

**Minutes – Business Meeting – Board of Education – New Paltz Central High School – January 5, 2011 – 7:00 PM**

**CALL MEETING TO ORDER**

CALL TO ORDER

Meeting was called to order at 6:02 PM by Don Kerr, Board President.

BOARD MEMBERS PRESENT: Kathleen Tobin Flusser  
Steven Greenfield  
Donald Kerr  
Patrick Rausch  
Robert Rich  
Edgar Rodriguez  
Daniel Torres

QUORUM CHECK

ALSO PRESENT: Maria Rice, Superintendent of Schools  
Richard Linden, Assistant Superintendent for Business (arrived 6:40 PM)  
Connie Hayes, Asst. Superintendent for Pupil Personnel Services (arrived 6:40 PM)

**ROLL CALL** – As reflected above.

ROLL CALL

**EXECUTIVE SESSION**

EXECUTIVE SESSION

Motion made by Mr. Torres and seconded by Ms. Tobin Flusser that the Board of Education move into Executive Session at 6:03 PM for the purpose of: discussing the employment history of particular individuals, discussing the school history or particular students in accordance with their FERPA rights, discussing contract negotiations, and discussing negotiations with a firm or company. Motion carried 7 - 0 with 7 members voting.

Out of Executive Session Motion made by Mr. Torres and seconded by Mr. Rich that the Board return to Public Session at 7:01 PM. Motion carried 7 - 0 with 7 members voting.

**CALL TO ORDER**

CALL TO ORDER

The Public Meeting was called to order at 7:08 PM by Donald Kerr, Board President.

BOARD MEMBERS PRESENT: Kathleen Tobin Flusser  
Steven Greenfield  
Donald Kerr  
Patrick Rausch  
Robert Rich  
Edgar Rodriguez  
Daniel Torres

QUORUM CHECK

ALSO PRESENT: Maria Rice, Superintendent of Schools  
Debra Banner, Assistant Superintendent  
Richard Linden, Assistant Superintendent for Business  
Connie Hayes, Assistant Superintendent for Pupil Personnel Services  
Barbara Clinton, Principal, New Paltz Central High School  
Richard Wiesenthal, Principal, New Paltz Middle School  
Michelle Martoni, Principal, Lenape Elementary School  
Debra Hogencamp, Principal, Duzine Elementary School  
Antonia Woody, Director of Physical Education, Health, Athletics & Health Services  
Maureen Ryan, Director of Transportation  
Michael Robinson, Director of Food Services  
Stephen J. Callahan, Director of Facilities & Operations  
Elena Maskell, District Clerk  
Members of the Public and Press

**ROLL CALL** – As reflected above.

ROLL CALL

**PLEDGE TO THE FLAG**

PLEDGE

**AGENDA CHANGES**

**AGENDA CHANGES**

So moved Ms. Tobin Flusser seconded Mr. Torres. All in favor with none opposed. Motion carried 7-0.

**PERSONNEL:**

**ADD to Personnel Agenda New Item Number 8.10 Instructional Appointment – Long Term Substitute**

**8.10 Instructional Appointment - Long Term Substitute**

Recommendation - that the New Paltz Central Schools Board of Education, upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby approve the appointment of the following long term substitute instructional employee with remuneration as per NPUT contract:

<b>Name</b>	<b>Effective Date</b>	<b>Salary/Step</b>
Paul Mattes	9/20/10 – 1/28/11	MA Step C-\$59,160(prorated)

**NEW BUSINESS:**

**ADD to New Business Agenda New Item Number 10.15 Request for Approval to Accept Donation**

**10.15 Request for Approval to Accept Donation**

Recommendation –that the Board of Education approve the following resolution: **BE IT RESOLVED** that the Board of Education, upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby accept a donation from Forrest Eckert for Mr. Eckert’s Eagle Scout Project which entails renovations to the New Paltz Middle School Sports Equipment Shed, and directs the District Clerk to send a letter of appreciation from the Board of Education to Forrest Eckert for his donation.

**ADD to New Business Agenda New Item Number 10.16 Approval of Policy 7670 Impartial Due Process Hearings/Selection of Impartial Hearing Officers**

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS**

The parent/person in parental relation of a student with a disability may file a written request with the Board for an impartial due process hearing with respect to any matter relating to the identification, evaluation, educational placement, provision of a free appropriate public education, manifestation determination or other matter relating to discipline. The Board may also initiate such hearing.

The School District is committed to making every effort to amicably resolve differences involving the educational programs for students with disabilities. Mediation will be available to resolve disputes involving any matter, including matters arising prior to the filing of a request for an impartial due process hearing. In addition, the District may establish procedures providing the opportunity to meet with a disinterested party from a community dispute resolution center for an explanation of the benefits of the mediation process.

For those exceptional circumstances where a more formal method is required, the impartial hearing process will be utilized. The Impartial Hearing Officer (IHO) renders a written decision after the parties present and refute evidence before him/her. The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

**Impartial Due Process Hearing Process**

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

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

Due Process Complaint Notification

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

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

This written due process complaint notice must include:

- 1. The name of the student;
- 2. The address of the student’s residence or, in case of a homeless student, available contact information;

(Continued)

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS  
(Cont'd.)**

3. Name of the school the child is attending;
  4. A description of the nature of the problem of the student relating to the proposed or refused initiation or change, including facts relating to the problem; and
  5. A proposed resolution of the problem to the extent known and available to the party at the time.
- b) The due process complaint notice will be deemed sufficient unless the party receiving the notice notifies the other party and the IHO in writing within fifteen (15) days of receiving the notice that they believe the notice requirements have not been met.
  - c) Within five (5) days of the receipt of the notice of insufficiency, the IHO shall make a determination on the face of the notice of whether the notification meets the notice requirements and shall immediately notify the parties in writing of the determination.
  - d) If the District has not sent a prior written notice (notice of recommendation) to the parent regarding the subject matter of the complaint notice, the District will send a response to the parent within ten (10) days of receiving the complaint which includes:
    1. An explanation of why the District proposed or refused to take the action raised in the complaint;
    2. A description of other options the Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE) considered and why those options were rejected;
    3. A description of each evaluation procedure, assessment, record, or report the District used as a basis for the proposed or refused action; and
    4. A description of the factors relevant to the District's proposal or refusal.
  - e) Upon receipt or filing of the due process complaint notice, the District will provide the procedural safeguards notice to the parents. The District will also inform parents in writing of the availability of mediation and of any free or low-cost legal and other relevant services available in the area.
  - f) Within ten (10) days of receiving the complaint notice, the non-complaining party must send a response specifically addressing the issues raised in the notice.
  - g) A party may amend its due process complaint notice only if:
    1. The other party consents in writing and is given the opportunity to resolve the complaint through a resolution process;
    2. The IHO grants permission, but not later than five (5) days before the impartial due process hearing commences.  
Applicable timelines for the impartial due process hearing will recommence at the time of the filing of the amended notice.
  - h) No issues may be raised at the impartial due process hearing that were not raised in the due process complaint notice.

Resolution Process

- a) Within fifteen (15) days of receiving the due process complaint notice from the parent and prior to the due process hearing itself, the District shall convene a meeting with the parents and relevant members of the CSE/CPSE, as determined by the District and the parent, who have specific knowledge of the facts identified in the complaint. A representative of the District who has decision-making authority must attend. The attorney for the District may not attend unless the parent is accompanied by an attorney. At this resolution meeting, the District has the opportunity to resolve the complaint after the parents discuss their complaint and the facts forming its basis.

The District will take steps to ensure that one or both of the parents of the student with a disability are present at the resolution meeting, including notifying parents of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the resolution meeting at a mutually agreed on time and place and in a location that is physically accessible to the parents.

- b) When conducting meetings and carrying out administrative matters (such as scheduling), the parent and District may agree to use alternative means of meeting participation such as video conferences or conference calls.
- c) The parent and District may agree in writing to waive the resolution process or agree to use the mediation process to resolve the dispute.

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**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS  
(Cont'd.)**

- d) If a settlement is reached, the parties shall execute a legally binding agreement signed by the parent and the representative of the District who has authority to bind the District. This agreement is enforceable in court. However, either party may void the agreement within three (3) business days of the agreement's execution.
- e) If the District has not resolved the due process complaint to the satisfaction of the parents within thirty (30) days of receipt of the complaint notice, the impartial hearing process may begin.
- f) Except where the parties have jointly agreed to waive the resolution process or use mediation, the failure of a parent filing a due process complaint to participate in the resolution meeting will delay the timeline for the resolution process and due process hearing until the meeting is held:
  - 1. If the District is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made (and documented), the District may, at the conclusion of the thirty-day period, request that an IHO dismiss the parents' due process complaint.
  - 2. If the District fails to hold the resolution meeting within fifteen (15) days of receipt of the parent's due process complaint or fails to participate in the resolution meeting, the parent may seek the intervention of the IHO to begin the due process hearing timeline.

Pre-Hearing Conference

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

Impartial Due Process Hearing

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

- a) The District must immediately (but not later than two (2) business days after receipt of the due process complaint notice or mailing of the due process complaint notice to the parent) initiate the process to select an IHO. The District selects the IHO through a rotational selection process in accordance with regulatory timelines. The Superintendent's Secretary/District Clerk will be responsible for contacting IHOs and maintaining appropriate records.
- b) The IHO must be certified by the Commissioner of Education, be independent and have access to the support and equipment necessary to perform the duties of an IHO. When the selected IHO indicates availability, the Board of Education must immediately appoint him/her. To expedite this process, the Board shall designate the President or Vice President of the Board the authority to formally appoint a hearing officer by signing a letter of appointment.
- c) The IHO may not accept appointment unless he/she is available to make a determination of sufficiency of a due process complaint notice within five (5) days of receiving such a request and (unless an extension is granted) to initiate the hearing in a timely fashion.
  - 1. When the District files the due process complaint notice, the hearing or pre-hearing conference must commence within the first fourteen (14) days after the date the IHO is appointed;
  - 2. When a parent files the due process complaint notice, the hearing or pre-hearing conference must commence within the first fourteen (14) days after whichever of the following occurs first:
    - (a) The date the IHO receives the parties' written waiver of the resolution meeting; or
    - (b) The IHO receives the parties' written confirmation that a mediation or resolution meeting was held but no agreement could be reached; or
    - (c) The expiration of the thirty-day resolution period unless the parties agree in writing to continue mediation at the end of the thirty-day resolution period. In such case, the hearing or pre-hearing conference will commence within the first fourteen (14) days after the IHO is notified in writing that either party withdrew from mediation.
- d) The hearing, or a prehearing conference, shall commence within the timeframe specified in c) above, unless an extension is granted pursuant to Commissioner's Regulations.
- e) Each party must disclose to all parties all evaluations completed by that date and recommendations based on the offering party's evaluation that they intend to use at the hearing not less than five (5) days prior to the hearing. The IHO may bar any party that fails to comply with this requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

(Continued)

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS  
(Cont'd.)**

- f) The hearing will be conducted at a time and location that is reasonable and convenient to the parent and the student involved. The hearing shall be closed to the public unless the parent requests an open hearing.
- g) The role and responsibilities of the IHO will be as enumerated in Commissioner's Regulations.
- h) The student shall remain in his/her current placement during the pendency of the impartial due process hearing unless both parties agree or except as otherwise provided for expedited impartial due process hearings for certain disciplinary suspensions or removals of a student. For a preschool child not currently receiving special education services and programs, he/she may, during any impartial due process hearings or appeals, receive special education services and programs if the parent/person in parental relation and the District agree. However, during the pendency of an appeal for a preschool child who is transitioning from an Early Intervention (EI) program and is no longer eligible for the EI program due to age, the District is not required to provide the services the child had been receiving under EI. If found eligible for special education as a preschool student with a disability, and if the parent consents to the initial provision of services, the District will provide those programs and services that are not in dispute.
- i) The IHO renders and forwards the finding of fact and decision to the parties and to the State Education Department in accordance with regulatory timelines but not later than forty-five (45) days from the date required for commencement of the impartial due process hearing specified in c) above. For expedited hearings the deadline is within ten (10) school days after the hearing; for preschool hearings the timeframe is thirty (30) days after the receipt by the Board of a request for a hearing or after the initiation of such hearing by the Board.
- j) The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

**Burden of Proof**

In accordance with New York State law, the burden of proof and persuasion in an impartial due process hearing dispute relative to a student's special education placement rests upon the School District. However, a parent/person in parental relation seeking tuition reimbursement for a unilateral parental placement shall have the burden of persuasion as to the appropriateness of the placement.

**Recordkeeping and Reporting**

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

**Compensation of Impartial Hearing Officers**

~~The District will be responsible for compensating the IHO for prehearing, hearing and post hearing activities at the maximum rate approved by the Director of the Division of the Budget. The District will also reimburse the IHO for travel and other hearing related expenses (e.g., duplication and telephone costs) pursuant to an annually determined schedule. A copy of this policy will be provided to each IHO at the time of appointment.~~

~~At the completion of the impartial due process hearing, the IHO shall submit an itemized bill of hourly charges and expenses, which will be promptly paid by the District.~~

**A. Selection and Appointment**

- 1. The District shall utilize the most recent rotational list of impartial hearing officers established by the State Education Department. Additional qualified impartial hearing officers requesting to serve in the District shall have their names inserted into such rotational list in alphabetical order.
- 2. Within two (2) business days after the District receives a written request for an impartial hearing, the District Clerk shall initiate attempts to contact that hearing officer whose name next follows the last hearing officer appointed by the Board of Education from the rotational list. The District Clerk shall first attempt contact by telephone call. If unsuccessful at reaching the hearing officer, the District Clerk shall leave a message (if voice mail is available) and send a letter by overnight mail, informing the hearing officer that:
  - a. a hearing has been requested concerning a student (identify the student only by number) and the name of the school district;
  - b. the hearing officer's name is the next one on the rotational list; and

(Continued)

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS  
(Cont'd.)**

- c. the hearing officer must contact the District Clerk (leave telephone number) no later than 24 hours from the date the telephone message is left and/or the date of the correspondence.
3. If the hearing officer declines appointment, or fails to respond within 24 hours after being telephoned or sent a letter by overnight mail, the District Clerk will, according to the procedures outlined above, offer the appointment to each successive hearing officer whose name appears on the rotational list, until it is accepted.
4. No appointment may be accepted unless the hearing officer is available to initiate the hearing within 14 days after being contacted by the District Clerk.
5. Once an appointment is accepted, the hearing officer shall be formally appointed by:
  - a. resolution adopted by the Board of Education; or
  - b. a letter signed by the President or Vice President of the Board of Education.
6. The President and/or Vice President of the Board of Education are hereby delegated with the authority to immediately appoint impartial hearing officers who are selected in accordance with these procedures.
7. Once appointed, the District Clerk shall provide the Impartial Hearing Officer with the relevant contact information for the District's legal counsel and contact information for the Parent(s) and Student and/or their legal counsel.
8. The District Clerk shall maintain a log detailing any actions taken pursuant to this policy relating to the appointment of impartial hearing officers. In addition, the District Clerk shall comply with any applicable reporting provisions contained in Section 200.5 of the Commissioner's Regulations relating to the appointment of impartial hearing officers.

**B. Compensation**

Impartial hearing officers appointed to conduct hearings under the provisions of Article 89 of the Education Law shall submit statements to the School District for fees and expenses in accordance with the following guidelines:

1. A statement for fees and expenses shall be submitted at the conclusion of the hearing and receipt of the impartial hearing officer's final decision or other determination having the effect of terminating the impartial hearing officer's involvement in the hearing.
2. All statements for fees and expenses shall separately list each individual item of service or expense, the date it occurred and the time spent, by hour or fraction thereof in increments of one-tenth of an hour (e.g., .1, .2, .3, ...). Time charges must be appropriate. The District reserves the right to request additional information concerning the appropriateness of any time charges and to withhold payment for time charges deemed to be inappropriate and/or inconsistent with applicable Board policy. All statements for fees and expenses shall be submitted by the Impartial Hearing Officer within 30 days of the performance of services.
3. Compensation will be made at the rate of \$100 per hour for authorized activities.
4. The District will not reimburse impartial hearing officers for travel time, administrative assistance, secretarial or other overhead expenses.
5. The District will, upon review and approval of properly submitted receipts, reimburse impartial hearing officers for automobile travel at the I.R.S. approved rate and for tolls reasonably and necessarily incurred as a result of the hearing.
6. In addition to hearing time itself, the Board will reimburse, at the hourly rate, for time actually expended by the impartial hearing officer for:
  - a. Scheduling the hearing;
  - b. Pre-hearing conference calls (if necessary);
  - c. Scheduling letters;
  - d. For time necessarily and actually spent preparing the Decision, including any Interim Decisions.
7. Absent extraordinary circumstances, as determined in advance by the District, impartial hearing officers will not be reimbursed for any other expenses associated with their appointment and service as impartial hearing officers.

(Continued)



**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS  
(Cont'd.)**

**C. Notice**

1. A copy of this policy will be forwarded to the impartial hearing officer within two business days of appointment by the District Clerk.

**Mediation**

The District will inform the parent in writing of the availability of mediation and any free or low-cost legal and other relevant services available in the area at the request of the parent or when an impartial due process hearing is requested.

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

**Guardians ad Litem at Impartial Due Process Hearings**

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

**Confidentiality**

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

**Administrative Procedures**

Administrative procedures will be developed for the selection and appointment of an IHO consistent with regulatory requirements.

Individuals with Disabilities Education Act (IDEA),  
20 United States Code (USC) Section 1400 et seq.  
34 Code of Federal Regulations (CFR) Part 300  
Education Law Sections 4005, 4202, 4404(1) and 4410(7)  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 200.1, 200.2, 200.5, 200.16, 200.21 and 201.11

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

Adopted: 7/16/08

Revised: 10/1/08

Revised: 10/20/10

**PUBLIC COMMENTS** - None

**PUBLIC COMMENT**

**SUPERINTENDENT'S REPORTS & DISCUSSION ITEMS**

**SUPT REPORT**

**SUPERINTENDENT COMMENTS** - Superintendent Rice noted that the 26<sup>th</sup> Annual Legislative Brunch will be held on Saturday, February 12, 2011. The Superintendent asked that any Board Members interested in attending please contact the District Clerk. Mrs. Rice noted that the first Foundation Committee Meeting was held and was successful, and a separate Educational Foundation Committee will be meeting soon.

**SUPERINTENDENT REPORTS**

**INFORMATION AND COMMUNICATIONS TECHNOLOGY REORGANIZATION**-Debora Banner spoke to the Board regarding the Information & Communications Technology Dept Reorganization for 2010-2011. Discussion ensued.

**OVERVIEW OF POSSIBLE SCHOOL CONSOLIDATION OPTIONS** – Mrs. Rice gave the Board a Power Point presentation regarding School Consolidation and Student Population Shifts. Discussion ensued.

**BOARD COMMUNICATIONS BOARD COMMUNICATION**

**SUSTAINABLE HUDSON VALLEY 10% CHALLENGE** – MELISSA EVERETT & ED SADLER

Ms. Everett appeared before the Board to present the 10% challenge which is an invitation to cut energy use by 10% and to get 10% of the people around you involved. Mr. Sadler is a science teacher at Warwick School District and spoke of the challenge that is taking place at his district as well. Mr. Sadler stated his district did pass a resolution to this affect. Mr. Sadler also spoke of having a Go Green Challenge in each school.

**BOARD GOALS**

Mr. Kerr presented a list of Board of Education Goals for 2010 – 2011. The goals were discussed in past meetings, but in addition to the goals, strategies and results are now included. The goals were again discussed and changes were made which will be presented to the Board for approval.

**MINUTES OF MEETING**

**MINUTES**

Motion made by Mr. Torres and seconded by Ms. Tobin Flusser that the Board of Education approve the following resolution: BE IT RESOLVED that the New Paltz Central Schools Board of Education accept the minutes of the Business Meeting of December 15, 2010. Ms. Tobin Flusser noted that Alyssa Sullivan’s name was to be corrected. Motion carried 7 - 0 with 7 members voting.

**PERSONNEL (CONSENT AGENDA)**

**PERSONNEL**

Motion made by Mr. Torres and seconded by Ms. Tobin Flusser that the Board of Education approve the following personnel (consent agenda) resolutions: 8.1 through 8.10:

**8.1 Instructional Appointment - Substitutes**

Recommendation that the New Paltz Central Schools Board of Education upon the recommendation of Maria C. Rice, Superintendent, does hereby appoint the following substitute teachers with remuneration as per rates established at the July 7, 2010 Organizational Meeting.

<b>Name</b>	<b>Effective Date</b>
Andrew George	1/6/10 – 6/30/11
Pamela Geuss	1/6/10 – 6/30/11
Francis Hayes	1/6/10 – 6/30/11
Nicole Kircher	1/6/10 – 6/30/11
Meghan Ann Maguire	1/6/11 – 6/30/11
Kaitlin Nolan	1/6/11 – 6/30/11
Gregory Raymond	1/6/11 – 6/30/11
David Winograd	1/6/11 – 6/30/11
Ashley Zanos	1/6/11 – 6/30/11

**8.2 Advisorships**

Recommendation - that the New Paltz Central Schools Board of Education upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby appoint the following non-paid advisorships for the 2010/2011 school year.

Take out instructional employees:

**High School**

Karen Morehouse	Drama Club Spring Musical
Kate Weston	Drama Club Spring Musical

**8.3 Home Tutor**

Recommendation - that the New Paltz Central Schools Board of Education, upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby appoint the following instructional employee, on an as-needed basis with remuneration as per NPUT contract effective for the 2010-2011 school year:

**Name**

Adrienne Schorr

**8.4 CSE /CPSE Parent Member List**

Recommendation – that the New Paltz Central Schools Board of Education, upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby appoint the following parents, in addition to those already appointed at the July 7, 2010 Organization Meeting, to serve as members of Committee Special Education/Committee for Pre-School Special Education for the 2010-2011 school year:

<b>Name</b>	<b>Title</b>	<b>Name</b>	<b>Title</b>
Kim Adams	Parent member	Janice Stryker	Parent member
Milisa Burriss	Parent member	Leonard Cohen	Parent member
Janice Cyr	Parent member	Deborah Copeland	Parent member
Tina Koch	Parent member	Joanne Secky	Parent member
Dafna Nidorf	Parent member		



**8.5 Instructional Leave of Absence**

Recommendation - that the New Paltz Central Schools Board of Education, upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby approve an unpaid (.3 FTE) leave of absence for the following instructional employee:

Name	Title	Effective Date
Camille Vining	Special Education Teacher	1/03/11 – 2/18/11 (.3 FTE)

**8.6 Instructional Leave Replacement**

Recommendation - that the New Paltz Central Schools Board of Education upon the recommendation of Maria C. Rice, Superintendent, does hereby appoint the following (.3 FTE) instructional employee:

Name	Title	Effective Date	Salary/Step
Amanda Rivera	Special Education Teacher	1/03/11 - 2/18/11 (.3 FTE)	BA, Step C (\$50,480 pro-rated)

**8.7 Non-Instructional Appointment**

Recommendation – that the New Paltz Central Schools Board of Education, upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby appoint the following non-instructional employee with remuneration as per rates established at the July 7, 2010 Organizational Meeting:

Name	Title	Effective Date	Hours
Diane Abbey	Substitute LPN/Teacher Aide	1/6/11	as needed

**8.8 Non-Instructional Resignation**

Recommendation - that the New Paltz Central Schools Board of Education, upon the recommendation of Maria Rice, Superintendent of Schools, does hereby accept the resignation of the following non-instructional employee:

Name	Title	Effective Date
Italia Alvarado	School Monitor	11/30/10

**8.9 Non-Instructional Leave of Absence**

Recommendation - that the New Paltz Central Schools Board of Education upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby approve an unpaid leave of absence for the following non-instructional employee:

Name	Title	Effective Date
Darlene Morabito	Teacher Aide	1/03/11 – 3/01/11

**8.10 Instructional Appointment - Long Term Substitute**

Recommendation - that the New Paltz Central Schools Board of Education, upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby approve the appointment of the following long term substitute instructional employee with remuneration as per NPUT contract:

Name	Effective Date	Salary/Step
Paul Mattes	9/20/10 – 1/28/11	MA Step C-\$59,160(prorated)

All in favor with none opposed. Motion carried 7-0.

**OLD BUSINESS**

OLD BUSINESS

**NEW BUSINESS**

NEW BUSINESS

Motion made by Mr. Torres and seconded by Mr. Rich that the Board of Education approve new business items 10.1, 10.2, 10.15, and 10.16 with special recognition and thanks to Mr. Eckert for his donation of time and service.

**10.1 Request for Approval of Committee on Special Education Recommendations and Student Placements**

Recommendation - that the following resolution be approved: BE IT RESOLVED, that the Board of Education of the New Paltz Central School District approve the Committee on Special Education (CSE) and Committee on Pre-School Special Education (CPSE) recommendations and student placements: 727, 893, 12397, 12402, 8260, 10961, 12307, 10874, 12404, 12159, 12389, 12312, 12180, 10633.

**10.2 Request for Approval of Standard Work Day And Reporting Resolution**

Recommendation - that the following resolution be approved: BE IT RESOLVED, that the New Paltz Central School District hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Social Security Number (Last 4 digits)	Registration Number (ERS)	Standard Work Day (Hrs/day)	Term Begins/Ends	Participants in Employers Time Keeping System (Y/N)	Days/ Month (based on Record of Activities)
<b>APPOINTED OFFICIALS</b>							
District Clerk	Elena Maskell	█	█	8	7/1/10–6/30/11	Y	N/A
District Treasurer	Carol Robinson	█	█	8	7/1/10–6/30/11	Y	N/A
District Tax Collector	Tina Long	█	█	8	7/1/10–6/30/11	Y	N/A
Claims Auditor	Susan Popieluszko	█	█	8	7/1/10–6/30/11	N	4

**10.15 Request for Approval to Accept Donation**

Recommendation –that the Board of Education approve the following resolution: **BE IT RESOLVED** that the Board of Education, upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby accept a donation from Forrest Eckert for Mr. Eckert’s Eagle Scout Project which entails renovations to the New Paltz Middle School Sports Equipment Shed, and directs the District Clerk to send a letter of appreciation from the Board of Education to Forrest Eckert for his donation.

**10.16 Approval of Policy 7670 Impartial Due Process Hearings/Selection of Impartial Hearing Officers**

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS**

The parent/person in parental relation of a student with a disability may file a written request with the Board for an impartial due process hearing with respect to any matter relating to the identification, evaluation, educational placement, provision of a free appropriate public education, manifestation determination or other matter relating to discipline. The Board may also initiate such hearing.

The School District is committed to making every effort to amicably resolve differences involving the educational programs for students with disabilities. Mediation will be available to resolve disputes involving any matter, including matters arising prior to the filing of a request for an impartial due process hearing. In addition, the District may establish procedures providing the opportunity to meet with a disinterested party from a community dispute resolution center for an explanation of the benefits of the mediation process.

For those exceptional circumstances where a more formal method is required, the impartial hearing process will be utilized. The Impartial Hearing Officer (IHO) renders a written decision after the parties present and refute evidence before him/her. The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

**Impartial Due Process Hearing Process**

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

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

Due Process Complaint Notification

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

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

This written due process complaint notice must include:

- 1. The name of the student;

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

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

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

#### Resolution Process

- a) Within fifteen (15) days of receiving the due process complaint notice from the parent and prior to the due process hearing itself, the District shall convene a meeting with the parents and relevant members of the CSE/CPSE, as determined by the District and the parent, who have specific knowledge of the facts identified in the complaint. A representative of the District who has decision-making authority must attend. The attorney for the District may not attend unless the parent is accompanied by an attorney. At this resolution meeting, the District has the opportunity to resolve the complaint after the parents discuss their complaint and the facts forming its basis. The District will take steps to ensure that one or both of the parents of the student with a disability are present at the resolution meeting, including notifying parents of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the resolution meeting at a mutually agreed on time and place and in a location that is physically accessible to the parents.
- b) When conducting meetings and carrying out administrative matters (such as scheduling), the parent and District may agree to use alternative means of meeting participation such as video conferences or conference calls.
- c) The parent and District may agree in writing to waive the resolution process or agree to use the mediation process to resolve the dispute.
- d) If a settlement is reached, the parties shall execute a legally binding agreement signed by the parent and the representative of the District who has authority to bind the District. This agreement is enforceable in court. However, either party may void the agreement within three (3) business days of the agreement's execution.

- e) If the District has not resolved the due process complaint to the satisfaction of the parents within thirty (30) days of receipt of the complaint notice, the impartial hearing process may begin.
- f) Except where the parties have jointly agreed to waive the resolution process or use mediation, the failure of a parent filing a due process complaint to participate in the resolution meeting will delay the timeline for the resolution process and due process hearing until the meeting is held:
  - 1. If the District is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made (and documented), the District may, at the conclusion of the thirty-day period, request that an IHO dismiss the parents' due process complaint.
  - 2. If the District fails to hold the resolution meeting within fifteen (15) days of receipt of the parent's due process complaint or fails to participate in the resolution meeting, the parent may seek the intervention of the IHO to begin the due process hearing timeline.

#### Pre-Hearing Conference

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

#### Impartial Due Process Hearing

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

- a) The District must immediately (but not later than two (2) business days after receipt of the due process complaint notice or mailing of the due process complaint notice to the parent) initiate the process to select an IHO. The District selects the IHO through a rotational selection process in accordance with regulatory timelines. The Superintendent's Secretary/District Clerk will be responsible for contacting IHOs and maintaining appropriate records.
- b) The IHO must be certified by the Commissioner of Education, be independent and have access to the support and equipment necessary to perform the duties of an IHO. When the selected IHO indicates availability, the Board of Education must immediately appoint him/her. To expedite this process, the Board shall designate the President or Vice President of the Board the authority to formally appoint a hearing officer by signing a letter of appointment.
- c) The IHO may not accept appointment unless he/she is available to make a determination of sufficiency of a due process complaint notice within five (5) days of receiving such a request and (unless an extension is granted) to initiate the hearing in a timely fashion.
  - 1. When the District files the due process complaint notice, the hearing or pre-hearing conference must commence within the first fourteen (14) days after the date the IHO is appointed;
  - 2. When a parent files the due process complaint notice, the hearing or pre-hearing conference must commence within the first fourteen (14) days after whichever of the following occurs first:
    - (a) The date the IHO receives the parties' written waiver of the resolution meeting; or
    - (b) The IHO receives the parties' written confirmation that a mediation or resolution meeting was held but no agreement could be reached; or
    - (c) The expiration of the thirty-day resolution period unless the parties agree in writing to continue mediation at the end of the thirty-day resolution period. In such case, the hearing or pre-hearing conference will commence within the first fourteen (14) days after the IHO is notified in writing that either party withdrew from mediation.
- d) The hearing, or a prehearing conference, shall commence within the timeframe specified in c) above, unless an extension is granted pursuant to Commissioner's Regulations.
- e) Each party must disclose to all parties all evaluations completed by that date and recommendations based on the offering party's evaluation that they intend to use at the hearing not less than five (5) days prior to the hearing. The IHO may bar any party that fails to comply with this requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.
- f) The hearing will be conducted at a time and location that is reasonable and convenient to the parent and the student involved. The hearing shall be closed to the public unless the parent requests an open hearing.
- g) The role and responsibilities of the IHO will be as enumerated in Commissioner's Regulations.

- h) The student shall remain in his/her current placement during the pendency of the impartial due process hearing unless both parties agree or except as otherwise provided for expedited impartial due process hearings for certain disciplinary suspensions or removals of a student. For a preschool child not currently receiving special education services and programs, he/she may, during any impartial due process hearings or appeals, receive special education services and programs if the parent/person in parental relation and the District agree. However, during the pendency of an appeal for a preschool child who is transitioning from an Early Intervention (EI) program and is no longer eligible for the EI program due to age, the District is not required to provide the services the child had been receiving under EI. If found eligible for special education as a preschool student with a disability, and if the parent consents to the initial provision of services, the District will provide those programs and services that are not in dispute.
- i) The IHO renders and forwards the finding of fact and decision to the parties and to the State Education Department in accordance with regulatory timelines but not later than forty-five (45) days from the date required for commencement of the impartial due process hearing specified in c) above. For expedited hearings the deadline is within ten (10) school days after the hearing; for preschool hearings the timeframe is thirty (30) days after the receipt by the Board of a request for a hearing or after the initiation of such hearing by the Board.
- j) The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

### **Burden of Proof**

In accordance with New York State law, the burden of proof and persuasion in an impartial due process hearing dispute relative to a student's special education placement rests upon the School District. However, a parent/person in parental relation seeking tuition reimbursement for a unilateral parental placement shall have the burden of persuasion as to the appropriateness of the placement.

### **Recordkeeping and Reporting**

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

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

~~The District will be responsible for compensating the IHO for prehearing, hearing and post hearing activities at the maximum rate approved by the Director of the Division of the Budget. The District will also reimburse the IHO for travel and other hearing related expenses (e.g., duplication and telephone costs) pursuant to an annually determined schedule. A copy of this policy will be provided to each IHO at the time of appointment.~~

~~At the completion of the impartial due process hearing, the IHO shall submit an itemized bill of hourly charges and expenses, which will be promptly paid by the District.~~

#### **A. Selection and Appointment**

1. The District shall utilize the most recent rotational list of impartial hearing officers established by the State Education Department. Additional qualified impartial hearing officers requesting to serve in the District shall have their names inserted into such rotational list in alphabetical order.
2. Within two (2) business days after the District receives a written request for an impartial hearing, the District Clerk shall initiate attempts to contact that hearing officer whose name next follows the last hearing officer appointed by the Board of Education from the rotational list. The District Clerk shall first attempt contact by telephone call. If unsuccessful at reaching the hearing officer, the District Clerk shall leave a message (if voice mail is available) and send a letter by overnight mail, informing the hearing officer that:
  - a. a hearing has been requested concerning a student (identify the student only by number) and the name of the school district;
  - b. the hearing officer's name is the next one on the rotational list; and
  - c. the hearing officer must contact the District Clerk (leave telephone number) no later than 24 hours from the date the telephone message is left and/or the date of the correspondence.
3. If the hearing officer declines appointment, or fails to respond within 24 hours after being telephoned or sent a letter by overnight mail, the District Clerk will, according to the procedures outlined above, offer the appointment to each successive hearing officer whose name appears on the rotational list, until it is accepted.

(Continued)

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS  
(Cont'd.)**

4. No appointment may be accepted unless the hearing officer is available to initiate the hearing within 14 days after being contacted by the District Clerk.
5. Once an appointment is accepted, the hearing officer shall be formally appointed by:
  - a. resolution adopted by the Board of Education; or
  - b. a letter signed by the President or Vice President of the Board of Education.
6. The President and/or Vice President of the Board of Education are hereby delegated with the authority to immediately appoint impartial hearing officers who are selected in accordance with these procedures.
7. Once appointed, the District Clerk shall provide the Impartial Hearing Officer with the relevant contact information for the District's legal counsel and contact information for the Parent(s) and Student and/or their legal counsel.
8. The District Clerk shall maintain a log detailing any actions taken pursuant to this policy relating to the appointment of impartial hearing officers. In addition, the District Clerk shall comply with any applicable reporting provisions contained in Section 200.5 of the Commissioner's Regulations relating to the appointment of impartial hearing officers.

**B. Compensation**

Impartial hearing officers appointed to conduct hearings under the provisions of Article 89 of the Education Law shall submit statements to the School District for fees and expenses in accordance with the following guidelines:

1. A statement for fees and expenses shall be submitted at the conclusion of the hearing and receipt of the impartial hearing officer's final decision or other determination having the effect of terminating the impartial hearing officer's involvement in the hearing.
2. All statements for fees and expenses shall separately list each individual item of service or expense, the date it occurred and the time spent, by hour or fraction thereof in increments of one-tenth of an hour (e.g., .1, .2, .3, ...). Time charges must be appropriate. The District reserves the right to request additional information concerning the appropriateness of any time charges and to withhold payment for time charges deemed to be inappropriate and/or inconsistent with applicable Board policy. All statements for fees and expenses shall be submitted by the Impartial Hearing Officer within 30 days of the performance of services.
3. Compensation will be made at the rate of \$100 per hour for authorized activities.
4. The District will not reimburse impartial hearing officers for travel time, administrative assistance, secretarial or other overhead expenses.
5. The District will, upon review and approval of properly submitted receipts, reimburse impartial hearing officers for automobile travel at the I.R.S. approved rate and for tolls reasonably and necessarily incurred as a result of the hearing.
6. In addition to hearing time itself, the Board will reimburse, at the hourly rate, for time actually expended by the impartial hearing officer for:
  - a. Scheduling the hearing;
  - b. Pre-hearing conference calls (if necessary);
  - c. Scheduling letters;
  - d. For time necessarily and actually spent preparing the Decision, including any Interim Decisions.
7. Absent extraordinary circumstances, as determined in advance by the District, impartial hearing officers will not be reimbursed for any other expenses associated with their appointment and service as impartial hearing officers.

**C. Notice**

1. A copy of this policy will be forwarded to the impartial hearing officer within two business days of appointment by the District Clerk.

(Continued)

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS  
(Cont'd.)**

**Mediation**

The District will inform the parent in writing of the availability of mediation and any free or low-cost legal and other relevant services available in the area at the request of the parent or when an impartial due process hearing is requested.

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

**Guardians ad Litem at Impartial Due Process Hearings**

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

**Confidentiality**

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

**Administrative Procedures**

Administrative procedures will be developed for the selection and appointment of an IHO consistent with regulatory requirements.

Individuals with Disabilities Education Act (IDEA),  
20 United States Code (USC) Section 1400 et seq.  
34 Code of Federal Regulations (CFR) Part 300  
Education Law Sections 4005, 4202, 4404(1) and 4410(7)  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 200.1, 200.2, 200.5, 200.16, 200.21 and 201.11

NOTE: Refer also to Policy #7690 -- Special Education Mediation

Adopted: 7/16/08  
Revised: 10/1/08  
Revised: 10/20/10

All in favor with none opposed. Motion carried 7-0.

Discussion ensued regarding changes to policies 10.3 through 10.14.

**10.3 First Reading of Revisions to Policy 5571 Allegations of Fraud**

200810 5571  
1 of 2  
Non-Instructional/Business  
Operations

**SUBJECT: ALLEGATIONS OF FRAUD**

**Reporting and Investigations of Allegations of Fraud**

All Board members and officers, District employees and third party consultants are required to abide by the District's policies, administrative regulations and procedures in the conduct of their duties. Further, all applicable federal and/or state laws and regulations must be adhered to in the course of District operations and practices. Any individual who has reason to believe that financial improprieties or wrongful conduct is occurring within the School System is to disclose such information according to the reporting procedures established by the District. The reporting procedures will follow the chain of command as established within the department or school building or as enumerated in the District's Organizational Chart. In the event that the allegations of financial improprieties/fraud and/or wrongful conduct concern the investigating official, the report shall be made to the next level of supervisory authority. If the chain of supervisory command is not sufficient to ensure impartial, independent investigation, allegations of financial improprieties/fraud and/or wrongful conduct will be reported as applicable, to the Internal Auditor (if available), or the Independent (External) Auditor, or the School Attorney, or the Board of Education. The District's prohibition of wrongful conduct, including fraud, will be



**SUBJECT: ALLEGATIONS OF FRAUD (Cont'd.)**

publicized within the District as deemed appropriate; and written notification will be provided to all employees with fiscal accounting/oversight and/or financial duties including the handling of money.

Upon receipt of an allegation of financial improprieties/fraud and/or wrongful conduct, the Board or designated employee(s) will conduct a thorough investigation of the charges. However, even in the absence of a report of suspected wrongful conduct, if the District has knowledge of, or reason to know of, any occurrence of financial improprieties/fraud and/or wrongful conduct, the District will investigate such conduct promptly and thoroughly. To the extent possible, within legal constraints, all reports will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges and/or to notify law enforcement officials as warranted, and any disclosure will be provided on a "need to know" basis. Written records of the allegation, and resulting investigation and outcome will be maintained in accordance with law.

Based upon the results of this investigation, if the District determines that a school official has engaged in financial improprieties/fraudulent and/or wrongful actions, appropriate disciplinary measures will be applied, up to and including termination of employment, in accordance with legal guidelines, District policy and regulation, and any applicable collective bargaining agreement. Third parties who are found to have engaged in financial improprieties/fraud and/or wrongful conduct will be subject to appropriate sanctions as warranted and in compliance with law. *The application of such disciplinary measures by the District does not preclude the filing of civil and/or criminal charges as may be warranted. Rather, when school officials receive a complaint or report of alleged financial improprieties/fraud and/or wrongful conduct that may be criminal in nature, law authorities should be immediately notified.*

An appeal procedure will also be provided, as applicable, to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable investigating officer(s).

**Protection of School Employees who Report Information Regarding Illegal or Inappropriate Financial Practices**

Any employee of the School District who has reasonable cause to believe that the fiscal practices or actions of an employee or officer of the District violates any local, state, federal law or rule and regulation relating to the financial practices of the District, and who in good faith reports such information to an official of the District, or to the Office of the State Comptroller, the Commissioner of Education, or to law enforcement authorities, shall have immunity from any civil liability that may arise from the making of such report. Further, neither the School District, nor employee or officer thereof, shall take, request, or cause a retaliatory action against any such employee who makes such a report.

The Board also prohibits any retaliatory behavior directed against any witnesses and/or any other individuals who participate in the investigation of an allegation of illegal or inappropriate fiscal practices or actions. Follow-up inquiries shall be made to ensure that no reprisals or retaliatory behavior has occurred to those involved in the investigation. Any act of retaliation is prohibited and subject to appropriate disciplinary action by the District.

**Knowingly Makes False Accusations**

Any individual who *knowingly* makes false accusations against another individual as to allegations of financial improprieties/fraud may also face appropriate disciplinary action.

Education Law Section 3028-d

Adopted: 7/16/08

**10.4 First Reading of Revisions to Policy 7511 Immunization of Students**

200810 7511  
Students

Reviewed 9/1/10 ok

**SUBJECT: IMMUNIZATION OF STUDENTS  
Immunizations**

In order to safeguard the school community from the spread of certain communicable diseases and in recognition that prevention is a means of combating the spread of disease, the Board requires all students to be immunized against certain diseases in accordance with State statutes and rules of the New York State Department of Health.

Upon registration, all new students are required to present a record of required immunizations from a licensed physician, as set forth in Section 2164 of the Public Health Law. No child will be admitted to school or allowed to attend

**SUBJECT: IMMUNIZATION OF STUDENTS (Cont.)**

school without certification of the child's immunizations. The District shall provide the Ulster County Health Department with the name and address of any child denied admission or attendance due to lack of immunization.

Notwithstanding the above, students may be admitted to school or continue attendance without proof of the required immunizations if:

- a) A physician will certify in writing that administering a vaccine or vaccines to a specific student will be detrimental to that student's health;
- b) A physician certifies in writing that the student has had measles or mumps;
- c) A physician provides written results of a rubella, **varicella & hepatitis B**, measles or mumps antibody test which shows immunity;
- d) A student or his/her parent(s)/guardian(s) request an exemption from immunization based upon true and sincere religious beliefs which are contrary to the practice of immunization. The request must be in writing, notarized and submitted to the Superintendent of Schools.

Education Law Sections 310, 912, and 914  
 Public Health Law Section 2164  
 8 New York Code of Rules and Regulations (NYCRR)  
 Part 136 and Sections 135.4 and 136  
 10 New York Code of Rules and Regulations (NYCRR)  
 Subpart 66-1

NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth  
 Adopted: 7/16/08

**10.5 First Reading of Revisions to Policy 3510 Emergency School Closing**

2010                      3510  
 Community Relations

**SUBJECT: EMERGENCY SCHOOL CLOSINGS**

The Superintendent may close the District schools or dismiss students early when hazardous weather or other emergencies threatens their health and safety, or that of personnel. The Superintendent may delegate this authority to another staff member in the event of his/her absence.

Schools will not be closed merely to avoid inconvenience. While it may be prudent, under certain circumstances, to excuse all students early, the Superintendent has the responsibility to ensure that administrative, supervisory, and operational activity is continued to the extent possible. Therefore, if conditions affect only a single school, only that school shall be closed.

In making the decision to close schools, the Superintendent will consider many factors, including the following which relate to the safety and health of children:

- a) Weather conditions, both existing and predicted;
- b) Driving, traffic, and parking conditions affecting public and private transportation facilities;
- c) Actual occurrence or imminent possibility of any emergency condition that would make the operation of schools difficult or dangerous; and
- d) Inability of **teaching** personnel to report for duty, which might result in inadequate supervision of students.

The Superintendent will weigh these factors and take action to close the schools only after consultation with traffic and weather authorities, **Building Principals**, and school officials from neighboring districts.

The Superintendent of Schools shall develop procedures to assure the safety of District students in the event of an emergency school(s) closing. Such procedures shall include notification of bus drivers and radio stations, order of dismissal, emergency dismissal procedure forms, single school closing, emergency accommodations, clearance for returning to schools, cancellations and delayed openings.

When school is closed, athletic events and student activities will ordinarily be suspended for that day and evening. The attendance of personnel shall be governed by their respective contracts.

**SUBJECT: EMERGENCY SCHOOL CLOSINGS (Cont.)**

The ~~Student Handbook~~ required **District Parental Notification Packets** provided annually prior to the opening of school shall contain a copy of the Emergency School Closing Policy, and the Emergency Dismissal Procedure Parental Request Form. It is the parents' responsibility to return their form within the first two (2) weeks of school.  
Education Law section 3604(7)

Adopted: 7/16/08

**10.6 First Reading of Revisions to Policy 5750 School Bus Safety Program**

200810 5750  
Non-Instructional/Business  
Operations

**SUBJECT: SCHOOL BUS SAFETY PROGRAM**

The safe transportation of students to and from school is of primary concern in the administration of the school bus program. All state laws and regulations pertaining to the safe use of school buses shall be observed by drivers, students and school personnel.

To assure the safety and security of students boarding or exiting school buses on school property, it shall be unlawful for a driver of a vehicle to pass a stopped school bus when the red bus signal is in operation.

The **Director of Transportation Supervisor**, in cooperation with the Principals, has the responsibility of developing and publishing safety rules to be followed by drivers and passengers, including rules of student conduct. In order to ensure maximum safety to those riding school buses, it is necessary that students and drivers cooperate in this effort. There is no substitute for training to develop safe habits in pedestrian and vehicular traffic.

All buses and other vehicles owned and operated by the School District will have frequent safety inspections, and will be serviced regularly. The **Director of Transportation Supervisor** will maintain a comprehensive record of all maintenance performed on each vehicle.

Every bus driver is required to report promptly any school bus accident involving death, injury, or property damage. All accidents, regardless of damage involved, must be reported at once to the **Director of Transportation Supervisor**.

Education Law Section 3623  
Vehicle and Traffic Law  
Sections 509-a(7), 509-1(1-b), 1174(a) and 1174(b)  
8 New York Code of Rules and Regulations (NYCRR)  
Section 156.3

NOTE: Refer also to Policies #5683 -- Fire Drills, Bomb Threats and Bus Emergency Drills  
#5761 -- Drug and Alcohol Testing for School Bus Drivers and Other Safety-Sensitive Employees

Adopted: 7/16/08

**10.7 First Reading of Revisions to Policy 5761 Drug and Alcohol Testing for School Bus Drivers and Other Safety-Sensitive Employees**

200810 5761  
1 of 2  
Non-Instructional/Business  
Operations

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES**

Federal regulations require that the District test school bus drivers and other safety-sensitive employees (SSE) for alcohol and drugs at the following times:

- a) Drug testing will be conducted after an offer to hire, but before actually performing safety-sensitive functions for the first time. Such pre-employment testing will also be required when employees transfer to a safety-sensitive position.
- b) Safety-sensitive employees are also subject to a random drug and/or alcohol test on an unannounced basis just before, during or just after performance of safety-sensitive functions.
- c) In addition, testing will be ordered if a trained supervisor has a "reasonable suspicion" that an employee has engaged in prohibited use of drugs and/or alcohol.

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (Cont.)**

- d) Post accident testing will be conducted on an employee if the accident matches the post testing criteria as stated in the Federal Motor Carrier Safety Regulations. There will also be post accident testing conducted after accidents on employees whose performance could have contributed to the accidents.
- e) Finally, return-to-duty and follow-up testing will be conducted when an individual who has violated the prohibited alcohol and/or drug conduct standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after an employee returns to duty. Follow-up testing may be extended for up to sixty (60) months following return-to-duty.

All employee drug and alcohol testing will be kept confidential and shall only be revealed without the driver's consent to the employer, a substance abuse professional, drug testing laboratory, medical review officer and any other individual designated by law.

The following alcohol and controlled substance-related activities are prohibited by the Federal Highway Administration's drug use and alcohol misuse rules for drivers of commercial motor vehicles and other SSEs:

- a) Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater. If testing shows an alcohol concentration of 0.02 or greater but less than 0.04, the employee must be removed from performing safety-sensitive activities for twenty-four (24) hours, but no punitive action will be taken by the employer.
- b) Being on duty or operating a commercial motor vehicle (CMV) while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.
- c) Using alcohol while performing safety-sensitive functions.
- d) Using alcohol four (4) hours or less before duty. (New York State law prohibits use six (6) hours or less before duty.)
- e) When required to take a post-accident alcohol test, using alcohol within eight (8) hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.
- f) Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion or follow-up testing requirements.
- g) Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the SSE uses any controlled substance. This prohibition does not apply when instructed by a physician who has advised the SSE that the substance does not adversely affect the SSE's ability to safely operate a CMV.
- h) Reporting for duty, remaining on duty or performing a safety-sensitive function, if the SSE tests positive for controlled substances.

The Superintendent or his/her designee shall arrange for training of all supervisors who may be utilized to determine whether "reasonable suspicion" exists to test a driver for prohibited conduct involving alcohol or controlled substance use/abuse.

Any violation of this policy and/or District procedures, and applicable federal and state laws by a covered employee shall be grounds for disciplinary action including, but not limited to, fines, suspension, and/or discharge in a manner consistent with District policy, collective bargaining agreements and applicable law.

The Superintendent of Schools shall establish regulations, an employee handbook and a receipt form to implement this policy.

Omnibus Transportation Employee Testing Act of 1991  
(Public Law 102-143) 49 United States Code (USC)  
Sections 31136 and 31306  
49 Code of Federal Regulations (CFR) Parts 40, 172, 382,  
383, 391, 392 and 395  
Vehicle and Traffic Law Section 509-L

Adopted: 7/16/08

**10.8 First Reading of Revisions to Policy 7520 Accidents and Medical Emergencies**

200810 7520  
1 of 2  
Students

**SUBJECT: ACCIDENTS AND MEDICAL EMERGENCIES**

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

**Student Emergency Treatment**

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

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

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

**Transporting an Ill or Injured Student**

In the event of an emergent illness or injury to a student, an ambulance may be called if warranted. Parent/person in parental relation shall be contacted. If a parent is unavailable, an employee shall accompany the student to the treatment center in the ambulance. A District employee will remain at the treatment center until a parent/person in parental relation arrives.

**Insurance**

The Board of Education shall approve provisions for all students to be covered by group insurance. Such student accident insurance policies are to be a co-insurance with family coverage(s) as primary.

**Accident Reports**

The Board of Education directs the Superintendent of Schools to ensure that all injuries or accidents occurring on school property are immediately reported to the school authorities in charge at the time of the occurrence. Proper safety management requires that all accidents or injuries be reported as soon as possible after they occur.

The Board of Education directs the Superintendent of Schools to prepare a standard form to be used by all schools within the District. Reports should be completed by the authority in charge at the time of the accident. Copies of each report shall be submitted to the :kept on file with the reporting school nurse. Accidents shall be reported to:

- a) Superintendent of Schools
- b) Building Principal
- c) School Safety Director of School Health Services
- d) Assistant Superintendent for Business

The Superintendent of Schools or Superintendent's designee, is responsible for insuring that reports of accidents of a serious nature are given immediately to the school attorney and insurance carrier. A copy shall be kept in the student's permanent health record.

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

Adopted: 7/16/08

**10.9 First Reading of Revisions to Policy 7513 Administration of Medication**

200810 7513  
1 of 2  
Students

**SUBJECT: ADMINISTRATION OF MEDICATION**

Under certain circumstances, when it is necessary for a student to take medication (prescription and non-prescription) during school hours, the school's registered professional nurse may administer the medication if the parent or person in parental relation submits a written request accompanied by a written request from a physician indicating the

**SUBJECT: ADMINISTRATION OF MEDICATION (Cont.)**

frequency and dosage of prescribed medication. The parent or person in parental relation must assume responsibility to have the medication delivered directly to the health office in a properly labeled original container.

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

**Emergency Medication**

The administration of emergency medication (injectable, including "epi-pens," **glucagon**, and/or oral) to a student for extreme hypersensitivity **or diabetic emergency** may be performed by a school staff member responding to an emergency situation when such use has been prescribed by a licensed prescriber. However, a registered professional nurse/nurse practitioner/physician/physician's assistant *must* have trained the staff member to administer the emergency medication for that particular emergency situation (e.g., "epi-pen," **glucagon**) and given him/her approval to assist the student in the event of an emergency anaphylactic reaction, **or diabetic incident**. Such a response would fall under the Good Samaritan exemption for rendering emergency care during a life threatening situation.

**Use of Inhalers in Schools**

In accordance with law, the School District must permit students who have been diagnosed by a physician or other duly authorized health care provider as having a severe asthmatic condition to carry and use a prescribed inhaler during the school day. Prior to permitting such use, the school health office must receive the written permission of the prescribing physician or other duly authorized health care provider, and parental consent, based on such physician's or provider's determination that the student is subject to sudden asthmatic attacks severe enough to debilitate that student. In addition, upon the written request of a parent or person in parental relation, the Board shall allow such pupils to maintain an extra inhaler in the care and custody of the school's registered professional nurse employed by the District. However, the law does not require the District to retain a school nurse solely for the purpose of taking custody of a spare inhaler, or require that a school nurse be available at all times in a school building for such purpose.

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

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

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

**Use Of Epinephrine Auto Injector Devices**

The New Paltz Central School District recognizes that early use of Epinephrine can enhance the survival rate of individuals from incidents of anaphylaxis. Therefore, it is the policy of the Board of Education to make Epinephrine Auto Injectors (commonly known as Epi-pens) available to Registered Nurses and substitute Registered Nurses, employed by the District and to authorize their use in accordance with the Medical Practice Act (Section 6527[4][a] Education Law), the Nurse Practice Act (Section 6908[1][a][iv], Education Law) and Section 3000-c of the Public Health Law. Other District employees (such as coaches) may also be authorized to use Epinephrine Auto Injectors upon successful completion of an approved training course in the use of such devices **for patient specific physician's orders**. An Emergency Health Care Provider, as defined in Section 3000-c of the Public Health Law, shall be appointed to provide medical oversight for the use of Epinephrine Auto Injectors by District employees.

The Superintendent, in collaboration with the School Physician and Emergency Health Care Provider, shall develop regulations and protocols governing the use of the Epinephrine Auto Injectors by employees of the District. These regulations and protocols shall be incorporated within the District's School Safety Plan.

Education Law Sections 902(b), 916, 6527(4)(a) and 6908(1)(a)(iv)

Adopted: 7/16/08

Minutes - Business Meeting  
01/05/11



**10.10 First Reading of Revisions to Policy 3530 Use of Epinephrine Auto Injector Devices**

200810 3530  
Community Relations

**SUBJECT: USE OF EPINEPHRINE AUTO INJECTOR DEVICES**

The New Paltz Central School District recognizes that early use of Epinephrine can enhance the survival rate of individuals from incidents of anaphylaxis. Therefore, it is the policy of the Board of Education to make Epinephrine Auto Injectors (commonly known as Epi-pens) available to Registered Nurses and substitute Registered Nurses, employed by the District and to authorize their use in accordance with the Medical Practice Act (Section 6527[4][a] Education Law), the Nurse Practice Act (Section 6908[1][a][iv], Education Law) and Section 3000-c of the Public Health Law. Other District employees (such as coaches) may also be authorized to use Epinephrine Auto Injectors upon successful completion of an approved training course in the use of such devices. An Emergency Health Care Provider, as defined in Section 3000-c of the Public Health Law, shall be appointed to provide medical oversight for the use of Epinephrine Auto Injectors by District employees.

The Superintendent, in collaboration with the **School Physician** **District Medical Director** and Emergency Health Care Provider, shall develop regulations and protocols governing the use of the Epinephrine Auto Injectors by employees of the District. These regulations and protocols shall be incorporated within the District's School Safety Plan.  
Adopted: 7/16/08

**10.11 First Reading of Revisions to Policy 3520 Cardiac Automated External Defibrillators In Public School Facilities**

200810 3520  
Community Relations

**SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN PUBLIC SCHOOL FACILITIES**

The Board of Education of the New Paltz Central School District recognizes the desirability of making automatic external defibrillators (AED's) available in its buildings based upon the reported success of AED's in enhancing survival from incidents of sudden cardiac arrest.

Therefore, it is the policy of the Board of Education that the use of AED's is authorized in the buildings of the New Paltz Central School District pursuant to a collaborative agreement with an emergency health care provider in accordance with the Public Access Defibrillation Law (Sections 3000-b, Public Health Law). A copy of the collaborative agreement shall be filed with the Department of Health and the appropriate regional council prior to use of the AED'S.

No individual may operate an AED device unless the individual has current training and certification in CPR and has successfully completed a training course in the operation of the AED from a nationally recognized training agency or the state emergency medical services council. A physician shall be appointed to provide medical oversight for the use of the AED's. The Regional Emergency Services Council and the State Department of Health, as well as the local emergency services providers, shall be notified of the location of the AED's within the District and each use of an AED on a patient.

The Superintendent, in consultation with the **District Medical Director** and the emergency health care provider, shall develop regulations and protocols governing the use of AED's within the District. These regulations and protocols shall be incorporated in the District's School Safety Plan and shall be reviewed periodically by **the District Medical Director** and the emergency health care provider.

Education Law Section 917  
Public Health Law Sections 3000-a and 3000-b  
8 New York Code of Rules and Regulations (NYCRR) Sections 135.4 and 136.4

Adopted: 7/16/08



**10.12 First Reading of Revisions to Policy 7512 Student Physicals**

200810 7512  
Students 1 of 4

**SUBJECT: STUDENT PHYSICALS**

**Health Examination**

Each student enrolled in District schools must have a satisfactory health examination conducted by ~~the student's-a~~ **New York State licensed** physician, physician assistant or nurse practitioner within twelve (12) months prior to the commencement of the school year of:

- a) The student's entrance in a District school at any grade level;
- b) Entrance to pre-kindergarten or kindergarten;
- c) Entry into the 2nd, 4th, 7th and 10th grades.

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

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

- a) All athletes prior to their first sport of the school year, then only those who were injured or ill during their first sport before participating in a second sport during the school year; and
- b) All students who need work permits.

Health Certificate

Each student must submit a health certificate attesting to the health examination within thirty (30) days after his/her entrance into school and within thirty (30) days after his/her entry into the 2nd, 4th, 7th and 10th grades. The health certificate shall be filed in the student's cumulative record. The health certificate must:

- a) Describe the condition of the student when the examination was given;
- b) State the results of any test conducted on the student for sickle cell anemia;
- c) State whether the student is in a fit condition of health to permit his/her attendance at public school and, where applicable, whether the student has defective sight or hearing, or any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of such work to prevent injury to the student;
- d) Include a calculation of the student's body mass index (BMI) and weight status category. BMI is computed as the weight in kilograms divided by the square of height in meters or the weight in pounds divided by the square of height in inches multiplied by a conversion factor of 703. Weight status categories for children and adolescents shall be defined by the Commissioner of Health. ~~BMI collection and reporting is voluntary for 2007-2008 becoming effective September 2008.~~
- e) Be signed by a duly licensed physician, physician assistant, or nurse practitioner, who is authorized by law to practice in New York State consistent with any applicable written practice agreement; or authorized to practice in the jurisdiction in which the examination was given, provided that the Commissioner of Health has determined that such jurisdiction has standards of licensure and practice comparable to those of New York. A certificate signed by a chiropractor is not acceptable except for a scoliosis evaluation.
- f) At the same time a health certificate is required, a student is requested to furnish a dental health certificate signed by a duly licensed dentist authorized by law to practice in New York State describing the dental health condition of the student upon examination and stating whether such student is in fit condition of dental health to permit his/her attendance at the public schools. Such examination shall be made not more than twelve (12) months prior to the commencement of the school year in which the examination is requested. Dental certification becomes effective in September 2008.

Examination by Health Appraisal

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

The **District Medical Director** ~~Director of School Health Services~~ shall cause such students to be separately and carefully examined and tested to ascertain whether any such student has defective sight or hearing, or any other physical

### **STUDENT PHYSICALS (Cont.)**

disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of such work to prevent injury to the student.

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

Unless otherwise prohibited by law, if it is ascertained that any students have defective sight or hearing, or a physical disability or other condition, including sickle cell anemia which may require professional attention with regard to health, the Principal or Principal's designee shall notify, in writing, the student's parents or persons in parental relation as to the existence of such disability. If the parents or persons in parental relation are unable or unwilling to provide the necessary relief and treatment for such students, such fact shall be reported by the Principal or Principal's designee to the **Director of School Health Services**, ~~–District Medical Director~~ who then has the duty to provide relief for such students;

### **Dental Exam**

All students enrolling in pre-kindergarten, kindergarten or first grade in a public elementary school are required to present a dental health certificate; such dental health certificate must contain a report of a comprehensive dental examination performed on such child. Each student is requested to furnish a dental health certificate at the same time that health certificates are required. Each certificate shall be signed by a duly licensed dentist who is authorized by law to practice in this state.

### **Health Screenings**

The District will provide:

- a) Scoliosis screening at least once each school year for all students in grades 5 through 9. The positive results of any such screening examinations for the presence of scoliosis shall be provided in writing to the student's parent or person in parental relation within ninety (90) days after such finding;
- b) Vision screening to all students who enroll in school including at a minimum color perception, distance acuity, near vision and hyperopia within six (6) months of admission to the school. In addition, all students shall be screened for distance acuity in grades Kindergarten, 1, 2, 3, 5, 7 and 10 and at any other time deemed necessary. The results of all such vision screening examinations shall be in provided in writing to the student's parent or person in parental relation and to any teacher of the student. The vision report will be kept in a permanent file of the school for at least as long as the minimum retention period for such records;
- c) Hearing screening to all students within six months of admission to the school and in grades Kindergarten, 1, 3, 5, 7 and 10, as well as at any other time deemed necessary. Screening shall include, but not be limited to, pure tone and threshold air conduction screening. The results of any such hearing tests shall be provided in writing to the student's parent or person in parental relation and to any teacher of the student.

The results of all health screenings (dental, hearing, vision and scoliosis) shall be recorded on appropriate forms signed by the health professional making the examination, include appropriate recommendations, and be kept on file in the school. The health records of individual students will be kept confidential in accordance with the federal Family Educational Rights and Privacy Act (FERPA) and any other applicable federal and State laws.

### **Accommodation for Religious Beliefs**

No health examinations, health history, examinations for health appraisal, screening examinations for sickle cell anemia and/or other health screenings shall be required where a student or the parent or person in parental relation to such student objects thereto on the grounds that such examinations, health history and/or screenings conflict with their genuine and sincere religious beliefs.

A written and signed statement from the student or the student's parent or person in parental relation that such person holds such beliefs shall be submitted to the Principal or Principal's designee, in which case the Principal or Principal's designee may require supporting documents.

Family Educational Rights and Privacy Act of 1974 (FERPA)  
20 United States Code (USC) Section 1232(g)  
Education Law Sections 901-905, 912 and 3217  
8 New York Code of Rules and Regulations (NYCRR) Part 136

NOTE: Refer also to Policies #5690 -- Exposure Control Program  
#5691 -- Communicable Diseases  
#5692 -- Human Immunodeficiency Virus (HIV) Related Illnesses  
#7121 -- Diagnostic Screening of Students  
#7131 -- Education of Homeless Children and Youth  
#7511 -- Immunization of Students

Adopted: 7/16/08

### 10.13 First Reading of Revisions to Policy 7510 School Health Services

2008~~10~~ 7510  
Students

#### **SUBJECT: SCHOOL HEALTH SERVICES**

All districts must provide and maintain a continuous program of health services which includes, but is not limited to:

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

Education Law Article 19  
8 New York Code of Rules and Regulations (NYCRR)  
Part 136  
Adopted: 7/16/08

**10.14 First Reading of Revisions to Policy 5691 Communicable Diseases**

200810 5691  
Non-Instructional/Business  
Operations

**SUBJECT: COMMUNICABLE DISEASES**

Whenever, upon investigation and evaluation by the ~~Director of School Health Services~~ District Medical Director or other health professionals acting upon direction or referral of the ~~director~~ District Medical Director, a student in the ~~public schools~~ district shows symptoms of any communicable or infectious disease reportable under the public health law that imposes a significant risk of infection of others in the school, he/she shall be excluded from the school and sent home immediately, in a safe and proper conveyance. The Director of School Health Services shall immediately notify ~~a local public~~ The Ulster County Department of Health health agency of any disease reportable under the public health law.

Following absence on account of illness or from unknown cause, the ~~Director of School Health Services~~ District Medical Director may examine each student returning to a school without a certificate from a local public health officer, a New York State duly licensed physician, physician assistant, or nurse practitioner.

The ~~Director of School Health Services~~ District Medical Director or other health professionals acting upon direction or referral of the director, may make evaluations of teachers and any other school employees, school buildings and premises as, in their discretion, they may deem necessary to protect the health of the students and staff.

Regulations and procedures will be developed for dealing with communicable diseases in ways that protect the health of both students and staff while minimizing the disruption of the education process.

Education Law Section 906  
8 New York Code of Rules and Regulations (NYCRR) Section  
136.3(h) and 136.3(i)

Adopted: 7/16/08

**FINANCIAL REPORTS**

**FINANCIAL REPORTS**

Motion made by Mr. Torres and seconded by Mr. Rich that the Treasurer’s Report for November 2010 and Budget Transfer Schedule #4 be approved. Motion carried 7 – 0 with 7 members voting.

**OTHER DISCUSSION**

**OTHER DISCUSSION**

Superintendent Rice asked for direction on recommended reductions/eliminations of programs/personnel/material from the Board so a line by line budget can be derived for the first meeting in February. Mrs. Rice stated administration will need direction from the Board as to how to proceed once the information is given. Everything has been moved up a month from the usual schedule of budget discussions.

**PUBLIC COMMENTS - None**

**PUBLIC COMMENT**

**ADJOURN**

**ADJOURN**

Motion made by Mr. Torres and seconded by Mr. Rich that the Board adjourn at 9:22 PM.  
Motion carried 7 - 0 with 7 members voting.

Respectfully submitted,

\_\_\_\_\_  
Elena Rae Maskell  
District Clerk