

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY

Statement of Overall Objectives

The Elmira Heights Central School District believes that regular attendance establishes a pattern for success for all students in school and in future life. To benefit from the educational programs of the District, students must be in regular attendance and participate in those programs.

Parents/Guardians are expected to help their students by making certain that they are in regular attendance. Regular attendance and promptness are essential for student success. Because the EHCSD recognizes that consistent school attendance, academic success and school completion have a positive correlation, the School District has developed, and, if necessary, will revise a Comprehensive Student Attendance Policy to meet the following objectives:

- a) To increase school completion for all students;
- b) To raise student achievement and close gaps in student performance;
- c) To identify attendance patterns in order to design attendance improvement efforts;
- d) To know the whereabouts of every student for safety and other reasons;
- e) To verify that individual students are complying with education laws relating to compulsory attendance;
- f) To determine the District's average daily attendance for State aid purposes.

Strategies

The School District will:

- a) Create and maintain a positive school building culture by fostering a positive physical environment where the presence of strong adult role models encourages respectful and nurturing interactions between adults and students. This positive school culture is aimed at encouraging a high level of student bonding to the school, which in turn leads to increased attendance and subsequent student achievement.
- b) Maintain accurate recordkeeping via School Office Personnel to record attendance, absence, tardiness or early departure of each student.
- c) Utilize data analysis systems for tracking individual student attendance as well as group trends in student attendance problems.
- d) Develop intervention strategies to improve school attendance for all students.

(continued)

Students

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

Definitions

Based upon our District's education and community needs, values and priorities, the EHCS D has determined that absences, tardiness and early departures will be considered excused or unexcused according to the following:

- a) Excused absences are defined as those due to personal illness or death in the family, impassable roads or weather, religious observance, quarantine, required court appearance, attendance at health clinics, approved college visits, approved cooperative work programs, military obligations, remedial or mental health treatments, or approved academic experiences. A written excuse must be submitted to school providing documentation of the child's absence.
- b) Absence due to reasons other than the above will be considered unexcused.

Recordkeeping/Data Collection

The record of each student's attendance will be kept in a manner consistent with Commissioner's Regulations. All absences, tardiness or early departure will be entered as "exc" for excused or "une" for unexcused along with the district code for reason. The local codes are defined in the student data management system

If a student misses more than 20 minutes of a class without permission, it will be considered an absence within the guidelines defined above.

Excused and Unexcused absences count in and against the attendance rate. The unexcused absences may result in additional disciplinary actions as well as academic penalties and involvement of Social Services and Probation departments. These are to be in line with the EHCS D Code of Conduct as well as individual building disciplinary procedures.

The record of each student's presence, absence, tardiness and early departure shall be kept in a register of attendance with the appropriate person in each building that is consistent with the Commissioner's Regulations. An absence, tardiness or early departure will be entered as excused or unexcused along with each of the codes above.

In addition, each student will have the following information recorded:

- a) Name;
- b) Date of birth (DOB);
- c) Full names of parent(s) or person(s) in parental relation;
- d) Address where the pupil resides;
- e) Phone number(s) where the parent(s) or person(s) in parental relation may be contacted;
- f) Date of the pupil's enrollment.

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SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)**Record of the Pupil's Attendance on Each Day of Scheduled Attendance**

- a) For students in kindergarten through grade five this attendance shall be recorded during the once a day established building procedure. Subsequent tardiness shall be recorded as they occur by the attendance clerk.
- b) For students in grades six through twelve attendance for the day will be taken at the onset of the school day and reported to the school office personnel via electronic means. These absences shall be recorded as unexcused until the school office personnel receives the required parental response to change the absence, tardiness or early departure to excused. The school office personnel shall make the appropriate changes to the student record within the agreed upon time period.

Record of Pupil's Period by Period Attendance for Secondary Students

- a) This attendance shall be recorded electronically to the school office personnel who will adjust the records to indicate excused or unexcused.

The District shall maintain a record of each scheduled day of instruction during which the school is closed for all or part of the day because of extraordinary circumstances including adverse weather conditions, or other emergency conditions that are found to be satisfactory by the Commissioner of Education.

Attendance records shall also indicate the date when the student enters and withdraws from enrollment or is dropped from enrollment in accordance with Education Law Section 3202(1-a).

Student Attendance and Course Credit (Grades 9-12)

- a) Absences and attendance can not be used as a sole criteria for receiving or denying course credit. However, the District believes that classroom participation is related to, and affects student performance and grasp of the subject matter and, as such, is properly reflected in a student's grade;
- b) Absences of any kind may be reflected in a student's participation grade. This applies to all courses;
- c) A student will be able to make up work that is missed for excused absences. This work must be made up in a timely manner within parameters that are established by the teacher and within the auspices of the Code of Conduct. Unexcused absences do not have to be given an opportunity for a make up;
- d) In the event that a student is in jeopardy of failing a course due to participation issues, the parents/guardians will be informed through report cards, interim reports, phone calls, parent conferences, letters, parent portal, etc.

(continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)**Incentives and Disciplinary Sanctions**

- a) The District encourages the use of incentives and supports the use of the Code of Conduct to modify student attendance when necessary. Building teams will be established to adopt incentives that are age and maturity appropriate.
- b) The abbreviated Code of Conduct along with the attendance procedures will be reviewed in small group settings at the commencement of each school year.

Notification Provided to the Parent

- a) Daily attendance
 1. Parents/guardians are encouraged to call the school if his/her child will not be attending school, followed by a written excuse within five (5) days.
 2. Reasonable attempts will be made to contact the parents/guardians of any student marked absent during the daily attendance and if an attendance discrepancy occurs during the day.
 3. The schools shall use periodic reports that are available through the student data system to assess attendance trends.
- b) Appeal
- c)

A parent/guardian may request a building level review of their child's attendance record. This is in addition to all rights and responsibilities that are contained in the EHCS D Code of Conduct.

Strategies

- a) Each building shall establish strategies to address student attendance problems.
- b) Pupil attendance records will be reviewed by the principal of each building with appropriate staff assistance for the purpose of creating procedures to address irregular attendance issues.
- c) Each building will review the attendance records annually and recommend revision of the attendance policy if and when appropriate. The Superintendent will ensure a review of the Attendance Policy happens in a timely manner.
- d) Educational law requires the Board of Education to review this Attendance Policy annually.

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SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)**Community Awareness**

The Board of Education shall promote necessary community awareness of the District's Comprehensive Student Attendance Policy by:

- a) Providing a plain language summary of this policy to parents/guardians at the beginning of each school year through district publications.
- b) Each teacher will be given the plain language summary in the beginning of each school year through district publication.
- c) Providing copies of the policy to any other member of the community upon request.

Education Law Sections 3024, 3025, 3202, 3205, 3206, 3210, 3211, and 3213
8 New York Code of Rules and Regulations (NYCRR) Sections 104.1, 109.2 and 175.6

Adopted: 8/9/04
Revised: June 9, 2008
Revised 10/20/08.
Revised: 07/05/2011
Revised: 02/24/2014

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Students

SUBJECT: RELEASED TIME OF STUDENTS

Written requests from the parent/guardian for the release of students generally will be honored. The appropriate time and reason for absence shall be recorded on the attendance record, using the procedures mandated by the state. Parents wishing to take their child out of school for an unexcused reason, as defined in the comprehensive attendance policy, will be required to come to the office to sign their child out.

The building principal shall assume this responsibility or shall designate an individual to review and approve all requests.

8 New York Code of Rules and Regulations
(NYCRR) Section 109.2

Adopted: 8/9/04

SUBJECT: AGE OF ENTRANCE**Kindergarten**

Students who are legal residents of the School District and who reside with parents or guardians within the School District at the time of the opening day of school must be five (5) years of age or more on December 1 in order to register for Kindergarten.

A child who transfers into the School District at any time during the school year may be considered for admission to Kindergarten by the Superintendent provided:

- a) The parents were not legal residents of the School District on the opening day of school, and
- b) The child has been registered and enrolled in kindergarten in the district in which his/her parents were legal residents.

Other Grades

Admission of children to other grades shall involve a consideration of both chronological age and the readiness of the children to do the work of those grades.

Proof of Age

A student's birth certificate or other satisfactory evidence of age shall be presented at the time of initial registration. The child shall be entered under his/her legal name.

Education Law Sections 1712, 3202 and 3212

SUBJECT: SCREENING OF NEW SCHOOL ENTRANTS

The Board of Education shall provide for the screening of every new entrant to school to determine which students may have disabilities, may be gifted or may be of limited English proficiency. A new entrant means a pupil entering the New York State public school system for the first time, or re-entering a New York State public school with no available record of a prior screening. Such diagnostic screening shall be conducted:

- a) By persons appropriately trained or qualified;
- b) In the student's native language if the language of the home is other than English;
- c) In the case of new entrants, prior to the school year, if possible, but no later than December 1 of the school year of entry or within fifteen (15) days of transfer of a student into a New York State public school should the entry take place after December 1 of the school year;
- d) In the case of students who score below the state reference point on New York State assessment tests, within thirty (30) days of the availability of the test scores.

Such screening shall include, but not be limited to the following:

- a) A physical examination by a physician/nurse practitioner or submission of a health certificate in accordance with Sections 901, 903, and 904 of the Education Law, including proof of immunization as required by Section 2164 of the Public Health Law;
- b) An assessment of motor development, of receptive and expressive language development, articulation skills, and cognitive ability in the student's native language, if the language of the home is not English.

If such screening indicates a significant skill deficit, a referral shall be made to the building level SBIT committee to follow a response to intervention process. A minimum of three scientific research based interventions will be implemented and monitored. If interventions are unsuccessful a referral to the Committee on Special Education will be made.

If such screening indicates a possibly gifted child, the name and finding shall be reported to the Superintendent of Schools and to the parents/guardians no later than fifteen (15) calendar days after completion of such screening. The term gifted child is defined as a child who shows evidence of high performance capability and exceptional potential in areas such as general intellectual ability, special academic aptitude and outstanding ability in visual and performing arts. Such definition shall include those children who require educational programs or services beyond those normally provided by the regular school program in order to realize their full potential.

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SUBJECT: SCREENING OF NEW SCHOOL ENTRANTS (Cont'd)

If such screening indicates a child identified as possibly being of limited English proficiency, such child shall be referred for further evaluation in accordance with the Regulations of the Commissioner of Education to determine eligibility for appropriate transitional bilingual or free-standing ESL programs.

Reporting to Parents

Parents/guardians of children to be screened shall receive information in advance regarding the purpose of screening, the areas to be screened and the referral process. The information shall be communicated either orally or in writing in the parents' primary language(s). This information will be provided during the registration interview.

Parents/guardians have the right to request information regarding their child's performance during screening. They shall have access to the screening results and obtain copies upon request.

Confidentiality of Information

The Board of Education's policy and administrative regulations in accordance with the Family Educational Rights and Privacy Act of 1974 shall apply to all information collected about a child through the screening program. In accordance with the policy and regulations, parents shall be informed of their right to privacy, their right to access to the records and their right to challenge those records should they be inaccurate, misleading or otherwise inappropriate.

Family Educational Rights and Privacy Act of 1974
20 United States Code (USC) Section 1232(g)
Education Law Sections 901, 903, 904, 914 and
3208(5)
Public Health Law Section 2164
8 New York Code of Rules and Regulations
(NYCRR) Parts 117, 142.2, and 154

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH

The No Child Left Behind Act of 2001 and Commissioner's Regulations allow a homeless child or, a person in a parental relationship to a homeless child or, when the homeless child is living in a shelter for runaway or homeless use, the Director of the shelter to designate this District as the District of attendance for the homeless child when this District is either the School District of current location, the School District of origin or is a School District participating in a Regional Placement Plan.

A homeless child or youth is a child under the age of 21 and defined in accordance with the McKinney Vento Homeless Assistance Act and Commissioner's Regulations § 100.2 (x). The term homeless child, however, shall exclude children living in foster care or otherwise placed through a government agency into a family home at board, school for the mentally retarded, hospital or other institution for care, custody and treatment of children under the direction of the Department of Social Services, Office of Mental Health or the Division for Youth. An unaccompanied youth shall be treated as a homeless child.

The District will presume upon enrollment that attendance in the district of origin is in the child's best interests unless doing so is contrary to the child's request. In making a determination of the child's best interests, the District will consider any student-centered factors but will give priority to the child's request. If the District determines attendance in another district would be in the child's best interests, a written explanation shall be provided.

Homeless child and youth shall be entitled to access to District programs on the same basis as all other District students. Homeless student and youth shall be to the extent possible, integrated with non-homeless children.

Students who obtain permanent housing part way through the year are entitled to remain in the school for the remainder of school year. Transportation will be provided by the district of origin.

Where the student is temporarily living in a Runaway and Homeless Youth (RHY) shelter outside of the school district the student has designated to attend, the RHY shelter may provide transportation and will be fully reimbursed by the New York State Education Department (NYSED). If the RHY shelter is unwilling or unable to provide transportation, the school district must provide transportation and will be fully reimbursed by NYSED

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SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (con't)

The School District, at the annual reorganization meeting, will designate a Local Education Liaison for Homeless Children and Youth and a Designee for Homeless Determinations for the District. In addition to any other duties required by law, this person shall be responsible for reporting to the Board of Education on an annual basis the number of homeless children in the District, the placement of these children, and any suggestions for lowering any barriers to enrollment, attendance, school success and retention of homeless children and youth in the District.

Where the District receives a completed Commissioner's form designating the District as the school of attendance for a child and disputes issues relating to school enrollment or school selection of that student, the following shall occur:

1. The student shall be, immediately enrolled in the designated school.
2. Prior to making a final determination on the disputed issue, the Superintendent or Superintendent's designee shall afford the student or person in parental relation to the student an opportunity to submit information to the District addressing the disputed issue.
3. The Superintendent or Superintendent's designee shall render a decision in writing and provide a copy to the student or person in parental relation.

A written decision shall include an explanation of the school's decision and a statement regarding the right to appeal the decision to the Commissioner of Education as required by law. If the decision is appealed, the student remains enrolled pending the Commissioner's determination.

The School District will collect and transmit to the Commissioner of Education in accordance with the Commissioner's rules, a report containing information the Commissioner determines necessary to assess the educational needs of homeless children and youths.

Adopted: 08/09/2004
Revised: 06/27/2005 (this revision was improperly numbered as 7160)
Revised: 08/25/2008
Revised: 03/22/2017
Revised: 05/02/2018

SUBJECT: NON-RESIDENT STUDENTS

Non-resident families who wish to enroll children in the School System shall submit a request in writing to the Superintendent, who shall determine whether or not the student(s) will be admitted. The Superintendent will also determine which building the student will attend. Requests must be submitted on a yearly basis to be evaluated. The following guidelines will be followed:

- a) Parents/guardians must work out transfer conditions with home school district
- b) Parents must consent to the release of current school academic and discipline records;
- c) Students are in good standing in the school they are currently attending;
- d) There is sufficient space to accommodate the non-resident student;
- e) No increase in the size of faculty or staff will be necessary to accommodate them;
- f) All rules and regulations in effect for District students will be applicable to non-District students;
- g) A student whose parents intend to become residents of the Elmira Heights Central School District within sixty (60) days of the beginning of the semester in which the enrollment is sought may enter the school if they can provide bona-fide evidence of their intent (i.e., sales contract, deed, etc.);
- h) A student who moves from the District after completion of the first semester of the year preceding his/her anticipated graduation year may be given permission to remain in the Elmira Heights Central School District until graduation;
- i) Students of any grade level who move from the Elmira Heights Central School District during the school year may be given permission to finish the semester in which the move occurs. Tuition may be pro-rated to reflect the percentage of semester the student attended.
- j) Children of non-resident, permanently appointed staff members will be enrolled when space permits during the year of the child's initial enrollment. Once enrolled, children may complete their education within the system;

(Continued)

SUBJECT: NON-RESIDENT STUDENTS (Cont'd.)

- a) Foreign students participating in a recognized Student Exchange Program may attend District schools. The administration is authorized to file with the U.S. Immigration and Naturalization Service the forms necessary for such students to obtain a student visa. The District will neither sponsor nor accept for admission students whose permanent residence is outside of the United States who are not participating in a recognized foreign student exchange program; and
- b) In all cases described above and any unusual circumstances not covered above, a written request must be submitted to the Superintendent.
- c) Non-resident families must provide their own transportation to and from school from all out of district placements. Any non-resident family may request permission, of the transportation director, to be transported to a location inside the Elmira Heights District provided there is room on the bus, the location is on a normal bus route, and there are no additional expenses.

Non-resident families may not drop off their children to Elmira Heights bus stops for the purposes of gaining Elmira Heights transportation.

- n.) Tuition may be charged to families of non-resident students in accordance with formulas approved by the State Education Department, or at a rate set by the Board of Education. The Board of Education shall set the tuition rate for non-resident students annually. Tuition shall be diminished by 75% for children of non-resident employees

Students accepted may remain for the school year in which they are accepted if they maintain status as a student in good standing

Education Law Sections 1709(13), 2045 and 3202
8 New York Code of Rules and Regulations (NYCRR) Section 174.2

Refer: 7130 R Residency Guidelines
7130 F Affidavit of Emancipation.
7130 F.1 Custodial Guardianship Affidavit
7130 F.2 Affidavit of District Resident in Parental Relationship
7130 F.3 Affidavit of Non-Resident Natural Parent
7132 F Non-Resident Enrollment Application
7132 F.1 Non-Resident Student Agreement

Adopted: 08/09/04
Revised: 12/12/05
Revised: 08/27/07
Revised: 10/20/08
Revised: 08/27/2012
Revised: 10/21/2013
Revised: 05/03/2017

SUBJECT: INVOLUNTARY TRANSFER OF STUDENTS

Involuntary transfer of a student from regular classroom instruction to an appropriate educational setting in another school shall be in accordance with Education Law.

Education Law Sections 1709(3) and 3214(5)

Adopted: 8/9/04

SUBJECT: EDUCATIONAL SERVICES FOR MARRIED/PREGNANT STUDENTS**Married Students**

The Board of Education will comply with state law in reference to married students attending school.

Pregnant Students

According to New York State Education Law, a student who becomes six (6) years of age on or before the first of December in any school year shall be required to attend full-time instruction from the first day that the District schools are in session in September of such school year, and a student who becomes six (6) years of age after the first of December in any school year shall be required to attend full-time instruction from the first day of session in the following September. Except as otherwise provided in Education Law Section 3205(3), a student shall be required to remain in attendance until the last day of session in the school year in which the student becomes sixteen (16) years of age. The Education Law further provides that resident students over five (5) and under twenty-one (21) who have not received a high school diploma are entitled to attend school in the district in which they reside. The law further requires that a school district provide for this instruction and also to provide for home instruction for those students of legal age who are unable to profit from instruction in school.

In view of the above, administrative regulations will be developed to implement the terms of this policy to provide instruction as required by the New York State Education Law for students who become pregnant. The Superintendent, or his/her designee, is directed to consult with the school physician and the student's personal physician in determining the form of instruction.

The form of instruction may be any of the following or a combination of the following:

- a) Remain in school with provisions for special instruction, scheduling, and counseling where needed.
- b) Receive home instruction.
- c) Attend BOCES programs.
- d) Any other program recognized as appropriate by education law.

Education Law Sections 1604(20), 3202-1, 3205-1, 4401-1, and 4402-2

Adopted: 8/9/04

Students

SUBJECT: STUDENT EVALUATION, PROMOTION AND PLACEMENT

Grade Promotion and Placement

Grade promotion and the placement of students within the District's instructional system shall be at the discretion of the school administration and shall be subject to review at any time. In making such decisions, the administrator or Building Principal will be guided by: performance in class; past records, including various measures of student growth; recommendations from parents, persons in parental relation to District students, and teachers; and any other appropriate sources of information. With regard to student placement decisions, parents or persons in parental relation to District students may submit written requests for teacher attributes that would best serve their child's learning needs; however, requests for specific teachers will not be honored.

Testing Program

The Elmira Heights Central School District utilizes various ability, achievement, diagnostic, readiness, interest and guidance tests for the purpose of complying with state and federal law and/or aiding the implementation of quality educational services. The District will not make any student promotion or placement decisions based solely or primarily on student performance on the state administered English language arts and mathematics assessments for grades 3 through 8. The District may, however, consider student performance on such state assessments in making student promotion and placement decisions provided that multiple measures be used in addition to such assessments and that such assessments do not constitute the major factor in such determinations.

Alternative Testing Procedures

The use of alternative testing procedures shall be limited to:

- a) Students identified by the Committee on Special Education and/or Section 504 Team as having a disability. Alternative testing procedures shall be specified in a student's Individualized Education Program or Section 504 Accommodation Plan; and
- b) Students whose native language is other than English (i.e., English language learners) in accordance with State Education Department Guidelines.

The alternative testing procedures employed shall be based upon a student's individual needs and the type of test administered.

The District shall report the use of alternative testing procedures to the State Education Department on a form and at a time prescribed by the Commissioner.

Reporting to Parents and Persons in Parental Relation to Students

Parents, and/or persons in parental relation to District students shall receive an appropriate report of student progress at regular intervals.

(Continued)

Students

SUBJECT: STUDENT EVALUATION, PROMOTION AND PLACEMENT (Cont'd.)

The District will not place or include on a student's official transcript or maintain in a student's permanent record any individual student score on a state administered standardized English language arts or mathematics assessment for grades 3 through 8. However, the District will comply with state and federal requirements regarding the maintenance and transfer of student test scores. Any test results on a state administered standardized English language arts or mathematics assessment for grades 3 through 8 sent to parents or persons in parental relation to a student shall include a clear and conspicuous notice that such results will not be included on the student's official transcript or in the student's permanent record and are being provided to the student and parents for diagnostic purposes.

When necessary, attempts will be made to provide interpreters for non-English speaking parents, and/or persons in parental relation to District students.

Section 504 of the Rehabilitation Act of 1973, 29 USC
Section 794 et seq. Education Law Sections 305(45) - (47),
1709(3)
8 NYCRR Sections 100.2(g), 100.2(ll), 100.3(b)(2)(iv), 100.4(b)(2)(v), 100.4(e)(6)
8 NYCRR Parts 117 and 154

Adopted: 8/9/04
Revised: 03/24/2014
Revised: 02/26/2015

Students

SUBJECT: PROVISION OF INTERPRETER SERVICES TO PARENTS WHO ARE HEARING IMPAIRED

The Board of Education assures parents or persons in parental relationship who are hearing impaired the right to meaningful access to school initiated meetings or activities pertaining to the academic and/or disciplinary aspects of their children's education. School initiated meetings or activities are defined to include, but are not limited to, parent-teacher conferences, child study or building-level team meetings, planning meetings with school counselors regarding educational progress and career planning, suspension hearings or any conferences with school officials relating to disciplinary actions. The term "hearing impaired" shall include any hearing impairment, whether permanent or fluctuating, which prevents meaningful participation in School District meetings or activities.

Parents or persons in parental relationship shall be notified of the availability of interpreter services to be provided at no charge, provided that a written request is made to the School District within fourteen (14) days of the scheduled event. Exceptions to the time frame request may be made for unanticipated circumstances as determined by the principal/designee. The District shall also notify appropriate school personnel as to the terms and implementation of this policy.

If interpreter services are requested, the District shall appoint an interpreter for the hearing impaired to interpret during the meeting or activity. The District will arrange for interpreters through the utilization of current district personnel, a District-created list, or through an interpreter referral service. The District shall also develop interagency agreements, as appropriate, to ensure that sign language interpreters are provided for eligible parents or persons in parental relationship when District students attend out-of-District schools or programs.

In the event that an interpreter is unavailable, the School District shall make other reasonable accommodations which are satisfactory to the parents or persons in parental relationship. Examples of what constitutes reasonable accommodations in the event an interpreter cannot be located may include, but are not limited to, the use of:

- a) Written communications, transcripts, note takers, etc; and
- b) Technology, such as: a decoder or telecommunication device for the deaf, assistive listening devices, and closed or open captioning.

Education Law Section 3230
8 New York Code of Rules and Regulations
(NYCRR) Section 100.2(aa)

Adopted: 8/9/04

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Students

SUBJECT: GRADUATION REQUIREMENTS

In order to graduate from Elmira Heights Central School District, a student must complete or may exceed the requirements set forth in Part 100 of the Commissioner's Regulations. The Board of Education reserves the right to establish requirements for graduation which exceed the minimum standards as defined by the New York State Regents.

8 New York Code of Rules and Regulations
(NYCRR) Sections 100.1(i) and 100.5

Adopted: 8/9/04

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Students

SUBJECT: EARLY GRADUATION

A student shall be eligible for early graduation in fewer than eight (8) semesters upon completion of all requirements for graduation, excluding physical education, as mandated by Commissioner's Regulations. A student shall not be required to continue enrollment for the sole purpose of completing physical education requirements. The District, upon request from the student's parent/guardian, may choose to grant the student a high school diploma prior to his/her completion of the eighth (8th) semester.

8 New York Code of Rules and Regulations
(NYCRR) Section 100.5(a) and (e)

Adopted: 8/9/04

SUBJECT: GRADUATION CEREMONY POLICY

Participation in the graduation ceremony and related activities will be based on satisfactory completion of all graduation requirements, or as otherwise set forth in this policy. Exceptions may be made with the approval of the Superintendent. A student who has earned either a Career Development and Occupational Studies (CDOS) Commencement Credential or a Skills and Achievement Commencement Credential (SACC) by the time the student's ninth-grade cohort reaches graduation may participate in that graduation ceremony and related activities.

If a student who participates in the graduation ceremony by earning a CDOS or SACC subsequently meets the requirements for either a Regents or local high school diploma, the student may participate in the graduation ceremony of that graduating class as well.

A student who participates in the graduation ceremony by earning a CDOS or SACC is entitled to continue in the student's educational program until the end of the school year in which the student turns 21 years old, or until the student earns a Regents or local high school diploma.

Students eligible and electing to participate in graduation ceremonies shall wear formal graduation attire as prescribed by the Superintendent of Schools.

The District shall provide annual written notice to all student and their parents/guardians of the requirements of this policy.

Adoption Date: 07/03/2018

Students

SUBJECT: DUAL CREDIT FOR COLLEGE COURSES

All students who have successfully fulfilled the requirements to enter into their senior year and have demonstrated intellectual and social maturity may choose to matriculate at any one (1) of the colleges that have a cooperative agreement with our School District. Such opportunities may include early admission to college, collegiate-level work offered in the high school, or other means of providing advanced work. Review and approval by the administration are necessary before any college courses may be taken during the school day.

The Board shall not be required to pay tuition and other related costs for those high school students enrolled in college courses. Students who wish to enroll in college level coursework shall meet all academic, grade level and coursework requirements as set forth by administrative guidelines.

Adopted: 8/9/04

Students

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE**Student Records**

The Elmira Heights Central School District shall comply with the provisions of the "Family Educational Rights and Privacy Act of 1974." Under its provisions, "parents/guardians and noncustodial parent(s), whose rights are not limited by court order or formal agreement, of a student under eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, have a right to inspect and review any and all official records, files, and data, including all material that is incorporated into each student's cumulative record folder and intended for school use or to be available to parties outside the school or School System and specifically including, but not necessarily limited to, identifying data; academic work completed; level of achievement (grades, standardized achievement test scores); attendance data; scores on standardized intelligence, aptitude, and psychological tests; interest inventory results; health data; family background information; teacher or counselor ratings and observations; and verified reports of serious or recurrent behavior patterns."

Access to Student Records

The Board directs that administrative regulations and procedures be formulated to comply with the provisions of federal law relating to the availability of student records. The purpose of such regulations and procedures shall be to make available to the parents/guardians of students and noncustodial parent(s) whose rights are not limited by court order or formal agreement, or students who are eighteen (18) years of age or older or who are attending an institution of post-secondary education, student records, and files on students, and to ensure the confidentiality of such records with respect to third parties.

Challenge to Student Records

Parents/guardians of a student under the age of eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, shall have an opportunity for a hearing to challenge the content of the school records, to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

Family Educational Rights and Privacy Act of 1974 20 United States Code (USC)
Section 1232(g) 34 Code of Federal Regulations (CFR) Section 300.571

Adopted: 8/9/04

POLICY

2004

7241

1 of 1

Students

SUBJECT: RELEASE OF INFORMATION TO THE NONCUSTODIAL PARENT

The District may presume that the noncustodial parent has the authority to request information concerning his/her child and release such information upon request. If the custodial parent wishes to limit the noncustodial parent's access to the records, it would be his/her responsibility to obtain and present to the school a legally binding instrument that prevents the release of said information.

20 United States Code (USC)
1232(g)(b)(4)(A) 34 Code of Federal
Regulations (CFR) Part 99

Adopted: 8/9/04

POLICY

2004

7242

1 of 1

Students

SUBJECT: STUDENT DIRECTORY INFORMATION

The District shall publish an annual public notice informing parents or eligible students of their right to refuse the release of student directory information and indicating a time period for their response. Following such public notice and a reasonable response period, the District may release such information to an outside group without individual consent.

The Family Education Rights and Privacy Act (FERPA) defines student directory information as the following: name; address; telephone listing; date and place of birth, enrollment status (e.g. undergraduate or graduate, full time or part time); major field of study; grade level; participation in officially recognized activities and sports; weight and height (if members of athletic teams); dates of attendance; honors, degrees and awards received; electronic mail address; photograph; and the name of the educational agency or institution most recently previously attended by the student.

Family Educational Rights and Privacy Act of
1974 20 United States Code (USC) 1232(g)
34 Code of Federal Regulations (CFR) Part 99

Adopted: 8/9/04

Students

SUBJECT: MILITARY RECRUITERS' ACCESS TO SECONDARY SCHOOL STUDENTS AND INFORMATION ON STUDENTS

In compliance with the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001 (NCLB); and the National Defense Authorization Act, and in accordance with the Family Educational Rights and Privacy Act (FERPA), the School District shall comply with a request by a military recruiter for secondary students' names, addresses, and telephone listings, **unless a parent has "opted out" of providing such information.**

Further, in compliance with the NCLB, the District shall give military recruiters the same access to secondary school students as they provide to postsecondary institutions or to prospective employers.

Under FERPA, the School District must provide notice to parents of the types of student information that it releases publicly. This type of information, commonly referred to as "directory information," which is released by the District includes -- but is not limited to -- such items as students' names, addresses, and telephone listings. The notice must include an explanation of a parent's right to request that the information not be disclosed without prior written parental consent; and further requires that parents be notified that the School District routinely discloses students' names, addresses, and telephone listings to military recruiters upon request, subject to a parent's request not to disclose such information without written parental consent.

A single notice provided through a mailing, student handbook, or other method that is reasonably calculated to inform parents of the above information is sufficient to satisfy the parental notification requirements of both FERPA and the NCLB. The notification shall advise the parent of how to opt out of the public, nonconsensual disclosure of directory information and the method and timeline within which to do so.

If a parent opts out of providing directory information (or any subset of such information) to third parties, the opt-out relating to their child's name, address, or telephone listing applies to request for military recruiters as well. For example, if the opt-out states that telephone numbers will not be disclosed to the public, the District may not disclose telephone numbers to military recruiters.

The Superintendent/designee shall ensure that appropriate notification is provided to parents informing them of their right to opt-out of the release of designated directory information without prior written parental consent.

Elementary and Secondary Education Act of 1965, Section 9528
20 United States Code (USC) Section 7908 as amended by the No Child Left Behind Act of 2001
National Defense Authorization Act Section 544 10 United States Code (USC) Section 503
Family Educational Rights and Privacy Act of 1974
20 United States Code (USC) Section 1232(g)
34 Code of Federal Regulations (CFR) Section 300.571 Education Law Section 2-a
8 New York Code of Rules and Regulations (NYCRR) Section 3.33

Adopted: 8/9/04

Students

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION,
AND ADMINISTRATION OF CERTAIN PHYSICAL
EXAMINATIONS TO MINORS**

U.S. Department of Education-Funded Surveys

In compliance with the Protection of Pupil Rights Amendment (PPRA), the School District is committed to protecting the rights and privacy interests of parents/guardians and students with regard to surveys funded in whole or part by any program administered by the U.S. Department of Education (DOE).

The District shall make instructional materials available for inspection by parents/guardians if those materials will be used in connection with a DOE-funded survey, analysis, or evaluation in which their children participate. In addition, the School District **shall obtain prior written parental/guardian consent** before minor students are required to participate in any DOE-funded survey, analysis, or evaluation that reveals information concerning:

- a) Political affiliations or beliefs of the student or the student's parent/guardian;
- b) Mental or psychological problems of the student or the student's family;
- c) Sex behavior or attitudes;
- d) Illegal, anti-social, self-incriminating, or demeaning behavior;
- e) Critical appraisals of other individuals with whom respondents have close family relationships;
- f) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- g) Religious practices, affiliations, or beliefs of the student or student's parent/guardian; or
- h) Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Surveys Funded by Sources Other than U.S. Department of Education

The School District has developed and adopted this Board policy, in consultation with parents/guardians, regarding the following:

- a) The right of the parent/guardian to inspect, upon request, a survey created by a third party (i.e., by a party other than the DOE) before the survey is administered or distributed by the school to a student. Requests by parents/guardians to inspect such surveys are to be submitted, in writing, to the building principal at least 10 days prior to the administration or distribution of any survey. Further, the District shall grant a request by the parent/guardian for reasonable access to such survey within a reasonable period of time after the request is received by the District.

(Continued)

Students

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION,
AND ADMINISTRATION OF CERTAIN PHYSICAL
EXAMINATIONS TO MINORS (Cont'd.)**

- b) Arrangements shall be provided by the District to protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of the following items (including the right of the parent/guardian of the student to inspect, upon request, any survey containing one or more of such items):
1. Political affiliations or beliefs of student toward the student's parent/guardian;
 2. Mental or psychological problems of the student or the student's family;
 3. Sex behavior or attitudes;
 4. Illegal, anti-social, self-incriminating or demeaning behavior;
 5. Critical appraisals of other individuals with whom respondents have close family relationships;
 6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
 7. Religious practices, affiliations, or beliefs of the student or the student's parent/ guardian;
 8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Parents/guardians have the right to inspect, upon request, any survey containing one or more of such items. Such requests must be submitted by the parent/guardian, in writing, to the building principal at least 10 days prior to the administration or distribution of any survey.

- c) Parents/guardians shall be granted, upon request, reasonable access and the right to inspect instructional materials used as part of the educational curriculum for the student within a reasonable period of time (defined by the School District, for the purposes of this policy, as 30 days) after such request is received by the District. Requests shall be submitted by parents/guardians, in writing, to the building principal. The term "*instructional material*" means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). *The term does not include academic tests or academic assessments.*
- d) The administration of physical examinations or screenings that the School District may administer to a student.

Further, this law does not apply to any physical examination or screening that is permitted or required by State law, including physical examinations or screenings that are permitted without parental notification.

(Continued)

Students

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION,
AND ADMINISTRATION OF CERTAIN PHYSICAL
EXAMINATIONS TO MINORS (Cont'd.)**

In the implementation of this provision regarding the administration of physical examinations or screenings that the school may administer to the student, the School District incorporates by reference Board policies that address student health services, as applicable, including but not limited to policies regarding the administration of medication, immunization of students, and student physicals.

- e) Unless mandated/authorized in accordance with Federal or State law and/or regulation, it is policy of the Board of Education, to **not permit** the collection, disclosure, or use of personal information (the term "*personal information*" is defined as individually identifiable information including a student's or parent/guardian's first and last name; home address; telephone number; or Social Security number) collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), *unless otherwise exempted pursuant to law as noted below*. Questions regarding the collection, disclosure, or use of personal information collected from students for such marketing purposes may be referred to the school attorney as deemed necessary by the Superintendent/designee.

This law is not intended to preempt applicable provisions of State law that require parental/guardian notification.

These requirements **do not apply** to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- a) College or other postsecondary education recruitment, or **military recruitment*;
- b) Book clubs, magazines, and programs providing access to low-cost literary products;
- c) Curriculum and instructional materials used by elementary schools and secondary schools;
- d) Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate others statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
- e) The sale by students of products or services to raise funds for school-related or education-related activities;
- f) Student recognition programs.

**Military recruiter access to student information is governed by the Family Educational Rights and Privacy Act of 1974 (FERPA) and the National Defense Authorization Act for Fiscal Year 2002.*

(Continued)

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION,
AND ADMINISTRATION OF CERTAIN PHYSICAL
EXAMINATIONS TO MINORS (Cont'd.)**

Notification of Policies/"Opt Out" Provisions

The School District shall provide for reasonable notice of the adoption or continued use of this policy directly to the parents/guardians of students enrolled in the District. At a minimum, the District shall provide such notice at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy.

Further, in the notification, the District shall offer an opportunity for parents/guardians to opt their child out of participation in the following activities:

- a) Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).
- b) The administration of **any survey** containing one or more of the eight items of information listed above in the subheadings referencing DOE-funded surveys as well as non-DOE- funded surveys.
- c) Any non-emergency, invasive physical examination or screening that is required as a condition of attendance; administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students. The term "*invasive physical examination*" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but *does not include a hearing, vision or scoliosis screening*.

Notification of Specific Events

In the notification, the School District shall directly notify parents/guardians, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the above activities are scheduled or expected to be scheduled.

General Provisions

The requirements of PPRA do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA). Further, PPRA does not supersede any of the requirements of FERPA.

(Continued)

Students

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION,
AND ADMINISTRATION OF CERTAIN PHYSICAL
EXAMINATIONS TO MINORS (Cont'd.)**

The rights provided to parents/guardians under PPRA transfer from the parent/guardian to the student when the student turns 18 years old or is an emancipated minor under applicable State law.

The School District may use funds provided under Part A of Title V of the Elementary and Secondary Education Act of 1965 to enhance parental/guardian involvement in areas affecting the in- school privacy of students.

20 United States Code (USC) Section 1232h(b) and
(c), as amended by the No Child Left Behind Act of
2001 34 Code of Federal Regulations (CFR) Part 98

NOTE: Refer also to Policies #7121 -- Screening of New School Entrants
#7243 -- Military Recruiters' Access to Secondary School Students
and Information on Students
#7511 -- Immunization of Students
#7512 -- Student Physicals
#7513 -- Administration of Medication

Adopted: 8/9/04

Students

SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION

In accordance with General Obligations Law Title 15-A, a parent of a minor or incapacitated person may designate another person as a person in parental relation to such minor or incapacitated person for certain health care and educational decisions for a period not exceeding six (6) months. However, such parental designation is conditioned upon there being no prior order of any court in any jurisdiction currently in effect that would prohibit the parent from himself/herself exercising the same or similar authority; and provided further that, in the case where a court has ordered that both parents must agree on education or health decisions regarding the child, a designation pursuant to this law shall not be valid unless both parents have given their consent.

The designation of a person in parental relation must be in writing in the form prescribed by General Obligations Law Title 15-A, and shall include specified information as enumerated in law for designations of thirty (30) days or less, as well as additional information required for designations of more than thirty (30) days. The designation of a person in parental relation may be presented to any school that requires such designation by either the parent or designee. The designation may specify a period of time less than six (6) months for which such designation shall be valid unless earlier revoked by the parent in accordance with law. *However, a designation specifying a period of more than thirty (30) days shall be notarized.*

If no time period is specified in the designation, it shall be valid until the earlier of revocation; or

- a) The expiration of thirty (30) days from the date of signature if the designation does not meet the requirements for designations of more than thirty (30) days, or
- b) Six (6) months from the date of commencement specified in the designation if the designation meets the requirements for designations of more than thirty (30) days.

Scope of Designation

A designation made pursuant to this law may specify:

- a) The treatment, diagnosis or activities for which consent is authorized;
- b) Any treatment, diagnosis or activity for which consent is not authorized; or
- c) Any other limitation on the duties and responsibilities conveyed by the designation.

Revocation of Designation

A parent may revoke a designation by notifying, either orally or in writing, the designee or a school to which the designation has been presented, or by any other act evidencing a specific intent to revoke the designation. A designation shall also be revoked upon the execution by the parent of a

(Continued)

SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION (Cont'd.)

subsequent designation. Revocation by one parent authorized to execute such a designation shall be deemed effective and complete revocation of a designation pursuant to law.

A designee who receives notification from a parent of any such revocation shall immediately notify any school to which a designation has been presented. A parent may directly notify any such school of the revocation, in which case the failure of the designee to notify the school of such revocation shall not make revocation ineffective.

Effect of Designation

- a) A designee shall possess all the powers and duties of a person in parental relation pursuant to Public Health Law Sections 2164 and 2504 and Education Law Sections 2 and 3212, unless otherwise specified in the designation.
- b) A designation shall not impose upon a designee a duty to support pursuant to Family Court Act Section 413.
- c) A designation shall not cause a change in the school district of residence of the child for purposes of the Education Law, and during the period of validity of the designation, the child shall be presumed to be a resident of the school district in which the parent resided at the time the designation was made.
- d) A designation shall terminate and be revoked upon the death or incapacity of the parent who signed the designation.
- e) The decision of a designee shall be superseded by a contravening decision of a parent.

A person who acts based upon the consent of a designee reasonably and in the good faith belief that the parent has in fact authorized the designee to provide such consent may not be deemed to have acted negligently, unreasonably or improperly in accepting the designation and acting upon such consent. However, any such person may be deemed to have acted negligently, unreasonably or improperly if he/she has knowledge of facts indicating that the designation was never given, or did not extend to an act or acts in question, or was revoked.

No provision of Title 15-A of the General Obligations Law shall be construed to require designation of a person in parental relation as provided within the statute where such designation is not otherwise required by law, rule or regulation.

General Obligations Law Title 15-A
Education Law Sections 2 and 3212
Public Health Law Sections 2164 and 2504
Family Court Act Section 413
Mental Hygiene Law Section 80.03

Adopted: 10/24/2005

