

ANNUAL DISTRICT ELECTION AND BUDGET VOTE

The district shall hold an annual election and budget vote at which the district's authorized voters will elect members of the Board of Education and vote on the district budget for the coming school year. The annual district election and budget vote will be held on the third Tuesday in May, unless this date conflicts with religious observances on that day, in which case the annual election and budget vote will be held on the second Tuesday in May.

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

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

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

Propositions

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

1. Unless otherwise provided by the Education Law, petitions for the submission of a proposition must contain a minimum of 25 signatures of qualified voters of the district or 5 percent of the qualified voters registered for the previous annual election of the members of the Board of Education, whichever is greater.
2. Petitions must be filed with the District Clerk at least 30 days prior to the annual election, except for petitions relating to a proposition which must be included in the notice of the annual election (e.g., changing the number of

board members). Such petitions must be submitted 60 days in advance of the annual election to facilitate the preparation and printing of the ballots.

3. Propositions must be stated clearly and concisely and is subject to revision at to length and form by the Board, while considering same for placement on the voting machine.
4. Propositions which require the expenditures of monies must include the specific dollar appropriations necessary for the purposes listed. Any proposition may be rejected by the Board if it fails to include the necessary specific appropriation and/or is not within the power of the voters.
5. Wording of a petition must comply with legal requirements. If the wording does not comply, it may be changed or altered by the Board, or the Board may reject a petition for failure to comply.

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

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

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

Adoption date: February 22, 2010

PUBLIC INFORMATION PROGRAM

The Board of Education shall maintain a continuing public information program, in order to promote widespread understanding of the school program, and to gain the support and participation of the community in the school system.

In addition to encouraging members of the community to attend and participate at public Board meetings, the Superintendent of Schools shall develop a program aimed at disseminating Board policies and district educational programs to the public.

The Superintendent should coordinate the activities of district administrators to ensure their direct involvement in the public information program. Each school, through its faculty and staff, should participate not only with the dissemination of information to the public, but also with the planning of events and social programs aimed at getting the community involved in school district activities.

Parents and citizens wishing to obtain information should inquire first through a Building Principal or other school administrator, then through the Superintendent, and finally through the Board.

Adoption date: February 22, 2010

SCHOOL-SPONSORED PUBLICATIONS

The Board of Education encourages the use of all available media to keep the goals, programs, achievements, and needs of the schools before the public and to generate public support for the schools. Some specific means may include:

- an official district newsletter to all residents;
- monthly bulletins from each school to its parents;
- school-sponsored student-produced newspapers;
- special publications, as needed and authorized by the Board;
- a district internet website; and
- a calendar issued each year with school information printed therein.

Official Board Periodical

An official district periodical shall be published by the Board from time to time during the school year. The Board will appoint an editor whose duty it shall be to take all necessary steps to prepare and distribute such publication. The editor will work closely with the Superintendent of Schools (or designee). All information will be reviewed by the Superintendent (or designee) prior to publication.

Cross-ref: 5220, School-Sponsored Student Expression

Adoption date: February 22, 2010

SCHOOL DISTRICT RECORDS

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

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

Retention and Destruction of Records

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

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

Cross-ref: 8630, Computer Resources and Data Management

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

Adoption date: February 22, 2010

SCHOOL DISTRICT RECORDS REGULATION

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

I. Designation of Officers

1. The Records Access Officer shall be the School Business Administrator. He/She shall:
 - receive requests for records of the Board of Education and make such records available for inspection or copying when such requests are granted; and
 - compile and maintain a detailed current list by subject matter, of all records in the possession of the Board, whether or not available to the public.
2. The Superintendent of Schools, with the Board's approval, shall designate a Records Management Officer for the district. The Records Management Officer will develop and oversee a program for the orderly and efficient management of district records.

II. Definition of Records

1. A record is defined as any information kept, held, filed, produced or reproduced by, with or for the district in any physical form whatsoever, including but not limited to reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or disks, rules, regulations or codes.
2. The Records Access Officer will have the responsibility for compiling and maintaining the following records:
 - a. a record of the final vote of each member of the Board on any proceeding or matter on which the member votes;
 - b. a record setting forth the name, school or office address, title and salary of every officer or employee of the district; and
 - c. a reasonably detailed current list by subject matter of all records in possession of the district, whether or not available for public inspection and copying.

3. No record for which there is a pending request for access may be destroyed. However, nothing in these regulations shall require the district to prepare any record not possessed or maintained by it except the records specified in II(2), above.

III. Access to Records

1. Time and place records may be inspected: Records may be requested from, and inspected or copied at, the Office of the Records Access Officer, at the District Office located at 175 N. Central Ave, Valley Stream NY 11580 during the hours of 8:00 a.m. to 4:00 p.m. on any business day on which the district offices are open. Records may also be requested via e-mail at the following address: ecummings@powertolearn.com.
2. Fees: The fee for documents up to 9 x 14 inches is 25 cents per page. For documents larger than 9 x 14 inches, tape or cassette records, or computer printouts, the cost will be based on the cost of reproduction or program utilized. Fees are subject to periodic review and change. However, no fee shall be charged for records sent via e-mail, the search for or inspection of records, certification of documents, or copies of documents which have been printed or reproduced for distribution to the public. The number of such copies given to any one organization or individual may be limited, in the discretion of the Records Access Officer.
3. Procedures: Requests to inspect or secure copies of records shall be submitted in writing, either in person, by mail or via e-mail, to the Records Access Officer. Forms are provided (1120-E.1-2) for written and e-mail requests, but are not required.
4. All requests for information shall be responded to within five business days of receipt of the request. If the request cannot be fulfilled within five business days, the Records Access Officer shall acknowledge receipt of the request and advise the approximate date when the request will be granted or denied.
5. If a request cannot be granted within 20 business days from the date of acknowledgement of the request, the district must state in writing both the reason the request cannot be granted within 20 business days, and a date certain within a reasonable period when it will be granted depending on the circumstances of the request.
6. Denial of Access: When a request for access to a public record is denied, the Records Access Officer shall indicate in writing the reasons for such denial, and the right to appeal.
7. Appeal: An applicant denied access to a public record may file an appeal by delivering a copy of the request and a copy of the denial to

the Superintendent within 30 days after the denial from which such appeal is taken.

8. The applicant and the New York State Committee on Open Government will be informed of the Superintendent's determination in writing within 10 business days of receipt of an appeal. The Superintendent shall transmit to the Committee on Open Government photocopies of all appeals and determinations.

IV. Records Exempted from Public Access

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

1. are specifically exempted from disclosure by state and/or federal statute;
2. if disclosed would constitute an unwarranted invasion of personal privacy;
3. if disclosed would impair present or imminent contract awards or collective bargaining negotiations;
4. are confidentially disclosed to the Board and compiled and maintained for the regulation of commercial enterprise, including trade secrets, or for the grant or review of a license;
5. are compiled for law enforcement purposes and which, if disclosed, would:
 - a. interfere with law enforcement investigations or judicial proceedings;
 - b. deprive a person of a right to a fair trial or impartial adjudication;
 - c. identify a confidential source or disclose confidential techniques or procedures, except routine techniques or procedures; or
 - d. reveal criminal investigative techniques or procedures, except routine techniques and procedures;
6. records which if disclosed would endanger the life or safety of any person;
7. records which are interagency or intra-agency communications, except to the extent that such materials consist of:
 - a. statistical or factual tabulations or data;
 - b. instructions to staff which affect the public;
 - c. final Board policy determinations; or

- d. external audits, including but not limited to audits performed by the comptroller and the federal government;
- 8. records which are examination questions or answers that are requested prior to the final administration of such questions;
- 9. records which are computer access codes.

V. Prevention of Unwarranted Invasion of Privacy

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

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

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

VI. Listing of Records

Pursuant to Section 87(3)(c) of the Public Officers Law, the current records retention schedule for school districts, published by the Commissioner of Education, shall serve as the list by subject matter of all records in the possession of the school district, whether or not available under the law.

VII. Litigation-Hold

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

Adoption date: February 22, 2010

SCHOOL DISTRICT RECORDS EXHIBIT

Application for Public Access to Records

To: Records Access Officer
Valley Stream Union Free School District No. 30
175 N. Central Avenue
Valley Stream, NY 11580

I hereby apply to inspect only or inspect and request reproduction of the following record @
25 cents per page*: _____

Name _____

Address: _____

Email address: _____

May the response and/or records be sent electronically to this email address? ____

Signature _____ Date _____

I hereby acknowledge receipt of the reproduction of records.

Signature _____ Date _____

Mailing Address _____

* For documents larger than 9 x 14 inches, tape or cassette records, or computer printouts, the cost of reproduction or the program used.

FOR OFFICE USE ONLY

Approved []

Denied (for the reason(s) checked below)

- [] Confidential disclosure
[] Part of investigatory files
[] Unwarranted invasion of personal privacy
[] Record of which this agency is legal custodian cannot be found.
[] Record is not maintained by this agency
[] Exempted by statute other than the Freedom of Information Law
[] Other (specify) _____

Signature/Title _____ Date _____

NOTICE: You have a right to appeal a denial of this application to the Superintendent of Schools, Valley Stream Union Free School District No. 30, who must fully explain his reasons for such denial in writing within ten days of receipt of an appeal.

I hereby appeal _____

Signature

Date

Adoption date: February 22, 2010

REQUEST FOR RECORDS BY EMAIL

Dear Records Access Officer:

1. Please email the following records if possible [include as much detail about the record as possible, such as relevant dates, names, descriptions, etc.]:

2. Please advise me of the appropriate time during normal business hours for inspecting the following records prior to obtaining copies [include as much detail about the records as possible, including relevant dates, names, descriptions, etc.]:

3. Please inform me of the cost of providing paper copies of the following records [include as much detail about the records as possible, including relevant dates, names, descriptions, etc.]:

4. If all the requested records cannot be emailed to me, please inform me by email of the portions that can be emailed and advise me of the cost for reproducing the remainder of the records requested (\$0.25 per page or actual cost of reproduction).

5. If the requested records cannot be emailed to me due to the volume of records identified in response to my request, please advise me of the actual cost of copying all records onto a CD or floppy disk.

6. If my request is too broad or does not reasonably describe the records, please contact me via email so that I may clarify my request, and when appropriate inform me of the manner in which records are filed, retrieved or generated. If it is necessary to modify my request, and an email response is not preferred, please contact me at the following telephone number: _____.

1120-E.2

If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name, address and e-mail address of the person or body to whom an appeal should be directed.

Name: _____

Address [if records are to be mailed]: _____

Adoption date: February 22, 2010

AGENCY RESPONSE TO EMAIL REQUEST FOR RECORDS

Dear Applicant for Records:

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

NOTE: For each records request, choose the appropriate response(s) from items 1-6 below and fill in the necessary information (see blanks and bracketed text).

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

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

NOTE: Choose one of the following two paragraphs, as appropriate.

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

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

Superintendent of Schools
Valley Stream Union Free School District No. 30
175 N. Central Avenue
Valley Stream, NY 11580

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

Accordingly, your request is denied.

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

Superintendent of Schools
Valley Stream Union Free School District No. 30
175 N. Central Avenue
Valley Stream, NY 11580

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

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

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

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

[Signature]

Send to:
Superintendent of Schools
Valley Stream Union Free School District No. 30
175 N. Central Avenue
Valley Stream, NY 11580

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

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

[Signature]

Adoption date: February 22, 2010

NEWS MEDIA RELATIONS

The Board of Education invites and welcomes the active participation of all forms of mass media, print and electronic, in educating the public and improving education within the district and the wider community. The Board and Superintendent will make every reasonable effort to cooperate with the media by providing accurate information about district operations, to the extent permissible by statute and regulation. The Board encourages suggestions and advice from representatives of the media as to how best to facilitate the flow of information to them from the Board and others within the school system.

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

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

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

Cross-ref: 2111, Board Member Authority

Ref: Arts and Cultural Affairs Law §61.09

Adoption date: February 22, 2010

RELATIONSHIP WITH BOOSTER ORGANIZATIONS

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

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

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

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

If a booster organization wishes to make a contribution of money, service time, or tangible property (e.g., equipment or supplies), a representative of the organization should first meet with the Superintendent. The Superintendent must identify the district's terms and conditions of accepting such gifts, and seek the Board's official approval before accepting or publicly announcing any contribution.

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

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

Cross-ref: 1500, Public Use of School Facilities
1800, Gifts from the Public

Adoption date: February 22, 2010

PUBLIC PARTICIPATION AT BOARD MEETINGS

The Board of Education encourages public participation on school related matters at Board meetings. To allow for public participation, a period not to exceed 30 minutes shall be set aside during the first and last part of each Board meeting. The period may be extended by a majority vote of the Board.

Persons wishing to address the Board shall advise the District Clerk. The request shall be made in writing on a form provided by the district and shall include the name of the speaker, the address, telephone number, name of organization represented (if any), and a brief description of the topic to be addressed. Any group or organization wishing to address the Board must identify a single spokesperson.

Presentation should be as brief as possible. No speaker will be permitted to speak for longer than three minutes. In the first session, speakers may comment on any agenda item, and in the second session, speakers may comment on any matter related to district business.

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

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

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

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

The President shall be responsible for the orderly conduct of the meeting and shall rule on such matters as the time to be allowed for public discussion and the appropriateness of the subject being presented. The President shall have the right to discontinue any presentation which violates this policy.

Cross-ref: 2342, Agenda Preparation and Dissemination

Ref: *Matter of Martin*, 32 EDR 381 (1992)
Appeal of Wittenben, 31 EDR 375 (1992)
Matter of Kramer, 72 EDR 114 (1951)
NYS Department of State, Committee on Open Government,
OML-AO-#2696 (Jan. 8, 1997) and OML-AO-#2717 (Feb. 27, 1997)

Adoption date: February 22, 2010

PUBLIC COMPLAINTS

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

Public complaints about the school district will be directed to the proper administrative personnel. Complaints about Board policies shall be submitted in writing to the Superintendent of Schools, who shall review the complaint and submit it to the Board with his/her recommendation.

Complaints about specific classroom practices shall be directed to the teacher concerned. If the matter is not settled satisfactorily, the complainant shall then contact the Building Principal; if there is no resolution on this level, the Superintendent or his/her designee shall be contacted. The Superintendent shall refer the issue to the Board for final resolution, if necessary.

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

Adoption date: February 22, 2010

COMPLAINTS ABOUT CURRICULA OR INSTRUCTIONAL MATERIALS

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

All complaints concerning textbooks, library books and other instructional material shall be submitted to the Assistant Superintendent for Curriculum and Student Services. The Superintendent shall promulgate regulations subject to Board of Education approval establishing a complaint procedure which shall include:

1. an opportunity for an informal conference with the complainant;
2. the submission of formal written complaints on a prescribed form;
3. the formation of an instructional material review committee. The members of the committee shall be recommended by the Superintendent and appointed by the Board. The committee shall make recommendations to the Superintendent concerning the disposition of any complaint;
4. a decision by the Superintendent; and
5. an appeal to the Board. The decision of the Board shall be final.

Cross-ref: 4511, Textbook Selection and Adoption
4513, Library Materials Selection

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

Adoption date: February 22, 2010

COMPLAINTS ABOUT CURRICULA OR INSTRUCTIONAL MATERIALS REGULATION

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

1. At the discretion of the Superintendent of Schools, an informal meeting may be held between the complainant and the Superintendent. The staff member who is using or providing the book or material may also be present at the informal meeting. At this meeting, the complainant will be asked to make clear his or her objection to the material; the staff member, if present, will be asked to explain the educational value of the material.
2. If a complaint is not resolved informally the complainant must file a written complaint with the Superintendent on a form provided for this purpose.
3. Any written complaint will be presented to the Instructional Material Review Committee. The membership of the committee, which shall be submitted to the Board of Education for annual approval, shall consist of: an elementary classroom teacher, an Elementary Principal, a library media specialist, and a member of the community. The committee shall:
 - a. read and examine the challenged materials;
 - b. consider the specific objections to the material voiced by the complainant;
 - c. weigh the values and faults of the material as a whole;
 - d. consider oral presentations made to the committee. The committee will determine whether any oral presentations will be beneficial to its deliberations;
 - e. where appropriate, solicit advice or opinion from other district faculty and staff and/or relevant professional organizations such as the American Library Association, the National Council of Teachers of English, National Council of Social Studies Teachers; and
 - f. issue a report to the Superintendent containing its recommendations concerning any complaint.
4. The Superintendent shall review the report of the committee, make a decision and notify the complainant and appropriate staff.
5. If the complainant is not satisfied with the Superintendent's decision he/she may refer the complaint to the Board. The Superintendent will deliver a copy of his/her decision and the committee's report to the Board for its consideration.

Adoption date: February 22, 2010

PUBLIC SALES ON SCHOOL PROPERTY

The Board of Education believes that fund drives and/or materials drives should be conducted only when there is some educational benefit for the student. The administration should approve and schedule these activities so as to eliminate the possibility of many drives being conducted simultaneously.

Any fund drive must be sponsored by the school district, or a school-related organization (i.e., the Parent-Teacher Association).

All fund-raising activities must be voluntary, and no direct solicitation of students is permitted on school premises during school hours. However, the Board will allow the following forms of indirect solicitation:

1. the sale of goods, services, or tickets to an event (social, musical, athletic, etc.), where a portion of the funds go to a charitable purpose;
2. the recruitment of students during school hours to participate in fund-raising activities to be conducted off school premises and/or when school is not in session. School personnel are permitted to hang posters or distribute flyers notifying students of these activities. However, school personnel may not act as a conduit and collect funds from students on behalf of a charity for which they recruited; and
3. the placement of a bin or collection box in a hallway or other common area for the voluntary donation of food, clothing or money.

Soliciting Funds from Staff

No solicitor, salesman or agent shall come into any school building or upon any school property and solicit business other than school business, from any school employee. In the case of school business, he/she shall receive permission from the Superintendent before soliciting any school employee in any building.

Ref: NYS Constitution, Article 8 §1
Education Law §414
8 NYCRR §§ 19.6 (Rules of the Board of Regents); 172.1 et seq.
Appeal of Ponte, 38 EDR 280 (1998)
Guidelines Relating to Solicitation of Charitable Donations from School Children, SED, January 1994

Adoption date: February 22, 2010

SMOKING AND OTHER TOBACCO USE ON SCHOOL PREMISES

Due to the health hazards associated with smoking, and in accordance with federal and state law, the Board of Education prohibits smoking and all other tobacco use in all school buildings, on school grounds, and in any vehicle used to transport children or personnel.

The district's smoking policy shall be prominently posted in each building, at designated outdoor locations on school premises (e.g. athletic fields) and in all district vehicles. The Board designates the Assistant Superintendent as agent responsible for informing individuals smoking anywhere on school premises or in district vehicles that they are in violation of Article 13 of the Public Health Law and/or Section 409 of the Education Law and/or the federal Pro-Children Acts of 1994 and 2001.

Cross-ref: 5300, Code of Conduct

Ref: Education Law §§409(2)
Public Health Law Article 13-E
Public Health Law §§206; 340; 347
The Pro-Children Act of 2001, 20 U.S.C. §§1781 *et seq.*
The Pro-Children Act of 1994, 20 U.S.C. §§6081 *et seq.*

Adoption date: February 22, 2010

RELATIONSHIP WITH NONPUBLIC SCHOOLS

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

Textbook Loan

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

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

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

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

Instructional Computer Hardware and Software Loan

The Board recognizes its responsibility to loan instructional computer hardware and software, upon request, to all pupils legally attending nonpublic elementary or secondary schools located in the school district. The district shall loan instructional computer hardware and software on an equitable basis, however software and hardware purchased with any local, federal or state funds, other than Instructional Computer Hardware or Software Aid funds, are not required to be loaned to nonpublic school students.

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

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

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

Adoption date: February 22, 2010

HOME-SCHOOLED STUDENTS

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

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

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

Special Education

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

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

Participation in Extracurricular Activities

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

- participate in non-credit-bearing organized school activities such as clubs and sports (other than interscholastic sports);

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

Instructional Materials

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

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

Ref: Education Law §§ 3204(2); 3210(2)(d); 3602-c (2-c)
8 NYCRR §100.10
Appeal of Ponte, 41 EDR 174 (2001)
Matter of Abookire, 33 EDR 473 (1994)
State Education Department Memorandum, “New Requirements for the Provision of Special Education Services to Home-Instructed (“Home-Schooled”) Students, July 2008

Adoption date: February 22, 2010