

STUDENT POLICIES GOALS

Students are the focal point of all district operations and must receive the primary attention of the Board of Education and all staff members. Consequently, the Board will spend most of its time in study, deliberation and policy formulation on matters directly related to student welfare.

The Board recognizes the individual worth of each student. The Board and staff accept the responsibility of helping each student to develop his/her capacity for intellectual, physical, emotional, and social growth. The Board acknowledges that a student's growth is influenced by his/her environment, both at home and in school. Therefore, the school district shall strive to create an environment in which the student may learn to live and adapt successfully in an ever-changing world in order to become a responsible and productive member of society.

The Board and district staff shall work together to achieve the following goals:

1. tailor the learning program to each student's learning styles, interests, and aspirations;
2. protect and observe the legal rights of students;
3. enhance the self-image of each student by helping him/her feel respected and worthy through a learning environment that provides positive encouragement through frequent success;
4. provide an environment in which students can learn personal and civic responsibility for their actions through meaningful experiences as school citizens; and
5. promote faithful attendance and good work.
6. Promote an environment in which cultural diversity is acknowledged and celebrated.

Adoption date: February 28, 2011

5420, Student Health Services

Ref: Americans with Disabilities Act Amendment Act of 2008, 42 USC §§12101 et seq.
Rehabilitation Act of 1973, 29 USC §§705, 794 et seq. (Section 504)
34 CFR Part 104
Individuals with Disabilities Education Act, 20 USC §§1400 et seq. (IDEA)
Education Law, §§4401 et seq. (Article 89)
8 NYCRR Part 200

Adoption date: April 27, 2011

**PROCEDURES TO IMPLEMENT
SECTION 504 OF THE REHABILITATION ACT OF 1973**

As used in Board policy and in these practices, a person with a disability is defined as anyone who:

1. has a mental or physical impairment which substantially limits one or more major life activities such as caring for one's self, performing manual tasks, walking, standing, lifting, bending, seeing, hearing, eating, speaking, breathing, learning, reading, concentrating, thinking, communicating and working;
2. has a record of such impairment; or
3. is regarded as having such an impairment.

EMPLOYMENT

No employee or candidate for employment shall be discriminated against in recruitment, employment, promotion, training, or transfer solely because of his/her disability.

No pre-employment inquiry on the basis of a disability shall be made of an applicant that is not directly related to the essential function of the position for which he/she has applied.

Reasonable modifications not directly affecting the instructional program shall be made to accommodate employment conditions which meet the needs of employees with disabilities.

Enforcement

A complaint regarding a violation of law and/or board policy in an employment decision shall be subject to a grievance procedure that provides for the prompt and equitable resolution of disputes. The grievance procedure is outlined in Board Policy and regulation 9140.1/9140.1-R.

FACILITIES

The educational program of this District shall be equally accessible to all students. Barrier-free access to school facilities shall be provided to the extent that no person with a disability shall be denied an opportunity to participate in a District program available to non-disabled persons.

PROGRAM FOR STUDENTS

No student will be denied, because of his/her disability, participation in co-curricular or intramural or interscholastic activities or any of the services offered or recognitions rendered regularly to the students of the District, assuming for the purposes of this paragraph he or she is a qualified individual with a disability entitled to an accommodation to participate in same.

Evaluation

Any student who needs or is believed to need special accommodations, related services or programs under Section 504 of the Rehabilitation Act of 1973, may be referred to the Section 504 Committee for evaluation.

The Section 504 Committee shall be composed of persons knowledgeable about the student's school history, the student's individual needs, the meaning of evaluation data, and the placement options.

The student's parents or person in parental relationship shall be notified of the Section 504 Committee meeting at least 5 calendar days prior to the meeting and invited to participate in it. They will also be notified of their due process rights, including the right to examine the student's records.

The Section 504 Committee shall consider all relevant information on the student to determine whether he/she is disabled under Section 504. Information may include reports from physicians, observations from parents, teachers, school personnel, results of standardized tests, and results of comprehensive assessments conducted by the District's professional staff.

The Section 504 Committee shall determine whether the student is disabled under Section 504, and, if so, develop a written educational plan describing the disability and what accommodations, services or programs will be provided to meet the student's individual needs.

The student shall be placed in the regular educational environment unless demonstrated that such placement cannot be achieved satisfactorily, even with the use of supplementary aids and services. The student shall be educated with those who are not disabled to the maximum extent appropriate to meet the individual needs of the student.

The student's parent or person in parental relationship shall be notified in writing of the Section 504 Committee's determination and recommendation. They will also be notified of their due process rights, including the right to request an impartial hearing and be represented by council.

Reevaluation

The Section 504 committee will annually review the progress of the disabled student and the effectiveness of the student's education plan to determine whether modifications or related services are appropriate and necessary, and that the disabled student's needs are being met as adequately as the needs of non-disabled students.

Prior to any subsequent significant change in placement, a comprehensive reevaluation of the student's needs will be conducted.

Students who have been declared eligible under Section 504 may be entitled to evaluation by a manifestation team prior to an out-of-school suspension for more than ten days or a series of short term suspensions that create a pattern of exclusions equivalent to ten days. A student who is presumed to have a disability is entitled to the same rights and privileges in regard to discipline as a student previously identified as having a disability.

Procedural Safeguards

The parent or person in parental relationship shall be notified in writing of any District decision concerning the identification, evaluation and placement of a student.

The parent or person in parental relationship shall have the right to examine the student's records.

Parents or persons in parental relationship who disagree with the identification, evaluation or placement of a student with disabilities shall have the right to request an impartial due-process hearing. The request for a hearing shall be made in writing within thirty days of receipt of the Section 504 Committee's determination. The request shall state the reasons the hearing is being requested and be sent to the Section 504 Compliance Coordinator.

The parent or person in parental relationship shall have an opportunity to participate and to retain counsel at the due process hearing.

Selection of Hearing Officer

If the due process hearing has been required based upon the Individuals with Disabilities Education Act (IDEA) and Section 504, a hearing officer qualified as to IDEA and Section 504 will preside, in accordance with applicable law.

The parent or person in parental relationship shall be notified in writing of the hearing officer's decision. The school district or parent or person in parental relationship may seek review of the decision of the Section 504 hearing officer in accordance with applicable law.

Procedures to Follow at the Hearing

A Section 504 due-process hearing may be called at the request of the school district or a parent or person in parental relationship. The proceedings shall be presided over and decided by an impartial hearing officer.

- Requests for a due-process hearing must be submitted in writing to the Section 504 Compliance Coordinator. Parents or persons in parental relationship shall be notified of the hearing at least 10 days prior to the date set for the hearing.

The school district's notices to the student's parent or person in parental relationship shall be in English or in the native language or mode of communication of the parent or person in parental relationship.

At the hearing, each party shall have an opportunity to present relevant information and outside expert testimony.

A copy of the hearing officer's decision shall be delivered to the school district and the parent or person in parental relationship within 10 days following completion of the hearing. Notification will include a statement that either party may appeal the decision.

The decision of the hearing officer is binding on all parties involved; it is subject to review in accordance with federal law.

Adoption date: April 27, 2011
Revised: October 24, 2011

STUDENT COMPLAINTS AND GRIEVANCES

The Board of Education believes it is necessary that students be made aware of the behavior that is expected of them, as outlined in district policies on school conduct and discipline. Building Principals are responsible for ensuring that appeal procedures are incorporated into discipline codes, explained to all students, and provided to all parents on an annual basis.

The Board encourages students to be active participants in the educational process. The Board strives to provide students with a sound educational environment, ensure that all students are treated fairly, and afford students the due process protections they are entitled to under the law. The Board understands that there may be times when students do not agree with school practices or feel as though they have been treated unfairly.

The district has different channels for communicating school practices that provide valuable information with regard to student complaints and grievance, such as the district calendar and the Code of Conduct, available on the district website. Understanding the Board policy on an issue is the first step towards resolving any complaints. Students are urged to follow the established Board policy, but should always feel free to discuss concerns with any school staff member or the Building Principal. School staff and administrators are expected to work with students toward an amicable resolution of the issue.

<u>Issue</u>	<u>Policy (policy number)</u>
Civil rights; discrimination	Equal Opportunity and Nondiscrimination (0100)
Disciplinary matters	Code of Conduct (5300)
District policies and practices	Student government and/or Complaints from the Public (1400)
Due process	Code of Conduct (5300)
Free speech	School-Sponsored Student Expression (5220); Student Personal Expression (5225)
Harassment, hazing, bullying	Harassment, Hazing and Bullying (0115)
Privacy (lockers, searches)	Code of Conduct (5300)
School practices and environment	Student government and/or Complaints from the Public (1400)
Sexual harassment	Sexual Harassment (0110)
Student educational records	Student Records (5500)
Student rights and responsibilities	Code of Conduct (5300)
Teachers	Complaints from the Public (1400)

Cross-ref: 0100, Equal Opportunity and Nondiscrimination
 0110, Sexual Harassment

0115, Harassment, Hazing and Bullying
1400, Complaints from the Public
5220, School-Sponsored Student Expression
5225, Student Personal Expression
5300, Code of Conduct
5500, Student Records

Adoption date: February 28, 2011

PRAYER IN THE SCHOOLS

It is the policy of the Board of Education to not prevent, or otherwise deny participation in, constitutionally protected prayer in the district's schools, consistent with guidance issued by the U.S. Secretary of Education, and applicable judicial decisions interpreting the religion clauses of the First Amendment of the U.S. Constitution.

This policy supersedes any other Board policy that might be inconsistent with it.

Ref: No Child Left Behind Act of 2001, 20 USC §§904(b); 7904(a)

Adoption date: February 28, 2011

PRAYER IN THE SCHOOLS EXHIBIT

U.S. Department of Education Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools

February 7, 2003

Introduction

Section 9524 of the Elementary and Secondary Education Act ("ESEA") of 1965, as amended by the No Child Left Behind Act of 2001, requires the Secretary to issue guidance on constitutionally protected prayer in public elementary and secondary schools. In addition, Section 9524 requires that, as a condition of receiving ESEA funds, a local educational agency ("LEA") must certify in writing to its State educational agency ("SEA") that it has no policy that prevents, or otherwise denies participation in, constitutionally protected prayer in public schools as set forth in this guidance.

The purpose of this guidance is to provide SEAs, LEAs, and the public with information on the current state of the law concerning constitutionally protected prayer in the public schools, and thus to clarify the extent to which prayer in public schools is legally protected. This guidance also sets forth the responsibilities of SEAs and LEAs with respect to Section 9524 of the ESEA. As required by the Act, this guidance has been jointly approved by the Office of the General Counsel in the Department of Education and the Office of Legal Counsel in the Department of Justice as reflecting the current state of the law. It will be made available on the Internet through the Department of Education's web site (www.ed.gov). The guidance will be updated on a biennial basis, beginning in September 2004, and provided to SEAs, LEAs, and the public.

The Section 9524 Certification Process

In order to receive funds under the ESEA, an LEA must certify in writing to its SEA that no policy of the LEA prevents, or otherwise denies participation in, constitutionally protected prayer in public elementary and secondary schools as set forth in this guidance. An LEA must provide this certification to the SEA by October 1, 2002, and by October 1 of each subsequent year during which the LEA participates in an ESEA program. However, as a transitional matter, given the timing of this guidance, the initial certification must be provided by an LEA to the SEA by March 15, 2003.

The SEA should establish a process by which LEAs may provide the necessary certification. There is no specific Federal form that an LEA must use in providing this certification to its SEA. The certification may be provided as part of the application process for ESEA programs, or separately, and in whatever form the

SEA finds most appropriate, as long as the certification is in writing and clearly states that the LEA has no policy that prevents, or otherwise denies participation in, constitutionally protected prayer in public elementary and secondary schools as set forth in this guidance.

By November 1 of each year, starting in 2002, the SEA must send to the Secretary a list of those LEAs that have not filed the required certification or against which complaints have been made to the SEA that the LEA is not in compliance with this guidance. However, as a transitional matter, given the timing of this guidance, the list otherwise due November 1, 2002, must be sent to the Secretary by April 15, 2003. This list should be sent to:

Office of Elementary and Secondary Education
Deputy Assistant Secretary for Management and Planning
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

The SEA's submission should describe what investigation or enforcement action the SEA has initiated with respect to each listed LEA and the status of the investigation or action. The SEA should not send the LEA certifications to the Secretary, but should maintain these records in accordance with its usual records retention policy.

Enforcement of Section 9524

LEAs are required to file the certification as a condition of receiving funds under the ESEA. If an LEA fails to file the required certification, or files it in bad faith, the SEA should ensure compliance in accordance with its regular enforcement procedures. The Secretary considers an LEA to have filed a certification in bad faith if the LEA files the certification even though it has a policy that prevents, or otherwise denies participation in, constitutionally protected prayer in public elementary and secondary schools as set forth in this guidance.

The General Education Provisions Act ("GEPA") authorizes the Secretary to bring enforcement actions against recipients of Federal education funds that are not in compliance with the law. Such measures may include withholding funds until the recipient comes into compliance. Section 9524 provides the Secretary with specific authority to issue and enforce orders with respect to an LEA that fails to provide the required certification to its SEA or files the certification in bad faith.

Overview of Governing Constitutional Principles

The relationship between religion and government in the United States is governed by the First Amendment to the Constitution, which both prevents the

government from establishing religion and protects privately initiated religious expression and activities from government interference and discrimination.^[1] The First Amendment thus establishes certain limits on the conduct of public school officials as it relates to religious activity, including prayer.

The legal rules that govern the issue of constitutionally protected prayer in the public schools are similar to those that govern religious expression generally. Thus, in discussing the operation of Section 9524 of the ESEA, this guidance sometimes speaks in terms of "religious expression." There are a variety of issues relating to religion in the public schools, however, that this guidance is not intended to address.

The Supreme Court has repeatedly held that the First Amendment requires public school officials to be neutral in their treatment of religion, showing neither favoritism toward nor hostility against religious expression such as prayer.^[2] Accordingly, the First Amendment forbids religious activity that is sponsored by the government but protects religious activity that is initiated by private individuals, and the line between government-sponsored and privately initiated religious expression is vital to a proper understanding of the First Amendment's scope. As the Court has explained in several cases, "there is a crucial difference between *government* speech endorsing religion, which the Establishment Clause forbids, and *private* speech endorsing religion, which the Free Speech and Free Exercise Clauses protect."^[3]

The Supreme Court's decisions over the past forty years set forth principles that distinguish impermissible governmental religious speech from the constitutionally protected private religious speech of students. For example, teachers and other public school officials may not lead their classes in prayer, devotional readings from the Bible, or other religious activities.^[4] Nor may school officials attempt to persuade or compel students to participate in prayer or other religious activities.^[5] Such conduct is "attributable to the State" and thus violates the Establishment Clause.^[6]

Similarly, public school officials may not themselves decide that prayer should be included in school-sponsored events. In *Lee v. Weisman*^[7], for example, the Supreme Court held that public school officials violated the Constitution in inviting a member of the clergy to deliver a prayer at a graduation ceremony. Nor may school officials grant religious speakers preferential access to public audiences, or otherwise select public speakers on a basis that favors religious speech. In *Santa Fe Independent School District v. Doe*^[8], for example, the Court invalidated a school's football game speaker policy on the ground that it was designed by school officials to result in pregame prayer, thus favoring religious expression over secular expression.

Although the Constitution forbids public school officials from directing or favoring prayer, students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate,"^[9] and the Supreme Court has made clear that "private religious speech, far from being a First Amendment orphan, is as fully

protected under the Free Speech Clause as secular private expression." ^[10] Moreover, not all religious speech that takes place in the public schools or at school-sponsored events is governmental speech. ^[11] For example, "nothing in the Constitution ... prohibits any public school student from voluntarily praying at any time before, during, or after the school day," ^[12] and students may pray with fellow students during the school day on the same terms and conditions that they may engage in other conversation or speech. Likewise, local school authorities possess substantial discretion to impose rules of order and pedagogical restrictions on student activities, ^[13] but they may not structure or administer such rules to discriminate against student prayer or religious speech. For instance, where schools permit student expression on the basis of genuinely neutral criteria and students retain primary control over the content of their expression, the speech of students who choose to express themselves through religious means such as prayer is not attributable to the state and therefore may not be restricted because of its religious content. ^[14] Student remarks are not attributable to the state simply because they are delivered in a public setting or to a public audience. ^[15] As the Supreme Court has explained: "The proposition that schools do not endorse everything they fail to censor is not complicated," ^[16] and the Constitution mandates neutrality rather than hostility toward privately initiated religious expression. ^[17]

Applying the Governing Principles in Particular Contexts

Prayer During Noninstructional Time

Students may pray when not engaged in school activities or instruction, subject to the same rules designed to prevent material disruption of the educational program that are applied to other privately initiated expressive activities. Among other things, students may read their Bibles or other scriptures, say grace before meals, and pray or study religious materials with fellow students during recess, the lunch hour, or other noninstructional time to the same extent that they may engage in nonreligious activities. While school authorities may impose rules of order and pedagogical restrictions on student activities, they may not discriminate against student prayer or religious speech in applying such rules and restrictions.

Organized Prayer Groups and Activities

Students may organize prayer groups, religious clubs, and "see you at the pole" gatherings before school to the same extent that students are permitted to organize other non-curricular student activities groups. Such groups must be given the same access to school facilities for assembling as is given to other non-curricular groups, without discrimination because of the religious content of their expression. School authorities possess substantial discretion concerning whether to permit the use of school media for student advertising or announcements regarding non-curricular activities. However, where student groups that meet for nonreligious activities are permitted to advertise or announce their meetings—for example, by advertising in a student newspaper, making announcements on a student activities bulletin board or

public address system, or handing out leaflets—school authorities may not discriminate against groups who meet to pray. School authorities may disclaim sponsorship of non-curricular groups and events, provided they administer such disclaimers in a manner that neither favors nor disfavors groups that meet to engage in prayer or religious speech.

Teachers, Administrators, and other School Employees

When acting in their official capacities as representatives of the state, teachers, school administrators, and other school employees are prohibited by the Establishment Clause from encouraging or discouraging prayer, and from actively participating in such activity with students. Teachers may, however, take part in religious activities where the overall context makes clear that they are not participating in their official capacities. Before school or during lunch, for example, teachers may meet with other teachers for prayer or Bible study to the same extent that they may engage in other conversation or nonreligious activities. Similarly, teachers may participate in their personal capacities in privately sponsored baccalaureate ceremonies.

Moments of Silence

If a school has a "minute of silence" or other quiet periods during the school day, students are free to pray silently, or not to pray, during these periods of time. Teachers and other school employees may neither encourage nor discourage students from praying during such time periods.

Accommodation of Prayer During Instructional Time

It has long been established that schools have the discretion to dismiss students to off-premises religious instruction, provided that schools do not encourage or discourage participation in such instruction or penalize students for attending or not attending. Similarly, schools may excuse students from class to remove a significant burden on their religious exercise, where doing so would not impose material burdens on other students. For example, it would be lawful for schools to excuse Muslim students briefly from class to enable them to fulfill their religious obligations to pray during Ramadan.

Where school officials have a practice of excusing students from class on the basis of parents' requests for accommodation of nonreligious needs, religiously motivated requests for excusal may not be accorded less favorable treatment. In addition, in some circumstances, based on federal or state constitutional law or pursuant to state statutes, schools may be required to make accommodations that relieve substantial burdens on students' religious exercise. Schools officials are therefore encouraged to consult with their attorneys regarding such obligations.

Religious Expression and Prayer in Class Assignments

Students may express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of their submissions. Such home and classroom work should be judged by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by the school. Thus, if a teacher's assignment involves writing a poem, the work of a student who submits a poem in the form of a prayer (for example, a psalm) should be judged on the basis of academic standards (such as literary quality) and neither penalized nor rewarded on account of its religious content.

Student Assemblies and Extracurricular Events

Student speakers at student assemblies and extracurricular activities such as sporting events may not be selected on a basis that either favors or disfavors religious speech. Where student speakers are selected on the basis of genuinely neutral, evenhanded criteria and retain primary control over the content of their expression, that expression is not attributable to the school and therefore may not be restricted because of its religious (or anti-religious) content. By contrast, where school officials determine or substantially control the content of what is expressed, such speech is attributable to the school and may not include prayer or other specifically religious (or anti-religious) content. To avoid any mistaken perception that a school endorses student speech that is not in fact attributable to the school, school officials may make appropriate, neutral disclaimers to clarify that such speech (whether religious or nonreligious) is the speaker's and not the school's.

Prayer at Graduation

School officials may not mandate or organize prayer at graduation or select speakers for such events in a manner that favors religious speech such as prayer. Where students or other private graduation speakers are selected on the basis of genuinely neutral, evenhanded criteria and retain primary control over the content of their expression, however, that expression is not attributable to the school and therefore may not be restricted because of its religious (or anti-religious) content. To avoid any mistaken perception that a school endorses student or other private speech that is not in fact attributable to the school, school officials may make appropriate, neutral disclaimers to clarify that such speech (whether religious or nonreligious) is the speaker's and not the school's.

Baccalaureate Ceremonies

School officials may not mandate or organize religious ceremonies. However, if a school makes its facilities and related services available to other private groups, it

must make its facilities and services available on the same terms to organizers of privately sponsored religious baccalaureate ceremonies. In addition, a school may disclaim official endorsement of events sponsored by private groups, provided it does so in a manner that neither favors nor disfavors groups that meet to engage in prayer or religious speech.

Notes:

[1] Relevant portions of the First Amendment provide: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech" U.S. Const. amend. I. The Supreme Court has held that the Fourteenth Amendment makes these provisions applicable to all levels of government—federal, state, and local—and to all types of governmental policies and activities. *See Everson v. Board of Educ.*, 330 U.S. 1 (1947); *Cantwell v. Connecticut*, 310 U.S. 296 (1940).

[2] *See, e.g., Everson*, 330 U.S. at 18 (the First Amendment "requires the state to be a neutral in its relations with groups of religious believers and non-believers; it does not require the state to be their adversary. State power is no more to be used so as to handicap religions than it is to favor them"); *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98 (2001)

[3] *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 302 (2000) (quoting *Board of Educ. v. Mergens*, 496 U.S. 226, 250 (1990) (plurality opinion)); *accord Rosenberger v. Rector of Univ. of Virginia*, 515 U.S. 819, 841 (1995).

[4] *Engel v. Vitale*, 370 U.S. 421 (1962) (invalidating state laws directing the use of prayer in public schools); *School Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963) (invalidating state laws and policies requiring public schools to begin the school day with Bible readings and prayer); *Mergens*, 496 U.S. at 252 (plurality opinion) (explaining that "a school may not itself lead or direct a religious club"). The Supreme Court has also held, however, that the study of the Bible or of religion, when presented objectively as part of a secular program of education (e.g., in history or literature classes), is consistent with the First Amendment. *See Schempp*, 374 U.S. at 225.

[5] *See Lee v. Weisman*, 505 U.S. 577, 599 (1992); *see also Wallace v. Jaffree*, 472 U.S. 38 (1985).

[6] *See Weisman*, 505 U.S. at 587.

[7] 505 U.S. 577 (1992).

[8] 530 U.S. 290 (2000).

[9] *Tinker v. Des Moines Indep. Community Sch. Dist.*, 393 U.S. 503, 506 (1969).

[10] *Capitol Square Review & Advisory Bd. v. Pinette*, 515 U.S. 753, 760 (1995).

[11] *Santa Fe*, 530 U.S. at 302 (explaining that "not every message" that is "authorized by a government policy and take[s] place on government property at government-sponsored school-related events" is "the government's own").

[12] *Santa Fe*, 530 U.S. at 313.

[13] For example, the First Amendment permits public school officials to review student speeches for vulgarity, lewdness, or sexually explicit language. *Bethel Sch. Dist. v. Fraser*, 478 U.S. 675, 683-86 (1986). Without more, however, such review does not make student speech attributable to the state.

[14] *Rosenberger v. Rector of Univ. of Virginia*, 515 U.S. 819 (1995); *Board of Educ. v. Mergens*, 496 U.S. 226 (1990); *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98 (2001); *Lamb's Chapel v. Center Moriches Union Free Sch. Dist.*, 508 U.S. 384 (1993); *Widmar v. Vincent*, 454 U.S. 263 (1981); *Santa Fe*, 530 U.S. at 304 n.15. In addition, in circumstances where students are entitled to pray, public schools may not restrict or censor their prayers on the ground that they might be deemed "too religious" to others. The Establishment Clause prohibits state officials from making judgments about what constitutes an appropriate prayer, and from favoring or disfavoring certain types of prayers—be they "nonsectarian" and "nonproselytizing" or the opposite—over others. See *Engel v. Vitale*, 370 U.S. 421, 429-30 (1962) (explaining that "one of the greatest dangers to the freedom of the individual to worship in his own way lay in the Government's placing its official stamp of approval upon one particular kind of prayer or one particular form of religious services," that "neither the power nor the prestige" of state officials may "be used to control, support or influence the kinds of prayer the American people can say," and that the state is "without power to prescribe by law any particular form of prayer"); *Weisman*, 505 U.S. at 594.

[15] *Santa Fe*, 530 U.S. at 302; *Mergens*, 496 U.S. at 248-50.

[16] *Mergens*, 496 U.S. at 250 (plurality opinion); *id.* at 260-61 (Kennedy, J., concurring in part and in judgment).

[17] *Rosenberger*, 515 U.S. at 845-46; *Mergens*, 496 U.S. at 248 (plurality opinion); *id.* at 260-61 (Kennedy, J., concurring in part and in judgment).

Adoption date: February 28, 2011

STUDENT ATTENDANCE

The Board of Education recognizes that regular school attendance is a major component of academic success. Through implementation of this policy, the Board expects to encourage full attendance by all students, maintain an adequate attendance recordkeeping system, identify patterns of student unexcused absences, tardiness, and early departures (referred to in this policy as “ATEDs”) and develop effective intervention strategies to improve school attendance.

Notice

To be successful in this endeavor, it is imperative that all members of the school community are aware of this policy, its purpose, procedures and the consequences of non-compliance. To ensure that students, parents, teachers and administrators are notified of and understand this policy, the following procedures shall be implemented.

- A plain language summary of the attendance policy will be included in the student calendar, which is distributed to all students at the beginning of the school year.
- Parents/guardians will receive a plain language summary of this policy by mail at the start of the school year. Parents/guardians will be asked to sign and return a statement indicating that they have read and understand the policy.
- When a student is absent without excuse designated staff member(s) will notify the student’s parent(s)/guardian(s) and review attendance procedures with them.
- School newsletters and publications will include periodic reminders of the components of this policy.
- The district will provide a copy of the attendance policy and any amendments thereto to faculty and staff. New staff will receive a copy upon their employment.
- All faculty and staff will meet at the beginning of each school year to review the attendance policy to clarify individual roles in its implementation.
- Copies of this policy will also be made available to any community member, upon request.
- The district will share this policy with local Child Protective Services (CPS) to ensure a common understanding of excused and unexcused ATED’s and to work toward identifying and addressing cases of educational neglect.

Excused and Unexcused Absences, Tardiness, and Early Departures (ATEDs)

Excused ATEDs are defined as absences, tardiness, and early departures from class or school due to personal illness, illness or death in the family, impassable roads or weather, religious observance, quarantine, required court appearances, attendance at health clinics, or such other reasons as may be approved by the Superintendent of Schools or his/her designee. All other ATEDs are considered unexcused absences.

- A student is considered tardy if he/she arrives to school after 8:15 a.m. Students are expected to be at school for the morning line-up at 8:15 a.m. The late bell shall ring at that time.
- Students are dismissed from school at 2:50 p.m. daily. Parents/guardians or designees are responsible for the timely pick-up of their children at the end of the school day. Parents/guardians or designees are strongly encouraged to be punctual in the pick-up of their children so that children are not subjected to unsafe or unhealthy circumstances.

All ATEDs must be accounted for. It is the parent's/guardian's responsibility to notify the school office via telephone, or in writing, or in person on the morning of the absence or tardiness. For any absence, the parent/guardian must provide a written excuse upon the student's return to school.

General Procedures/Data Collection

- Attendance will be taken classroom teachers each morning by 8:30 a.m. Each teacher will then submit his/her class attendance to the school's attendance officer no later than 8:30 a.m. After 8:30 a.m., any ATEDs will be recorded by the school attendance officer.
- The nature of an ATED shall be coded on a student's record (see 5100-E).
- Student ATED data shall be available no later than the following school day and should be reviewed by the designated school personnel.
- Where additional information is received that requires corrections to be made to a student's attendance records, such correction will be made immediately, subject to review and approval by the Building Principal. Notice of such a change will be sent to appropriate school personnel, subject to applicable confidentiality rules.

- Attendance data will be analyzed by each Principal, on a monthly and quarterly basis, to identify patterns or trends in student absences.
- Classroom teachers and attendance officers are responsible for accurately gathering and reporting student attendance information.

Attendance Incentives

The district will design and implement systems to acknowledge a student's efforts to maintain or improve school attendance, such as:

- An attendance honor roll shall be maintained and published monthly and quarterly identifying those students with perfect attendance as well as those students whose attendance has improved significantly.

Disciplinary Consequences

When a student has an unexcused ATED, the teacher or attendance officer will counsel the student and contact the student's parents/guardians.

Two unexcused ATEDs will result in a written notification to parents/guardians from the teacher or attendance officer. The written notification must be acknowledged and signed by the parent/guardian and returned to the teacher or attendance officer.

Three or more unexcused ATEDs will result in a conference with the parent/guardian and school personnel which may include the attendance officer, school psychologist, social worker or building administrator. In severe cases of unexcused ATEDs, where parents/guardians may be considered to be endangering or neglecting the welfare of their children, school personnel may make a referral to Child Protective Services for investigation.

Attendance/Grade Policy

The Board of Education recognizes an important relationship between class attendance and student performance. Consequently, each marking period a student's final grade may be based on classroom participation as well as student's performance on homework, tests, papers, projects, etc.

Students are expected to attend all scheduled classes. Consistent with the importance of classroom participation, unexcused ATEDs may affect a student's class participation grade for the marking period. Excessive unexcused ATEDs may also result in a student's retention in grade if the student cannot keep up with his/her schoolwork (see policy 4750).

In implementing the policy set forth above, students who are unable to attend school or a class on a given day due to their participation in a school-sponsored activity (i.e., music lessons, field trips), may arrange with their teachers to make up any work missed. This also applies to any student who is absent, tardy or leaves early from school or a class due to illness or any other excused reason.

All students with an excused ATED are expected upon their return to consult with their teacher(s) regarding missed work.

Only those students with excused ATEDs will be given the opportunity to make up a test or other missed work and/or turn in a late assignment for inclusion in their final grade. Make up opportunities must be completed by a date specified by the student's teacher for the subject in question.

Annual Review

The Board shall annually review building-level student attendance records and, if such records show a decline in student attendance, the Board shall revise this comprehensive attendance policy and make any revisions to the plan it deems necessary to improve student attendance.

Cross ref: 4710, Grading Systems
4750, Promotion and Retention of Students
5300, Code of Conduct
5460, Child Abuse in a Domestic Setting

Ref: Education Law §§1709; 3024; 3025; 3202; 3205-3213; 3225
8 NYCRR §§104.1; 175.6
Social Service Law §34-a

Adoption date: February 28, 2011

STUDENT ATTENDANCE CODES

In accordance with policy 5100, Student Attendance, the following attendance codes will be utilized in conjunction with the School Administrative Information (SASI) system, effective July 1, 2002:

School Administrative Student Information (SASI) Attendance Codes

<u>Reason</u>	<u>Code</u>
Sick a.m.	SA
Family	FAM
Legal Half	OLH
Illegal	I
Other Legal	O
Sick p.m.	SP
Religious	R
Sick Full	SF
Tardy	TDY
Unverified	UNV
Suspension	SUS
Truancy	TRU

Adoption date: February 28, 2011

SCHOOL ATTENDANCE AREAS

Boundaries for attendance areas shall be as follows:

FOREST ROAD - All children living south of Sunrise Highway to the southern boundary of Union Free School District Thirty.

CLEAR STREAM AVENUE - All children living north of Sunrise Highway to the southern section of Merrick Road within the boundaries of Union Free School District Thirty.

SHAW AVENUE - All children living north of Merrick Road to the boundary of Union Free School District Thirty.

Students shall attend the school serving the attendance area in which they reside, unless:

1. special arrangements were made to accommodate attendance at an established program; or
2. at the determination of the Board of Education, or its designee, in the event the class size in a given grade at one of the schools of District 30 approaches, equals, or exceeds the recommended class size limit as determined by the Board. In such a case, the Board, or its designee, shall have the discretion to register any new student or students in another school within the boundaries of District 30 which could readily accommodate the additional student(s) in the same given grade without causing the class size in the same grade in the latter school to approach, equal, or exceed the recommended class size limit. Under such a circumstance, transportation to and from school shall be the responsibility of the parent(s) or guardian(s) of such student(s). The duration of such a placement shall be at the discretion of the Board or its designee.

Guidelines

Guidelines for the administration of this policy shall include, but are not limited to, the following:

1. Siblings. In the event that a student shall be assigned by the Board or designee to attend a school other than the student's home attendance zone school, the parent(s) and/or guardian(s) of such a student may request that any other elementary school-aged sibling(s) lawfully residing with said student(s) also attend the assigned school. Such a request would be considered based on the availability of seats at the particular grade level. The Board or its designee shall consider each request on a case-by-case basis.
2. Duration and return. In the event that a student shall be assigned by the Board or designee to attend a school other than the student's home attendance zone

school, the opportunity for such a student to return to his/her home attendance zone school shall be determined by the anticipated availability of seats in the appropriate next grade in the home attendance zone school prior to the beginning of the next school year. The parent(s) and/or guardian(s) of such a student shall have the option of requesting a continuation in the assigned school (subject to seat availability) or requesting a return to the home attendance zone school. Such a student shall have the priority option to return to his/her home attendance zone school above the in-transfer of a student who is new to the school and/or district. The Board or its designee shall consider each request on a case-by-case-basis.

3. Written notification. In the event that a student shall be assigned by the Board or designee to attend a school other than the student's home attendance zone school, the parent(s) and/or guardian(s) of such a student will be provided with a written notification from the Board or its designee as expeditiously as possible.

Adoption date: February 28, 2011

HOMELESS CHILDREN

The Board of Education recognizes its responsibility to identify homeless children within the district, encourage their enrollment and eliminate existing barriers to their education which may exist in district practices. The Board will provide that homeless children attending the district's schools access to the same free and appropriate public education, including preschool education, as other children.

A homeless child is a child who lacks a fixed, regular, and adequate nighttime residence or who has a primary nighttime location in a public or private shelter designed to provide temporary living accommodations, or a place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. This definition also includes a child who shares the housing of others due to loss of housing, economic hardship, or similar reason; lives in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; lives in a car, park, public space or abandoned building, substandard housing, bus or train station or similar setting; has been abandoned in a hospital or is awaiting foster care placement; or is a migratory child who qualifies as homeless. An unaccompanied youth is a homeless child for whom no parent or person in parental relation is available.

A homeless child has the right to attend school in either the district of origin (i.e., where he/she resided before becoming homeless), the district of current location, or a district participating in a regional placement plan. The homeless child is entitled to attend the designated school district on a tuition-free basis for the duration of his or her homelessness. If the child becomes permanently housed, the child is entitled to continue to attendance in the same school building until the end of the school year and for one additional year if that year constitutes the child's terminal year in such building.

The Superintendent of Schools shall develop procedures necessary to expedite the homeless child's access to the designated school. Such procedures shall include:

1. Admission: Upon designation, the district shall immediately admit the homeless child to school, even if the child is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency or other documentation and even if there is a dispute with the child's parents regarding school selection or enrollment.

Homeless children will have the same opportunity as other children to enroll in and succeed in the district's schools. They will not be placed in separate schools or programs based on their status as homeless.

2. Transportation: The district shall provide transportation for homeless students currently residing within the district as required by applicable law.

3. School Records: For homeless students attending school out of the district, the district shall, within five days of receipt of a request for records, forward a complete copy of the homeless child's records including proof of age, academic records, evaluation, immunization records and guardianship paper, if applicable.

The Superintendent shall also designate a liaison for homeless children and ensure that this person is aware of his or her responsibilities under the law. The liaison's responsibilities shall include, but not be limited to, ensuring that:

1. parents of homeless children are informed of the educational and related opportunities available to them, including transportation;
2. parents and guardians and unaccompanied youth are fully informed of all transportation services available to them, and are assisted in accessing them;
3. enrollment disputes involving homeless children are promptly mediated and resolved;
4. school personnel in coordination with shelters and social service agencies and other appropriate entities identify homeless children, including homeless preschoolers; and
5. homeless children receive educational services, including Head Start and preschool services to which they are eligible, as well as referrals to health care and other appropriate services.

In accordance with law and regulation, the district will offer a prompt dispute resolution process (described in more detail in the accompanying administrative regulation).

In accordance with Commissioner's regulations, the district shall collect and transmit to the Commissioner information necessary to assess the educational needs of homeless children within the State.

Ref: 42 USC §§11431, et seq.
School Enrollment Guidelines on the McKinney-Vento Act, 67 Fed. Reg. 10,697-10,701 (March 8, 2002)
Education Law §§207; 305; 3202; 3205; 3209
Executive Law §§532-b; 532-e
Social Services Law §§17; 62; 397
8 NYCRR §§100.2; 175.6

Adoption date: February 28, 2011

HOMELESS CHILDREN REGULATION

Each school in the district shall maintain forms provided by the Commissioner of Education for designating a homeless child's district of attendance. These forms must be provided to any homeless child or parent or guardian who seeks to enroll a child in school. The district's liaison for homeless students shall assist the homeless child and/or parent or guardian in understanding their rights under the law and provide them with information regarding the educational and related opportunities available to them.

School placement decisions for homeless children will be based on the "best interest of the child." Unless doing so is contrary to the wishes of the child's parent or guardian, to the extent possible, a homeless child will continue to attend the school of origin (the school the child attended when he or she became homeless).

If the district wishes to send a homeless child to a school other than the school of origin or a school requested by the parent or guardian, the Superintendent or designee shall provide the parent or guardian with a written explanation of its decision, together with a statement regarding the right to appeal the placement process. The Superintendent or designee shall refer any such dispute to the district's liaison for the homeless for resolution. The homeless child must be enrolled in the school sought by the parent or guardian pending resolution of the dispute.

Admission Procedures

Upon designation, the Superintendent of Schools or designee shall immediately:

1. review the designation form to ensure that it is complete;
2. admit the homeless child even if the child or his/her parent or guardian is unable to produce records normally required for enrollment or there is an unresolved dispute regarding school selection or enrollment;
3. where applicable, make a written request to the school district where a copy of the child's records are located for a copy of the homeless child's school records;
4. notify the liaison for homeless children of the child's admission. The liaison shall:
 - a. notify the child and/or the parent or guardian of the educational and related opportunities available to homeless children including transportation;

- b. ensure that the child receives the educational services for which they are eligible, including Head Start and Even Start and preschool programs administered by the district;
- c. make necessary referrals to health care services, dental services, mental health services, and other appropriate services; and
- d. ensure that any enrollment disputes are mediated promptly and in accordance with law.

The Superintendent or designee shall forward a copy of the designation form to the Commissioner of Education and the school district of origin where applicable.

Transportation

Unless the homeless child is entitled to transportation provided by the Department of Social Services or Office of Children and Family Services, the district shall provide transportation services to the child in accordance with applicable law. A designated school district that must provide transportation to a homeless child may not provide transportation in excess of 50 miles one way, unless the Commissioner of Education determines that it is in the best interest of the child.

Dispute Resolution Process

If, after the Superintendent reviews the designation form (STAC-202), he/she finds that the student is either not homeless, not entitled to attend the district's school, or not entitled to transportation (if requested) the Superintendent or designee will do the following:

1. Contact the district's homeless liaison to assist in dispute resolution process.
2. Contact the student and parent (if available) and inform them of their opportunity to provide more information prior to the district making a final determination.

If, after consideration of any additional information and input from the homeless liaison, the Superintendent makes a final determination that a student is not homeless, or not entitled to enrollment or transportation, he/she must provide the student's parent or guardian, or the student, if the student is an unaccompanied youth, with written notice that the student is not entitled to their request. This written notice must also:

1. state the rationale/basis for the district's determination;
2. state the date as of which the student will be excluded from the district's schools (or transportation);
3. advise that the district's final determination may be appealed to the Commissioner of Education (Commissioner);
4. provide the name and contact information for the district's homeless liaison;
5. inform the student's parent or guardian or the student, if the student is an unaccompanied youth, that the district's homeless liaison is required to assist him/her in filing such an appeal; and
6. include, as an attachment, the form petition needed to file an appeal to the Commissioner.

The Superintendent must ensure that the district's final decision is delivered to the parent, guardian, or unaccompanied youth in a timely manner. The student must remain enrolled and provided with transportation (if requested) until the district makes a final determination and for a minimum of 30 days after the determination to give the student's parent or guardian or unaccompanied youth the opportunity to appeal to the Commissioner.

If the parent/guardian or student commences an appeal to the Commissioner with a stay application within 30 days of the final determination, the homeless child or youth will be permitted to continue to attend the school s/he is enrolled in at the time of the appeal and/or receive transportation to that school until the Commissioner renders a decision on the stay application.

Adoption date: February 28, 2011

ADMISSION OF NON-RESIDENT STUDENTS

The Board of Education affirms that its primary responsibility is to provide the best possible educational opportunities for the children who are legal district residents and who are of legal age to attend school.

Continuation of Educational Services for Non-Resident Students*Subsequent to February 1st*

Where a resident student is enrolled in the 6th grade and the custodial residence of such child and any siblings attending schools within the district is moved outside of the district boundaries subsequent to February 1st of such 6th grade year, such child shall be permitted to continue in such 6th grade class, and such siblings attending schools within the district shall be permitted to continue in such classes as they attend, until the final day of that school year.

Prior to February 1st

Where a resident student is enrolled in the 6th grade and the custodial residence of such child and any siblings attending schools within the district is moved outside of the district boundaries prior to February 1st of such 6th grade year, such non-resident children shall only be permitted to continue to attend any schools within the district beyond the date of the termination of their legal residency within the district upon the consent of the Board of education, upon terms prescribed by the Board.

Transportation

Transportation will not be provided for such former resident students.

Ref: Education Law §3202(2)

Adoption date: February 28, 2011

STUDENT DISMISSAL PRECAUTIONS

No student may be released from school to anyone other than the parent, guardian or child protective services personnel and law enforcement officers pursuant to law, unless the individual's name seeking release of the student appears on a list provided by the parent or guardian.

Parents are urged to make appointments with physicians, dentists, special tutors, etc., after school hours. If a request is necessary, parents should make note of the date, time and reason for the release. Children cannot be excused without advanced written request by parent/guardian, and must be released in care of parent/guardian, unless otherwise noted.

A student may be released to either parent unless a custodial parent supplies the Superintendent of Schools with a certified copy of a court order or divorce decree to the contrary.

The Superintendent shall develop procedures to enable parents and guardians to amend the list of persons authorized to obtain the release of their children.

Ref: Education Law §3210(1)(c)

Adoption date: February 28, 2011

STUDENT DISMISSAL PRECAUTIONS REGULATION

The Superintendent of Schools or his/her designee shall maintain a list of individuals who are authorized to obtain the release of students in attendance at the school. No student may be released to the custody of any individual not the parent or guardian of the student, unless the individual's name appears upon the list.

Parents or guardians may submit a list of individuals authorized to obtain the release of their children from school at the time of the child's enrollment. The signature of the parent or guardian must be on or attached to such list.

A parent or guardian may amend a list submitted pursuant to this regulation at any time, in writing.

Certified copies of any court orders or divorce decrees provided by the custodial parent, which restrict a parent's ability to seek the release of their child, shall be maintained by the building administrator.

If any individual seeks the release from school of a student he or she must report to the school office and present identification deemed satisfactory by the Superintendent or his/her designee, who must check the authorized list and relevant court orders or divorce decrees before a student may be released. Particular caution should be exercised when the person seeking the release of a child exhibits to the school official an out-of-state custody order.

Early excuses for emergency reasons should be requested in writing by a parent/guardian. Medical releases are handled through the Nurse's Office. All other reasons for release must go through the Main Office, and students must be picked up in the Main Office. The person seeking the release must sign the register in the office.

In the event of an emergency, the Superintendent or building administrator may release a student to some individual not appearing on the approved list only if the parent or guardian has been contacted by the Superintendent or building administrator and has approved the release, and the Superintendent or building administrator determines that an emergency exists.

Adoption date: February 28, 2011

COCURRICULAR AND EXTRACURRICULAR PROGRAMS

The Board of Education recognizes the educational values inherent in student participation in the extracurricular life of the school, and supports the concept and commits itself to the assignment of staff for the formation of student groups for such purposes as building social relationships, developing interests in an academic area, and gaining an understanding of the elements and responsibilities of good citizenship.

Recognizing that student activities are a part of the school program, the Board has established the following criteria, which all student activity programs must meet:

1. student activities must have educational value for students;
2. student activities must be in balance with other curricular offerings in the schools; and
3. student activities must be managed in a professional manner.

The following guidelines will govern student activities programs:

1. student activities are those school activities that are voluntarily engaged in by students, have the approval of the school administration and do not carry credit toward promotion;
2. each school, under the direction of the Building Principal, will have a well-balanced and effectively administered student activity program designed to stimulate student growth and development by supplementing and enriching the curricular activities;
3. each activity should be designed to contribute directly to the educational, civic, social and ethical development of students involved;
4. the student activity program should receive the same attention in terms of philosophy, objectives, social setting, organization and evaluation that is given the regular school curriculum;
5. activities must be open to all students, regardless of race, religion, sex, national origin, marital status, disability or other human differences;
6. activities should be held before classes have begun or after classes are dismissed; and
7. activities at any level should be unique, not duplications of others already in operation.

Cross-ref: 0100, Equal Opportunity and Nondiscrimination

Adoption date: February 28, 2011

ELIGIBILITY FOR EXTRA-CURRICULAR ACTIVITIES

The Board of Education has the authority to establish reasonable standards as prerequisites for eligibility for co-curricular and extra-curricular activities. These standards apply to entry qualifications as well as to continued participation in such activities. Advisors/Coaches must disseminate a copy of the expected standards of conduct to all students and parents at the start of each school year, and participating students should be individually informed of the application and scope of such standards.

Eligibility requirements should include academic standards, behavioral standards, and training standards. These standards should be applied equally to all student participants. All student participants, including athletes, should be informed that they have the obligation to act in a responsible manner because of the leadership roles they play in the school environment.

Ref: Education Law §§1709(3); 2801
Bush v. Dassel-Cokato Board of Ed., 745 F.Supp. 562 (D. Minn. 1990)
Mazzotte v. Moriah Central School Board, N.Y. Supreme Court (Special Term 1984)
Matter of O'Conner v. Bd. of Ed., 65 Misc.2d 40, 316 NY2d 799 (1970)
Matter of Wilson, 28 EDR 254 (1988)
Matter of Keily, 24 EDR 138 (1984)
Matter of Miller, 23 EDR 23 (1983)
Matter of Moore, 22 EDR 180 (1982)
Matter of Clark, 21 EDR 542 (1982)
Matter of Vetter, 20 EDR 547 (1981)

Adoption date: February 28, 2011

STUDENT ORGANIZATIONS

The Board of Education recognizes the educational values inherent in student participation in the extracurricular life of the school, and supports the concept of the formation of student groups for such purposes as building sound social relationships, developing interests in an academic area, and gaining an understanding of the elements and responsibilities of good citizenship.

Ref: Education Law §§207; 1709-a; 2503-a; 2554-a
Equal Access Act, 20 U.S.C. §§4071-4074
8 NYCRR Part 172
Board of Education of the Westside Community Schools v. Mergens, 496 U.S. 226 (1990)
Garnett By Smith v. Renton School Dist. No. 403, 865 F.2d 1121 (9th Cir., 1989)
Thompson v. Waynesboro Area School Dist., 673 F.Supp. 1379 (M.D. Pa. 1987)
Student Coalition v. Lower Merion School Dist. Bd., 633 F.Supp. 1040 (E.D. Pa. 1986)
Tinker v. Des Moines Independent Community School Dist., 393 U.S. 503, 89 S.Ct. 733 (1969)
Healy v. James, 408 U.S. 169, 92 S.Ct. 2338 (1972)

Adoption date: February 28, 2011

SCHOOL-SPONSORED STUDENT EXPRESSION

The Board of Education encourages student expression in its many forms, such as yearbook, literary magazine, concerts, art exhibits. The Board believes these activities are an important part of student learning and enrich the life of the school community. The school newspaper, for example, is an important part of the school not only because it offers an educational activity through which students gain experience in reporting, writing, editing, and understanding responsible journalism, but also because it provides an opportunity for students to express their views in a responsible manner. Each school-sponsored activity offers unique opportunities for students to engage in creative and educational modes of expression.

All school-sponsored opportunities for student expression will comply with the rules set forth in this policy and in the Code of Conduct. Libelous statements, unfounded charges and accusations, obscenity, false statements; materials or performances advocating racial or religious prejudice, hatred, violence, the breaking of laws and school policies and/or regulations; or materials or performances designed to disrupt the educational process will not be permitted.

In addition, the school-sponsored activities listed above are not considered public forums. In such cases, the Board reserves the right to edit or delete such student expression which it believes is inconsistent with the district's basic educational mission.

Procedural Due Process

When a student(s) presents material for inclusion in a school sponsored publication to a school official with authority over the school publication, the school official must review and make a decision on inclusion in the publication within two (2) school days of submission of the material to him/her. If publication is denied, the student(s) may appeal the decision to the Building Principal. If the principal agrees with the decision to withhold approval, the principal must state the reasons in writing and provide the students with a copy of the reasons within two (2) school days of the receipt of the appeal. The aggrieved student(s) may within two (2) school days appeal in writing to the Superintendent of Schools. The Superintendent must issue a written decision within two (2) school days after receiving the appeal.

Cross-ref: 5300, Code of Conduct
5225, Student Personal Expression

Ref: *Morse v. Frederick*, 127 S Ct 2618 (2007)
Hazelwood School District v. Kuhlmeier, 484 US 260, 108 S. Ct. 562, (1988)
(limits on student free speech rights in school-sponsored student publications)
Bethel School District v. Fraser, 478 US 675 (1986)

Tinker v. Des Moines Independent Community School Dist., 393 US 503, (1969) (limits on student free speech rights in school setting)

Thomas v. Board of Education, Granville Central School Dist., 607 F 2d 1043 (1979)

Trachtman v. Anker, et al., 563 F 2d 512 (1977)

Frasca v. Andrew et al., 463 F Supp 1043 (1979)

Matter of Beil and Scariati, 26 EDR 109(1986)

Adoption date: February 28, 2011

STUDENT FUND RAISING ACTIVITIES

Only the PTA and those organizations granted approval by the Board of Education shall have permission to solicit donations and contributions from students.

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.

Additional factors to be considered when granting or denying approval to outside (non-school) organizations wishing to conduct fund-raising activities are:

1. whether the group has regional or national recognition;
2. whether the group directs at least 80 percent of its expenditures to charitable program activities;
3. whether the contributions will benefit district students or residents; and
4. the number of organizations raising funds for the same purpose at the same time.

Off School Premises

Fund-raising projects in which students canvass the public off school grounds, in connection with school events and school-connected fund-raising activities, will be kept to an absolute minimum. Elementary students are not permitted to solicit funds on a door to door basis.

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 28, 2011