- ~~(a) — Student Council;~~
- ~~(b) — National Honor Society;~~
- ~~(c) — Master Minds;~~
- ~~(d) — Model U.N.;~~
- ~~(e) — Ski Club;~~
- ~~(f) — Yearbook Club;~~
- ~~(g) — LOTE Club;~~

4. All plays
- c) Any high school student 9-12 and any 7th or 8th grade student who participates in a high school activity 9-12 will be impacted by this policy.
- d) In order to participate, students must meet academic requirements.

#### **Limited Open Forum**

The Board of Education maintains a limited open forum where secondary students may meet for voluntary student-initiated activities unrelated directly to the instructional program, regardless of religious, political or philosophical content.

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EXTRACURRICULAR ACTIVITIES	Students
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To provide "a fair opportunity" to students who wish to conduct a meeting, the Board of Education, in accordance with the provisions of the Equal Access Act, shall ensure that:

- a) The meeting is voluntary and student-initiated;
- b) There is no sponsorship of the meeting by the school, the government, or its agents or employees;
- c) Employees or agents of the school or government are present at religious meetings only in a nonparticipatory capacity;
- d) The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
- e) Nonschool persons may not direct, conduct, control, or regularly attend activities of student groups (20 USC Section 4071[c]).

The Board prohibits student organizations whose activities may be unlawful or may cause disruption or interference with the orderly conduct of the educational process.

Administration is responsible for establishing regulations governing the use of school facilities by student organizations.

#### **Eligibility for Attendance**

- a) Students who are suspended from school on a day of an athletic game or practice session, party, school dance, or other school affair scheduled after regular school hours are not eligible for participation or attendance at such events.
- b) In order for students to attend a school-sponsored function, it is necessary that students attend classes for at least one half (1/2) of the school day on the day of the activity, unless otherwise excused by the building administrator.

Equal Access Act,  
 20 United States Code (USC) Sections 4071-4074  
 Education Law Sections 1709 and 1709-a, 2503-a,  
 2554-a and 2801(1)  
 8 New York Code of Rules and Regulations (NYCRR)  
 Sections 172.1 and 172.2

Adopted: 2/5/07

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

Revised: 10/17/11

Marion Central School District Policy	<del>2020</del> <u>2023</u> 7411
CENSORSHIP OF SCHOOL SPONSORED STUDENT PUBLICATIONS AND ACTIVITIES	Students
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The District may exercise editorial control over the style and content of student speech in school sponsored publications and activities that are part of the educational curriculum.

Adopted: 2/5/07

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

Revised:

Marion Central School District Policy	<del>2020</del> 2023 7420
SPORTS AND THE ATHLETIC PROGRAM	Students
	Page 1 of 2

Athletics are an integral part of a well-balanced educational program. Therefore, the Board supports within its resources a broad sports program with equal access for both males and females, with emphasis on maximum participation, through interscholastic and intramural activity.

The interscholastic athletic program shall conform to the Regulations of the Commissioner of Education as well as the established rules of the New York State Public High Schools Athletic Association and the State Education Department.

Eligibility for interscholastic athletic competition requires that the students:

- a) Provide written parental/guardian consent;
- b) Pass satisfactorily the medical examination administered by the school physician/nurse practitioner or the student's personal physician. The school physician/nurse practitioner retains final approval on all physicals performed by the student's personal physician;
- c) Meet the requirements for interscholastic competition as set forth by the Commissioner's Regulations and the New York State Public High School Athletic Association;
- d) Meet academic requirements for participation; and
- e) Comply with the ~~ATOD Policy~~ Interscholastic Athletics and Extracurricular Activities Code of Conduct.

#### **Athletic Placement Process**

The Board approves the use of the athletic placement process for all secondary school interscholastic team members. The Board directs the Superintendent to implement the procedures and maintain a file of those students deemed eligible as a result of those procedures.

#### **Student Athletic Injuries**

No student should be allowed to practice or play in an athletic contest if he/she is suffering from an injury. The diagnosis of and prescription of treatment for injuries is strictly a medical matter and should under no circumstances be considered within the province of the coach. A coach's responsibility is to see that injured players are given prompt and competent medical attention, and that all details of a doctor's instructions concerning the student's functioning as a team member are carried out. No student will be allowed to practice or compete if there is a question whether he/she is in adequate physical condition.

A physician's certificate may be required before an athlete is permitted to return to practice or competition.



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SPORTS AND THE ATHLETIC PROGRAM	Students
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### **Athletic Program - Safety**

The District will take reasonable steps to see that physical risks to students participating in the interscholastic athletic program shall be kept at a minimum by:

- a) Requiring medical examinations of participants;
- b) Obtaining appropriately certified and/or licensed officials to coach all varsity, junior varsity, and modified games; and
- c) Ensuring that equipment is both safe and operative within approved guidelines.

8 New York Code of Rules and Regulations (NYCRR)

Section 135

Adopted: 2/5/07

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

Revised: 5/19/15

Marion Central School District Policy	<del>2020</del> 2023 7430
CONTESTS FOR STUDENTS, STUDENT AWARDS AND SCHOLARSHIPS	Students
	Page 2 of 2

### **Contests for Students**

Distribution of educational material, essay contests, and poster contests must be approved in advance by the Building Principals if the sponsoring organization wishes to involve students in the project on school time. Samples of informational material should accompany the request. Upon the judgment of the Principal, the request may be forwarded to the Superintendent and the Board of Education for approval.

### **Student Awards and Scholarships**

The School District may obtain and award to its students awards and scholarships. The Board of Education, having been entrusted by law, will hold in trust gifts, grants, bequests and legacies given or bequeathed to the Marion Central School District and shall apply the same and/or their interest and proceeds according to the instruction of the donors and according to the procedures established by the administration.

Education Law Sections 1604(30), 1709(12-a) and 2503(1)

NOTE: Refer also to Policy #5231 -- Scholarship Funds

Adopted: 2/5/07

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

Revised:



Marion Central School District Policy	<del>2020</del> <u>2023</u> 7440
MUSICAL INSTRUMENTS	Students
	Page 1 of 1

a)1. \_\_\_\_\_ All instrumental music students shall be expected to own, ~~or rent~~, or borrow from the District their instrument - particularly the common and less expensive instruments (flute, clarinet, trumpet, saxophone, trombone, etc.).

b)2. \_\_\_\_\_ Students will not be required to own or rent the less common and more expensive instruments. Instruments in this category are as follows: oboe, bassoon, tuba, French horn, baritone horn, tenor and baritone saxophones, bass trombone and percussion instruments. School-owned instruments in this classification will be disbursed upon decisions by the instrumental music staff. Decisions will be dependent upon the individual student's talent and merit and the need for a balanced instrumentation at each grade level.

e)3. \_\_\_\_\_ Students and parents/guardians will assume responsibility for proper care of school-owned instruments and will pay for damages to same.

d)4. \_\_\_\_\_ The District will only transport in its vehicles those instruments meeting certain safety standards as indicated in the New York State Department of Transportation Regulations.

17 New York Code of Rules and Regulations (NYCRR)  
Section 720.22

Adopted: 2/5/07

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

Revised:

Marion Central School District Policy	<del>2020</del> 2023 7441
STUDENT VOTER REGISTRATION AND PRE-REGISTRATION	Students
	Page 1 of 1

The District recognizes the importance of voting and civic engagement. As such, the District seeks to encourage student voter registration and pre-registration. A person who is at least sixteen years of age and who is otherwise qualified to register to vote may pre-register to vote, and will then be automatically registered to vote upon reaching the age of eligibility as provided by law.

\*The District promotes student voter registration and pre-registration through the following means:

- a. Collaborating with county boards of elections to conduct voter registration and pre-registration in the District's high school(s); and
- b. Encouraging voter registration and pre-registration at various student events throughout the year.

The completion and submission of voter registration or pre-registration forms will not be a course requirement or graded assignment for District students.

Election Law § 5-507

Adopted: 12/9/19  
Reviewed: ~~XX/XX/XX~~  
Revised:

Marion Central School District Policy	<del>2020</del> <u>2023</u>	7450
FUND RAISING BY STUDENTS		Students
		Page 1 of 1

Fund raising projects in which students sell merchandise, provide services, or in other ways solicit money for school activities may be sponsored by school organizations with the express approval of the Building Principal. Any such plan shall have a clearly defined purpose and, in general, shall contribute to the educational experience of students and shall not conflict with instructional programs or state mandates.

Door to door sales projects undertaken by any organization using the Marion Central School District name shall require previous approval of the Board of Education. Profits shall be used to enhance school programs by providing money for expenditures not normally funded by the District.

All participation shall be voluntary.

New York State Constitution, Article 8, Section 1

Education Law Section 414

8 New York Code of Rules and Regulations (NYCRR)

Section 19.6

NOTE: Refer also to Policy #3271 -- Solicitation of Charitable Donations From School Children

Adopted: 2/5/07

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

Revised: 10/17/11

Marion Central School District Policy	<del>2020</del> 2023 7460
CONSTITUTIONALLY PROTECTED PRAYER IN THE PUBLIC SCHOOLS	Students
	Page 1 of 1

~~In accordance with the most recent Guidance Document issued by the U.S. Department of Education implementing the requirements of the No Child Left Behind Act of 2001, T~~he Board of Education affirms ~~in writing to the New York State Education Department,~~ the responsibilities of the School District, consistent with applicable statutory/case law pertaining to the First Amendment of the United States Constitution, to allow students and staff to engage in constitutionally protected prayer within the District schools.

Accordingly, no Board of Education policy shall prevent, or otherwise deny participation in, constitutionally protected prayer in District schools, consistent with the Guidance Document and applicable law as enumerated above.

The Board rescinds any other policy that may be inconsistent with the mandates of this policy, which shall supersede any and all Board policies to the contrary.

United States Constitution, First Amendment  
 Elementary and Secondary Education Act of 1965,  
 as amended by the No Child Left Behind Act of 2001,  
 Section 9524  
 Equal Access Act,  
 20 United States Code (USC) Sections 4071-4074

NOTE: Refer also to Policy #8360 -- Religious Expression in the Instructional Program

Adopted: 2/5/07  
 Reviewed: 4/14/20, ~~XX/XX/XX~~  
 Revised:

Marion Central School District Policy	<del>2020</del> 2023 7510
SCHOOL HEALTH SERVICES	Students
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All districts must provide and maintain a continuous program of health services which includes, but is not limited to:

1. Providing medical examinations, scoliosis screening, vision screening and audiometer tests, designed to determine the health status of the student;
2. Informing parents or other persons in parental relation to the student, pupils and teachers of the individual student's health condition subject to federal and state confidentiality laws. The District will provide this notice in writing if the District becomes aware that the student has defective sight or hearing or a physical disability, including sickle cell anemia, or other condition which may require professional attention with regard to health;
3. Where the exigencies warrant (where the parents/persons in parental relation are unable or unwilling to provide the necessary relief and treatment), providing relief in situations where the student would otherwise be deprived of the full benefit of education through inability to follow the instruction offered;
4. Guiding parents, students and teachers in procedures for preventing and correcting defects and diseases and for the general improvement of the health of students;
5. Instructing school personnel in procedures to take in case of accident or illness;
6. Maintaining a program of education to inform school personnel, parents, non-school health agencies, welfare agencies and the general public regarding school health conditions, services and factors relating to the health of students;
7. Providing inspections and supervision of the health and safety aspects of the school plant;
8. Providing health examinations before participation in strenuous physical activity and periodically throughout the season as necessary;
9. Providing health examinations necessary for the issuance of employment certificates, vacation work permits, newspaper carrier certificates and street trades badges; and
10. Surveying and making necessary recommendations concerning the health and safety aspects of school facilities and the provision of health information.

Education Law Article 19

8 New York Code of Rules and Regulations (NYCRR)

Part 136

Adopted: 2/5/07

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

Revised: 10/17/11

Marion Central School District Policy	<del>2020</del> <u>2023</u> 7511
IMMUNIZATION OF STUDENTS	Students
	Page 1 of 1

Every student entering or attending a District school must present proof of immunization in accordance with Section 2164 of Public Health Law unless

1. a New York State licensed physician certifies that such immunization may be detrimental to the student's health. The requirement for that immunization is waived until the immunization is no longer detrimental to the student's health.

Except for this exemption, the District may not permit a student lacking evidence of immunization to remain in school for more than fourteen (14) days, or more than thirty (30) days for an out-of-state or out-of-country transferee who can show a good faith effort to get the necessary certification or other evidence of immunization.

The administration will notify the local health authority of the name and address of excluded students and provide the parent/person in parental relation a statement of his/her duty regarding immunization as well as a consent form prescribed by the Commissioner of Health. The school shall cooperate with the local health authorities to provide a time and place for the immunization of these students.

For homeless children, the enrolling school must immediately refer the parent or guardian of the student to the district's homeless liaison, who must assist them in obtaining the necessary immunizations, or immunization or medical records.

The District will provide an annual summary of compliance with immunization requirements to the Commissioner of Health.

All schools will also post educational information on influenza and the benefits of influenza immunization which will be in plain view and available to parents.

Education Law Section 914  
Public Health Law §§ 613 and 2164  
8 New York Code of Rules and Regulations (NYCRR)  
§§ 100.2 and 136.3  
10 New York Code of Rules and Regulations (NYCRR)  
Subpart 66-1

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

Adopted: 2/5/07

Reviewed: ~~XX/XX/XX~~

Revised: 10/19/19

Marion Central School District Policy	<del>2020</del> 2023	7513
ADMINISTRATION OF MEDICATION		Students
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Under certain circumstances, when it is necessary for a student to take medication (prescription, non-prescription and supplements) during school hours, the school's registered nurse may administer the medication if the parent or person in parental relation submits a written request accompanied by a written request from a physician indicating the frequency and dosage of prescribed medication. The parent or person in parental relation must assume responsibility to have the medication delivered directly to the health office in a properly labeled original container.

Procedures for receipt, storage and disposal of medications as well as procedures for taking medications off school grounds or after school hours while participating in a school-sponsored activity will be in accordance with State Education Department Guidelines.

### **Emergency Medication**

The administration of emergency medication (injectable, including "epi-pens," and/or oral) to a student for which it is prescribed for extreme hypersensitivity may be performed by any school staff member responding to the emergency. Such a response would fall under the Good Samaritan exemption for rendering emergency care during a life threatening situation.

### **Use of Inhalers in Schools**

In accordance with law, the School District must permit students who have been diagnosed by a physician or other duly authorized health care provider as having a severe asthmatic condition to carry and use a prescribed inhaler during the school day. Prior to permitting such use, the school health office must receive the written permission of the prescribing physician or other duly authorized health care provider, and parental consent, based on such physician's or provider's determination that the student is subject to sudden asthmatic attacks severe enough to debilitate that student. In addition, upon the written request of a parent or person in parental relation, the Board shall allow such pupils to maintain an extra inhaler in the care and custody of the school's registered nurse.

A record of such physician or health care provider/parental permission shall be maintained in the school health office.

Health office personnel will maintain regular parental contact in order to monitor the effectiveness of such self-medication procedures and to clarify parental responsibility as to the daily monitoring of their child to ensure that the medication is being utilized in accordance with the physician's or provider's instructions. Additionally, the student will be required to report to the health office on a periodic basis as determined by health office personnel so as to maintain an ongoing evaluation of the student's management of such self-medication techniques, and to work cooperatively with the parents and the student regarding such self-care management.

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ADMINISTRATION OF MEDICATION	Students
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Students who self-administer medication without proper authorization, under any circumstances, may be referred for counseling by school nursing personnel. Additionally, school administration and parents will be notified of such unauthorized use of medication by the student, and school administration may also be involved in determining the proper resolution of such student behavior.

Education Law Sections 916, 6527(4)(a) and  
6908(1)(a)(iv)

Public Health Law Section 3000-a

Adopted: 2/5/07

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

Revised: 3/19/18



Marion Central School District Policy	<del>2020</del> <u>2023</u> 7514
HEALTH RECORDS	Students
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The school shall keep a convenient, accurate, and up-to-date health record of every student. Insofar as the health records include confidential disclosures or findings, they shall be kept confidential. Individual records may be interpreted by the nurse to administrators, teachers, and counselors, consistent with law.

Education Law Section 905  
8 New York Code of Rules and Regulations (NYCRR)  
Part 136

Adopted: 2/5/07  
Reviewed: 4/14/20, ~~XX/XX/XX~~  
Revised: 3/19/18

Marion Central School District Policy	<del>2020</del> <u>2023</u> 7520
ACCIDENTS AND MEDICAL EMERGENCIES	Students
	Page 1 of 1

Procedures shall be established and maintained by the Superintendent for the handling of student injuries and medical emergencies that occur on school property and during school activities.

### **Student Emergency Treatment**

All staff members of the School District are responsible to obtain first aid care of students who are injured or become ill while under school supervision.

In most instances first aid should be rendered, and then the parent should be contacted to come to school and transport the student to the family physician. Beyond first aid, the medical care of the student is the parent's responsibility. However, the student's welfare is always the primary concern, and it is the responsibility of school personnel to exercise good judgment and care under all circumstances.

The Board of Education encourages all staff members to become qualified to give emergency treatment through instruction in first aid, Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillators.

### **Transporting an Ill or Injured Student**

In the event of an illness or injury to a student, an ambulance may be called if warranted. This solution will be used after other alternatives, including parent/person in parental relation contact, have been attempted.

### **Insurance**

The Board of Education shall approve provisions for all students to be covered by group insurance.

Such student accident insurance policies are to be a co-insurance with family coverage(s) as primary.

Education Law Sections 1604(7-a), 1604(7-b), 1709(8-a) and 1709(8-b)

Adopted: 2/5/07

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

Revised: 3/19/18

Marion Central School District Policy	<del>2020</del> 2023 7521
ACCIDENTS AND MEDICAL EMERGENCIES	Students
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Students, parents, school personnel and health care providers must all work together to provide the necessary information and training to allow children with chronic health problems to participate as fully and safely as possible in the school experience.

Particularly for those students with chronic conditions such as asthma and allergies (food, insect sting, etc.) which may result in severe, life-threatening reactions to various environmental triggers, it is necessary that the District work cooperatively with the parent(s) and the healthcare provider to:

- a) Develop an individual health care plan that includes all necessary treatments, medications, training and educational requirements for the student. If the student is eligible for accommodations based upon the Individuals with Disabilities Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act, the appropriate procedures will be followed regarding evaluation and identification;
- b) Obtain appropriate health care provider authorization in writing that includes the frequency and conditions for any testing and/or treatment; symptoms and treatment of any conditions associated with the health problem; and directions for emergencies; and
- c) Secure written parent permission and discuss parental responsibility that includes providing the health care provider's orders, providing any necessary equipment, and participation in the education and co-management of the child as he/she works toward self-management.

The District will work toward assisting students in the self-management of their chronic health condition based upon the student's knowledge level and skill by:

- a) Adequately training all staff involved in the care of the child;
- b) Assuring the availability of the necessary equipment and/or medications;
- c) Providing appropriately trained licensed persons as required by law;
- d) Providing additional appropriately trained adults to complete delegated tasks as allowed by law;
- e) Developing an emergency plan for the student; and
- f) Providing ongoing staff and student education.

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ACCIDENTS AND MEDICAL EMERGENCIES	Students
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### **Use of Epinephrine Auto-Injector Devices (Epi-Pens) in the School Setting**

The administration of epinephrine by epi-pen to a student with a known severe allergy needing an anaphylactic treatment agent may be performed by a school staff member responding to an emergency situation when such use has been prescribed by a licensed prescriber. However, a Registered Nurse/Nurse Practitioner must have trained the staff member to administer the epi-pen and given him/her approval to assist the student in the event of an anaphylactic reaction.

Documentation of training must be maintained in the Anaphylaxis Protocol for Non-Licensed School Staff Members for each affected student. The emergency response by non-licensed school staff members is permitted under the Medical Practice Act (Education Law section 6527(4)(a)) and the Nurse Practice Act (Education Law section 6908 (1)(a)(iv)) and is covered by the "Good Samaritan Law" (Public Health Law section 3000-a).

Americans with Disabilities Act,

42 United States Code (USC) Section 12101 et seq.

Individuals with Disabilities Education Act (IDEA)

20 United States Code (USC) Sections 1400-1485

34 Code of Federal Regulations (CFR) Part 300

Section 504 of the Rehabilitation Act of 1973,

29 United States Code (USC) Section 794 et seq.

Education Law Sections 6527 and 6908

Public Health Law Section 3000-a

NOTE: Refer also to Policy #7513 -- Administration of Medication

Adopted: 2/5/07

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

Revised: 3/19/18

Marion Central School District Policy	<del>2020</del> 2023 7530 <b>Required</b>
CHILD ABUSE	<b>Students</b>
	Page 1 of 3

The Marion Central School District subscribes to all of the provisions of Title 6 - Child Protective Services of the Social Services Law (Sections 411-428). Our purpose is to provide protective services to abused and maltreated children as described by the law, and to make all school personnel within the District aware of our legal responsibilities under this law.

Regulations shall be developed, maintained and disseminated by administration regarding the:

- a) Mandatory reporting of suspected child abuse/neglect;
- b) Reporting procedures and obligations of persons required to report;
- c) Provisions for taking a child into protective custody;
- d) Mandatory reporting of deaths;
- e) Immunity from liability and penalties for failure to report; and
- f) Obligations for provision of services and procedures necessary to safeguard the life of a child.

Additionally, an ongoing training program for all professional staff shall be established and implemented to enable such staff to carry out their reporting responsibilities.

Education Law Section 3209-a  
Family Court Act Section 1012  
Social Services Law Sections 411-428

### **Child Abuse in an Educational Setting**

The School District is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers as enumerated in law.

"Child abuse" shall mean any of the following acts committed in an educational setting by an employee or volunteer against a child:

- a) Intentionally or recklessly inflicting physical injury, serious physical injury or death; or
- b) Intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury or death; or
- c) Any child sexual abuse, defined as conduct prohibited by Articles 130 or 263 of the Penal Law; or
- d) The commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Article 235 of the Penal Law.

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CHILD ABUSE	<b>Required</b> Students
	Page 2 of 3

"Educational setting" shall mean the building(s) and grounds of the School District; the vehicles provided by the School District for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off School District grounds; all co-curricular and extracurricular activity sites; and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

In any case where an oral or written allegation is made to a teacher, school's registered nurse, school guidance counselor, school psychologist, school social worker, school administrator, School Board member, or other school personnel required to hold a teaching or administrative license or certificate, that a child (defined in the law as a person under the age of twenty-one (21) years enrolled in a school district in this state) has been subjected to child abuse by an employee or volunteer in an educational setting, that person shall upon receipt of such allegation:

- a) Promptly complete a written report of such allegation including the full name of the child alleged to be abused; the name of the child's parent; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. Such written report shall be completed on a form as prescribed by the Commissioner of Education.
- b) Except where the school administrator is the person receiving such an oral or written allegation, the employee completing the written report must promptly *personally deliver* a copy of that written report to the school administrator of the school in which the child abuse allegedly occurred (subject to the following paragraph).

In any case where it is alleged the child was abused by an employee or volunteer of a school other than a school within the school district of the child's attendance, the report of such allegations shall be promptly forwarded to the Superintendent of Schools of the school district of the child's attendance and the school district where the abuse allegedly occurred.

Any employee or volunteer who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in accordance with the reporting requirements of the law shall have immunity from civil liability which might otherwise result by reason of such actions.

Upon receipt of a written report alleging child abuse in an educational setting, the school administrator or Superintendent must then determine whether there is "reasonable suspicion" to believe that such an act of child abuse has occurred. Where there has been a determination as to the existence of such reasonable suspicion, the school administrator or Superintendent must follow the notification/reporting procedures mandated in law and further enumerated in administrative regulations including parental notification. When the school administrator receives a written report, he/she shall promptly provide a copy of such report to the Superintendent.

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CHILD ABUSE	Required Students
	Page 3 of 3

Where the school administrator or Superintendent has forwarded a written report of child abuse in an educational setting to law enforcement authorities, the Superintendent shall also refer such report to the Commissioner of Education where the employee or volunteer alleged to have committed such an act of child abuse holds a certification or license issued by the State Education Department.

Any school administrator or Superintendent who reasonably and in good faith makes a report of allegations of child abuse in an educational setting, or reasonably and in good faith transmits such a report to a person or agency as required by law, shall have immunity from civil liability which might otherwise result by reason of such actions.

Reports and other written material submitted pursuant to law with regard to allegations of child abuse in an educational setting, and photographs taken concerning such reports that are in the possession of any person legally authorized to receive such information, *shall be confidential and shall not be redisclosed except* to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or pursuant to a court-ordered subpoena. School administrators and the Superintendent shall exercise reasonable care in preventing such unauthorized disclosure.

Additionally, teachers and all other school officials shall be provided an annual written explanation concerning the reporting of child abuse in an educational setting, including the immunity provisions as enumerated in law. Further, the Commissioner of Education shall furnish the District with required information, including rules and regulations for training necessary to implement District/staff responsibilities under the law.

#### **Prohibition of "Silent" (Unreported) Resignations**

The Superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the Superintendent or the Commissioner of Education, where appropriate, information concerning allegations of child abuse in an educational setting against an employee or volunteer in exchange for that individual's resignation or voluntary suspension from his/her position.

Superintendents (or a designated administrator) who reasonably and in good faith report to law enforcement officials information regarding allegations of child abuse or a resignation as required pursuant to the law shall have immunity from any liability, civil or criminal, which might otherwise result by reason of such actions.

Education Law Article 23-B and Section 3028-b  
 Penal Law Articles 130, 235 and 263  
 8 New York Code of Rules and Regulations (NYCRR) Part 83

Adopted: 2/5/07  
 Reviewed: 4/14/20, ~~XX/XX/XX~~  
 Revised: 3/19/18



Marion Central School District Policy	<del>2020</del> <u>2023</u> 7550
DIGNITY FOR ALL STUDENTS ACT	<b>Required</b> Students
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The Board of Education recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to bullying, taunting and intimidation. Therefore, in accordance with the Dignity for All Students Act, Education Law, Article 2, the District will strive to create an environment free of discrimination and harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission.

The District condemns and prohibits all forms of discrimination and harassment of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property and at school-sponsored activities and events that take place at locations off school property. In addition, any act of discrimination or harassment, outside of school sponsored events, which can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline.

#### **Dignity Act Coordinator**

At least one (1) employee at every school shall be designated as the Dignity Act Coordinator(s). The Dignity Act Coordinator(s) will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression) and sex. The Board of Education shall appoint the Dignity Act Coordinator(s) and share the name(s) and contact information with all school personnel, students, and parents/persons in parental relation.

If a Dignity Act Coordinator vacates his/her position, another school employee shall immediately be designated for an interim appointment as Coordinator, pending approval from the Board of Education, within thirty (30) days of the date the position was vacated. In the event a Coordinator is unable to perform the duties of the position for an extended period of time, another school employee shall immediately be designated for an interim appointment as Coordinator, pending return of the previous Coordinator to the position.

#### **Training**

Training will be provided each school year for all District employees in conjunction with existing professional development training to raise staff awareness and sensitivity of harassment and discrimination directed at students that are committed by students or school employees on school property or at a school function. Training will include ways to promote a supportive school environment that is free from discrimination and harassment, emphasize positive relationships, and demonstrate prevention and intervention techniques to assist employees in recognizing and responding to harassment and discrimination, as well as ensuring the safety of the victims.

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DIGNITY FOR ALL STUDENTS ACT	<b>Required</b> Students
	Page 2 of 3

Instruction in grades Kindergarten through 12 shall include a component on civility, citizenship and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community. For the purposes of this policy, "tolerance," "respect for others" and "dignity" shall include awareness and sensitivity to discrimination or harassment and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders and sexes.

Rules against discrimination and harassment will be included in the Code of Conduct, publicized District-wide and disseminated to all staff and parents. An age-appropriate summary shall be distributed to all students ~~at a school assembly~~ at the beginning of each school year.

#### **Reports and Investigations of Discrimination and Harassment**

The District will investigate all complaints of harassment and discrimination, either formal or informal, and take prompt corrective measures, as necessary. Complaints will be investigated in accordance with applicable policies and regulations. If, after an appropriate investigation, the District finds that this policy has been violated, corrective action will be taken in accordance with District policies and regulations, the Code of Conduct, and all appropriate federal or state laws.

The District will annually report material incidents of discrimination and harassment to the State Education Department as part of the Uniform Violent and Disruptive Incident Reporting System (VADIR).

#### **Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)**

Any person who has reasonable cause to suspect that a student has been subjected to discrimination or harassment by an employee or student, on school grounds or at a school function, who acts reasonably and in good faith and reports such information to school officials or law enforcement authorities, shall have immunity from any civil liability that may arise from making such report. The Board prohibits any retaliatory behavior directed at complainants, victims, witnesses and/or any other individuals who participated in the investigation of a complaint of discrimination or harassment.

Marion Central School District Policy	<del>2020</del> 2023 7550
DIGNITY FOR ALL STUDENTS ACT	<b>Required</b> Students
	Page 3 of 3

Education Law Sections 10-18 and 801-a

8 New York Code of Rules and Regulations (NYCRR)  
Section 100.2(1)(2)

NOTE: Refer also to Policies #1330 -- Appointments and Designations by the Board of Education  
#3410 -- Code of Conduct on School Property  
#3420 -- Anti-Harassment in the School District  
#7551 -- Sexual Harassment of Students  
#7552 -- Bullying in the Schools  
#7553 -- Hazing of Students  
#8130 -- Equal Educational Opportunities  
#8242 -- Civility, Citizenship and Character Education/Interpersonal  
Violence Prevention Education

Adopted: 8/20/12

Reviewed: 3/19/18, 4/14/20, ~~XX/XX/XX~~

Revised:

Marion Central School District Policy	<del>2020</del> 2023 7551
	<b>Required</b>
<b>SEXUAL HARASSMENT OF STUDENTS</b>	<b>Students</b>
	Page 1 of 3

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District students an environment that is free of sexual harassment and intimidation. Sexual harassment is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of sexual harassment by employees, school volunteers, students, and non-employees such as contractors and vendors which occur on school grounds and at all school-sponsored events, programs and activities including those that take place at locations off school premises or in another state. Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communication of a sexual nature when:

- a) Submission to or rejection of such sexually harassing conduct and/or communication by a student affects decisions regarding any aspect of the student's education, including participation in school-sponsored activities;
- b) Conditions exist within the school environment that allow or foster obscene pictures, lewd jokes, sexual advances, requests for sexual favors or other harassing activities of a sexual nature; and
- c) Such conduct and/or communication has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity, or creating an intimidating, hostile or offensive learning environment; and/or effectively bars the student's access to an educational opportunity or benefit.

The Board acknowledges that in determining whether sexual harassment has occurred the totality of the circumstances, expectations, and relationships should be evaluated. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from a third party such as a school visitor, volunteer, or vendor, or any other individual associated with the School District. Sexual harassment may occur from student-to-student, from staff-to-student, from student-to-staff, as well as staff-to-staff.

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any student who believes he/she has been a victim of sexual harassment in the school environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, immediately report such alleged harassment; such report shall be directed to or forwarded to the District's designated complaint officer(s) through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged sexual harassment will also be promptly investigated in accordance with the terms of this policy. In the event that the complaint officer is the alleged offender, the report will be directed to the next level of supervisory authority.

Marion Central School District Policy	<del>2020</del> <u>2023</u> 7551
SEXUAL HARASSMENT OF STUDENTS	Required Students
	Page 2 of 3

Upon receipt of a complaint, the District will conduct a thorough investigation of the charges.

Based upon the results of the investigation, if the District determines that an employee and/or student has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken as warranted. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with District policy and regulation, the Code of Conduct, and applicable laws and/or regulations. Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, District policy and regulation, the Code of Conduct and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations will be subject to appropriate sanctions as warranted and in compliance with law.

#### **Prohibition of Retaliatory Behavior**

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of sexual harassment. Follow-up inquiries shall be made to ensure that harassment has not resumed and that all those involved in the investigation of the sexual harassment complaint have not suffered retaliation.

#### **Knowingly Makes False Accusations**

Employees and/or students who *knowingly* make false accusations against another individual as to allegations of harassment may also face appropriate disciplinary action. Because of the damage that can be done to someone falsely accused, any individual who in bad faith knowingly makes a false complaint or report of sexual harassment or sex discrimination will be subject to disciplinary action up to and including termination in accordance with legal guidelines, District policy, and any applicable collective bargaining agreement(s).

#### **Development and Dissemination of Administrative Regulations**

Regulations will be developed for reporting, investigating and remedying allegations of sexual harassment. An appeal procedure will also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable complaint officer(s).

Such regulations will be developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

Marion Central School District Policy	<del>2020</del> 2023 7551
SEXUAL HARASSMENT OF STUDENTS	<b>Required</b> Students
	Page 3 of 3

Appropriate training and/or "awareness" programs will be established for staff and students to help ensure knowledge of and familiarity with the District's sexual harassment policy, the issues pertaining to sexual harassment in the schools, and to disseminate preventative measures to help reduce such incidents of prohibited conduct. Furthermore, special training will be provided for designated supervisors and managerial employees, as may be necessary, for training in the investigation of sexual harassment complaints in the schools.

A copy of this policy and its accompanying regulations will be available upon request and may be posted at various locations in each school building. The District's policy and regulations on sexual harassment will be published in appropriate school publications such as teacher/employee handbooks, student handbooks.

Civil Rights Act of 1991

42 United States Code (USC) Section 1981(a)

Title VII of the Civil Rights Act of 1964,

42 United States Code (USC) Section 2000e et seq.

Title IX of the Education Amendments of 1972,

20 United States Code (USC) Section 1681 et seq.

34 Code of Federal Regulations (CFR) Section 100 et seq.

29 Code of Federal Regulations (CFR) Section 1604.11(a)

Education Law Section 2801(1)

Executive Law Sections 296 and 297

Adopted: 12/10/07

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

Revised: 3/19/18



Marion Central School District Policy	<del>2020</del> <u>2023</u> 7552
BULLYING: PEER ABUSE IN THE SCHOOLS	Students
	Page 1 of 2

The Board of Education is committed to providing a safe and productive learning environment within its schools. Bullying of a student by another student is strictly prohibited on school property, in school buildings, on school buses, and at school sponsored events and/or activities whether occurring on or off campus. The Board of Education shall require the prohibition of bullying - along with the range of possible intervention activities and/or sanctions for such misconduct - to be included in the *District Code of Conduct* for all grade levels.

For purposes of this policy, the term "bullying" among children is defined, in general, as: "a variety of negative acts carried out repeatedly over time. It involves a real or perceived imbalance of power, with a more powerful child or group attacking those who are less powerful." Bullying can take three forms:

- a) Physical (including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings);
- b) Verbal (including, but not limited to, taunting, malicious teasing, name calling, making threats); and
- c) Psychological (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation).

The District also prohibits "Internet bullying" (also referred to as "cyber-bullying") including the use of cell phone, computer, instant messaging, e-mail, web sites, chat rooms, and text messaging when such use interferes with the operation of the school during school hours; or infringes upon the general health, safety and welfare of District students or employees.

However, it is important to note that a single negative act as enumerated above may also constitute "bullying" (if not more serious misconduct) based upon the particular circumstances such as the seriousness of the act and/or the intent of the actor.

Any student who believes that he/she is being subjected to bullying behavior, as well as any other person who has knowledge of or witnesses any possible occurrence of bullying, shall report the bullying to any staff member or the Building Principal. The staff member/Building Principal to whom the report is made (or the staff member/Building Principal who witnesses bullying behavior) shall investigate the complaint and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of bullying. Investigation of allegations of bullying shall follow the procedures utilized for complaints of harassment within the School District. Allegations of bullying shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.



Marion Central School District Policy	<del>2020</del> 2023 7552
BULLYING: PEER ABUSE IN THE SCHOOLS	Students
	Page 2 of 2

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of bullying. Follow-up inquiries and/or appropriate monitoring of the alleged bully and victim shall be made to ensure that bullying behavior has not resumed and that all those involved in the investigation of allegations of bullying have not suffered retaliation.

Personnel at all levels are responsible for taking corrective action to prevent bullying behavior of which they have been made aware at School District sites or activities and/or reporting such behavior to their immediate supervisor. Further, staff training shall be provided to raise awareness of the problem of bullying within the schools and to facilitate staff identification of and response to such bullying behavior among students.

Prevention and intervention techniques within the District to prevent against bullying behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to bullies, victims and their parents to help ensure that the bullying stops.

Rules against bullying shall be publicized District-wide and shall be disseminated as appropriate to staff, students and parents. Disciplinary sanctions for violation of this policy shall be outlined in the *District Code of Conduct* as enumerated above and may also be incorporated in staff and student handbooks.

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property  
#3420 -- Anti-Harassment in the School District  
#7551 -- Sexual Harassment of Students  
#7553 -- Hazing of Students  
*District Code of Conduct*

Adopted: 2/5/07

Reviewed: 3/19/18, 4/14/20, ~~XX/XX/XX~~

Revised:

Marion Central School District Policy	202020237553
HAZING OF STUDENTS	Students
	Page 1 of 3

The Board of Education is committed to providing a safe, productive and positive learning environment within its schools. Hazing activities are demeaning, and abusive and/or illegal behaviors that harm victims, and are inconsistent with the educational goals of the District, and may constitute criminal conduct. Consequently, by negatively impacting the school environment. ~~h~~Hazing of a students by another student or group of students is strictly prohibited on school property; in school buildings; on school buses; by school-sponsored groups, clubs or teams; and at school sponsored events and/or activities whether occurring on or off-campus. Hazing is prohibited regardless of the victim's apparent willingness to participate in the activity of a student refers to soliciting, encouraging, aiding, or engaging in "hazing" behavior as defined pursuant to District policy, regulation and/or law. The Board of Education shall require the prohibition of hazing along with the range of possible intervention activities and/or sanctions for such misconduct to be included in the *District Code of Conduct* for all grade levels.

For purposes of this policy, the term "hazing" ~~among students~~ is defined as any humiliating or dangerous activity expected of a student to join a group, regardless of their willingness to participate. Acts constituting hazing may range in severity from teasing or embarrassing a student to various forms of physical, emotional, and/or sexual abuse. Hazing behaviors include, but are not limited to, ~~the following general categories:~~

- a) Humiliation: socially offensive, isolating or uncooperative behaviors.
- b) Substance abuse: abuse of tobacco, alcohol or illegal drugs.
- c) Other d~~D~~angerous hazing actions: hurtful, aggressive, destructive, and disruptive behaviors.

~~Incorporated within this definition are various forms of physical, emotional and/or sexual abuse which may range in severity from teasing/embarrassing activities to life threatening actions.~~

~~Even if the hazing victim participated "willingly" in the activity, or there was no "intent" by the hazer to harm or injure another individual, hazing is still hazing and against District policy, the *District Code of Conduct* and may be in violation of New York State Law. However, hazing of students does not need to rise to the level of criminal activity for such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions. Any hazing activity, whether by an individual or a group, shall be presumed a forced activity and in violation of Board policy, regardless of the "willingness" of the student to participate.~~

~~Any student who believes that he/she is being subjected to hazing behavior, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of hazing, shall report the incident to any staff member or the building principal. Anonymous student complaints of hazing behavior will also be investigated by the District. The staff member/building principal to whom the report is made (or the staff member/building principal who witnesses hazing behavior) shall investigate the complaint/incident and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to~~

~~investigate allegations of hazing. Investigations of allegations of hazing shall follow the procedures utilized for complaints of harassment within the School District. Allegations of hazing shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.~~



Marion Central School District Policy	<del>2020</del> <u>2023</u>	7553
HAZING OF STUDENTS		Students
		Page 2 of 3

### **Prohibition of Retaliation**

— The Board of Education prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of hazing. Follow-up inquiries and/or appropriate monitoring of the alleged hazer(s) and victim(s) shall be made to ensure that hazing behavior has not resumed and that all those involved in the investigation of allegations of hazing have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

### **Knowingly Makes False Accusations**

— Students who *knowingly* make false accusations against another individual as to allegations of hazing may also face appropriate disciplinary action.

### **District Responsibility/Training**

— Personnel at all levels are responsible for taking corrective action to prevent hazing behavior of which they have been made aware at School District sites; by school-sponsored groups, clubs or teams; and at school-sponsored events and/or activities whether occurring on or off campus. Further, as may be applicable, personnel are to report such hazing behavior to their immediate supervisor. Staff training shall be provided to raise awareness of the problem of hazing within the schools and to facilitate staff identification of, and response to, such hazing behavior among students.

— Prevention and intervention techniques within the District to help prevent hazing behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to hazers, victims and their parents to help ensure that the hazing stops.

— Rules against hazing shall be publicized District-wide and shall be disseminated as appropriate to staff, students and parents. Disciplinary sanctions for violation of this policy shall be outlined in the *District Code of Conduct* and may also be incorporated in staff and student handbooks. In addition, allegations of hazing behavior may result in referral to law enforcement officials as necessary.

— Hazing is a form of harassment and bullying and may constitute discrimination. Various District policies and documents address discrimination and harassment of students. These policies and documents may include: Policy #3421 -- Title IX and Sex Discrimination; Policy #7550 -- Dignity for All Students; Policy #7551 -- Sexual Harassment of Students; and the District's *Code of Conduct*. As such, the District's response to reports of hazing will be handled in accordance with the applicable District policies and/or documents.

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

#3421 – Title IX and Sex Discrimination

#7550 – Dignity for All Students

#7551 – Sexual Harassment of Students

District Code of Conduct

New York State Penal Law Sections 120.16 and 120.17  
Education Law Sections 10-18, 1709-a, 2503-a, 2554-a  
and 2801

8 New York Code of Rules and Regulations (NYCRR)  
Section 100.2 ~~(1)~~(2)

Marion Central School District Policy	<del>2020</del> 2023 7553
HAZING OF STUDENTS	Students
	Page 3 of 3

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

#3420 -- Anti-Harassment in the School District

#7551 -- Sexual Harassment of Students

#7552 -- Bullying: Peer Abuse in the Schools

*District Code of Conduct*

Adopted: 2/5/07

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

Revised: 3/19/18

Marion Central School District Policy	<del>2020</del> <u>2023</u> 7580 <b>Required</b>
SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE	Students
	Page 1 of 1

Any District student who is a victim of a violent criminal offense, as defined pursuant to Education Law and Commissioner's Regulations, that occurred on the grounds of the District elementary or secondary school that the student attends, shall be allowed to attend a safe public school within the School District to the extent required by the federal No Child Left Behind Act (NCLB) and state law and regulations.

In accordance with Commissioner's Regulations, a "safe public school shall mean a public school that has not been designated by the Commissioner [of Education] as a persistently dangerous public elementary or secondary school."

Marion Central School District has only one building for each grade level, and therefore, the provisions of this policy do not apply.

Elementary and Secondary Education Act of 1965, as  
amended by the No Child Left Behind Act of 2001,  
Section 9532

Education Law Section 2802(7)

8 New York Code of Rules and Regulations (NYCRR)  
Section 120.5

Adopted: 2/5/07

Reviewed: 12/07/20, ~~XX/XX/XX~~

Revised: 10/17/11, 3/19/18



Marion Central School District Policy	<del>2020</del> <u>2023</u>	7590
CONCUSSION MANAGEMENT		Students
		Page 1 of 3

The Board of Education recognizes that concussions and head injuries are the most commonly reported injuries in children and adolescents who participate in sports and recreational activities. The physical and mental well-being of our students is a primary concern. Therefore, the Marion Central School District adopts the following Policy to support the proper evaluation and management of concussion injuries.

A concussion is a mild traumatic brain injury (MTBI). A concussion occurs when normal brain functioning is disrupted by a blow or jolt to the head or body that causes the head and brain to move rapidly back and forth. Recovery from concussion and its symptoms will vary. Avoiding re-injury and over-exertion until fully recovered are the cornerstones of proper concussion management. Concussions can impact a student's academics as well as their athletic pursuits.

#### **Concussion Management Team (CMT)**

In accordance with the Concussion Management and Awareness Act, the School District is authorized, at its discretion, to establish a Concussion Management Team (CMT) which may be composed of the certified athletic director, a school nurse, the school physician, a coach of an interscholastic team, a certified athletic trainer or such other appropriate personnel as designated by the School District. The Concussion Management Team shall oversee and implement the School District's concussion policy and regulations, including the requirement that all school coaches, physical education teachers, nurses and certified athletic trainers who work with and/or provide instruction to pupils engaged in school-sponsored athletic activities complete training relating to mild traumatic brain injuries. Furthermore, every concussion management team may establish and implement a program which provides information on mild traumatic brain injuries to parents and persons in parental relation throughout each school year.

#### **Staff Training/Course of Instruction**

Each school coach, physical education teacher, school nurse and certified athletic trainer who works with and/or provides instruction to students in school-sponsored athletic activities (including physical education class and recess) shall complete a course of instruction every two (2) years relating to recognizing the symptoms of concussions or MTBIs and monitoring and seeking proper medical treatment for students who suffer from a concussion or MTBI.

Components of the training will include:

- a) The definition of MTBI;
- b) Signs and symptoms of MTBI;
- c) How MTBIs may occur;
- d) Practices regarding prevention; and
- e) Guidelines for the return to school and school activities for a student who has suffered an MTBI, even if the injury occurred outside of school.

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CONCUSSION MANAGEMENT		Students
		Page 2 of 3

The course can be completed by means of instruction approved by SED which include, but are not limited to, courses provided online and by teleconference.

### **Information to Parents**

The District shall include the following information on concussion in any permission or consent form or similar document that may be required from a parent/person in parental relation for a student's participation in interscholastic sports. Information will include:

- a) The definition of MTBI;
- b) Signs and symptoms of MTBI;
- c) How MTBIs may occur;
- d) Practices regarding prevention; and
- e) Guidelines for the return to school and school activities for a student who has suffered an MTBI, even if the injury occurred outside of school.

The District will provide a link on its website, if one exists, to the above list of information on the State Education Department's and Department of Health's websites.

### **Identification of Concussion and Removal from Athletic Activities**

The District shall require the immediate removal from all athletic activities of any student who has sustained, or is believed to have sustained, a mild traumatic brain injury (MTBI) or concussion. Any student demonstrating signs, symptoms or behaviors consistent with a concussion while participating in a class, extracurricular activity, or interscholastic athletic activity shall be removed from the class, game or activity and must be evaluated as soon as possible by an appropriate health care professional. Such removal must occur based on display of symptoms regardless of whether such injury occurred inside or outside of school. If there is any doubt as to whether the student has sustained a concussion, it shall be presumed that the student has been injured until proven otherwise. The District shall notify the student's parents or guardians and recommend appropriate evaluation and monitoring.

The School District may choose to allow credentialed District staff to use validated Neurocognitive computerized testing as a concussion assessment tool to obtain baseline and post-concussion performance data. These tools are not a replacement for a medical evaluation to diagnose and treat a concussion.

Marion Central School District Policy	<del>2020</del> <u>2023</u> 7590
CONCUSSION MANAGEMENT	Students
	Page 3 of 3

### **Return to School Activities and Athletics**

The student shall not return to physical activity (including athletics, physical education class and recess) until he/she has been symptom-free for not less than twenty-four (24) hours, and has been evaluated and received written authorization from a licensed physician. In accordance with Commissioner's Regulations, the School District's Medical Director will give final clearance on a return to play protocol followed by return to activity for extra-class athletics and physical education classes. All such authorizations shall be kept on file in the student's permanent health record. The standards for return to athletic activity will also apply to injuries that occur outside of school. School staff should be aware that students may exhibit concussion symptoms caused by injuries from outside activities and that these visible symptoms also indicate a removal from play.

The District shall follow any directives issued by the student's treating physician with regard to limitations and restrictions on school and athletic activities for the student. The District's Medical Director may also formulate a standard protocol for treatment of students with concussions during the school day.

In accordance with NYSED guidelines, this Policy shall be reviewed periodically and updated as necessary in accordance with New York State Education Department guidelines. The Superintendent, in consultation with the District's Medical Director and other appropriate staff, may develop regulations and protocols for strategies to prevent concussions, the identification of concussions, and procedures for removal from and return to activities or academics.

If a student sustains a concussion at a time other than when engaged in a school-sponsored activity, the district expects the parent/legal guardian to report the condition to the school nurse and athletic director so that the district can support the appropriate management of the condition.

Education Law Sections 207; 305(42), and 2854  
8 NYCRR 135.4 and 136.5

*Guidelines for Concussion Management in the School  
Setting, SED Guidance Document, June 2012*

Adopted: 10/3/11  
Reviewed: 12/07/20, ~~XX/XX/XX~~  
Revised: 8/20/12, 3/19/18

MARION CENTRAL SCHOOL  
4034 Warner Road, Marion, NY 14505  
Regular Board of Education Meeting  
**March 13, 2023 – 6:00 PM**  
Jr-Sr High School Library

- BOARD MEMBERS PRESENT:** R. Marshall, J. Monroe, J. Reesor, and A. Taber
- ABSENT:** M. Kuelling
- ADMINISTRATORS PRESENT:** S. Dehn, M. Levi, 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 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 the agenda of March 13, 2023 as presented. (FY 22/23 March #1) 4-0-0
- B. COMM AGENDA COMMENTS** An opportunity for community questions and comments on agenda items was given. No comments were made.
- C1. ACCEPT RESIGNATION** Motion by Ms. Taber, seconded by Mr. Monroe, and unanimously carried by Board members present the following resolution: BE IT RESOLVED, that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, accepts the resignation of **Casey Steiner** as UPK-12 Assistant Principal effective 3/14/2023. (FY 22/23 March #1) 4-0-0
- C2. APPROVE PRINCIPAL** 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, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves the four-year probationary appointment of **Casey Steiner** as Elementary School Principal effective 3/14/2023; Certification ~ School Building Leader, Initial, School District Leader, Professional; School Psychologist, Permanent; Salary \$99,500; 12 month position. (FY 22/23 March #1) 4-0-0

## **D. PRESENTATION**

Mr. Dehn presented to the Board the progress that has been made on each of the 2022-23 Jr-Sr High School's building goals. He reviewed each of the four goals and explained the work that has been done thus far in reach those goals, as well as what work will take place during the second half in order to achieve these goals.

## **E1. BOARD REPORT**

Mr. Marshall gave a summary of the SRO Forum stating that it was a good discussion, and he wished more had attended. He said that the survey results were still being reviewed and would be presented at a future meeting. The Board then discussed the upcoming April dates and decided that due to the change in the March dates, they would combine the two April dates and move them to April 17<sup>th</sup>. No nominations were made for BOCES board. Members mentioned attending the musical which was great and Ms. Taber attended the Four County Legislative meeting and will be sharing topics that were discussed.

## **E2. SUPERINTENDENT REPORT**

Dr. Lloyd attending her first NYSCOSS conference where she also attended a session for new superintendents. She also attended sessions on MTSS and teacher evaluations focusing on high quality feedback. Dr. Lloyd stated that she learned a lot and did a lot of networking. She then briefly discussed the JUUL agreement and settlement.

## **APPROVE RESOLUTION**

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 Resolution Authorizing Partial Settlement of Vaping Litigation as presented. (FY 21/22 March #2) 5-0-0

## **E3. FINANCE REPORT**

Mr. Walker gave an update on the current Capital Project work completed and that work will start again in May and explained the reasoning for going out to bid on the Phase 2 alternate work. He then explained the need to change the working in Policy 6110 which was a finding of the IDEA audit that needed correcting. Lastly, he reviewed the financial report and stated that there were no significant changes except increase in revenue due to interest rate.

## **APPRVE PHASE 2 BID AWARD**

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 the Capital Project Phase 2 Bid Award to HMI Mechanical Systems Inc. as presented. (FY 22/23 March #1) 4-0-0

## **APPRVE POLICY 6110**

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 Policy 6110 – Code of Ethics for all District Personnel, as presented. (FY 22/23 March #1) 4-0-0

## **APPRVE FINANCIAL REPORT**

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 the Financial Report, as presented. (FY 22/23 March #1) 4-0-0

## **E4. ADMINISTRATORS REPORTS**

Mrs. Miller reported that she helped to facilitate a Poverty Simulation for the teaching staff in Marion which opened eyes to the stress of issues families face. She then mentioned that she had completed gathering information for a FOIL request on early literacy information. Lastly she discussed starting the ARP desk review in terms of spending stabilization.

Mrs. Levi reported that Annual Reviews are starting for students in the Special Ed program and she explained what the annual review entails. She then discussed Tier 2, academic interventions, mentioning 11<sup>th</sup> grade regents and how we can give students more support.

Mr. Dehn reported that the musical took place and it was fantastic and a great experience for all involved. He then mentioned that following the 20 week report cards 123 students were on either Merit or Honor roll. Mr. Dehn highlighted some students on their individual sectionals and states outcomes; Ethan Walsh on his sectional win and placing at States and Lucas Monroe with a memorable 3<sup>rd</sup> place finish on the 500 freestyle. He congratulated Leah Gushlaw on receiving the Superintendent's Award. Lastly, he mentioned that end of year event planning has begun.

Mrs. Steiner reported on the Musical preview and how all of the students really enjoyed it. She mentioned that the PBIS Celebration took place with a quick change due to lack of snow to Hot Cocoa and Legos and how awesome it was to see staff members step in to deliver cocoa to classrooms. Mrs. Steiner shared about Grace & Grins Puppet show and Wayne MOST (Maximize Out of School Time), as well as Ag Literacy week coming up. Lastly, she reported that Summer School Planning has started and mini-camps are in full swing.

Mr. Wise reported that they continue their day to day assisting of students and staff and mentioned that he and his staff of one, plus a .3 person from BOCES have closed over 500 tickets so far this school year. Lastly, he mentioned that the new batteries are in for the back-up server.

**F1. FIRST READ OF POLICIES**

The Board discussed and held the first reading of Policies 7410 – 7590.

**G. CONSENT AGENDA ITEMS**

Motion by Ms. Taber, seconded by Mr. Reesor, and unanimously carried by Board members present: 4-0-0

**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 February 13, 2023 meeting. (FY 22/23 March #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 as presented. (FY 22/23 March #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 March #1)

**G4. APPRV REMOVAL EFPR GRP**

RESOLVED, that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves the removal of EFPR Group as our Independent Auditor as presented. (FY 22/23 March #1)

**G5. APPROVE MMB**

RESOLVED, that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves Mengel, Metzger, Barr & Co., LLP (MMB) as our Independent Auditor for the remainder of the 2022-23 school year. (FY 22/23 March #1)

**G6. APPRV DIGNITY ACT COOR**

RESOLVED, that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves **Casey Steiner** as the Dignity Act Building Coordinator for the remainder of the 2022-23 school year. (FY 22/23 March #1)

**G7. APPRVE SPRING COACH**

RESOLVED, that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves the spring sports coaching position as presented. (FY 22/23 March #1)



**G8. APPROVE BUS DRIVER**

RESOLVED, that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves the appointment of **Samuel Aiken** as a FTE Bus Driver for the Marion Central School District at a rate of \$23.00/hour, effective February 27, 2023. (FY 22/23 March #1)

**G9. APPRV BUS MONITOR**

RESOLVED, that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves the appointment of **Nicole Sipple** as FTE Bus Monitor for Marion Central School District, at a rate of \$14.25/hour, effective March 1, 2023. (FY 22/23 March #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 **Irineo Castillo-Roman** as an Evening Cleaner at Marion Elementary School, effective March 30, 2023. (FY 22/23 March #1)

**G11. ACCEPT RESIGNATION**

RESOLVED, that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, accepts the resignation of **Amy Jones** as an Agriculture/CTE Teacher for Marion Central School District, effective June 23, 2023. (FY 22/23 March #1)

**G12. ACCEPT RESIGNATION**

RESOLVED, that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, accepts the resignation of **Eric Shaw** as a 12-month, Bus Driver/Mechanic for Marion Central School District, effective March 9, 2023. (FY 22/23 March #1)

**G13. APPROVE BUS DRIVER**

RESOLVED, that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves the re-appointment of **Eric Shaw** as a 10-month, Bus Driver for Marion Central School District. (FY 22/23 March #1)

**H. COMMUNITY COMMENTS**

An opportunity for community questions and comments was given. No comments were made.

## **I. EXECUTIVE SESSION**

Motion by Mr. Monroe, seconded by Ms. Taber, 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 the work history of a particular employee and the CSEA collective bargaining agreement. (FY 21/22 March #2) 5-0-0

The Board of Education entered into Executive Session at 7:03 P.M.

The Board of Education returned to Open Session at 7:24 P.M.

## **J. ADJOURNMENT**

Motion by Ms. Taber, 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 March 13, 2023, meeting at 7:25 PM.

Respectfully Submitted,

Nadine A. Mitchell  
School District Clerk

**MARION SCHOOL DISTRICT  
CLAIMS AUDITOR REPORT**

I have reviewed warrants during the period of: January 2, 2023- January 27, 2023

I hereby certify that I have verified: 19 warrants in the total amount of \$1,969,004.89

These claims have been authorized and paid to the claimants certified in the amount of each claim allowed.

3/23/23  
Date

Kim Wampler  
Signature

Claims Auditor  
Title

Warrant #55 General Fund	Date: 1/6/2023	Amount: 41,035.83
Warrant #56 General Fund - Payroll	1/6/2023	0.00
Warrant #57 General Fund - Payroll	1/6/2023	398,231.49
Warrant #58 General Fund	1/13/2023	89,688.89
Warrant #59 General Fund	1/20/2023	67,493.39
Warrant #60 General Fund - Payroll	1/20/2023	0.00
Warrant #61 General Fund - Payroll	1/20/2023	433,707.57
Warrant #62 General Fund	1/27/2023	319,669.40
Warrant #20 Cafeteria	Date: 1/6/2023	Amount: 5,222.62
Warrant #21 Cafeteria	1/13/2023	4,257.47
Warrant #22 Cafeteria	1/20/2023	7,758.41
Warrant #23 Cafeteria	1/27/2023	5,038.82
Warrant #23 Special Aid	Date: 1/6/2023	Amount: 39.83
Warrant #24 Special Aid	1/13/2023	118,211.93
Warrant #25 Special Aid	1/20/2023	3,759.25
Warrant #26 Special Aid	1/27/2023	6,144.14
Warrant #21 Capital	Date: 1/6/2023	Amount: 174,185.85
Warrant #22 Capital	1/13/2023	123,324.83
Warrant #23 Capital	1/27/2023	171,235.17
Warrant Total:		1,969,004.89

**The following claims were not in compliance due to the concerns listed below:**

<b>Concerns:</b>	<b>Week Ending 1/6/23</b>	<b>Week Ending 1/13/23</b>	<b>Week Ending 1/20/23</b>	<b>Week Ending 1/27/23</b>	<b>Summary Totals</b>
Confirming PO or prior approval issues				2	2
Exceeded PO/Budget Line	1	2		3	6
Sales Tax on receipt or invoice					0
Late Fee/Finance Charges on receipt or invoice					0
Invoice/Backup does not match or is missing	4	1		2	7
Gift of Public Funds					0
Incorrect budget code		3			3
Miscellaneous/Other/Clerical	1	1		1	3
<b>TOTALS</b>	<b>6</b>	<b>7</b>	<b>0</b>	<b>8</b>	<b>21</b>
<b>Total Claims Audited</b>	<b>57</b>	<b>94</b>	<b>36</b>	<b>71</b>	<b>258</b>
<b>Percent Errors</b>	<b>10.53%</b>	<b>7.45%</b>	<b>0.00%</b>	<b>11.27%</b>	<b>8.14%</b>

**SUMMARY REPORT:**

There were 21 claims with findings from the period of 1/2/23-1/27/23. The breakdown is as follows:

- 2 claims had a confirming PO or some other prior approval issue: 1) High School Chorus - Invoice for piano tuning dated 2 days prior to an approved purchase order. 2) Elementary Band/Chorus - Invoice for All-county dated 2 days prior to approved purchase order.
- 6 claims exceeded the PO/budget line: 1-2) Business Office/Capital - Two separate purchase orders for SEI Design were exceeded: one for \$326.94 and the other for \$7,880.52. 3-5) Transportation - Three separate purchase orders for bus parts and supplies were exceeded prior to an approved increase. 6) Maintenance - The budget line on a purchase order for electric at the bus garage was exceeded by \$342.55 prior to approved increase.
- 7 voucher packets had missing or unmatched invoices/backup: 1) Business Office - The wrong purchase order was referenced by the Director of Finance on a capital project invoice and accounts payable applied it without question. 2-3) Accounts Payable - when purchase orders reference a cart number or order number only, I ask that accounts payable include the details of that cart/order to the voucher packet so I can make sure they match. I have asked this many many times, but AP continues not to include it. This happened two more times this month. 4) Accounts Payable/Cafeteria - Invoice for menu services had writing on it that said okay to pay, but nobody actually signed the invoice. 5) Accounts Payable - Only included a past due statement, not an itemized invoice to the voucher packet. 6) Elementary Teacher/Accounts Payable - A claim for mileage reimbursement was presented. No conference approval form or information on the actual conference was included in the voucher packet. 7) Accounts Payable - the entire voucher packet was missing from the claims. It was included on the warrant, but there was absolutely no backup.
- 3 claims were applied to the wrong budget codes: 1) Accounts Payable - Invoice for a music piece, AP applied it to repairs. 2-3) Accounts Payable - Two invoices from the Town of Marion for water projects on the town/county tax bills were applied to the wrong budget codes. The addresses were clear on the bills, but AP applied them to the wrong codes.
- 3 claims had miscellaneous issues: 1) When the warrants are printed to go to the board, the purchasing agent signs, then I (the claims auditor) signs. The signature page was missing on one of the warrants when it came to me. 2) Accounts payable miskeyed an invoice. 3) A duplicate payment was submitted. It was a claim for thruway tolls dated from July 2022. I became suspicious because I know that penalties are imposed when these are not paid in a timely manner. After some investigation, I realized we had paid this back in September 2022 with a late fee.

**MARION SCHOOL DISTRICT  
CLAIMS AUDITOR REPORT**

I have reviewed warrants during the period of: January 30, 2023 - February 24, 2023

I hereby certify that I have verified: 19 warrants in the total amount of \$1,698,502.41

These claims have been authorized and paid to the claimants certified in the amount of each claim allowed.

3/23/23  
Date

Kim Wensel  
Signature

Claims Auditor  
Title

Warrant #63 General Fund	Date: 2/3/2023	Amount: 286,878.81
Warrant #64 General Fund - Payroll	2/3/2023	0.00
Warrant #65 General Fund - Payroll	2/3/2023	461,103.17
Warrant #66 General Fund	2/10/2023	9,090.09
Warrant #67 General Fund	2/17/2023	33,370.50
Warrant #68 General Fund - Payroll	2/17/2023	0.00
Warrant #69 General Fund - Payroll	2/17/2023	442,115.10
Warrant #70 General Fund	2/24/2023	291,502.53
Warrant #24 Cafeteria	Date: 2/3/2023	Amount: 626.87
Warrant #25 Cafeteria	2/10/2023	4,377.29
Warrant #26 Cafeteria	2/17/2023	3,321.69
Warrant #27 Cafeteria	2/24/2023	4,731.20
Warrant #27 Special Aid	Date: 2/3/2023	Amount: 30,229.22
Warrant #28 Special Aid	2/10/2023	7,765.40
Warrant #29 Special Aid	2/17/2023	20,654.35
Warrant #24 Capital - Empty	Date: 2/3/2023	Amount: 0.00
Warrant #25 Capital	2/10/2023	93,825.39
Warrant #26 Capital	2/17/2023	7,860.80
Warrant #1 TE (Scholarships)	Date: 2/3/2023	Amount: 1,050.00
Warrant Total:		1,698,502.41

**The following claims were not in compliance due to the concerns listed below:**

<b>Concerns:</b>	<b>Week Ending 2/3/23</b>	<b>Week Ending 2/10/23</b>	<b>Week Ending 2/17/23</b>	<b>Week Ending 2/24/23</b>	<b>Summary Totals</b>
Confirming PO or prior approval issues		1		1	2
Exceeded PO/Budget Line	1	2			3
Sales Tax on receipt or invoice					0
Late Fee/Finance Charges on receipt or invoice					0
Invoice/Backup does not match or is missing		1			1
Gift of Public Funds		1			1
Incorrect budget code			1	1	2
Miscellaneous/Other/Clerical		1	1		2
<b>TOTALS</b>	<b>1</b>	<b>6</b>	<b>2</b>	<b>2</b>	<b>11</b>
<b>Total Claims Audited</b>	<b>48</b>	<b>64</b>	<b>51</b>	<b>40</b>	<b>203</b>
<b>Percent Errors</b>	<b>2.08%</b>	<b>9.38%</b>	<b>3.92%</b>	<b>0.00%</b>	<b>5.42%</b>

**SUMMARY REPORT:**

There were 11 claims with findings from the period of 1/30/23 - 2/24/23. The breakdown is as follows:

- 2 claims had a confirming PO or some other prior approval issue: 1) Elementary teacher/Purchasing Agent - The conference approval form was completed after the purchase order date. 2) Elementary chorus - The purchase order for the accompanist for the winter concert in December was not approved until February.
- 3 claims exceeded the PO: All three claims were from the transportation department for bus parts or supplies. The amounts exceeded are as follows: \$51.15, \$44.86, and \$578.79.
- 1 voucher packet had missing or unmatched invoices/backup. The invoice and purchase order indicate the check should be made payable to Corwin Press, but the addresses differed. Then the check itself on the warrant was made payable to Sage Publications.
- 1 claim submitted could be construed as a gift of public funds. The high school counseling office put through a claim of miscellaneous snacks and drinks to give to students.
- 2 claims had incorrect budget coding: 1) Accounts Payable - Reversed the budget codes for fueling expenses for transportation and maintenance. 2) HS band/Purchasing Agent/Accounts Payable - A purchase order for instrument repairs for high school band was coded incorrectly. It appears the chorus instrument repair line (which consists mainly for piano tuning) was used by mistake.
- 2 claims had miscellaneous findings: 1) Accounts payable miskeyed an invoice. 2) An invoice for DEC testing was submitted, however, the name and address billed was not Marion Central School. As it turns out, the company we hired to do this (S&W) contracted with another company (CANorris) to do the DEC testing. Accounts payable put through both invoices for us to pay. I rejected the CANorris invoice.

**MARION SCHOOL DISTRICT  
CLAIMS AUDITOR REPORT**

I have reviewed warrants during the period of: February 27, 2023 - March 24, 2023.

I hereby certify that I have verified: 19 warrants in the total amount of \$2,334,351.76

These claims have been authorized and paid to the claimants certified in the amount of each claim allowed.

3/23/23  
Date

Kim Wenzel  
Signature

Claims Auditor  
Title

Warrant #71 General Fund	Date: 3/3/2023	Amount: 321,236.31
Warrant #72 General Fund - Payroll	3/3/2023	0.00
Warrant #73 General Fund - Payroll	3/3/2023	401,938.36
Warrant #74 General Fund	3/10/2023	11,129.75
Warrant #75 General Fund	3/17/2023	68,734.06
Warrant #76 General Fund - Payroll	3/17/2023	0.00
Warrant #77 General Fund - Payroll	3/17/2023	393,014.47
Warrant #78 General Fund - Payroll	3/24/2023	319,154.98
Warrant #28 Cafeteria	Date: 3/3/2023	Amount: 2,132.20
Warrant #29 Cafeteria	3/17/2023	7,828.97
Warrant #30 Cafeteria	3/24/2023	4,321.19
Warrant #30 Special Aid	Date: 3/3/2023	Amount: 36,486.89
Warrant #31 Special Aid	3/10/2023	1,345.53
Warrant #32 Special Aid	3/17/2023	189.45
Warrant #33 Special Aid	3/24/2023	280.34
Warrant #27 Capital	Date: 3/3/2023	Amount: 394,842.60
Warrant #28 Capital	3/10/2023	176,663.38
Warrant #29 Capital	3/17/2023	35,506.68
Warrant #30 Capital	3/24/2023	159,546.60
Warrant # TE (Scholarships)	Date:	Amount:
Warrant Total:		2,334,351.76



**The following claims were not in compliance due to the concerns listed below:**

<b>Concerns:</b>	<b>Week Ending 3/3/23</b>	<b>Week Ending 3/10/23</b>	<b>Week Ending 3/17/23</b>	<b>Week Ending 3/24/23</b>	<b>Summary Totals</b>
Confirming PO or prior approval issues		3	1		4
Exceeded PO/Budget Line	1			1	2
Sales Tax on receipt or invoice					0
Late Fee/Finance Charges on receipt or invoice					0
Invoice/Backup does not match or is missing		3			3
Gift of Public Funds					0
Incorrect budget code			1	1	2
Miscellaneous/Other/Clerical	3				3
<b>TOTALS</b>	<b>4</b>	<b>6</b>	<b>2</b>	<b>2</b>	<b>14</b>
<b>Total Claims Audited</b>	<b>40</b>	<b>61</b>	<b>79</b>	<b>50</b>	<b>230</b>
<b>Percent Errors</b>	<b>10.00%</b>	<b>9.84%</b>	<b>2.53%</b>	<b>0.00%</b>	<b>6.09%</b>

**SUMMARY REPORT:**

There were 14 claims with findings from the period of 2/27/23 - 3/24/23. The breakdown is as follows:

- 4 claims had a confirming PO or some other prior approval issue: 1) High School - The invoice for NHS dues was dated 1 month prior to an approved purchase order date. 2) Elementary - The invoice for Solo Fest fees was dated 4 days prior to an approved purchase order date. 3) High School - The invoice for All-county band was dated 2 weeks prior to an approved purchase order date. 4) Maintenance - An invoice for an emergency repair to a leaking roof in the high school was dated almost one month prior to an approved purchase order date. I understand this was an emergency, but it took almost a month to create the purchase order. This should be done within a few days.
- 2 claims exceeded the purchase order: 1) Transportation - A blanket purchase order for bus parts was exceeded by \$79.61 prior to an approved increase. 2) High School band - A purchase order for instrument repairs was exceeded by \$162 prior to an approved increase.
- 3 voucher packets had missing or unmatched invoices/backup. 1-2) Two employees from the transportation department failed to submit requisitions/purchase orders for reimbursement to themselves for some conference expenses. This is part of our conference procedures. The purchasing agent has since gone through the procedures with both of them so this shouldn't happen again. 3) The credit card was not signed out for a charge for Beach Body. This was an automatic renewal for our wellness program.
- 2 claims had incorrect budget coding: 1) A construction project purchase order with multiple budget codes was processed by accounts payable. AP inadvertently swapped the amounts between two of the budget codes. 2) In the previous month's audit report, it was reported that a purchase order for High School band instrument repairs was coded incorrectly using the High School chorus instrument repair line. This was still not corrected when another invoice was submitted for payment. I rejected this invoice also and had to thoroughly explain this to accounts payable. This was finally corrected and both invoices were submitted for payment.
- 3 claims had clerical errors: 1) Accounts payable was asked to decrease a purchase order, but it was increased by mistake. 2-3) Accounts payable was asked to increase 2 separate purchase orders. In both cases, these purchase orders had multiple budget codes. AP flip flopped the codes and increased the lines incorrectly.

### BUDGET TRANSFER APPROVAL

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

**Fiscal Year: 2022-23**

**Fund: A**

[illegible]

*pu*

Signed: 3/21/2023 1:07:28 PM by RICHARD W WALKER



Signed: 3/21/2023 2:42:12 PM by ELLEN M LLOYD

50

Signed: 3/21/2023 4:46:24 PM by Staci O'Quain



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**NEWARK CENTRAL SCHOOL DISTRICT****100 EAST MILLER STREET****NEWARK, NEW YORK 14513****(315) 332-3230 FAX (315) 332-3517**

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**SUSAN M. HASENAUER**  
Superintendent of Schools  
**KRISTA LEWIS**  
Assistant Superintendent  
Curriculum & Instruction  
**EDWARD K. GNAU**  
Assistant Superintendent  
Business  
**DANIEL MCALPIN**  
Executive Director  
Human Resources

*Every Student, Every Day*

3/15/2023

Dr. Ellen Lloyd, Superintendent  
Marion Central School District  
4034 Warner Road  
Marion, NY 14505

Dear Dr. Ellen Lloyd,

Under Section 912 of the Education Law, the Newark Central School district is required to provide certain health and welfare services to all children who reside within the boundaries of the school district.

The same services are provided to those who attend East Palmyra Christian School, which is located within the boundaries of the Newark School District. Under provisions of the law, the Newark School District provides equal services to those non-resident students who attend private schools within the district.

I have enclosed a list of the names of the students residing in your district who attend East Palmyra Christian School. I have also enclosed a contractual agreement and an invoice for your district with an explanation of the charges for health and welfare services for these students for the current school year.

If the contract meets with your approval, please obtain the appropriate signatures and return to Kristen Davies at the above address. Please forward the invoice to your accounting department for processing.

Should you have any questions or concerns, please do not hesitate to contact me at 315-332-3231. Thank you for your attention to this matter.

Sincerely,  
Kristen Davies  
District Treasurer  
Newark Central School District  
kristen.davies@newarkcsd.org  
(315) 332-3231

Encs.

**NEWARK CENTRAL SCHOOL DISTRICT  
CONTRACT FOR HEALTH SERVICES**

THIS AGREEMENT, made by and between Marion Central School District, party of the first part, and Newark Central School District, party of the second part.

WITNESSETH, that whereas party of the first part has been duly empowered by a vote of the majority of the qualified voters present at a school meeting of said school district under the provisions of Section 912 of the Education Law to enter into a contract for the purpose of providing health services for children residing in said school district and attending non-public schools in Newark Central School District, Newark, New York for the 2022 - 2023 school year.

NOW, therefore, the said party of the first part hereby agrees to pay to the party of the second part the sum of \$876.61 per student for health services to be provided for each student residing in the Marion School District and attending non-public schools in the Newark Central School District.

And the party of the second part hereby agrees with the party of the first part as follows:

1. That the services to be provided shall consist of the following:

Annual Medical Inspection  
School Nursing Service  
Vision and Hearing Tests  
Examination for Employment Certificates  
Notification of Parents Regarding Defects and Follow-up  
Psychology and Special Services

2. The party of the second part will also furnish the following equipment to be used in providing such services if requested by authorities in charge of the non-public school:

Scales  
Vision and Hearing Testing Devices  
Health Record Forms  
First Aid Supplies

It is expressly agreed by and between the parties hereto that the services agreed to be supplied under this contract shall not include any teaching service.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year above written.

**PARTY OF THE FIRST PART:**

\_\_\_\_\_  
(District Superintendent)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Clerk, Board of Education)

\_\_\_\_\_  
(Address)

**PARTY OF THE SECOND PART:**



(District Superintendent)

100 East Miller Street, Newark, NY 14513



(Clerk, Board of Education)

100 East Miller Street, Newark, NY 14513

**NEWARK CENTRAL SCHOOL DISTRICT**

**Health & Welfare Services**

	<b>Salaries</b>	<b>FICA</b>	<b>Health</b>	<b>ERS</b>	<b>TRS</b>	<b>Total Cost</b>
Registered Nurses (3)	\$ 149,699.98	\$ 11,452.05	\$ 29,653.48	\$ 4,284.38	\$ 4,351.75	\$ 199,441.63
LPN (3)	\$ 120,453.65	\$ 9,214.70	\$ 21,610.14	\$ 2,256.90	\$ 3,646.10	\$ 157,181.50
Psychologists (8)	\$ 570,197.73	\$ 43,620.13	\$ 54,483.92	\$ -	\$ 58,673.35	\$ 726,975.12
Social Worker (4)	\$ 214,704.09	\$ 16,424.86	\$ 22,573.63	\$ -	\$ 11,039.67	\$ 264,742.24
Occupational Therapist (1)	\$ 59,697.97	\$ 4,566.89	\$ -	\$ 6,924.96	\$ -	\$ 71,189.83
Speech Therapist (5)	\$ 277,165.08	\$ 21,203.13	\$ 33,380.63	\$ 32,151.15	\$ 28,520.29	\$ 392,420.27
	<b>\$ 1,391,918.50</b>					<b>\$ 1,811,950.59</b>

**Enrollment**

Newark CSD	1,934
Private	133
<b>Total</b>	<b>2,067</b>

**Total Health Service Expense / Total Enrollment = Health Service Cost per Pupil:**

**\$ 1,811,950.59 / 2,067 = \$ 876.61**

<b>Grade</b>	<b>2022-23 ECPS Enrollment</b>	<b>District</b>
✓ 7th	Billings, Brogan	Marion
✓ 10th	Billings, Leviticus	Marion
✓ K	Combs, Kennedy	Marion
✓ PK	Gordon, Aemon	Marion
✓ 7th	McIntyre, Madisyn	Marion
✓ 4th	McIntyre, Riley	Marion
✓ 7th	Monsma, Jeremiah	Marion
✓ 4th	Monsma, Ruth Anna	Marion
✓ 8th	Morgan, Ella	Marion
✓ 6th	Morgan, Thomas	Marion
✓ K	Scharett Skelly, Madison	Marion
✓ 4th	Scharett Skelly, Matthew	Marion
✓ K	Scharett Skelly, Megan "Maggie"	Marion
✓ 9th	Young, Aubree	Marion
✓ 4th	Young, Evan	Marion
✓ 10th	Young, Joseph	Marion

**Newark Central School**

100 East Miller St  
Newark, NY 14513

**INVOICE****9608**

Invoice Date 03/16/2023  
Customer No. 554

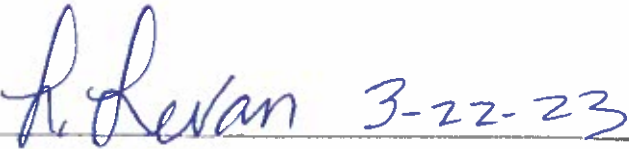
**Customer / Bill To:**

MARION CENTRAL SCHOOL DISTRICT  
4034 WARNER ROAD  
MARION, NY 14505

**Remit To:**

Newark CSD  
100 East Miller St  
Newark, NY 14513  
ATTN: Treasurer

Phone	Fax	E-Mail Address	Terms	Invoice Amount
				13,149.15

Items / Services	Cost Basis	Quantity	Unit Price	Amount
SERVICES TO OTHER DISTRICTS Health Services for EPCS Students 2022-23	STUDT	15.00	876.610	13,149.15
				

**TOTAL: 13,149.15**

Page 1 of 1

DETACH HERE AND SEND WITH PAYMENT

**MARION CENTRAL SCHOOL DISTRICT**  
4034 WARNER ROAD  
MARION, NY 14505

Invoice No. 9608  
Invoice Date 03/16/2023  
Customer No. 554

**Total Due: \$13,149.15****Mail Payments To:**

Newark CSD  
100 East Miller St  
Newark, NY 14513  
ATTN: Treasurer

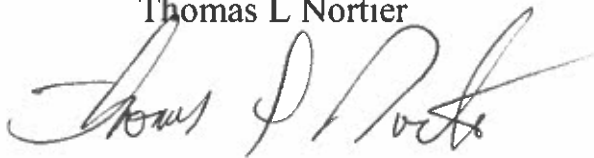
Amount Enclosed:

3/21/2023

Please approve the hiring of Denise Simmons as the full time evening cleaner at the Elementary school. Denise has 6 years of cleaning experience at the Newark Hospital

Thank you

Thomas L Nortier

A handwritten signature in cursive script, appearing to read "Thomas L. Nortier", written in dark ink.

Director of Facilities



To: Board of Education

Dr. Ellen Lloyd

Richard Walker

Re: Retirement

Date: 3/22/2023

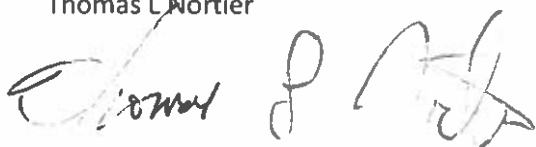
After 30 credited years of service and 25 as MCS Director of Facilities I respectfully announce that I will be retiring effect 7/28/2023.

If has been a pleasure to be able to work in the same district that I graduated from, the same district my children graduated from, and the same district 2 of my grandchildren now attend. I will cherish all the Friendships and the memories I have made during my time working here. I would also like the thank The Board of Education and the Administration for all their support during good times and bad that come during a school day and year.

It is with hope that a quality replacement can be found and I will do whatever is needed to make the transition as smooth as possible

Sincerely

Thomas L Nortier

A handwritten signature in dark ink, appearing to read 'Thomas L. Nortier', written over a light blue horizontal line.