

() Required
(X) Local
() Notice

COMMUNITY RELATIONS GOALS

The Board of Education strives to conduct district affairs by way of a continuing, open dialogue between the community and the schools. Given district residents' high level of interest in the education of children, the Board wishes to maintain its high level of sensitivity to the needs and desires of the community and to act expeditiously to meet changing needs and conditions.

To this end, the Board establishes the following goals for community involvement:

1. provide a variety of means whereby residents of the school district may have the opportunity to contribute their best thinking to the orderly planning of education for children in the district;
2. keep the community accurately informed about its schools;
3. understand community attitudes and aspirations for the schools;
4. encourage contributions from the parent-teacher associations of the district so that school personnel and parents cooperate to advance the educational welfare of the children;
5. handle all complaints from the public by the administrative officer in charge of the unit of the school district organization closest to the complainant. However, such complaints may be carried to the Superintendent of Schools and/or the Board if the problem cannot be solved at that level;
6. promote a spirit of cooperation among the Board, the schools, and the community;
7. develop and maintain the confidence of the community in the Board and the school district staff;
8. expand the public understanding of every aspect of the school system, and stimulate public interest in the school;
9. facilitate dissemination of information to the community concerning issues and activities in the school using modes of communication, including, but not limited to, a district newsletter, the District's website and social networking sites;

10. ascertain the community's opinions and desires with respect to the functions of the school system, and to incorporate that knowledge into its actions;
11. build relationships with local businesses, local government, health care, social service, civic and community organizations to share resources in order to meet the academic, social and emotional needs of all of our students; and
12. develop and maintain an effective means of communication with the people of the district.

Notwithstanding the above, the final decisions in these areas will rest with the Board.

Adoption date:

(X) Required

() Local

(X) Notice

ANNUAL DISTRICT ELECTION AND BUDGET VOTE

The district shall hold an annual election and budget vote at which the district's authorized voters will elect members of the Board of Education and vote on the district budget for the coming school year. The annual district election and budget vote will be held on the third Tuesday in May, unless, due to a conflict with religious observance, the Board requests that the Commissioner approve changing the election date to the second Tuesday in May. The request is due to the Commissioner by March 1st.

The District Clerk shall publish a notice of the time and place of the annual election and budget vote at least four times within the seven weeks prior to the election, in two newspapers having general circulation within the district. The first publication of the notice shall be at least 45 days prior to the election. The notice shall also contain notice of any other matter required by law.

Copies of the budget to be voted upon at the annual election and budget vote will be available upon request in each district school building, at the school district offices, and at any public library or free association library within the district, for district residents at the time of the annual election and budget vote and the 14 days preceding (other than Saturday, Sunday and holidays), as well as on the school district's website.

The Board shall appoint assistant clerks and election inspectors necessary for the annual election and budget vote at a Board meeting held before the annual election and budget vote.

Propositions

The Board has the authority, under the Education Law, to adopt reasonable rules and regulations concerning the submission of petitions to the Board to place propositions on the ballot which may amend the budget. Pursuant to those provisions, the Board establishes the following guidelines:

1. Unless otherwise provided by the Education Law, petitions for the submission of a proposition must contain a minimum of 25 signatures of qualified voters of the district or 5 percent of the eligible voters who voted in the previous annual election of the members of the Board of Education, whichever is greater.
2. Petitions must be filed with the District Clerk at least 30 days prior to the annual election, except for petitions relating to a proposition which must be included in the notice of the annual election (e.g., changing the number of board members). Such petitions must be submitted 60 days in advance of the annual election to facilitate the preparation and printing of the ballots.
3. Propositions must include the specific appropriations necessary for the purposes listed.
4. Wording of a petition must comply with legal requirements. Alternatively, if the wording does not comply, petitioners will be advised of the noncompliance and allowed to resubmit, it may be changed or altered by the Board or the Board may reject a petition for failure to comply.

Propositions received in accordance with these specifications will be placed on the ballot as amendments and will be voted upon by the voters in the same manner as the proposed budget, except that the Board shall not be required to place any proposition on the ballot which is within the exclusive province of the Board, or otherwise forbidden by law. No proposition involving the budget may be submitted to the voters more than twice within a twelve month period.

The Board may also, on its own motion, submit propositions.

Improper Advocacy

The district may provide informational material to the voters concerning budgets, propositions, or other matters before the electorate. However, school district funds and resources may not be used to exhort voters to support a particular position. For example, the district will not engage in activities including, but not limited to, sending flyers supporting the budget home with students, providing mailing labels for materials supporting a proposition or using the district e-mail to deliver promotional material for candidates.

Ref: Education Law §§416(3); 1608(2); 1716(2) 1804(4); 1906(1); 2002(1); 2003(1)(2); 2004(1)-(7); 2009; 2021;2022(1), (4)-(5); 2035(2); 2601-a(2)
 General Construction Law §60
Matter of Hebel, 34 EDR 319 (1994)
Matter of Martin, 32 EDR 567 (1993)
Matter of Como, 30 EDR 214 (1990)

Adoption date:

(X) Required
 () Local

SCHOOL DISTRICT RECORDS

It is the policy of the Board of Education to inform members of the public about the administration and operation of the public schools in accordance with the Freedom of Information Law of the State of New York.

The Superintendent of Schools shall develop regulations ensuring compliance with the Freedom of Information Law and setting forth the procedures to be followed to obtain access to district records, and submit such regulations to the Board for approval. Such regulations shall address ensuring applicable confidentiality and security of district information. The Superintendent shall annually designate, with Board approval, a Records Access and Records Management Officer, pursuant to law.

Retention and Destruction of Records

The Board hereby adopts the Records Retention and Disposition Schedule ED-1 issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, which contains the legal minimum retention periods for district records. In accordance with Article 57-A, the district will dispose of only those records described in the schedule after they have met the minimum retention periods set forth in the schedule. The district will dispose of only those records that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond the established legal minimum periods.

The manner of destruction will be determined by the format of the record (i.e., paper, digital, etc.). In addition, destruction will be appropriately documented.

Litigation-Hold

The Superintendent will establish procedures in the event that the school district is served with legal papers. The Superintendent will communicate with

applicable parties, including the school attorney and the records management official, to ensure that, when appropriate, a litigation-hold is properly implemented. The litigation-hold is intended to prevent the destruction or disposal of records that may need to be produced as part of discovery. It is the intention of the Board of Education to comply with applicable rules and regulations regarding the production of necessary documents, data, files, etc. The Board directs the Superintendent to institute such procedures to implement this policy.

The Superintendent or his/her designee, with assistance from the Records Management Officer, shall be responsible for developing and disseminating department-specific retention schedules and guidance to staff, as necessary, to ensure adherence to this policy.

Cross-ref: 8630, Computer Resources and Data Management

Ref: Public Officers Law §84 et seq. (Freedom of Information Law)
Education Law §2116
Arts and Cultural Affairs Law §57.11
Local Government Records Law, Article 57-A
Federal Rules of Civil Procedure, 16, 26
8 NYCRR Part 185 (Appendix I) – Records Retention and Disposition
Schedule ED-1

Adoption date:

SCHOOL DISTRICT RECORDS REGULATION

The following comprises the rules and regulations relating to the inspection and production of school district records:

I. Designation of Officers

The Records Access Officer shall

- receive requests for records of the Board of Education and make such records available for inspection or copying when such requests are granted;
- ensure that district information that is not permitted to be released is not released (see section IV. Records Exempted from Public Access, below); and
- compile and maintain a detailed current list by subject matter, of all records in the possession of the Board, whether or not available to the public.

1. The Records Management Officer will develop and oversee a program for the orderly and efficient management of district records, including maintenance of information security as it pertains to release of district records. The Records Management Officer shall ensure proper documentation of the destruction of records, in accordance with the schedule.

II. Definition of Records

1. A record is defined as any information kept, held, filed, produced or reproduced by, with or for the district in any physical form whatsoever, including but not limited to reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or disks, rules, regulations or codes.
2. The Records Access Officer will have the responsibility for compiling and maintaining the following records:
 - a. a record of the final vote of each member of the Board on any proceeding or matter on which the member votes;
 - b. a record setting forth the name, school or office address, title and salary of every officer or employee of the district; and a reasonably detailed current list by subject matter of all records in possession of the district, whether or not available for public inspection and copying.
3. No record for which there is a pending request for access may be destroyed. However, nothing in these regulations shall require the district to prepare any record not possessed or maintained by it except the records specified in II(2), above.

III. Access to Records

1. Time and place records may be inspected: Records may be requested from, and inspected or copied at, the Office of the Records Access Officer, in the District Office during regular business hours on any business day on which the district offices are open. Records may also be requested via e-mail at the following address **info@apcsd.org**. This information shall be posted on the district's website.
2. Fees: The fee for documents up to 9 x 14 inches is 25 cents per page. For documents larger than 9 x 14 inches, tape or cassette records, or any other digital media or computer printouts, the cost will be based on the cost of reproduction or program utilized. Fees are subject to periodic review and change. However, no fee shall be charged for records sent via e-mail, the search for or inspection of records, certification of documents, or copies of documents which have been printed or reproduced for distribution to the public. The number of such copies given to any one organization or individual may be limited, at the discretion of the Records Access Officer.
3. Procedures: Requests to inspect or secure copies of records shall be submitted in writing, either in person, by mail or via e-mail, to the Records Access Officer. [Forms are provided (1120-E.1-2) for written and e-mail requests, but are not required.]
4. All requests for information shall be responded to within five business days of receipt of the request. If the request cannot be fulfilled within five business days, the Records Access Officer

shall acknowledge receipt of the request and provide the approximate date when the request will be granted or denied.

5. If a request cannot be granted within 20 business days from the date of acknowledgement of the request, the district must state in writing both the reason the request cannot be granted within 20 business days, and a date certain within a reasonable period when it will be granted depending on the circumstances of the request.
6. Denial of Access: When a request for access to a public record is denied, the Records Access Officer shall indicate in writing the reasons for such denial, and the right to appeal.
7. Appeal: An applicant denied access to a public record may file an appeal by delivering a copy of the request and a copy of the denial to the Superintendent within 30 days after the denial from which such appeal is taken.
8. The applicant and the New York State Committee on Open Government will be informed of the Superintendent's determination in writing within 10 business days of receipt of an appeal. The Superintendent shall transmit to the Committee on Open Government photocopies of all appeals and determinations.

IV. Records Exempted from Public Access

The provisions of this regulation relating to information available for public inspection and copying shall not apply to records that:

1. are specifically exempted from disclosure by state and/or federal statute;
2. if disclosed would constitute an unwarranted invasion of personal privacy;
3. if disclosed would impair present or imminent contract awards or collective bargaining negotiations;
4. are confidentially disclosed to the Board and compiled and maintained for the regulation of commercial enterprise, including trade secrets, or for the grant or review of a license;
5. are compiled for law enforcement purposes and which, if disclosed, would:
 - a. interfere with law enforcement investigations or judicial proceedings;
 - b. deprive a person of a right to a fair trial or impartial adjudication;
 - c. identify a confidential source or disclose confidential techniques or procedures, except routine techniques or procedures; or
 - d. reveal criminal investigative techniques or procedures, except routine techniques and procedures;

6. records which if disclosed would endanger the life or safety of any person;
7. records which are interagency or intra-agency communications, except to the extent that such materials consist of:
 - a. statistical or factual tabulations or data;
 - b. instructions to staff which affect the public;
 - c. final Board policy determinations; or
 - d. external audits, including but not limited to audits performed by the comptroller and the federal government;
8. records which are examination questions or answers that are requested prior to the final administration of such questions;
9. records which if disclosed would jeopardize the district's capacity to guarantee the security of its information technology assets (which encompasses both the system and the infrastructure).

V. Prevention of Unwarranted Invasion of Privacy

To prevent an unwarranted invasion of personal privacy, the Records Access Officer may delete identifying details when records are made available. An unwarranted invasion of personal privacy includes but shall not be limited to:

1. disclosure of confidential personal matters reported to the Board which are not relevant or essential to the ordinary work of the Board;
2. disclosure of employment, medical or credit histories or personal references of applicants for employment, unless the applicant has provided a written release permitting such disclosures;
3. sale or release of lists of names and addresses in the possession of the Board if such lists would be used for private, commercial or fund-raising purposes;
4. disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such records are not relevant or essential to the ordinary work of the Board; or
5. disclosure of items involving the medical or personal records of a client or patient in a hospital or medical facility.

Unless otherwise deniable, disclosure shall not be construed to constitute an unwarranted invasion of privacy when identifying details are deleted, when the person to whom records pertain consents in writing to disclosure, or when upon representing reasonable proof of identity, a person seeks access to records pertaining to him or her.

VI. Listing of Records

Pursuant to Section 87(3)(c) of the Public Officers Law, the current records retention schedule for school districts, published by the Commissioner of Education, shall serve as the list by subject matter of all records in the possession of the school district, whether or not available under the law. The Superintendent or his/her designee, in consultation with the Records Management Officer, shall develop and disseminate department-specific guidance so that staff can implement this policy and regulation.

VII. Litigation-Hold

The Superintendent will designate a “discovery” team, comprised of the school attorney, **Chief Information Officer** the Records Access and Records Management Officer and other personnel as needed. The discovery team will convene in the event that litigation is commenced to plan to respond to the request for records. The Superintendent, with assistance from the Chief Information Officer, will ensure that measures are put in place to preserve applicable records.

Adoption date:

APPLICATION FOR PUBLIC ACCESS TO RECORDS
(Via Mail or E-Mail)

[Note to the public {for use on district website}: This form's language is optional but may enhance your use of the Freedom of Information Law. You may choose to utilize certain portions that are most applicable to your request. You may cut and paste the entire form into a new e-mail, read all provisions, and delete and/or modify those that do not apply. The subject line of your request should be "FOIL Request".]

To: RECORDS ACCESS OFFICER
 Averill Park Central School District
 146 Gettle Road, ST 1
 Averill Park, NY 12018

I hereby apply to inspect the following record:

I understand that I may be charged a fee of \$.25/page for a copy of any record that measures no more than 8.5 x 14". Fees for copies of a larger size or a different medium shall be based on the actual cost of reproduction.

Signature

Date

Mailing Address

Phone Number

.....

For District Use Only

_____ APPROVED

DENIED {for the following reason(s)}:

Signature and Title

Date

.....
See other side of this page for notice of your rights to appeal.

Note: If your request is neither granted nor denied within ten (10) business days (as described in Section 5.D.), you should consider the request denied and may appeal that decision.

NOTICE: You have the right to appeal a denial of this application to:

Superintendent of Schools
Averill Park Central School District
146 Gettle Road, ST 1
Averill Park, NY 12018

Who must fully explain her/her reason for denial of your appeal in writing within (10) business days of receipt of your appeal must be made within thirty (30) calendar days of denial of your request to inspection or public records.

I hereby appeal the denial of my request, as shown on the other side of this page.

Signature

Date

Address

Phone Number

AVERILL PARK

Adoption date:

DISTRICT RESPONSE TO REQUEST FOR RECORDS

“The form language that follows is optional and may be modified. You may choose to utilize certain portions that are most applicable to your response. It is recommended that you cut and paste the entire form, review all provisions, and delete those that do not apply when responding to a request.”

Dear Applicant for Records:

We received your request for records pursuant to the Freedom of Information Law on [fill in date received, or next business date received, if received after normal business hours]: _____.

1. Attached are electronic copies/paper copies of the records that you requested.
2. The records that you have requested to inspect will be made available for inspection on [insert date] _____ at [insert time] _____. After inspecting the records, you may request copies of selected pages, which we will provide to you on or about [insert date] _____. If paper copies are required, payment of a fee of \$.25 per photocopy will be charged.
3. The records requested cannot be located with reasonable effort and your request does not reasonably describe records in the possession of this agency. [Indicate information necessary to locate records or the manner in which records are filed, retrieved or generated by the agency in order for the applicant to clarify the request.]
4. This District does not maintain or possess the records you have requested. [When possible, indicate to whom the request should be directed.]
5. The records sought cannot be found after a diligent search.
6. This District has determined that portions of your request can be denied based on the following [provide reason based on one or more exceptions appearing in §87(2) of the Freedom of Information Law]:

Accordingly, your request for records is granted in part and denied in part, and

- ☐ the requested records are attached. Certain portions have been redacted, and/or certain records have not been provided to you based on the explanation above.
- ☐ the records are not available electronically. Please remit \$_____. Copies will be provided to you on or about _____.

You have 30 days from receipt of a denial of access to records or portions thereof to appeal to:

Name:

Title:

Address:

E-mail Address:

7. This District has determined that the records that you requested are not required to be made available to the public based on the following [provide reason based on one or more exceptions appearing in §87(2) of the Freedom of Information Law]:

Accordingly, your request is denied.

You have 30 days from receipt of a denial of access to records to appeal to:

Name:

Title:

Address:

E-mail Address:

8. This District has determined that it is unable to respond to your request at this time. Accordingly, on or before [insert date within the next 20 business days] _____, we will grant and/or deny access in whole or in part.
9. This District has determined that it is unable to respond to your request in full within the next twenty business days for the following reasons [provide explanation as required by the Freedom of Information Law, §89(3)]:

Accordingly, on or before [insert date] _____, we will provide and/or deny access in whole or in part. Please advise by reply e-mail if you would prefer that records be made available on a piecemeal basis if it is feasible to do so.

10. Because the records you have requested include a list of names and residence addresses, disclosure may constitute an unwarranted invasion of personal privacy pursuant to §89(2)(b)(iii) of the Freedom of Information Law. If you maintain that such records are not sought for commercial or fund-raising purposes, as a condition precedent to disclosure, please prepare the following statement on a separate sheet of paper, sign it, and mail it to the address indicated below.

I [insert name] _____ certify that the requested list of names and addresses will not be used for commercial or fund-raising purposes.

[Signature]

Send to:

Name:

Title:

Mailing Address:

11. Because the records you have requested pertain to yourself, but if released to the public would constitute an unwarranted invasion of your privacy, as a condition precedent to disclosure, please prepare the following statement on a separate sheet of paper, sign it, and mail it to the address indicated below, along with copy of your valid driver license or other acceptable form of identification.

I certify that my name is [insert name] _____,
that I reside at [insert address] _____, and
that I have attached a copy of my valid driver license or equivalent
identification and that the requested records pertain to me.

[Signature]

Adoption date:

() Required
(X) Local
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MEDIA RELATIONS

The Board of Education invites and welcomes the active participation of all forms of mass media, print and electronic, in educating the public and improving education within the district and the wider community. The Board and Superintendent will make every reasonable effort to cooperate with the media by providing accurate information about district operations, to the extent permissible by statute and regulation.

The Board President is designated as the spokesperson for the Board when the Board is making a statement on an issue. No other member of the Board individually will speak for, or in the name of, the Board unless by explicit direction of the Board. Board members should emphasize to the media when asked to speak as a Board member that they can only speak as private citizens unless they have been empowered by the Board to speak for it.

The Superintendent of Schools is designated as the spokesperson for the district.

All staff intending to release information to the media should first notify the Superintendent. The Superintendent of Schools shall establish all necessary procedures to govern day-to-day interactions between the schools and the news media.

The Board and the Superintendent agree that a blog which is a log posted on the internet which may be accessed from the district's homepage, and a presence on social media sites can be beneficial mechanisms for communicating with the community. All postings to the blog and social media sites will be treated with the same care and consideration as any other communication which the Superintendent or his/her designee generates on behalf of the district. Postings will adhere to the standards set in the Board's "acceptable use of computers" policy.

If Board members choose to blog on their own or if the member maintains a social networking presence, the Board member must ensure that it is clear that the postings do not represent the Board as a whole.

Cross-ref: 4526, Computer Use in Instruction
 8630, Computer Resources and Data Management

Ref: Arts and Cultural Affairs Law §61.09

Adoption date:

() Required
(X) Local
 () Notice

RELATIONS WITH BOOSTER ORGANIZATIONS

The Board of Education recognizes that extracurricular support groups, or “booster” organizations, provide important support to district schools, and can be a valuable means of stimulating community interest in the aims and activities of our schools. Booster organizations may be defined in two ways:

an organization which is created to foster community support and raise funds for a specific extracurricular activity (e.g., athletics, speech and debate, and/or musical groups); or an organization which is created to foster community support and raise funds for the school’s general extracurricular program.

Parents and other interested members of the community who wish to organize a booster club for the purpose of supporting a specific school program are encouraged to do so, as long as the activities of such organizations do not interfere unduly with the total educational program, or disrupt district operations in any way. To this end, our athletic booster organizations must follow these guidelines:

1. be voluntary and support the overall athletic program;
2. submit an activity schedule in advance to the Athletic Director or designee for prior approval (Any time the booster club uses the name of the school district, or any language suggesting that the district has endorsed, sponsored or otherwise approved of the club’s activities, there must be prior approval by the Superintendent and/or designee);
3. seek advance approval for any use of school facilities and/or equipment, following procedures outlined in administrative regulation 1500-R, Public Use of School Facilities Regulation;
4. avoid interference with the decision-making of any student group;
5. understand and respect the authority of district employees in the administration of their duties; and
6. assume all financial responsibility for their organization, including but not limited to the provision of adequate insurance coverage, as appropriate.

If our athletic booster organization wishes to make a contribution of money, service time, or tangible property (e.g., equipment or supplies), a representative of the organization should first meet with the Athletic Director. The Athletic Director must identify the district’s terms and conditions of accepting such gifts, and seek

the Board's official approval before accepting or publicly announcing any contribution. Any gift giving (supplies, equipment) shall be done with requests (and discussion, if needed) from the coaching staff, through the Athletic Director, to the booster club. Major facility gift giving should also be presented and accepted through the Superintendent and Board of Education.

Booster-proposed plans, projects and other activities must be evaluated and promoted in light of their stated contribution to the academic as well as the extracurricular school programs. Careful consideration should be given to the total value of the contribution to all students, and not just to specific student groups.

The Board retains final responsibility and authority on all activities which have an impact on students, the schools, school programs, and/or school-owned property.

Adoption date:

() Required
 (X) Local
 (X) Notice

PUBLIC PARTICIPATION AT BOARD MEETINGS

The Board of Education encourages public participation on school related matters at Board meetings, as outlined in this policy. To allow for public participation, a period not to exceed 15 minutes shall be provided immediately prior to the Consent Agenda, with comments on items on the meeting's agenda. A second 15-minute time period will be set aside at the end of each Board meeting for public comment on matters pertaining to the district but not on the agenda or for speakers who were unable to speak during the first comment period. These periods may be extended by a majority vote of the Board.

Persons wishing to address the Board shall advise the **the Board President or the Superintendent of Schools** within a reasonable time prior to the start of the public comment period of the meeting. The request shall be made in writing on a form provided by the district. To maintain a first come, first served process, the district may request the name of the speaker. For purposes of following up with speakers later, the district may request the speaker's address, telephone number, or email address. To limit comments to matters which may be properly discussed in public session, the district shall request a brief description of the topic to be addressed. Any group or organization wishing to address the Board must identify a single spokesperson.

Presentation should be as brief as possible. No speaker will be permitted to speak for longer than three (3) minutes during the comment period for their individual remarks. Speakers may comment on (1) any matter related to district business; (2) any agenda item; or (3) matters related to agenda items specifically or district matters generally, depending on the public participation section. Individuals wishing to speak are requested to sign-up at the meeting itself on a sign-up sheet to be provided.

The Board will not permit in public session discussion involving individual district personnel or students. Persons wishing to discuss matters involving individual district personnel or students should present their comments and/or concerns to the Superintendent during regular business hours.

All speakers are to conduct themselves in a civil manner. Obscene language, libelous statements, threats of violence, statements advocating racial, religious, or other forms of prejudice will not be tolerated.

Persons making presentations at a Board meeting will address remarks to the President and may direct questions or comments to Board members or other district officials only upon the approval of the President. Board members and the Superintendent shall have the privilege of asking questions of any person who addresses the Board.

Questions and comments from the public concerning matters which are not on the agenda will be taken under consideration and referred to the Superintendent for appropriate action. Persons wishing to have matters included on the agenda shall contact the Superintendent in accordance with Policy 2342, Agenda Preparation and Dissemination.

The President shall be responsible for the orderly conduct of the meeting and shall rule on such matters as the time to be allowed for public discussion and the appropriateness of the subject being presented, as outlined in this policy and applicable provisions of law and regulation, and subject to the Board's parliamentary procedure. The President shall have the right to discontinue any presentation which violates this policy.

Cross-ref: 2342, Agenda Preparation and Dissemination

Ref: *Appeal of Kushner*, 49 EDR 263 (2010) (boards not required to allow the public to speak)
Matter of Martin, 32 EDR 381 (1992) (boards need not permit nonresidents to speak)
Appeal of Wittneben, 31 EDR 375 (1992) (boards encouraged to permit citizens to speak)
Matter of Kramer, 72 St. Dept. Rep. 114 (1951) (boards may put time limits on public speaking)
 NYS Department of State, Committee on Open Government, Advisory Opinions OML-AO-#2696 (Jan. 8, 1997), OML-AO-#2717 (Feb. 27, 1997), OML-AO-#3295 (Apr. 16, 2001), OML-AO-#3518 (Aug. 30, 2002), OML-AO-#4141 (Feb. 24, 2006), OML-AO-#4044 (Sept. 30, 2005), OML-AO-#4292 (Dec. 6, 2006)

Adoption date:

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PUBLIC COMPLAINTS

The Board of Education recognizes the right of community members to register individual or group concerns regarding instruction, district programs, materials, operations, and/or staff members. The main goal of the district is to resolve such concerns specifically with the parties involved, whenever possible.

Public complaints about the school district will be directed to the proper administrative personnel. Complaints regarding the district's implementation and administration of Title I funds are addressed in the section below. Complaints about specific classroom practices shall be directed to the teacher concerned. If the matter is not settled satisfactorily, the complainant shall then contact the Building Principal; if there is no resolution on this level, the Superintendent of Schools or his/her designee shall be contacted. The Superintendent shall refer the issue to the Board for final resolution, if necessary.

All matters referred to the Superintendent and/or the Board shall be in writing. Concerns registered directly to the Board as a whole or to an individual Board member shall be referred as soon as is reasonably possible to the Superintendent for investigation, report, and/or resolution.

Complaints Regarding Title I of the ESEA or Academic Intervention Services

Any person or entity representative alleging the district has not upheld its responsibilities under Title I of the Elementary and Secondary Education Act (ESEA), as well as the district's responsibilities for Academic Intervention Services under the Commissioner's regulations section 100.2(ee), may submit a complaint in writing to the Superintendent. After 30 days, any decision of the Superintendent which is unsatisfactory to the complainant, or the district's lack of a response to the complaint, may be appealed to the State Education Department (SED).

All such complaints to SED must, as outlined by SED (see the following website: <http://www.p12.nysed.gov/accountability/T1/complaintappeals.htm>):

1. Be submitted in writing to New York State Education Department, Title I School & Community Services Office, Room 320 EB, 89 Washington Avenue, Albany, NY 12234;
2. Be signed by the person or agency representative filing the complaint;
3. Specify the requirement of law or regulation being violated and the related issue, problem, and/or the concern;
4. Contain information/evidence supporting the complaint;
5. State the nature of the corrective action desired;
6. Contain a copy of the original signed complaint; and
7. Contain a copy of the district's response to the original complaint, or a statement that the district failed to respond or resolve the issue within 30 business days.

The district shall disseminate this complaint procedure to parents of students in Title I funded programs, as well as school officials at nonpublic schools for which the district administers or implements Title I funds or programs.

Ref: 20 USC §7844 (ESEA)

34 CFR §§299.10 – 299.12 [299.11(d) – LEAs must disseminate, free of charge, adequate information about the complaint procedures to parents of students, and appropriate private school officials or representatives.]
8 NYCRR §100.2(ee) (Academic Intervention Services)

Adoption date:

() Required
(X) Local
 (X) Notice

COMPLAINTS ABOUT CURRICULA OR INSTRUCTIONAL MATERIALS

The Board of Education recognizes its responsibility for the selection of instructional materials. The Board expects district teachers and administrators to recommend books and other materials in accord with sound educational principles and practices, and to use them effectively in the classrooms. However, the Board also recognizes the right of community members to voice concerns and/or complaints regarding the implementation of a particular curriculum and/or instructional material.

Staff, students, parents, and other citizens are encouraged to make an effort to develop an understanding in an informal manner. Any criticism of instructional materials that are in the schools that cannot be resolved informally at the building level shall be submitted in writing to the Superintendent of Schools, in accordance with the procedures specified in 1420-R. An Instructional Material Review Committee, consisting of an administrator, a librarian, a teacher and a parent of a student enrolled in the district, will be designated by the Superintendent to investigate and judge the challenged material.

The committee shall make recommendations to the Assistant Superintendent for Teaching and Learning concerning the disposition of the complaint, and the Superintendent after conferring with the Assistant Superintendent for Teaching and Learning will issue a decision. This decision may be appealed to the Board, and the decision of the Board shall be final.

Ref: Education Law §§1709(15); 1711(2)(f)
Board of Educ., Island Trees UFSD v. Pico, 457 US 853 (1982)

Adoption date:

COMPLAINTS ABOUT CURRICULA OR INSTRUCTIONAL MATERIALS REGULATION

The following procedures shall apply to the handling of complaints concerning any textbook, library book or material and any other instructional material used in district schools.

1. When a person has a complaint concerning a textbook, library book or other instructional material and protests its use in class or its availability in a school library, the Building Principal shall hold an informal meeting with the complainant and the teacher, librarian, or other staff member who is using or providing the book or material. At this meeting, the complainant will be asked to make clear his or her objection to the material; the teacher or librarian will be asked to explain the educational value of the material.
2. If the complaint is not resolved informally, the complainant may file a formal written complaint with the Superintendent of Schools on a form provided for this purpose.
3. Upon receiving a formal written complaint, the Superintendent shall designate an Instructional Review Committee, consisting of an administrator, a librarian, a teacher and a parent of a student enrolled in the district, to investigate and judge the challenged material.
4. The committee shall:
 - a. read and examine the challenged materials;
 - b. consider the specific objections to the material voiced by the complainant;
 - c. weigh the values and faults of the material as a whole;
 - d. consider oral presentations made to the committee, if any;
 - e. where appropriate, solicit advice or opinion from other district faculty and/or relevant professional organizations such as the American Library Association, the National Council of Teachers of English, National Council of Social Studies Teachers; and
 - f. issue a report to the Superintendent containing its recommendations concerning any complaint.
5. The Superintendent shall review the report of the committee, make a decision and notify the complainant and appropriate staff.
6. If the complainant is not satisfied with the Superintendent's decision he/she may refer the complaint to the Board. The Superintendent will deliver a copy of his/her decision and the committee's report to the Board for its consideration. After careful examination and discussion of the issue with school officials or anyone else the Board may involve, the Board will render its decision. The decision of the Board shall be final.

Adoption date:

() Required
 (X) Local
 (X) Notice

PUBLIC USE OF SCHOOL FACILITIES

Introduction

School buildings and grounds are maintained primarily for educational purposes and secondarily for the recreation of school children and the community in general. All utilization of school facilities and grounds shall be in compliance with the requirements of Education Law, Section 414.

Public use of school facilities may take place during or after school hours only if, in the judgment of the Building Principal or, Athletic Director, the proposed use will not be disruptive to normal school operations.

Use of facilities will also be conditioned on the group providing the district with timely evidence of adequate insurance coverage. General liability insurance in the amount of \$1,000,000 shall be the minimum insurance coverage required naming the district as an additional insured. Such coverage must protect the district for all liability, property damage, personal injury and/or medical expenses occasioned by the requested use of facilities.

Permissible Uses

The District may permit public use of its facilities for the following purposes:

- A. Instruction in any branch of education, learning or the arts.
- B. Stations of public libraries.
- C. Social, civic (including but not limited to meetings of parent associations and parent-teacher associations) and recreational meetings, entertainments, and other activities,
- D. Meetings, entertainments, and occasions where admission fees are charged and the proceeds are expended for an educational or charitable purpose.
- E. Polling places for holding primaries and elections, and for the registration of voters and political meetings. However, meetings sponsored by a political organization must be approved by a vote of the Board.
- F. Civic forums and community centers, upon the petition of at least twenty-five (25) district residents.
- G. Instruction of special needs students.

1500

- H. Recreation, physical training and athletics, including competitive athletic contests of children attending a private, non-profit school.
- I. Childcare services during non-school hours or during school hours for children of students attending the district and employees of the district. However, the Board shall determine whether the space will be provided and may charge an appropriate fee.
- J. For graduation exercises held by not-for-profit elementary and secondary schools, provided that no religious service is performed.
- K. Licensed school-based health, dental or mental health clinics as defined in Education Law §414, operated by an entity other than the school district.
- L. Classes of instruction for intellectually disabled minors operated by a private organization approved by the Commissioner of Education.
- M. Any use in (A), (C), (D), or (H) above shall not permit the exclusion of any District child because the child is not attending a District school or the District school sponsoring such use.
- N. Any student enrolled and/or attending an Averill Park school shall be considered a district resident.

N._____.

Additionally, as a condition of receiving state funding, the district permits access to military recruiters to school buildings, grounds and facilities to the same

extent it provides access to those who inform students of educational, occupational or career opportunities.

Prohibited Uses

Any use not permitted by this policy is prohibited. In addition, the following uses are specifically prohibited.

- A. Meetings sponsored by political organizations.
- B. Meetings, entertainments and occasions, where admission fees are charged, that are under the exclusive control of and the proceeds are to be applied for the benefit of a society, association or organization of a religious sect or denomination or of a fraternal, secret or exclusive society or organization, other than veterans' organizations or volunteer fire fighters or volunteer ambulance workers.

Priority For Use:

If multiple requests cause a conflict for the use of school facilities, the following priority classifications shall be applied to resolve any such conflict:

- Class I. District associated programs such as; Athletic teams, Averill Park School District employees, PTO, PTA, Clubs, Activities, Continuing Education programs, , school club activities, etc.
- Class II. Community groups within the district, Local youth groups, Adult groups from the community (A minimum of 50% of users must be district residents), and Government agencies located within the district or State agencies.
- Class III. Outside/Private groups (groups having less 50% district residents as participants.)

Fees for Use:

The district will not charge fees to **Class I** groups, district associated programs (i.e. athletic teams, Averill Park School District employees, PTA/PTO, continuing education programs, or school clubs activities).

Fees will be assessed based upon facility usage for **Class II & III** groups. Fees paid for facility use by Class II & III groups are intended to reduce the actual cost to the district occasioned by such use. *See 1500-R for the fee schedule.*

The district reserves the right to deny any requested that requires the use of special equipment or additional supervision, or in the alternative, to condition the

requested use upon the applicant's payment of the additional fees occasioned by such equipment or supervision.

Policy Review:

The district shall establish a fee schedule periodically and the Superintendent shall recommend said fee schedule to reduce the actual cost to the district occasioned by the use of district facilities.

Waiver of fees:

Fees may be waived for small groups using facilities at times when the buildings are normally open; if, in the Superintendent's judgment no special custodial service is needed either for supervision or safety. Fees may also be waived by the Superintendent, if the group provides "in-kind" donations such as personal services, supplies and materials, equipment or cash contributions to the district or if the Superintendent's judgment the fees present undue hardship or the Superintendent deems a fee waiver is in the best interest of the community.

Procedures for Use of Facilities:

1. Applications for use permits and this policy shall be available at all school buildings at the main office. Applications shall be completed and submitted at least 10 days prior to the proposed use.
2. The application must clearly state the proposed use.
3. Applications must be signed by an authorized agent of the group requesting use. The applicant's signature shall indicate that the applicant is familiar with the requirement of this policy and that it will comply with this policy and any attendant regulations. Certificate of Insurance must be attached to the application.
4. Roster/List of Participants may be requested upon application. If this is not possible an extension may be granted upon approval of the Athletic Director. Any changes to rosters must be submitted in a timely manner.
5. Use permits are valid only for the facility, date and time indicated on the permit. Permits are not transferable and may not be modified without the prior written consent of the building principal or director of safety, health, and physical education.
6. Any previously granted use permit may be canceled or altered, if it becomes necessary to do so in order to further normal school activities or for any other justifiable reason.
7. Issuance of a permit does not restrict or limit the right of access to the facility by district staff.

Grounds for Denial of Use of Facilities:

The District reserves the right to deny use of school facilities or to terminate previously granted use of school facilities, as follows:

1. In connection with an applicant that has previously misused or abused school facilities or property or has violated any provision of this policy.
2. For any use which would have the effect of violating any provision of the United States Constitution.
3. For any requested use which in the Superintendent's judgment could reasonably be expected to or actually does give rise to a riot or other public disturbance.
4. For any use deemed inconsistent with this policy.
5. For any other use which would violate the Education Law or the Regulations of the Commissioner of Education.
6. In any instance where alcoholic beverages, tobacco products, unlawful drugs or misuse of legal drugs including steroids are sold, distributed, consumed, promoted or possessed.
7. For any other use prohibited by law.
8. For any groups with outstanding unpaid balances.

Appeal Process:

Any group denied use of district facilities may appeal that decision to the Superintendent.

Facilities Use During a Contingent Budget:

During a contingent budget, the District must recoup all additional costs and/or expenses for facilities use by Class II & III groups, or as otherwise required by the New York State Education Law. If there are no identifiable extra costs, then the District may make the facilities available according to the fee schedule established in 1500-R. However, no fee waivers may be granted during a contingent budget.

All other requirements of this policy shall continue to apply during a contingent budget.

Ref: Education Law §§2-a; 414

Adoption date:

FEE SCHEDULE FOR USE OF SCHOOL FACILITIES AND GROUNDS

1. The district will not charge fees to **Class I** groups, district associated programs such as; Athletic teams, Averill Park School District employees, PTO, PTA, Clubs, Activities, Community Education programs, school club activities, etc.
2. The district will charge **Class II** groups; Community groups within the district, Local youth groups, Adult groups from the community (*A minimum of 50% of users must be district residents*), Governmental agencies located within the district or State agencies, fees based on the schedule below.
3. The district will charge **Class III** groups; Outside/Private groups comprised of non-district residents and groups having less than 50% district residents as participants, fees based on the schedule below.

FACILITY	CLASS I	CLASS II	CLASS III
Classrooms	No Charge	\$3.00 Per Hour	\$37.50 Per Hour
Auditoriums *	No Charge	\$7.00 Per Hour	\$150.00 Per Hour
Lobbies	No Charge	\$2.50 Per Hour	\$30.00 Per Hour
Cafeteria Elementary	No Charge	\$4.50 Per Hour	\$75.00 Per Hour
Cafeteria Secondary	No Charge	\$6.50 Per Hour	\$150.00 Per Hour
Library Elementary	No Charge	\$4.00 Per Hour	\$30.00 Per Hour
Library Secondary	No Charge	\$6.00 Per Hour	\$60.00 Per Hour
Gym – Elementary	No Charge	\$5.50 Per Hour	\$150.00 Per Hour
Gym – Secondary	No Charge	\$7.00 Per Hour	\$187.50 Per Hour
Fields- Elementary	No Charge	\$4.00 Per Hour	\$150.00 Per Hour
Fields/Courts/Track – Secondary	No Charge	\$5.00 Per Hour	\$187.50 Per Hour
Athletic Field – with Lights	No Charge	\$30.00 Per Hour	\$205.00 Per Hour

*** High School Auditorium use requires hiring of staff to operate sound and light equipment. The amount is per CBA professional hourly rate.**

No refunds due to cancellation, unless the group provides a minimum of 24 hours notice to the district of their intent not use the facility on a specific date.

4. All groups will incur fees for additional cost of custodial services when required and may incur additional fees for weekend or larger events. These additional fees will be determined by the district on case-by-case basis. (*Fee Schedule does not include any additional custodial fees that are necessary under this paragraph.*)

- a) Weekday additional custodial fee: \$35.00 per hour.
- b) Weekend/Holiday additional custodial fee: \$50.00 per hour.

5. All groups:

- a) For protracted use of water, electric, etc., a charge consistent with the cost to the district will be determined by the Superintendent of Buildings and Grounds and charged to the group (*e.g., town youth program use of electricity all summer*).
- b) The user in all cases will be expected to clean the facility, fields and leave it as they found it or be charged (*at the rate of \$41 per hour with a two hour minimum charge*) to return the facilities to the original condition.
- c) Users will be allowed to do set-up work such as setting up folding chairs or arranging furniture, in order to save the cost of custodial service, but will not be allowed to move or set up equipment which requires trained custodial workers, as determined by the Superintendent of Buildings and Grounds.
- d) Preparation for the use of grounds or playing fields will be at a charge of \$59 per field. This charge includes labor plus materials for preparing and lining the fields as needed. The charge for use of the cafeteria (*including cafeteria worker*) is \$28 per hour. The Superintendent may waive this fee if the group completes the work itself as approved by the Superintendent of Buildings and Grounds.
- e) Custodians will be on duty for all facility use. This rule may be waived if, in the judgment of the Superintendent, an individual associated with the group requesting access is qualified in the operation of the facility and able to assume responsibility for building security. In these cases, no additional custodian charge will be assessed.

FACILITIES USE FORM

AVERILL PARK CENTRAL SCHOOL
 146 GETTLE ROAD, STA. 1
 AVERILL PARK, NEW YORK 12018 (518) 674-7001

Use of Facility Application and Schedule of Charges

Organization Name:	_____
Contact Name:	_____ Contact Person at Event: _____
Phone: (Home)	_____ (Work) _____ (Cell) _____
Address:	_____
City:	_____ State: _____ Zip: _____
Adult Providing Supervision:	_____
Purpose of Meeting/Event:	_____
Estimated Attendance:	_____ Fee Charged: _____
Group's Insurance Coverage: Liability	_____
Property Damage	_____

Facility Requested:		
School:	Date(s):	Time: _____ to _____
School:	Date(s):	Time: _____ to _____
School:	Date(s):	Time: _____ to _____
School:	Date(s):	Time: _____ to _____
School:	Date(s):	Time: _____ to _____
Elementary Field (specify): _____		
Middle School Field (specify): _____		
High School Field, Court, Track (specify): _____		
Gymnasium: Location and Description _____		
Additional Needs or Request: _____		

Additional Conditions Governing Use of School Facilities:

1. The number of persons admitted for a function must not exceed room capacity limits.

2. Whenever inclement weather or emergency situations cause the closing of district schools, all after-school functions scheduled for that day will be canceled.
3. The person in charge of a function must notify persons in attendance, at the beginning of the function, of the procedures to be followed in the case of an emergency.
4. In the case of an accident resulting in injury to any person or damage to personal property, the incident must be reported in writing to the Superintendent within a Reasonable time period after the function but no later than five (5) business days.

I hereby certify that I have read and agree to the conditions of this request and that I agree to abide by the Rules and Regulations found in Board Policy 1500.

Authorized Representative: _____ Date: _____

Office Use Only

Approved: ☐ Disapproved: ☐

Building Principal: _____ Date: _____

Athletic Director: _____ Date: _____

Hours _____ x Rate _____ Additional Fees: _____

Amount Due: _____ (Refer to Policy 1500R)

Insurance Certificate on File: ☐

Notes: _____

FACILITIES USE FORM

Please check a class below that describes participants:

Class I – School Groups

- ☐ District associated programs such as; Athletic teams, PTO, PTA, Clubs, Activities, Community Education programs, Greenbush Child Caring, etc.

Class II –Community Groups

- ☐ Community groups within the district, Local youth groups, Adult groups from the community (A minimum of 50% of users must be district residents), Governmental agencies located within the district or State agencies, fees based on the schedule below

Class III –Private Groups

- ☐ Outside/Private groups comprised of non-district residents and groups having less than 50% district residents as participants, fees based on the schedule below.

FACILITY	CLASS I	CLASS II	CLASS III
Classrooms	No Charge	\$3.00 Per Hour	\$37.50 Per Hour
Auditoriums *	No Charge	\$7.00 Per Hour	\$150.00 Per Hour
Auditorium Manager	No Charge	\$38.00 Per Hour	\$38.00 Per Hour
Lobbies	No Charge	\$2.50 Per Hour	\$30.00 Per Hour
Cafeteria Elementary	No Charge	\$4.50 Per Hour	\$75.00 Per Hour
Cafeteria Secondary	No Charge	\$6.50 Per Hour	\$150.00 Per Hour
Library Elementary	No Charge	\$4.00 Per Hour	\$30.00 Per Hour
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Fields- Elementary	No Charge	\$4.00 Per Hour	\$150.00 Per Hour
Fields/Courts/Track – Secondary	No Charge	\$5.00 Per Hour	\$187.50 Per Hour
Athletic Field – with Lights	No Charge	\$30.00 Per Hour	\$205.00 Per Hour

Office Use Only

Approved: ☐ Disapproved: ☐

Building Principal: _____ Date: _____

Athletic Director: _____ Date: _____

Auditorium Manager: _____ Date: _____

Hours _____ x Rate _____ Additional Fees: _____

Amount Due: _____ (Refer to Policy 1500R)

Insurance Certificate on File: ☐

Notes: _____

() Required
(X) Local
(X) Notice

ADVERTISING IN THE SCHOOLS

School facilities, staff, and school children shall not be used to distribute literature, advertise, inform, or otherwise promote any commercial or political activity.

School facilities may be used to distribute literature, advertise, inform, or otherwise promote activities which are neither commercial nor political only in accordance with the terms of this policy.

Canvassing, soliciting of funds or selling of any items by any outside agency shall not be permitted on the school premises. School personnel may not participate, during school hours or on school grounds, in the solicitation of orders, the distribution of advertising materials, or the collection of charges.

With advance approval of the Superintendent, information concerning activities, events, programs, and other opportunities of interest to children and their families in the community may be distributed to or posted for students in district schools, providing that the activity, event, program, or opportunity is conducted by an agency of federal, state, or local government, or by a not-for-profit organization.

In granting approval, the Superintendent shall consider a range of factors including but not limited to, the relationship of the activity, event, or program to the educational curriculum; the opportunity of the activity, event, or program to enhance the school experience; the costs of participation by the student and extended family; the associated positive experiential value of the activity, event, or program.

Notwithstanding the above, the Superintendent is permitted to approve commercial vendors to be on District property engaged in work that has a student school experience or educational curriculum connection, such as a photographer for class photographs and portraits, yearbook companies, class ring companies, and commercial companies selling musical instruments required as part of the educational curriculum, while allowing parents to make their own arrangements on any terms they wish, where the arrangement does not involve the use of school personnel.

A commercial photographer, approved by the District, who is taking school photographs on school premises for a school purpose may advise students, by means of a card, brochure or other appropriate device, that copies may be purchased directly from the photographer. The solicitation of orders for and the

sale of class rings and year books on school premises is permissible if authorized by the Board of Education, if all prospective vendors are given full and equal opportunity to compete, and if students are fully involved in the promotion and sale of such rings.

Exhibitions in schools of any books, articles, apparatus, films, or other educational material shall be judged on the basis of their actual educational values.

In the case of colleges, universities, armed service agencies, corporations, trade associations, businesses and public service agencies, it is the policy of the Board that access to schools shall be encouraged to bring career and occupational information to students. The Superintendent shall ensure that such activities are carefully monitored to restrict any commercial advertisement.

Contracts which purport to authorize private individuals or corporations to promote the sale of products and services through commercial advertisements aimed at public school students are expressly prohibited.

Nothing in this policy shall be construed to limit the authority of the Board under law to authorize the broadcast of high school games and other events by radio and TV stations even though the broadcast is commercially sponsored.

Cross-ref: 1500, Public Use of School Facilities

Ref: New York State Constitution Article 8 §1

Education Law §414

8 NYCRR Part 23

Arts and Cultural Affairs Law §61.09

Matter of Gary Credit Corp., 26 EDR 414 (1987)

Matter of Gary Credit Corp., 25 EDR 385 (1986)

Matter of Taftegaard, 25 EDR 238 (1986)

Matter of Taftegaard, 23 EDR 405 (1984)

Matter of Hoyt, 20 EDR 316 (1980)

Matter of Puls, 17 EDR 324 (1978)

Matter of Gordon, 14 EDR 358 (1975)

Adoption date:

**GUIDELINES REGARDING THE DISTRIBUTION OF FLYERS AND
OTHER MATERIAL**

The individual or organization requesting distribution of flyers and other materials, and seeking approval from the Superintendent, should abide by the following in order to be approved for distribution:

- Should be a federal, state, or local government, or be a not-for-profit organization and should indicate such and provide proof of not-for-profit status in the initial request to the Superintendent;
- Should submit a copy of the proposed flyer or other advertising material to the Superintendent at least thirty (30) days before the event, where practicable

AVERILL PARK

() Required
(X) Local
 (X) Notice

SMOKING AND OTHER TOBACCO USE ON SCHOOL PREMISES

The Averill Park Central School District recognizes its responsibility to promote health and safety through a tobacco-free environment. Due to the health hazards associated with smoking, and in accordance with federal and state law, the Board of Education prohibits smoking and all other tobacco use, and use of an electronic cigarette or e-cigarette, in all school district buildings, on school grounds, and in any vehicle used to transport children or personnel. Smoking or tobacco use is also prohibited within 100 feet of all school entrances, exits and outdoor areas, except where that is a residence or residential property. “Electronic cigarette” or “e-cigarette” means an electronic device that delivers vapor which is inhaled by an individual user (including vaporizers, vapor pipes, and vape pens), and shall include any refill, cartridge and any other component of such a device.

The district's smoking policy shall be prominently posted in each building, at designated outdoor locations on school premises (e.g. athletic fields) and in all district vehicles. The Board designates the Superintendent of Schools or his/her designee as agent responsible for informing individuals smoking cigarettes or e-cigarettes, or using tobacco unlawfully that they are in violation of Article 13-E of the Public Health Law and/or Section 409 of the Education Law and/or the federal Pro-Children Acts of 1994 and 2001. Persons in violation of this policy will be asked to stop. Students and staff may be subject to consequences outlined in the Code of Conduct, and visitors or contractors may be asked to leave school property.

Cross-ref: 5300, Code of Conduct

Ref: Education Law §§409(2)
 Public Health Law Article 13-E
 Public Health Law §§206; 340; 347; 1399-aa
 The Pro-Children Act of 2001, 20 U.S.C. §§7181 *et seq.*
 The Pro-Children Act of 1994, 20 U.S.C. §§6081 *et seq.*

Adoption date:

() Required
() Local
(X) Notice

RELATIONSHIP WITH NONPUBLIC SCHOOLS

In recognition of its responsibility under state law and regulation the Board of Education shall make available required public school materials, equipment and services to resident students who attend nonpublic schools.

Textbook Loan

The Board recognizes that section 701 of the Education Law requires all Boards to purchase and to loan, upon individual request, textbooks to all children residing in the district who are attending grades kindergarten through twelve in any public or nonpublic school which complies with the compulsory education law.

It is also understood that the textbooks must be "loaned free" to the children, but Boards may make reasonable rules and regulations regarding such loan(s).

Therefore, the following rules and regulations shall govern the loan of textbooks to residents of the district attending nonpublic schools:

1. The textbooks shall remain the property of the district.
2. The textbooks shall be returned at the end of the nonpublic school year.
3. If lost or destroyed, the textbooks shall be paid for in the same fashion as the students attending district schools.

Instructional Computer Hardware and Software Loan

The Board recognizes its responsibility to loan instructional computer hardware and software, upon request, to all pupils legally attending nonpublic elementary or secondary schools located in the school district. The district shall loan instructional computer hardware and software on an equitable basis, however

software and hardware purchased with any local, federal or state funds, other than Instructional Computer Hardware or Software Aid funds, are not required to be loaned to nonpublic school students.

In addition, the district will only purchase and loan software programs that do not contain material of a religious nature.

The Board authorizes the Superintendent of Schools to establish any and all rules, regulations and procedures necessary to implement and maintain this policy. The Superintendent will specify the date by which requests must be received by the district and provide notice to all nonpublic schools within the district of that date.

Ref: Education Law §§701; 751-754; 1709; 3204; 3602-c
8 NYCRR §175.25; 21.3
Mitchell v. Helms, 530 U.S. 793 (2000)
Russman v. Sobol, 85 F.3d 1050 (2d Cir. 1996)
Zobrest v. Catalina Foothills Sch. Dist., 509 U.S. 1 (1993)
Aguilar v. Felton, 473 U.S. 402 (1985)
Board of Educ. v. Allen, 392 U.S. 236 (1968)

Adoption date:

() Required
(X) Local
(X) Notice

HOME-SCHOOLED STUDENTS

The Board of Education shall ensure that children instructed at home are taught by a competent instructor and receive an education substantially equivalent to that offered in the district's schools.

Parents/Guardians who wish to educate their children at home must submit to the district an individual home instruction plan (IHIP), outlining the educational goals to be met and the course materials and syllabi to be used each year for the child's learning process. The district may accept or deny an IHIP. Parents/Guardians must submit quarterly reports which will provide the district with the necessary information to make determinations of substantial equivalency and competency of instruction on an ongoing basis.

Parents/Guardians may appeal to the Board a determination by the Superintendent of Schools or designee that an IHIP is not in compliance with the Regulations of the Commissioner of Education. Parents/Guardians shall have the right to appeal the final determination of the Board to the Commissioner of Education within 30 days of receipt of such determination.

Special Education

A student with an IHIP, who is a resident of the school district and has a disability, or is suspected of having a disability, is eligible to receive services from the school district, in accordance with law, regulation and district policy (4321 et. seq.). A parent/guardian must request special education services in writing to the Board by June 1st, unless the child is first identified or moves into the district after June 1st. In that case, the parent/guardian must request the services within 30 days of being identified or of moving into the district.

Special education services will be provided on an equitable basis compared to programs and services provided to other students with disabilities attending public or nonpublic schools within the district. The Board will determine the location where services will be available to home schooled students.

Participation in Extracurricular Activities

Students instructed at home by their parents are not entitled to participate in interscholastic or intramural sports. However, the Board shall permit such students to participate in other school-sponsored extracurricular activities. Specifically, the Board will permit home-schooled students to:

- participate in non-credit-bearing organized school activities such as clubs;
- participate in band and/or receive music lessons only if these activities are considered to be extra-curricular (not credit-bearing or graded or required for class);
- use school facilities such as the library, career information center and gymnasium if there is mutual agreement on the part of all involved parties.

Instructional Materials

The Board authorizes the Superintendent to loan instructional materials, if available, to students receiving home instruction. The Superintendent or his/her designee shall determine the availability of resources and develop appropriate procedures.

Cross-ref: 4321, Programs for Students with Disabilities, *et seq.*

Ref: Education Law §§ 3204(2); 3210(2)(d); 3602-c (2-c)
8 NYCRR §§ 100.10; 135.1; 135.4
Appeal of Ponte, 41 EDR 174 (2001)
Matter of Abookire, 33 EDR 473 (1994)

State Education Department Memorandum, “New Requirements for the Provision of Special Education Services to Home-Instructed (“Home-Schooled”) Students, July 2008

State Education Department Memorandum, “Home Instruction Questions and Answers,”

<http://www.p12.nysed.gov/sss/homeinstruction/homeschoolingqanda.html>,
Sept. 2016

Adoption date:

() Required
(X) Local
(X) Notice

DONATIONS, GIFTS, AND GRANTS TO THE DISTRICT

Unsolicited Gifts and Donations from the Public

The Board of Education welcomes and appreciates gifts and donations to the School District from the public. Gifts and donations of money, property, equipment and materials may be accepted by the Board, except that the Superintendent of Schools may accept on behalf of the Board gifts and donations having a value less than \$100.00 dollars. [This policy does not cover personal gifts to staff. See policy 2160, Code of Ethics, for guidance on that issue.]

The Board reserves the right to refuse to accept any gift which does not contribute towards the achievement of the district's goals, or the ownership of which would deplete the resources of the district. In accepting or rejecting gifts and donations, the Board will review the following factors:

1. The terms of the gift must identify:
 - a. the subject of the gift;
 - b. the purpose of the gift;
 - c. the beneficiary or beneficiaries if any; and
 - d. all conditions or restrictions that may apply.
2. The gift must not benefit a particular or named individual or individuals.
3. If the purpose of the gift is an award to a single student, the determination of the recipient of such award shall be made on the basis that all students shall have an equal opportunity to qualify for it in conformance with federal and state law.
4. If the gift is in trust, the obligation of the investment and reinvestment of the principal shall be clearly specified and the application of the income or investment proceeds shall be clearly set forth.
5. No gift or trust will be accepted by the Board unless:

- a. it is in support of and a benefit to all or to a particular public school in the district; or
- b. it is for a purpose for which the school district could legally expend its own funds; or
- c. it is for the purpose of awarding scholarships to students graduating from the district.

Any gift rejected by the Board shall be returned to the donor or his/her estate within 60 days together with a statement indicating the reasons for the rejection of such gift.

Soliciting and Accepting Gifts, Grants or Donations

Prior to seeking any grant or donation, the applicant must obtain prior approval from the district. Teachers seeking grants or donations for their classroom must obtain approval from the Building Principal. Other staff or administrators seeking grants or donations to benefit an entire school or the district as a whole must obtain approval from the Superintendent or his/her designee. Grant applications for funding of more than \$100,000 require prior approval by the Board of Education.

Approval shall depend on factors including, but not limited to: compatibility with the district's educational program and standards; availability of existing district resources; whether ownership would deplete district resources; and its impact on the equitable distribution of district resources.

All grants and donations must benefit the district and be congruent with the following principles:

- 1. The district's mission, vision, core values and beliefs.
- 2. The district and school goals that positively impact student performance.
- 3. The district's instructional priorities and strategies.
- 4. Equity in funding.
- 5. Conform to district governance and decision-making procedures of the Board, central office and building-level staff.
- 6. Provide a value or benefit that is greater than the obligation under the grant award.
- 7. Not violate management and/or bargaining unit rights and responsibilities.

8. Not carry any conditions that would divert school or district efforts away from the district's primary mission.

The Board reserves the right to deny approval of solicitation of any funding or grant application which does not contribute towards the achievement of the district's goals, or which would deplete the resources of the district. The Board may approve seeking grants which require a match of district funds or resources when the initiative has been identified as a priority by the Board and when such funds are planned as part of the district budget process or can be accommodated by the current budget.

All solicited grants and donations must be formally accepted by the Board.

Coordinating with Support Organizations

The district requires independent support organizations (e.g., booster clubs, parent-teacher associations, education foundations) seeking to make a contribution of money or property to first meet with the Superintendent or his/her designee to identify the terms and conditions of the proposed gift and the needs of the district. The Board must approve such gifts and donations.

Accounting for, and Oversight of, all Donations, Gifts, and Grants

All gifts, donations, grants, funds, property, and materials received by the district become the property of the district. Such items may not be returned without the approval of the Board. All items are subject to the same controls and regulations as other district property, and shall be deposited or inventoried accordingly.

The Board shall receive a report annually of all gifts, donations, grants, funds, property, and materials received by the district

during the school year, and where each was used. It is the goal of the Board to properly account for all district resources and to monitor the distribution of those resources to minimize disparities between schools within the district.

Cross-ref: 1222, Relationship with Booster Organizations
 1225, Relationship with Local Educational Foundations
 2160, School District Officer and Employee Code of Ethics
 5251, Student Fund Raising Activities
 6640, Inventories

Ref: Education Law §1709(12)

Adoption date:

(X) Required**() Local****() Notice****PARENT AND FAMILY ENGAGEMENT**

The Board of Education believes that positive parent and family engagement is essential to student achievement, and thus encourages such involvement in school educational planning and operations. Parent and family engagement may take place either in the classroom or during extra-curricular activities. However, the Board also encourages parent and family engagement at home (e.g., planned home reading time, informal learning activities, and/or homework “contracts” between parents, family members and children). The Board directs the Superintendent of Schools to develop a home-school communications program in an effort to encourage all forms of parent and family engagement.

Title I Parent and Family Engagement- District Level Policy

Consistent with the parent and family engagement goals of Title I, Part A of the federal No Child Left Behind Act of 2001 (NCLB) and its reauthorization in the Every Student Succeeds Act (ESSA), the Board of Education will develop and implement programs, activities and procedures that encourage and support the participation of parents and family members of students eligible for Title I services in all aspects of their child's education. The Board also will ensure that all of its schools receiving Title I, Part A funds develop and implement school level parent and family engagement procedures, as further required by federal law.

For purposes of this policy, parental involvement refers to the participation of parents in regular, two-way, and meaningful communication, involving student academic learning and other school activities.

At a minimum, parent and family engagement programs, activities and procedures at both the district and individual school level must ensure that parents and family members:

- Play an integral role in assisting their child's learning;
- Are encouraged to be actively involved in their child's education at school; and
- Are full partners in their child's education and are included, as appropriate, in decision-making and on advisory committees to assist in the education of their child.

The federal definition of the term "parents" refers to a parent, legal guardian or other person standing in *loco parentis* (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare).

District and school level Title I parent and family engagement programs, activities and procedures will provide opportunities for the informed participation of parents and family members (including those who have limited English proficiency, parents and family members with disabilities, and parents and family members of migratory children.)

As further required by federal law, parents and family members of students eligible for Title I services will be provided an opportunity to participate in the development of the district's Title I plan, and to submit comments regarding any aspect of the plan that is not satisfactory to them. Their comments will be forwarded with the plan to the State Education Department.

Parents and family members also will participate in the process for developing either a comprehensive or targeted "support and ~~school~~ improvement plan" when the school their child attends is identified by the State as needing this plan.

Parent and family member participation in development of district wide Title I plan

The Board, along with its Superintendent of Schools and other appropriate district staff will take actions to ensure parent and family member involvement in the development of the district wide Title I plan.

The Assistant Superintendent for Instruction, principal(s) of Title I school(s), and Title I staff will meet with parents and family members to develop a plan to involve parents. This parent and family engagement plan will be reviewed annually and updated as needed. This plan will be reviewed with impacted parents and family members at flexible times and in highly accessible places such as open houses, orientations, and school-wide events.

Development of school level parent and family engagement approaches

The Superintendent of Schools will ensure that all district schools receiving federal financial assistance under Title I, Part A are provided coordination, technical assistance and all other support necessary to assist them in planning and implementing effective parent and family engagement programs and activities that improve student achievement and school performance. As appropriate to meet individual local needs, the Superintendent or designee will:

- hold meetings at flexible times
- provide information through quarterly newsletters and the District website
- engage in community outreach events
- survey parents by phone, mail, and/or email.

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Building capacity for parental involvement

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To build parent capacity for strong parental involvement to improve their child's academic achievement, the district and its Title I, Part A schools will, at a minimum:

1. Assist parents in understanding such topics as the state's academic content challenging academic standards, state and local academic assessments, Title I requirements, how to monitor their child's progress and how to work with educators to improve the achievement of their child. To achieve this objective, the district and its Title I schools will discuss these topics at:

- 1) Open House
- 2) Student Conferences
- 3) Conferences by Parent Requests
- 4) Presentations at PTA and/or Shared Decision Making meetings
- 5) Presentations at Board of Education meetings on student achievement

[List activities such as workshops, conferences, distribution of training materials, and/or training parents to help other parents understand the role they can play in helping their child.]

2. Provide materials and training to help parents work to improve their child's academic achievement such as literacy training and using technology (including education about the harms of copyright policy). To achieve this objective, the district and its Title I School(s) will provide such things as:

- 1) Parent training in reading with students
- 2.) Parent training on using technology to support literacy
- 3.) Implement unique reading opportunities like One School, One Book
- 4.) Community outreach such as summer book giveaways
- 5.) Parent University programs focused on literacy
- 6.) Videos posted to the school website and social media related to these topics

[List additional activities such as providing literacy programs that bond families around reading and using the public library, providing information about the essential components of reading or math instruction to enable parents to support the instructional practices used by the teacher, or training parents in the use of the Internet to enable them to access their children's homework; communicate with teachers; and review information posted about schools in improvement, supplemental educational services, public school choice, and other opportunities to promote student achievement.]

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3. Educate its teachers, specialized instructional support personnel, principals and other school leaders, and other staff, with the assistance of parents, in understanding the value and utility of a parent's contributions and on how to:

- reach out to, communicate with, and work with parents as equal partners;
- implement and coordinate parent programs; and
- build ties between parents and the schools.

To achieve this objective, the Title I school(s) will:

- Provide professional development and training to its teachers, specialized instructional support personnel, principals and other school leaders, and other staff on the benefits of parent and family engagement.
- Provide information to staff and community members to inform stakeholders about the impact living in poverty has on students and families.

[As part of their activities in this area, schools and districts may wish to involve parents in developing this training, in order to improve its effectiveness.]

4. Ensure that information related to school and parent-related programs, meetings and other activities is sent to the parents of children participating in Title I programs in an understandable and uniform format, including alternative formats, upon request, and to the extent practicable, in a language the parents can understand.

Coordination of parental involvement strategies

The district will coordinate and integrate strategies adopted to comply with Title I, Part A parental involvement requirements with parental involvement strategies adopted in connection with other Federal, State, and local programs, including public preschool programs. It will do this by offering opportunities for any of these programs applicable to our schools for exposure and transition.

[List activities such as who will be responsible for coordinating programs and strategies, and identify what monitoring or follow up procedures will be conducted.]

Review of district wide parent and family engagement policy

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The Board, along with its superintendent of schools and other appropriate staff will conduct, with the meaningful involvement of parents and family members, a periodic evaluation of the content and effectiveness of this parent and family engagement policy in improving the academic quality of Title I schools, including the identification of barriers to greater participation by parents in activities under this policy, and the revision of parent and family engagement policies necessary for more effective involvement.

To facilitate this review, the district will conduct the following:

- Review the effectiveness of this plan annually at a Shared Decision Making Team meeting and invite representatives from PTSA and the ENL family advocate to participate in this review.
- Use appropriate technology to assist in translation of materials into native language
- Identify a parent advocate for ENL families to reach out to

Cross-ref: 4010, Equivalence in Instruction

Ref: 20 USC §§6318(a)(2); 7801(38), Every Student Succeeds Act (§1116 of the Elementary and Secondary Education Act)
U.S. Department of Education, *Parental Involvement, Title I, Part A, Non-Regulatory Guidance*, April 23, 2004

Adoption date:

Title I Parent and Family Engagement - School Level Approach

The **[insert name of school]** recognizes that parents and family members play an integral role in assisting their child's learning. We encourage parents and family members to be actively involved in their child's education at school and to become full partners in school educational planning and operations. Consistent with the parent involvement goals of Title I, Part A of the federal Elementary and Secondary Education Act, reauthorized by the No Child Left Behind Act of 2001 (NCLB) and the Every Student Succeeds Act of 2015 (ESSA):

1. The Building Principal and appropriate staff shall convene an annual meeting, at a convenient time, to inform parents of the school's participation in Title I programs, and to explain Title I requirements and the right of the parents to be involved. All parents of children participating in a Title I program will be invited to the meeting.
2. The school staff shall offer a flexible number of meetings to provide parents the opportunity to meet with school staff and otherwise participate in their child's education. These meetings shall be held at flexible times (e.g., morning or evening) and/or in highly accessible places such as public housing projects, etc.
3. The school will provide parents with timely information about Title I programs. School staff will also describe and explain the curriculum in use at the school, the types of academic assessment that will be used to measure student progress and the proficiency levels the students are expected to meet. Parents may also request regular meetings with school staff to make suggestions and to participate, as appropriate in decisions relating to the education of their child. The school will respond to any such suggestions as soon as practical.
4. The school staff shall involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of Title I programs, including the planning, review, and improvement of the school's parent and family engagement policy.

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Student Academic Achievement School-Parent Compact**School-Parent Compact**

To help our children achieve, we agree to abide by the following conditions during the [insert school year] school year:

School Responsibilities

The school will:

- Provide high-quality curriculum and instruction in a supportive and effective learning environment;
- Hold parent-teacher conferences during these conferences, this compact will be discussed as it relates to your child's academic achievement;
- Provide parents with frequent reports on their child's progress;
- Provide parents reasonable access to staff; and
- Provide parents with opportunities to volunteer and participate in their child's class and to observe classroom activities.
- Ensure regular two-way, meaningful communication between parents and family members and school staff, and, to the extent practicable, in a language that the parents and family members can understand

Parents' Responsibilities

We, as parents, will support our children's learning in the following ways:

- *Monitor my child's attendance;*
- *Make sure that homework is completed;*

- *Limit amount of television my child watches;*
- Volunteer in my child's school;
- Participate in decisions regarding my children's education;
- Promote positive use of my child's extracurricular time; and
- Stay informed about my child's education and communicate with the school regularly.

Student Responsibilities

As a student, I will share the responsibility to improve my grades, and agree to:

- Do homework every day and ask for help when needed;
- Read at least 20 minutes a day outside of school; and
- Give to my parents all notices and information received by me from my school every day.

School	Parent	Student
Date	Date	Date

(X) Required

() Local

() Notice

INTERPRETERS FOR HEARING-IMPAIRED PARENTS

The Board of Education recognizes that those district parents with hearing impairments which prevent meaningful participation in their child's educational program must be afforded an opportunity equal to that afforded other parents to participate in meetings or activities pertaining to the academic and/or disciplinary aspects of their child's education. Accordingly, and pursuant to law, the school district will provide an interpreter for hearing-impaired parents for school-initiated academic and/or disciplinary meetings or activities including, but not limited to:

- Parent/teacher conferences
- Child/study or building level team meetings
- Planning meetings with school counselors regarding educational progress
- Career planning
- Suspension hearings or other conferences with school officials relating to disciplinary actions

The school district will provide an interpreter for the hearing-impaired parent if a written request for the service has been submitted to and received by the district within five (5) working days prior to the scheduled meeting or activity. If an interpreter is unavailable, the district will then make other reasonable accommodations which are satisfactory to the parents (e.g., notetaker, transcript, decoder, or telecommunication device for the deaf). These services will be made available by the district at no cost to the parents.

The Board directs the Superintendent of Schools to maintain a list of available interpreters and to develop procedures to notify parents of the availability of interpreter services, the time limitation for requesting these services, and of the requirement to make other reasonable accommodations satisfactory to the parents should an interpreter not be available.

Hearing-impaired parents are requested to submit the attached form to request accommodation of their disability.

Ref: Americans with Disabilities Act of 1990, 42 U.S.C. §§12131-12134
 Rehabilitation Act of 1973, 29 U.S.C. §794
 Education Law §3230
 8 NYCRR §100.2(aa)
Rothschild v. Grottenthaler, 907 F.2d 286 (2d Cir. 1990)

Adoption date:

INTERPRETERS FOR HEARING-IMPAIRED PARENTS

Accommodation Request

Parents in need of interpreter services are asked to complete this form:

TO: Superintendent of Schools

_____ School District

FROM: _____
Name

Address

Please identify the type of interpreter needed:

___ Interpreter for the Hearing Impaired: () American Sign; () English

In the event an interpreter is not available, please identify the type of alternative service preferred:

___ Written Communication

___ Transcripts

___ Decoder

___ Telecommunication Device for the Deaf (TDD)

___ Other (please specify) _____

Adoption date:

INTERPRETERS FOR HEARING-IMPAIRED PARENTS EXHIBIT

Response to requests for accommodation

FROM: Superintendent of Schools

_____ School District

TO:

Name

Address

The _____ School District hereby:

_____ grants your request for accommodation of a hearing disability in accordance with Board Policy 1925;

_____ denies your request for accommodation of a hearing disability for the following reason: _____

Adoption date: