

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

~~2021~~ 2024

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Students

SUBJECT: ELEMENTARY AND SECONDARY STUDENTS: GENERAL

Elementary and secondary students at Lewiston-Porter Central School, while in attendance at school, school functions or under school supervision, shall be governed by the policies set forth by the District.

Education Law Section 1709

Adoption: 11/25/2024~~10/25/2021~~

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY**Statement of Overall Objectives**

The District is an active partner with students and parents in the task of ensuring that all students meet or exceed the New York State Learning Standards. The District recognizes that consistent school attendance, academic success and school completion have a positive correlation, and therefore, the District has developed, and, if necessary, will revise a Comprehensive Student Attendance Policy to meet the following objectives:

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

Responsibilities of StakeholdersResponsibilities of School Personnel

All school personnel will encourage students to be in school every day and staff will maintain accurate attendance records. Attendance office personnel, working with school administration, are responsible for the maintenance of attendance records, notification to parent(s)/person(s) in parental relation of student absences, and the promotion of good student attendance.

Responsibilities of Parents / Persons in Parental Relation

Parent(s)/person(s) in parental relation of student are to notify the Attendance office when their child is absent or tardy.

Responsibilities of Students

Students must attend school each day. A student who is absent is to provide a valid written explanation for the absence from their parent(s)/person(s) of parental relation. This is to be given to the appropriate school personnel upon returning. It is the responsibility of the student, working with their teacher, to make up all class work missed. The responsibility lies with the student to contact the teachers to determine what assignments have been missed and when they are due. Failure to make up missed work may negatively impact a student's overall progress or achievement.

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SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY**Description of Strategies to Meet Objectives**

The District will:

- a) Create and maintain a positive school building culture by fostering a positive physical and psychological 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 should lead to increased attendance.
- b) Develop a Comprehensive Student Attendance Policy based upon the recommendations of a multifaceted District Policy Development Team that includes representation from the Board, administrators, teachers, students, parents and the community. The District will hold at least one public hearing prior to the adoption of this collaboratively developed Comprehensive Student Attendance Policy.
- c) Maintain accurate recordkeeping via a Register of Attendance to record attendance, absence, tardiness or early departure of each student.
- d) Utilize data analysis systems for tracking individual student attendance and individual and group trends in student attendance problems.
- e) Develop early intervention strategies to improve school attendance for all students.

Determination of Excused and Unexcused Absences, Tardiness and Early Departures

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

- a) **Excused:** An absence, tardiness or early departure may be excused if due to personal illness, illness or death in the family, impassable roads due to inclement weather, religious observance, quarantine, required court appearances, attendance at health clinics, approved college visits, approved cooperative work programs, military obligations or other such reasons as may be approved by the Board.
- b) **Unexcused:** An absence, tardiness or early departure is considered unexcused if the reason for the lack of attendance does not fall into the above categories (e.g., family vacation, hunting, babysitting, haircut, obtaining learner's permit, road test, oversleeping).

Student Attendance Recordkeeping/Data Collection

The record of each student's attendance (including when a student is present, absent, tardy, or dismissed early) shall be kept in a register of attendance in a manner consistent with Commissioner's Regulations. An absence, tardiness or early departure will be coded to record the reasoning.

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SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY*Attendance shall be taken and recorded in accordance with the following:*

- a) For students in non-departmentalized kindergarten through grade eight (i.e., self-contained classrooms and supervised group movement to other scheduled school activities such as physical education in the gym, assembly, etc.), such student's presence or absence shall be recorded subject by subject. For purposes of APPR and Teacher-Student Data Linkages (TSDL), classroom attendance for all students K-12 must be recorded on a subject by subject basis for Teacher of Record Determinations.
- b) For students in grades 9 through 12 or in departmentalized schools at any grade level (i.e., students pass individually to different classes throughout the day), each student's presence or absence shall be recorded after the taking of attendance in each period of scheduled instruction.
- c) Any absence for a school day or portion thereof shall be recorded as excused or unexcused in accordance with the standards articulated in this policy.
- d) In the event that a student at any instructional level from grades K through 12 arrives late for or departs early from scheduled instruction, such tardiness or early departure shall be recorded as excused or unexcused in accordance with the standards articulated in this policy.

A record shall be kept 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, impairment of heating facilities, insufficiency of water supply, shortage of fuel, destruction of or damage to a school building, or such other cause as may be found satisfactory to the Commissioner of Education.

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

At the conclusion of each class period or school day, all attendance information shall be compiled and provided to the designated school personnel who are responsible for attendance. The nature of the absence, tardiness or early departure shall be coded on a student's record in accordance with the established District/building procedures. A petition to Family Court, or other prescribed intervention strategies may result if a student under 16 years of age continues a poor attendance pattern.

Student Attendance/Course Credit

The District believes that classroom participation is related to and affects a student's performance and grasp of the subject matter and, as such, is properly reflected in a student's final grade. For purposes of this policy, classroom participation means that a student is in class and prepared to work.

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SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY

The District expects that students attend all scheduled classes every day. Promotion to the next grade may be in jeopardy due to excessive absenteeism. Student absences, tardiness, and early departures may affect a student's grade, for the marking period. If a student identified as having a disabling condition by the Committee on Special Education does not meet the attendance requirements, they will be referred to the Committee on Special Education (CSE) before any other action is taken.

A student who is absent from school must provide a valid written explanation including date and a specific reason for the absence, signed by a parent/person in parental relation to the Attendance Office when they returns. A student who is absent for an appointment is encouraged to be in attendance for as much of the day as possible. *A student who misses twenty minutes or more of a class period (50% of class time) is considered absent from that class.*

For students in grades 6 – 12, any student with excessive absences in a course may be denied credit for the course. For any absence, it is the responsibility of the student and parent / person in parental relation, working with the classroom teacher, to make up all missed assignments, assessments and class work. Once a student has reached the maximum days of absence for a class, the teacher will cease to grade any papers from the student. If the teacher continues to collect and grade papers, the student may receive a grade for the course. The teacher should maintain a folder of collected work pending a possible review process. A student who violates the attendance policy must remain in class in order to receive instruction. Once a student in grades 6 – 12 has reached the maximum number of absences, that student must remain in class in order to qualify for admittance to summer school.

For summer school and courses meeting 1/2 year or 1/4 year, the same policy will apply and a calculation of the absences will be prorated accordingly.

Transfer students and students re-enrolling after having dropped out will be expected to attend a prorated minimum number of the scheduled class meetings during their time of enrollment.

Students will be considered in attendance if the student is:

- a) Physically present in the classroom or working under the direction of the classroom teacher during the class scheduled meeting time; or

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SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY

- b) Working pursuant to an approved independent study program; or
- c) Receiving approved alternative instruction.

Students who are absent from class due to their participation in a school sponsored activity are to arrange with their teachers to make up any work missed in a timely manner as determined by the student's teacher. Attendance at school sponsored events where instruction is substantially equivalent to the instruction which was missed shall be counted as the equivalent of regular attendance in class.

Upon returning to school following an absence, tardiness or early departure, it shall be the responsibility of the student to consult with their teacher(s) regarding arrangements to make up missed work, assignments and/or tests in accordance with the time schedule specified by the teacher.

Notice of Minimum Attendance Standard/Intervention Strategies Prior to the Denial of Course Credit

In order to ensure that parents/persons in parental relation and students are informed of the District's policy regarding minimum attendance and course credit, and the implementation of specific intervention strategies to be employed **prior to the denial of course credit to the student for insufficient attendance**, the following guidelines shall be followed:

- a) Notification of the District's Comprehensive Student Attendance Policy will be mailed to parent(s)/person(s) in parental relation and provided to students at the beginning of each school year or at the time of enrollment in the District.
- b) School newsletters and publications will include periodic reminders of the components of the District's Comprehensive Student Attendance Policy. Copies of the Attendance Policy will also be included in parent/student handbooks.
- c) At periodic intervals, a designated staff member(s) will notify, parent(s)/person(s) in parental relation of the student's absence, tardiness, or early departure and explain the relationship of the student's attendance to their ability to receive course credit.
- d) A designated staff member will review the District's Attendance Policy with the parent(s)/person(s) in parental relation who has a student with excessive absences, tardiness or early departures. Further, appropriate student support services/personnel within the District, as well as the possible collaboration/referral to community support services and agencies, will be implemented prior to the denial of course credit for insufficient attendance by the student.

Notification Process

Procedures: Parent(s)/person(s) in parental relation will be notified when a student's attendance has exceeded the following schedule:

Grades K – 5: Notification will be given at 5, 10, 15 & 20 absences. Notification of possible retention will occur at 20 absences. With the progression of notification, meetings will be established between parent(s)/person(s) in parental relation and school personnel to discuss and implement strategies up to and including denial of grade level promotion.

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SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY

Grades 6 -12: **For Full-Year courses**, notification will be given at 5, 10, 15 & 20 absences. Written notification of loss of credit will occur at 20 absences by certified mail. **For Half-Year (Semester) courses**, notification will be given at 5 & 10 absences. Written notification of loss of credit will occur at 14 absences by certified mail. **For Thirteen Week courses**, notification will be given at 5 & 10 absences. Written notification of loss of credit will occur at 10 absences by certified mail.

Notice of Students who are Absent, Tardy or Depart Early

The parent(s)/person(s) in parental relation to a student who is absent, tardy or departs early will be notified.

If deemed necessary by appropriate school officials, or if requested by the parent/person in parental relation, a school conference shall be scheduled between the parent(s)/person(s) in parental relation and appropriate staff members in order to address the student's attendance. The student may also be requested to attend this conference in order to address appropriate intervention strategies that best meet the needs of the student.

Chronic Absenteeism

Chronic absenteeism is defined as missing at least 10% of enrolled school days in a year for any reason, excused or unexcused. Chronic absenteeism differs from truancy because it emphasizes missed instructional time rather than unexcused absences. Missed instructional time can increase a student's risk for disengagement, low achievement, and dropping out, among other negative side effects.

Students who miss at least 5% of enrolled school days in a year are at risk of becoming chronically absent. In light of this, the District will implement intervention strategies for students who are at risk for being chronically absent.

Attendance Programs

In order to encourage student attendance, the District may develop and implement grade-appropriate/building-level strategies and programs.

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SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY**Accountability**

Excessive absences, tardiness and early departures will result in accountabilities as described in the District's Code of Conduct. Parent(s)/person(s) in parental relation will be notified by designated District personnel at periodic intervals to discuss their child's absences, tardiness or early departures and the importance of class attendance and appropriate interventions. Individual buildings/grade levels will address procedures to implement the notification process to the parent/person in parental relation.

Intervention Strategy Process

In order to effectively intervene when an identified pattern of absences, tardiness or early departures occur, designated District personnel will pursue the following:

- a) Identify specific element(s) of the pattern (e.g., grade level, building, time frame, type of excused absences, unexcused absences, tardiness or early departures);
- b) Contact the District staff most closely associated with the element. In specific cases where the pattern involves an individual student, the student and parent(s)/person(s) in parental relation will be contacted;
- c) Discuss strategies to directly intervene with specific element;
- d) Recommend intervention to Superintendent/designee if it relates to change in District policy or procedure;
- e) Implement changes, as approved by appropriate administration;
- f) Utilize appropriate District and/or community resources to address and help remediate student unexcused absences, tardiness or early departures;
- g) Monitor and report short and long term effects of intervention.

Appeal Process

A parent(s)/person(s) in parental relation may request a building level review of their child's attendance record.

A Parent(s)/person(s) in parental relation of a student who is in jeopardy of grade level promotion or has been denied course credit, may file for a case review with an administrator within 5 days of notification of possible retention or loss of credit. Students in grades 9 – 12, in certain instances, may file an appeal on their own behalf. Parent(s)/person(s) in parental relation and/or students presenting appeals should be prepared with proper documentation.

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SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY**Building Review of Attendance Records**

The Building Principal will work in conjunction with the building attendance clerk and other designated staff in reviewing attendance records at the end of each term. This review is conducted to identify individual and group attendance patterns and to initiate appropriate action to address the problem of unexcused absences, tardiness and early departures.

Review by the District

The District may annually review attendance records and if such records show a decline in student attendance, the District may make revisions to the policy and plan deemed necessary to improve student attendance.

Community Awareness

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

- a) Providing a plain language summary of the policy to parents or persons in parental relation to students at the beginning of each school year and promoting the understanding of such a policy to students and their parent(s)/person(s) in parental relation;
- b) Providing each teacher, at the beginning of the school year or upon employment, with a copy of the policy; and
- 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 NYCRR Sections 104.1, 109.2 and 175.6

Adoption Date: 11/25/2024~~10/25/2021~~

Students

SUBJECT: EARLY RELEASE OF STUDENTS FROM SCHOOL

Students shall be released only to a parent (or parents), to their legal guardian, or to another lawful custodian during the school day.

The term "legal custodian" shall mean all such persons identified as such on the student's enrollment form.

A student shall not be released to any person other than the legal custodians except when the principal has reasonable assurance that the release is authorized by the legal custodian. Questioned authorization for the release of a student shall be confirmed by the principal with the legal custodian. The principal may demand appropriate identification or authorization in writing from the student's legal custodian. Further, the principal may demand that written authorization be confirmed by telephone or in person.

When a person attempts to change the rights of release involving the originally stated legal custodian, the principal shall follow District procedures before releasing the student.

Principals receiving requests for such changes shall explain school system procedures to the persons making the requests.

When a District employee has reason to believe that a student has been, or is likely to be, removed from school grounds by a person other than the legal custodian, the principal shall be notified immediately.

When a principal believes an unauthorized person might attempt to remove a student from school grounds, the principal shall use reasonable means to prevent the student's removal. When necessary, the principal shall contact the student's legal custodian.

If the principal concludes that a student has been removed from the school building by an unauthorized person, the principal immediately shall contact the student's legal custodian and the appropriate local law enforcement agency or officer.

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

Adoption Date: 11/25/2024~~10/25/2021~~

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Students

SUBJECT: AGE OF ENTRANCE**Kindergarten**

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

A child who transfers into the 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 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 initial registration. The child shall be entered under ~~their~~ his/her legal name.

Education Law Sections 3202 and 3212

Adoption Date: 11/25/2024~~09/28/2020~~

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SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS

The District has developed a plan for the diagnostic screening of all new entrants and students with low test scores.

A new entrant means a student entering the New York State public school system, pre-kindergarten through grade 12, for the first time, or re-entering a New York State public school with no available record of a prior screening.

Students with low test scores are students who score below level two on either the third grade English language arts or mathematics assessment for New York State elementary schools.

Such diagnostic screening will be utilized to determine which students:

- a) Have or are suspected of having a disability;
- b) Are possibly limited English proficient.

Such diagnostic screening shall be conducted:

- a) By persons appropriately trained or qualified;
- b) By persons appropriately trained or qualified 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 with low test scores, within thirty (30) days of the availability of the test scores.

New Entrants

For new entrants, diagnostic screening shall include, but not be limited to the following:

- a) A health examination by a physician/physician's assistant or nurse practitioner or submission of a health certificate in accordance with Education Law Sections 901, 903, and 904;
- b) Certificates of immunization or referral for immunization in accordance with Section 2164 of the Public Health Law;
- c) Vision, hearing and scoliosis screenings as required by Section 136.3 of Commissioner's Regulations;

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SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS

- d) A determination of development in oral expression, listening comprehension, written expression, basic reading skills and reading fluency and comprehension, mathematical calculation and problem solving, motor development, articulation skills, and cognitive development using recognized and validated screening tools; and
- e) A determination whether the student is of foreign birth or ancestry and comes from a home where a language other than English is spoken as determined by the results of a home language questionnaire and an informal interview in English and the native language.

Students with Low Test Scores

For students with low test scores, diagnostic screening shall include, but not be limited to:

- a) Vision and hearing screenings to determine whether a vision or hearing impairment is impacting the student's ability to learn; and
- b) A review of the instructional programs in reading and mathematics to ensure that explicit and research validated instruction is being provided in reading and mathematics.

No screening examination for vision, hearing or scoliosis condition is required where a student, parent, or person in parental relation objects on the grounds that such examination conflicts with their genuine and sincere religious beliefs.

Results and Reports

The results of the diagnostic screening shall be reviewed and a written report of each student screened shall be prepared by appropriately qualified School District staff. The report shall include a description of diagnostic screening devices used, the student's performance on those devices and, if required, the appropriate referral.

If such screening indicates a possible disability, a referral, with a report of the screening, may be made to the Committee on Special Education (CSE) or the Committee on Preschool Special Education (CPSE) no later than fifteen (15) calendar days after completion of such diagnostic screening.

If such screening indicates the possibility of a need for enrichment or acceleration, the name and finding may be reported to the Superintendent and to the parents/legal guardians no later than fifteen (15) calendar days after completion of such screening.

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SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS

Children identified for enrichment or acceleration 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.

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 Part 154 of the Regulations of the Commissioner of Education to determine eligibility for appropriate transitional bilingual or free-standing English as a New Language (ENL) 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 on screenings. They shall have access to the screening results and obtain copies upon request. The results of all mandated screening examinations shall be in writing and shall be provided to the child's parent/guardian and to any teacher of the child within the school while the child is enrolled in the school. A letter will be sent to the parent/guardian of any child failing a screening.

Confidentiality of Information

The Board's policy and administrative regulations in accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA) 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, 905, 914 and 3208(5)
 Public Health Law Section 2164
 8 New York Code of Rules and Regulations (NYCRR) Parts 117, 136, 142.2 and 154

Adoption Date: 11/25/2024~~03/22/2021~~

SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES**Overview**

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses the provision of equal educational opportunities to students. It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

Consistent with this commitment and in accordance with law and regulation, the District provides equal opportunity for students and does not discriminate against any student enrolled in (or any candidate for admission to) its programs and activities on the basis of any legally protected class or category including, but not limited to: race; color; religion; disability; national origin; sexual orientation; gender identity or expression; military status; sex; age; marital status; pregnancy; parental status; weight; ethnic group; or religious practice. Further, the District provides equal access to its facilities to any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 (as a patriotic society).

The District adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of discrimination. The District will promptly respond to reports of discrimination, ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections, and impose disciplinary measures and implement remedies when warranted.

Inquiries about this policy may be directed to the District's Civil Rights Compliance Officer(s) (CRCO(s)).

~~Educational Services for Married/Pregnant Students~~

~~—The opportunity to participate in all of the programs, and activities of the District will not be restricted or denied because of pregnancy, parenthood, or marriage. Pregnant students will be encouraged to remain and participate in District programs. The forms of instruction provided to these students may include any or all of the following:~~

- ~~a) — Remain in school with provisions for special instruction, scheduling, and counseling as needed;~~
- ~~b) — Receive home instruction;~~
- ~~c) — Attend BOCES programs.~~

~~—The Superintendent or designee, in consultation with student services staff, the school physician, and the student's personal physician, may make program modifications which are feasible and necessary to accommodate the special needs of these students.~~

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SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES**Reporting Allegations of Discrimination**

In order for the District to enforce this policy, and to take corrective action as warranted, it is essential that students who believe that they have been a victim of discrimination, as well as any other person who has knowledge of or witnesses any possible discrimination, immediately report the alleged conduct or incident. Reports of discrimination may be made orally or in writing to any District employee including, but not limited to, a teacher, building principal, or Civil Rights Compliance Officer (CRCO).

All District employees who witness or receive an oral or written report of discrimination must immediately inform the CRCO. Failure to immediately inform the CRCO may subject the employee to discipline up to and including termination. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Additionally, District employees must comply with reporting requirements in any other applicable District policy or document. ~~Applicable policies or documents may include: Policy #3420, Non-Discrimination and Anti-Harassment in the District; Policy #3421, Title IX and Sex Discrimination; Policy #7550, Dignity for All Students; and the District's Code of Conduct.~~

Grievance Process for Complaints of Discrimination

The District will act to promptly, thoroughly, and equitably investigate all complaints, whether oral or written, of discrimination and will promptly take appropriate action to protect students from further discrimination.

Various District policies and documents address discrimination. These policies and documents may include: Policy #3420, Non-Discrimination and Anti-Harassment in the District; Policy #3421, Title IX and Sex Discrimination; Policy #7550, Dignity for All Students; and the District's *Code of Conduct*. All complaints will be handled in accordance with the applicable District policies and/or documents.

The determination as to which District policies and/or documents are applicable is fact-specific, and the CRCO may work with other District staff such as the District's Title IX Coordinator(s) and/or Dignity Act Coordinator(s) (DAC(s)) to determine which District policies and/or documents are applicable to the specific facts of the complaint.

If an investigation reveals that discrimination has occurred, the District will take immediate corrective action as warranted. This action will be taken in accordance with applicable law

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and regulation, as well as any applicable District policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as the District's *Code of Conduct*.

Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)

The District prohibits retaliation against any individual because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing related to a complaint of discrimination.

Complaints of retaliation may be directed to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Where appropriate, follow-up inquiries will be made to ensure that the discrimination has not resumed and that those involved in the investigation have not suffered retaliation.

Age Discrimination Act of 1975, 42 USC § 6101 et seq.
Americans with Disabilities Act (ADA), 42 USC § 12101 et seq.
Equal Educational Opportunities Act of 1974, 20 USC § 1701 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC § 790 et seq.
Title IV of the Civil Rights Act of 1964, 42 USC § 2000c et seq.
Title VI of the Civil Rights Act of 1964, 42 USC § 2000d et seq.
Title IX, 20 USC § 1681 et seq.
28 CFR Part 35
34 CFR Parts 100, 104, 106, 110, and 270
45 CFR Part 86
Civil Rights Law §§ 40, 40-c, and 47-b
Education Law §§ 10-18, 313, 2801, 3201, and 3201-a
New York State Human Rights Law, Executive Law § 290 et seq.
8 NYCRR § 100.2
9 NYCRR § 466 et seq.

NOTE: Refer also to Policies #3281 - Use of Facilities by the Boy Scouts of America and Patriotic Youth Groups
#3410 - Code of Conduct
#3420 - Non-Discrimination and Anti-Harassment in the District
#3421 - Title IX and Sex Discrimination
#7550 - Dignity for All Students
District *Code of Conduct*

Adoption Date: 11/25/2024
05/24/2021

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SUBJECT: EDUCATIONAL SERVICES FOR MARRIED/PREGNANT STUDENTS**Overview**

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses educational services for married/pregnant students. It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

The opportunity to participate in all of the education programs and activities operated by the District will not be restricted or denied because of a student's current, potential, or past parental, family, or marital status.

The District does not discriminate in its education program or activity against any student based on the student's current, potential, or past pregnancy or related conditions. It does not constitute prohibited discrimination when the District allows a student, based on pregnancy or related conditions, to voluntarily participate in a separate portion of its education program or activity, provided the District ensures that the separate portion is comparable to that offered to students who are not pregnant and do not have related conditions.

Definitions

For purposes of this policy, the following definitions apply:

- a) "Parental status" means the status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is:
 - 1. A biological parent;
 - 2. An adoptive parent;
 - 3. A foster parent;
 - 4. A stepparent;
 - 5. A legal custodian or guardian;
 - 6. In loco parentis with respect to such a person; or
 - 7. Actively seeking legal custody, guardianship, visitation, or adoption of such a person

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- b) "Pregnancy or related conditions" means:
 - 1. Pregnancy, childbirth, termination of pregnancy, or lactation;
 - 2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
 - 3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Preventing Discrimination and Ensuring Equal Access

Under Title IX, the District must take specific actions to promptly and effectively prevent sex discrimination and ensure equal access to the District's education program or activity once the student, or a person who has a legal right to act on behalf of the student, notifies the Title IX Coordinator of the student's pregnancy or related conditions. The Title IX Coordinator must coordinate these actions.

The District will not require supporting documentation for any of these actions unless the documentation is necessary and reasonable for the District to determine the reasonable modification to make or whether to take additional specific actions. Examples of situations when requiring supporting documentation is not necessary and reasonable include, but are not limited to:

- a) When the student's need for a specific action is obvious, such as when a student who is pregnant needs a bigger uniform;
- b) When the student has previously provided the District with sufficient supporting documentation;
- c) When the reasonable modification because of pregnancy or related conditions at issue is allowing a student to carry or keep water nearby and drink, use a bigger desk, sit or stand, or take breaks to eat, drink, or use the restroom;
- d) When the student has lactation needs; or
- e) When the specific action is available to students for reasons other than pregnancy or related conditions without submitting supporting documentation.

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SUBJECT: EDUCATIONAL SERVICES FOR MARRIED/PREGNANT STUDENTSReasonable Modifications

The District will make reasonable modifications to the District's policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access to the District's education program or activity. Each reasonable modification must be based on the student's individualized needs. In determining what modifications are required, the District must consult with the student. A modification that the District can demonstrate would fundamentally alter the nature of its education program or activity is not a reasonable modification.

The student has discretion to accept or decline each reasonable modification offered by the District. If a student accepts the District's offered reasonable modification, the District must implement it.

Reasonable modifications may include, but are not limited to: breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom; intermittent absences to attend medical appointments; access to online or homebound education; changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations; allowing a student to sit or stand, or carry or keep water nearby; counseling; changes in physical space or supplies (for example, access to a larger desk or a footrest); elevator access; or other changes to policies, practices, or procedures.

Voluntary Access to Separate and Comparable Portion of the District's Education Program or Activity

The District will allow the student to voluntarily access any separate and comparable portion of the District's education program or activity.

Voluntary Leaves of Absence

The District will allow the student to voluntarily take a leave of absence from the District's education program or activity to cover, at minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. To the extent that a student qualifies for leave under a leave policy maintained by the District that allows a greater period of time than the medically necessary period, the District must permit the student to take voluntary leave under that policy instead if the student so chooses.

When the student returns to the District's education program or activity, the student must be reinstated to the academic status and, as practicable, to the extracurricular status that the student held when the voluntary leave began.

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The District must ensure that the student can access a lactation space, which must be a space other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed.

Comparable Treatment to Other Temporary Medical Conditions

To the extent consistent with law and regulation, the District will treat pregnancy and related conditions in the same manner and under the same policies as any other temporary medical conditions with respect to any medical or hospital benefit, service, plan, or policy the District administers, operates, offers, or participates in with respect to students admitted to the District's education program or activity.

Certification to Participate

The District does not require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person that the student is physically able to participate in the District's class, program, or extracurricular activity unless:

- a) The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity;
- b) The District requires such certification of all students participating in the class, program, or extracurricular activity; and
- c) The information obtained is not used as a basis for discrimination prohibited by Title IX.

Notification

When a student, or a person who has a legal right to act on behalf of the student, informs any District employee of the student's pregnancy or related conditions, unless the employee reasonably believes that the Title IX Coordinator has been notified, the employee must promptly:

- a) Provide that person with the Title IX Coordinator's contact information;
- b) Inform that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the District's education program or activity.

Additionally, the District must promptly inform the student, and, if applicable, the person who notified the Title IX Coordinator of the student's pregnancy or related condition and has a legal right to act on behalf of the student, of the District's related obligations under Title IX and provide the District's notice of nondiscrimination under Title IX.

34 CFR Part 106

Adoption Date: 11/25/2024