

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT  
NA-1 POLICY FIRST READS

20192023

5310

Non-Instructional/Business Operations

**SUBJECT: BONDING OF EMPLOYEES AND SCHOOL BOARD MEMBERS**

In accordance with New York State Education Law and the Commissioner's Regulations, the Board directs that the Assistant Superintendent for Administrative Services, Treasurer, the Tax Collector and the Claims Auditor be bonded prior to assuming their duties. Such bonds shall be in the amounts as determined and approved by the Board.

Other school personnel and members of the Board authorized or required to handle School District revenues may be covered by a blanket undertaking provided by the District in such amounts as approved by the Board of Education based upon the recommendations of the Superintendent ~~or his/her~~ /designee.

Education Law Sections 1709(20-a), 1720, 2130(5), 2526 and 2527  
Public Officers Law Section 11(2) 8 New York Code of Rules and Regulations (NYCRR)  
Section 170.2(d)

Adoption Date: 04/30/201904/24/2023

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

20192023

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Non-Instructional/Business Operations

## **SUBJECT: EXPENDITURES OF SCHOOL DISTRICT FUNDS**

The Board authorizes the Purchasing Agent to expend school funds as appropriated by approved operational and capital budgets, and by the adoption of special resolutions. ~~They~~He/she will make expenditures in accordance with applicable law and in a manner that will achieve the maximum benefit from each dollar expended.

All claims shall be properly audited before payment by the Claims Auditor who shall attest to the existence of evidence of indebtedness to support the claim.

Complete records of all expenditures shall be maintained for future analysis and reporting within the time frame required by the Records Disposition Law or regulation.

Arts and Cultural Affairs Law Section 57.19  
Education Law Sections 1720 and 2523  
8 New York Code of Rules and Regulations (NYCRR) Section 185

NOTE: Refer also to Policies #5321 - Use of the District Credit Cards  
#5323 - Reimbursement for Meals/Refreshments  
#6161 - Conference/Travel Expense Reimbursement

Adoption Date: 04/30/201904/24/2023

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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5321

Non-Instructional/Business Operations

## **SUBJECT: USE OF THE DISTRICT CREDIT CARD**

The District may issue a credit card or cards in its name for the use of its officers and designated employees for authorized, reimbursable, school business related expenses. Only those officers and District personnel designated by the Board shall be authorized for the use of a District credit card. The credit card(s) shall be locked in a secure place in the District office. Any other reason for credit card use must be approved by the Assistant Superintendent for Administrative Services, prior to use.

This credit card will only be for those purchases of goods and services that require a credit card and do not accept other payment methods. Expenses incurred on each credit card shall be paid in such a manner as to avoid interest charges. Authorized personnel must submit purchase orders for those school business related expenses, such as tuition charges for attendance at conference, travel expenses, and lodging, where costs may be fairly and accurately estimated prior to the actual incurring of expenses.

Any individual who makes an unauthorized purchase with a District credit card shall be required to reimburse the District for the purchase. No alcoholic beverage purchases may be made using the District credit card, nor will reimbursement be made for charges of any kind on a receipt which includes the purchase of an alcoholic beverage.

Adoption Date: 04/30/201904/24/2023

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2019~~2023~~

5323

Non-Instructional/Business Operations

## **SUBJECT: REIMBURSEMENT FOR MEALS/REFRESHMENTS**

### **Staff/Board Meetings and District Events**

The Board recognizes that at certain times it may be appropriate to provide meals and/or refreshments at District meetings and/or events which are being held for educational purpose. Prior approval of the Superintendent/designee must be obtained for food and beverages provided at meetings or activities which will be charged to the District.

Any such expenditure must be appropriately documented with an itemized receipt and information showing the date and purpose of the meeting, food served, who attended the meeting and why the attendees needed food and/or refreshments to conduct District business. These requirements must be met for meals/refreshments provided by the school lunch fund or local vendors, charged to District credit cards and/or reimbursed to a District official.

### **Travel Outside of District/Emergency Meetings**

District officials and employees are entitled to reimbursement for necessary expenses incurred in the performance of their official duties. However, it is the position of the New York State Comptroller's Office that meals of public officers and employees generally should not be reimbursed or paid by the municipal entity unless the officer or employee is traveling outside ~~his/her~~ **their** regular work area on official business for an extended period of time, or where events prevent them from taking off during mealtime for food consumption because of a pressing need to complete business. All requests for reimbursement must document who attended the meetings and how the meetings fit these conditions. In no case will the costs for meals exceed the current Federal per diem rates for the geographic area.

NOTE: Refer also to Policy #6161- Conference/Travel Expense Reimbursement

Adoption Date: 04/30/2019~~04/24/2023~~

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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Non-Instructional/Business Operations

**SUBJECT: BORROWING OF FUNDS**

The District may borrow money only by means of serial bonds, bond anticipation notes, capital notes, tax anticipation notes, revenue anticipation notes and budget notes.

New York State Local Finance Law  
Section 20

Adoption Date: 04/30/201904/24/2023

**SUBJECT: EVALUATION OF PERSONNEL**

**All Staff Members**

The administration will undertake a continuous program of supervision and evaluation of all personnel, including support staff, in the District. The primary purposes of the evaluations will be to encourage and promote improved performance and to make decisions about the occupancy of positions.

**Teachers and Administrators**

The District is committed to supporting the development of effective teachers and administrators. To this end, the District will provide procedures for the evaluation of all professional staff. ~~The District plans for Annual Professional Performance Review (APPR) of teachers and principals will be developed~~ an Annual Professional Performance Review (APPR) plan/educator evaluation plan in accordance with applicable laws, ~~Commissioner's and regulations, and Rules of the Board of Regents.~~

The primary purposes of these evaluations are:

- a) To encourage and promote improved performance;
- b) To guide professional development efforts; and
- c) To provide a basis for evaluative judgments by applicable school officials.

**Disclosure of APPR/Educator Evaluation Ratings**

The Commissioner is required to disclose professional performance review/evaluation data for teachers and building principals on the New York State Education Department website and in any other manner to make this data widely available to the public. ~~The District will provide notice to parents or legal guardians of their right to obtain this information and the methods by which the data can be obtained.~~

Education Law Sections 3012-c, and 3012-d  
Public Officers Law ~~Sections 87 and 89~~ Article 6  
8 NYCRR Subpart 30-3  
8 NYCRR Sections 80-1.1 and 100.2(o)

**SUBJECT: LEAVES OF ABSENCE**

In general, leaves of absence will be administered by the Superintendent. The Board reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in the policy statement. Where a leave of absence is falsely requested or improperly used, the Board may undertake appropriate disciplinary action. The purpose or conditions of a leave of absence may not be altered except by permission of the Superintendent, as expressed in writing.

**Leaves of Absence, Contractual, Et Al.**

- a) Employees who are members of a negotiating unit:

Authorization is granted to approve requests for leaves of absence submitted in accordance with provisions of contracts in effect between the District and each bargaining unit.

- b) Employees who are not members of a negotiating unit:

Authorization is granted to approve requests for leaves of absence submitted by these employees where the requests are consistent with provisions of contracts in effect between the District and the bargaining unit most compatible with the employment status of the employee.

- c) Employees who are under contract to the District:

Authorization is granted to implement provisions for leaves of absence contained in each contract.

**Leaves of Absence, Unpaid, Not Covered Above**

- a) Subject to limitations enumerated in this policy statement, authorization is granted for the following unpaid leaves of absence:

1. For a period of time not to exceed one school year for approved graduate study, this leave to include any required internship experience.
2. At the expiration of a paid sick leave of absence, this leave may be extended for a period of time not longer than the end of the school year after the school year in which the paid leave of absence began.

- b) Unpaid leaves of absence cannot be used to extend vacation periods, to take vacations, to engage in other occupations, or to provide additional personal leaves, except that the Superintendent will have discretion, where circumstances warrant, to approve leaves of absence for those purposes.

- c) Unpaid leaves of absence will not be granted unless the services of a substitute employee, satisfactory in the discretion of the Superintendent, can be secured.

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**SUBJECT: LEAVES OF ABSENCE**

- d) Except where it interferes with an employee's legal or contractual rights, the timing of unpaid leaves of absence will be granted at the convenience of the District.

**Other Leaves of Absence**

Other leaves of absence include, but are not limited to, the following:

- a) Emergency Service Volunteer Leave

Upon presentation of a written request from the American Red Cross and with the approval of the Superintendent, employees certified by the American Red Cross as disaster volunteers will be granted leave from work with pay for up to 20 days in any calendar year to participate in specialized disaster relief operations. This leave will be provided without loss of seniority, compensation, sick leave, vacation leave, or other overtime compensation to which the volunteer is otherwise entitled.

- b) Screenings for Cancer

Employees will be granted up to four hours of paid leave on an annual basis to undertake a screening for cancer. This leave will be excused leave and will not be charged against any other leave to which the employee is entitled.

- c) Blood Donation

The District must either, at its option:

1. Grant three hours of unpaid leave of absence in any 12-month period to an employee who seeks to donate blood off-premises. The leave may not exceed three hours unless agreed to by the Superintendent or designee; or
2. Allow its employees without use of accumulated leave time to donate blood during work hours at least two times per year at a convenient time and place set by the Superintendent or designee, including allowing an employee to participate in a blood drive at the District.

Leave taken by employees at a District-designated donation alternative (such as a District-sponsored blood drive at the workplace) must be paid leave that is provided without requiring the employee to use accumulated vacation, personal, sick, or other leave time.

The District will not retaliate against an employee for requesting or obtaining a leave of absence under this section. Additional leaves for the purpose of blood donation under any other provision of law will not be prevented.

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**SUBJECT: LEAVES OF ABSENCE**

d) Bone Marrow Donation

Employees seeking to undergo a medical procedure to donate bone marrow will be granted leaves to do so. The combined length of the leaves to be determined by the physician, but may not exceed 24 work hours unless agreed to by the Superintendent/ ~~or~~-designee. The District will require verification for the purpose and length of each leave requested by the employee for this purpose.

The District will not retaliate against an employee for requesting or obtaining a leave of absence under this section. Additional leaves for the purpose of bone marrow donation under any other provision of law will not be prevented.

e) Nursing ~~Mothers~~ Parents (Breastfeeding/Lactation)

The District will provide reasonable ~~unpaid~~ break time. ~~or permit the use of paid break time or meal time each day~~ to allow an employee to express breast milk for ~~her~~ their nursing child each time the employee has reasonable need to express breast milk for up to three years following childbirth. ~~The District will make reasonable efforts to provide a room or other location in close proximity to the work area where the employee can express milk in privacy. The District will not discriminate against an employee who chooses to express breast milk in the workplace.~~

Upon employee request, the District will designate a room or other location to be used by the employee to express breast milk which will be in close proximity to the work area, well lit, shielded from view, and free from workplace or public intrusion. The location will, at a minimum, contain a chair, a working surface, nearby access to clean running water, and an electrical outlet. The location will not be a restroom or toilet stall. The District will provide access to refrigeration for the purposes of storing expressed milk.

If the sole purpose of the location is not dedicated for use by employees to express breast milk, the location will be made available to employees when needed and will not be used for any other purpose while in use. The District will provide notice to all employees as soon as practicable when the location has been designated for use by employees to express breast milk.

~~Reasonable unpaid break time is generally no less than 20 minutes and no more than 30 minutes dependent upon the proximity of the designated location for expressing breast milk. In most situations, the District is required to provide unpaid break time at least once every three hours if requested by the employee.~~

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**SUBJECT: LEAVES OF ABSENCE**

~~At the employee's option, the District will allow the employee to work before or after her their normal shift to make up the amount of time used during the unpaid break time(s) so long as the additional time requested falls within the District's normal work hours.~~

~~The District will provide written notice to employees who are returning to work following the birth of a child of their right to take unpaid leave for the purpose of expressing breast milk. This notice may either be provided individually to affected employees or to all employees generally through publication of the notice in the employee handbook or posting of the notice in a central location.~~

~~Any employee wishing to avail herself of this benefit is required to give the District advance notice, preferably prior to her return to work, to allow the District an opportunity to establish a location and schedule leave time to accommodate employees as needed.~~

The District will provide a written notification regarding the rights of nursing employees to express breast milk in the workplace to each employee upon hire, annually thereafter, and to employees returning to work following the birth of a child. This notice will be based on a written policy developed by the Commissioner of Labor and will at a minimum:

1. Inform employees of their rights pursuant to law;
2. Specify how a request may be submitted to the District for a room or other location for use by an employee to express breast milk;
3. Require the District to respond to requests within a reasonable time frame that is not to exceed five business days.

The District will not discriminate or retaliate against an employee who chooses to express breast milk in the workplace.

f) Witnesses or Victims of Crimes

The District will grant an unpaid leave of absence to an employee, who is a victim of or a witness to a criminal offense, that is required or chooses to appear as a witness, consult with the district attorney, or exercise ~~his or her~~ their rights as provided in the Criminal Procedure Law, the Family Court Act, and the Executive Law.

To use this leave, the employee must provide notice of the need for leave at any time prior to the actual day of leave. The District is permitted to ask the party who sought the attendance or testimony of the employee to provide verification of the employee's service. Employees will not be penalized or discharged for absences by reason of a required appearance as a

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Personnel

**SUBJECT: LEAVES OF ABSENCE**

witness in a criminal proceeding, or consultation with the district attorney, or exercising ~~his or her~~ **their** rights as provided under the law.

g) Victims of Domestic Violence

Unless the absence would cause an undue hardship to the District, the District will provide reasonable accommodations to employees who are victims of domestic violence who must be absent from work for a reasonable time in accordance with law.

An employee availing themselves of this leave must provide the District with reasonable advance notice, unless providing this notice is not feasible. An employee unable to provide reasonable advance notice must, within a reasonable time after the absence, provide a certification to the District when requested.

To the extent allowed by law, the District will maintain the confidentiality of any information related to an employee's status as a victim of domestic violence.

h) Military Leave

The District will comply with state and federal laws regarding military leave and re-employment.

i) Jury Duty

As provided by law, any employee who is summoned to serve as a juror and who notifies the District to that effect prior to ~~his or her~~ **their** term of service will not, on account of absence by reason of jury service, be subject to discharge or penalty. The District will ensure that all absences for this purpose are granted in accordance with law and the terms of any applicable collective bargaining agreement.

j) Voting

Employees who are registered voters and have four consecutive hours either between the opening of the polls and the beginning of their working shift, or between the end of their working shift and the closing of the polls, will be deemed to have sufficient time to vote and will therefore not be eligible for paid leave to vote in any election.

Employees who are registered voters, and do not have sufficient time outside of their working hours to vote in any election, may without loss of pay for up to two hours, take so much time off as will, when added to their voting time outside of their working hours, enable them to vote. The employee will be allowed time off for voting only at the beginning or the end of

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**SUBJECT: LEAVES OF ABSENCE**

~~his or her~~ their working shift, as the District may designate, unless otherwise mutually agreed.

Employees requiring working time off to vote must notify the District not more than ten or less than two working days before the day of the election.

The District must post a notice informing employees of their right to leave in order to vote not less than ten working days before an election and until polls close on election day. This notice will be conspicuously posted in a place where it can be seen by employees as they come and go to their place of work.

29 USC Section ~~207~~(~~+~~)218d

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 USC Sections 4301-4333

Civil Service Law Sections 71-73 and 159-b

Education Law Sections 1709(16), 2509(6), 2573(12), 3005, 3005-a and 3005-b

Election Law Section 3-110

Executive Law Section 296(22)

General Municipal Law Sections 92, 92-c, and 92-d

Judiciary Law Sections 519 and 521

Labor Law Sections 202-a, 202-i, 202-j, 202-l, and 206-c

Military Law Sections 242 and 243

Penal Law Section 215.14

Adoption Date: 04/24/2023

Students

**SUBJECT: STUDENT PHYSICALS****~~Health Examination and Certificate~~  
Health Examination**

Each student enrolled in a District school must have a satisfactory health examination conducted by a duly licensed physician, physician assistant, or nurse practitioner within 12 months prior to the commencement of the school year of the student's entrance into:

- a) A District school at any grade level;
- b) Prekindergarten or kindergarten; and
- c) 1st, 3rd, 5th, 7th, 9th, and 11th grades.

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

The District will also provide health examinations before participation in strenuous physical activity and periodically throughout the season as necessary, as well as for the issuance of employment certificates, vacation work permits, newspaper carrier certificates, and street trades badges.

**Health Certificate**

Each student must submit a health certificate attesting to the health examination within 30 calendar days after ~~his or her~~ **their** entrance into:

- a) A District school at any grade level;
- b) Prekindergarten or kindergarten; and
- c) 1st, 3rd, 5th, 7th, 9th, and 11th grades.

**If a student does not submit the required health certificate within 30 calendar days after their entrance, the building principal or/**designee will send a notice to the **student's parent of,** or person in parental relation ~~to, any student who does not present a health certificate, stating~~ that if the required health certificate is not ~~furnished-submitted~~ within 30 calendar days from the date of the notice, **the The School Physician Director of School Health Services will conduct** an examination by health appraisal ~~will be made~~ of the student ~~by the Director of School Health Services.~~

The health certificate will be filed in the student's cumulative record. The health certificate must:

- a) Be on a form prescribed by the Commissioner;

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Students

**SUBJECT: STUDENT PHYSICALS**

- b) Describe the condition of the student when the examination was given, provided that such examination was not given more than 12 months prior to the commencement of the school year in which the examination is required;
- c) State the results of any test conducted on the student for sickle cell anemia;
- d) State whether the student is in a fit condition of health to permit ~~his or her~~ **their** attendance at a District school and, where applicable, whether the student has impaired sight or hearing, has received a scoliosis screening, or has any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of ~~such~~ work to prevent injury to the student;
- e) State the student's body mass index (BMI) and weight status category; and
- f) Be signed by a duly licensed physician, physician assistant, or nurse practitioner, who is:
  - 1. Authorized by law to practice in New York State consistent with any applicable written practice agreement; or
  - 2. Authorized to practice in the jurisdiction in which the examination was given, provided that the Commissioner has determined that the jurisdiction has standards of licensure and practice comparable to those of New York State.

A licensed health professional with appropriate training may conduct a scoliosis screening.

**Dental Health Certificate**

The District will request a dental health certificate from each student at the same time that health certificates are required.

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

A notice of request for a dental health certificate will be distributed at the same time that the parent or person in parental relation is notified of health examination requirements. The notice of request for a dental health certificate will list dental practices, dentists, and registered dental hygienists to which students may be referred for dental services on a free or reduced cost basis upon request of the student's school.

The dental health certificate will be filed in the student's cumulative record. The dental health certificate must:

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Students

**SUBJECT: STUDENT PHYSICALS**

- a) Describe the dental health condition of the student when the assessment was given, provided that the assessment was not given more than 12 months prior to the commencement of the school year in which the assessment is requested; and
- b) State whether the student is in fit condition of dental health to permit ~~his or her~~ **their** attendance at a District school; and
- c) Be signed by a duly licensed dentist, or a registered dental hygienist, who is:
  1. Authorized by law to practice in New York State, and consistent with any applicable written practice agreement; or
  2. Authorized to practice in the jurisdiction in which the assessment was performed, provided that the Commissioner has determined that the jurisdiction has standards of licensure and practice comparable to New York State.

**Examination by Health Appraisal**

The building principal or designee will report to the School Physician ~~Director of School Health Services~~ the names of all students who are required to and have not submitted the required health certificate or who are students with disabilities. ~~The Director of School Health Services will cause separately and carefully examine and test students who are required to, but and have not submitted, the required health certificate and students with disabilities to be separately and carefully examined and tested to ascertain determine whether any student has impaired sight or hearing, or any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of work to prevent injury to the student.~~ The School Physician will cause students who are required to, but have not submitted, the required health certificate and, when required to in accordance with Part 200 of the Commissioner's regulations including an individual evaluation or reevaluation with parental consent, students suspected of having a disability or students with disabilities, to be separately and carefully examined and tested to ascertain whether any student has impaired sight or hearing, or any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of work to prevent injury to the student.

Each examination will **also** include a calculation of the student's BMI and weight status category. Further, the physician, physician assistant, or nurse practitioner administering the examination will determine whether a one-time test for sickle cell anemia is necessary or desirable and, if so determined, will conduct the test and include the results in the health certificate.

Unless ~~otherwise~~ prohibited by law, if it is ~~ascertained~~ **determined** that a student has impaired sight or hearing, or ~~a~~ **other** physical disability or other condition, including sickle cell anemia, the building principal or designee will notify, in writing, the student's parent or person in parental relation as to the existence of the disability. If the parent or person in parental relation is unable or unwilling to provide the necessary relief and treatment for the student, it will be reported by the building principal or designee to the School Physician ~~Director of School Health Services~~, who then has the duty to provide relief for the student.

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Students

**SUBJECT: STUDENT PHYSICALS****District Reporting of BMI and Weight Status Category**

Each school year, the New York State Department of Health randomly selects a certain number of districts across New York State to report, in the aggregate, students' BMI and weight status categories. Selected districts must report ~~BMI results this information on-line using the Department of Health's Health Provider Network secure website online~~. A student's parent or person in parental relation may refuse to have the student's BMI and weight status category included in ~~such this~~ survey.

**Lead Screenings**

Prior to or within three months after initial enrollment of a student under six years old, the District will obtain from the student's parent or person in parental relation evidence that the student has been screened for lead. If the District does not receive evidence that the student has been screened for lead, the District will provide the student's parent or person in parental relation with information on lead poisoning in children and lead poisoning prevention, as well as refer the parent or person in parental relation to a primary care provider or the local health authority for a blood lead test.

**Health Screenings**

The District will provide a:

- a) Scoliosis screening, if not documented on the student's health certificate, at least once each school year for male students in grade 9, and for female students in grades 5 and 7. The positive results of any scoliosis screening examination will be provided in writing to the student's parent or person in parental relation within 90 calendar days after the finding;
- b) Vision screening, if not documented on the student's health certificate, to all students within six months of admission to a District school. The vision screening will test the student's color perception, distance acuity, and near vision. In addition, all students will be screened for distance acuity and near vision in grades prekindergarten or kindergarten, 1, 3, 5, 7, and 11, as well as at any other time deemed necessary. The results of all vision screening examinations will be provided in writing to the student's parent or person in parental relation and to any teacher of the student while the student is enrolled in the District school; and
- c) Hearing screening, if not documented on the student's health certificate, to all students within six months of admission to a District school. In addition, all students will receive a hearing screening in grades prekindergarten or kindergarten, 1, 3, 5, 7, and 11, as well as at any other time deemed necessary. Each hearing screening will include, but not be limited to, pure tone screening. The results of any hearing tests requiring a follow-up examination will be provided in writing to the student's parent or person in parental relation and to any teacher of the student while the student is enrolled in the District school.

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**SUBJECT: STUDENT PHYSICALS**

The results of all health screenings will be recorded in the student's cumulative health record which will be maintained by the school for at least as long as the minimum retention period for ~~such~~ these records.

**Student Health Records**

The health records of individual students will be kept confidential in accordance with the federal Family Educational Rights and Privacy Act (FERPA) and any other applicable federal and state laws.

**Accommodation for Religious Beliefs**

No health examinations, health history, examinations for health appraisal, screening examinations for sickle cell anemia and/or other health screenings will be required where a student or the parent or person in parental relation to that student objects on the grounds that the examinations, health history, and/or screenings conflict with their genuine and sincere religious beliefs. A written and signed statement from the student or the student's parent or person in parental relation that the person holds these beliefs must be submitted to the building principal or designee, in which case ~~he or she~~ they may require supporting documents.

**Students in Temporary Housing**

For students in temporary housing (i.e., homeless children and youth), the enrolling school must immediately refer the parent or guardian of the student to the District's McKinney-Vento liaison, who will assist them in obtaining the necessary medical records.

20 USC Section 1232g  
Education Law Sections 903-, 904, 905, and 3220  
[Public Health Law Section 1370-d](#)  
8 NYCRR Sections 136.1, and 136.3

NOTE: Refer also to Policies #5690 - Exposure Control Program  
#5691 - Communicable Diseases  
#5692 - Human Immunodeficiency Virus (HIV) Related Illnesses  
#7121 - Diagnostic Screening of Students  
#7131 - Education of Students in Temporary Housing  
#7250 - Student Privacy, Parental Access to Information, and  
Administration of Certain Physical Examinations to Minors  
#7420 - Sports and the Athletic Program  
#7510 - School Health Services  
#7511 - Immunization of Students  
#7522 - Concussion Management

Adoption Date: 04/24/2023

**SUBJECT: DUE PROCESS COMPLAINTS: SELECTION AND BOARD APPOINTMENT OF IMPARTIAL HEARING OFFICERS****Due Process Complaints**

The District ~~is committed to making~~ will make every effort to amicably resolve disputes regarding educational programs for students with disabilities. ~~In the event If~~ these disputes cannot ~~otherwise~~ be resolved, either a parent, ~~person in parental relation~~, or the District may file a due process complaint challenging the identification, evaluation, or educational placement of a student with a disability, or a student suspected of having a disability, or the provision of a free appropriate public education to the student. The complainant may not ~~have receive~~ an impartial due process hearing until the complainant, or the ~~attorney representing the~~ complainant's attorney, files a due process complaint notice that meets the requirements set forth in law for the notice. All due process hearings will be conducted in a manner consistent with the timelines and procedures set forth in law and regulation.

Except as otherwise provided by law, all requests for impartial due process hearings must be submitted within two years of the date the parent or the District knew or should have known about the alleged action forming the basis of the complaint. Upon receipt or filing of the due process complaint notice, the District will provide the most current version of the procedural safeguards notice to the parents. The District will also inform parents in writing of the availability of mediation and any free or low-cost legal and other relevant services available in the area.

An impartial due process hearing will be conducted at a time and location reasonable and convenient to the parent and student involved. The hearing will be closed to the public unless the parent requests otherwise. ~~The impartial hearing officer (IHO) may conduct the hearing by videoconference or teleconference with parental consent which may be obtained at a pre-hearing conference, or at a minimum of ten days before the scheduled hearing date, provided that all personally identifiable data, information, or records pertaining to the student during the hearing is kept confidential in accordance with law and regulation.~~

A student whose education is the subject of a due process complaint will remain in ~~his or her~~ their current placement during the pendency of the impartial due process hearing unless both parties agree or as otherwise permitted by law.

**Resolution Process**

Prior to the opportunity for an impartial due process hearing, the District will convene a meeting with the parents and the relevant member or members of the Committee on Special Education or Committee on Preschool Special Education who have specific knowledge of the facts identified in the complaint. This meeting will provide the parents with an opportunity to discuss their complaint and the facts that form the basis of the complaint, and an opportunity to resolve the complaint with the District. The District will take steps to ensure that one or both of the parents of the student with a disability are present at the resolution meeting, and will notify parents of the meeting early enough to ensure that they have the opportunity to attend. The resolution meeting will be at a mutually agreed upon time and place,

Continued

**SUBJECT: DUE PROCESS COMPLAINTS: SELECTION AND BOARD APPOINTMENT OF IMPARTIAL HEARING OFFICERS**

and in a location that is [physically](#) accessible to the parents. [The parents and District may agree to use alternative means of meeting participation, such as videoconferences and conference calls.](#) The District will ensure that all resolution meetings conform to the requirements set forth in the Commissioner's regulations.

The parents and the District may agree, in writing, ~~however,~~ to waive the resolution process or agree to use the mediation process to resolve the dispute.

**Selection and Board Appointment of Impartial Hearing Officers**

~~In the event~~ [When](#) a due process complaint notice is properly filed, the Board will arrange for an impartial due process hearing to be conducted. In these instances, the Board will immediately, but not later than two business days after receipt of the due process complaint notice or mailing of the due process complaint notice to the parent, initiate the process to select an ~~Impartial Hearing Officer (IHO)~~ through a rotational selection process. To expedite this process, the Board may designate one or more of its members to appoint the IHO on its behalf.

The District will utilize the New York State Education Department's (NYSED) Impartial Hearing Reporting System to access the alphabetical list of the names of each IHO certified in New York State and available to serve in the District. The appointment of an IHO will be made only from this list and in accordance with the alphabetical rotation selection process and the timelines and procedures established by the Commissioner of Education. The District will record and report required information relating to the selection of IHOs and the conduct of impartial due process hearings according to the manner and schedule specified by NYSED.

[If an IHO is not appointed within 196 calendar days from receipt by the District of a due process complaint, the District will, no later than five business days after the 196th calendar day has elapsed, provide written notification to parents of their right to request accelerated review. When accelerated review is sought, the District will be deemed to have denied the student a free and appropriate public education \(FAPE\) by virtue of the 196 calendar day \(or more\) delay in the appointment of an IHO.](#)

The District will be responsible for compensating the IHO for pre-hearing, hearing, and post-hearing activities at the rate agreed upon at the time of the IHO's appointment. The District will also reimburse the IHO for certain travel and other hearing-related expenses in accordance with an annually determined schedule.

Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.  
34 CFR Part 300  
Education Law Sections ~~4005, 4202,~~ 4404(1), and 4410(7)  
8 NYCRR Sections 200.2 and 200.5

NOTE: Refer also to Policies [#7313 -- Suspension of Students](#)  
[#7660 -- Parent Involvement for Children with Disabilities](#)  
[#7690 -- Special Education Mediation](#)

Adoption Date: 04/24/2024

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023

8450

Instruction

1 of 2

## **SUBJECT: ~~HOME TUTORING~~ HOME, HOSPITAL, OR INSTITUTIONAL INSTRUCTION (HOMEBOUND INSTRUCTION)**

~~Resident children attending public or nonpublic schools who are unable to attend school because of physical, mental, or emotional illness or injury as substantiated by a licensed physician are eligible to be instructed at home or in a hospital by an appropriately certified teacher provided by the District. These students will be provided with instruction in accordance with New York State Education Law and Commissioner's regulations.~~

~~Procedures for students requiring home tutoring will be developed under the direction of the Superintendent or designee.~~

### **Overview**

Home, hospital, or institutional instruction (sometimes referred to as homebound instruction) is an educational service provided by districts to resident students enrolled in a public or nonpublic school who are unable to attend school in person for at least ten days during a three-month period due to illness or injury which requires the student to remain at home or in a hospital or other institution for the treatment of children, other than a school.

The District will provide home, hospital, or institutional instruction to all resident students enrolled in a public or nonpublic school from kindergarten to age 21 when, due to a temporary or chronic physical, mental, or emotional illness or injury, as documented by the student's treating healthcare provider, the student is unable to participate in their usual education setting.

### **Definitions**

"Instruction delivery plan" means a written plan to continue the student's academic progress and to maintain a record of delivery of instructional services and student progress.

"School district of residence" means the public school district within the State of New York where the students legally reside with their parents or guardians.

"Treating health care provider" means a person who is treating a student and is licensed or otherwise authorized to provide diagnosis pursuant to a profession enumerated in Title VIII of the Education Law.

"Tutor" means an employee of the school district of residence or an individual with whom the school district of residence contracts to provide home, hospital, or institutional instruction. The tutor must hold a New York State teaching certificate. A tutor may include a teacher employed by a board of cooperative educational services (BOCES) that contracts with the school district of residence to provide this instruction.

### **Request for Home, Hospital, or Institutional Instruction**

To request home, hospital, or institutional instruction for a resident student, the parent or guardian must submit a request to the District that includes written medical verification from the student's treating healthcare provider demonstrating the student's anticipated inability to attend school in person for at least ten days during the next three months and written consent authorizing the ~~School Physician~~ ~~Director of School Health Services~~ / designee to contact the student's treating healthcare provider. Refusal to provide this written consent will result in a denial of the request for home, hospital, or institutional instruction.

Continued

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023 8450

Instruction 2 of 2

## **SUBJECT: HOME, HOSPITAL, OR INSTITUTIONAL INSTRUCTION (HOMEBOUND INSTRUCTION)**

The request ~~will~~ ~~may~~ be forwarded to the ~~School Physician~~~~Director of School Health Services~~ who will review the need for home, hospital, or institutional instruction and either approve or deny the request. During this review, the ~~School Physician~~~~Director of School Health Services~~ may contact the student's treating healthcare provider to obtain additional information necessary regarding the student's health or mental health.

Within five school days after receipt of written medical verification from the student's treating healthcare provider, the District will notify the parent or guardian whether their request for home, hospital, or institutional instruction has been approved or denied. In the case of a denial, reason(s) for denial will be provided.

### Appeals

Parents and guardians may appeal the denial of home, hospital, or institutional instruction to the District's Board within ten school days of receipt of notification of the denial. Home, hospital, or institutional instruction will be provided while an appeal is pending before the District's Board.

### **Home, Hospital, or Institutional Instruction Requirements**

The District will provide home, hospital, or institutional instruction to a student within five school days after receiving notification of the student's medical condition or within five school days from the request for home, hospital, or institutional instruction, whichever occurs first. This instruction, which may include remote instruction, will meet the minimum requirements outlined in law and regulation.

### **Students with Disabilities**

Students with disabilities who are recommended for home, hospital, or institutional instruction by the Committee on Special Education (CSE) will be provided instruction and appropriate related services as determined and documented by the CSE in consideration of the student's unique needs. This instruction will only be recommended if the placement is in the least restrictive environment and must be provided for at least the number and length of time as provided for other students receiving home, hospital, and institutional instruction.

### **Recordkeeping**

The District will maintain a record of delivery of instructional services and student progress. This includes, but is not limited to, a record of the dates, amount, and type of instructional services the student received including the tutor's name, subjects taught, and the location where the instructional services were provided.

Education Law Sections 1604(20), 1709(24), 3202 ~~and 4401~~  
8 NYCRR Sections 100.22, 175.21, and 200.6

NOTE: Refer also to Policy #7150 – [Remote Instruction](#)

Adoption Date: 04/24/2023