

Policy Addendum Manual



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Introduction

This Policy Addendum Manual is incorporated as part of the following policies, processes and the like which the Niagara Charter School (the “School”) uses to govern the School.

In addition to this manual, the School also maintains:

- 1.) Bylaws
- 2.) Charter Agreements and Application with NYSED
- 3.) Parents Manual
- 4.) Employee Manual
- 5.) Student Code of Conduct Manual
- 6.) Accounting Policies and Procedures Manual

I. TITLE I PARENT AND FAMILY ENGAGEMENT POLICY

TITLE I PARENT AND FAMILY ENGAGEMENT

The School will collaborate with parents and other family members to help students participating in Title I programs reach their full academic potential and improve the School's overall academic quality. As part of its collaboration, the School will conduct outreach; plan and implement programs, activities, and procedures for parent and family member engagement; and consult meaningfully with parents and family members.

School-Wide Parent and Family Engagement

To facilitate parent and family participation, the School will:

1. Involve parents and family members in jointly developing its Title I Plan and its support and improvement plans. If the parents or family members indicate that the Title I plan is not satisfactory, the School will submit their comments to the State Education Department along with the plan;
2. Improve student academic achievement and school performance by providing the support necessary to plan and implement effective parent and family engagement activities, which may include meaningful consultation with business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education;
3. Coordinate and integrate parent and family engagement strategies with other relevant federal, state, and local programs;
4. Conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of the parent and family engagement policy to improve the academic quality of the School. The evaluation will include identifying:
 - a. Barriers to greater participation by parents and family members in Title I activities, with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background;
 - b. The needs of parents and family members to assist with their child's learning, including engaging with school personnel and teachers; and
 - c. Strategies to support successful school and family interactions.
5. Use the evaluation's findings to design evidence-based strategies for more effective parent and family member engagement;
6. Involve parents in Title I activities, which may include establishing a parent advisory board comprised of a sufficient number and representative group of parents or family members served by the School to adequately represent the students' needs, to develop, revise, and review the parent and family engagement policy; and

7. Involve parents and family members in decisions regarding how it spends funds reserved for parent and family engagement activities.

To ensure effective involvement of parents or family members and to support a partnership among the school, parents or family members, and the community, to improve student academic achievement, the School will:

1. Provide assistance to parents or family members of children served by the School to understand topics such as the challenging state academic standards, state and local academic assessments, the requirements of this part, and how to monitor a child's progress and work with educators to improve the achievement of the children;
2. Provide materials and training to help parents and family members work with the children on literacy training and technology use, including education about the harms of copyright piracy, to foster parent and family member engagement;
3. Educate teachers, specialized instructional support personnel, principals, and other school leaders, with the assistance of parents or family members, in the value and utility of parents and family member contribution, and how to reach out to, communicate with, and work with parents and family members as equal partners, in addition to, implement and coordinate parent or family member programs and build ties between parents or family members and the school;
4. Coordinate and integrate, to the extent feasible and appropriate, parent and family member engagement programs and activities with federal, state, and local programs;
5. Ensure that information related to school and parent and family member programs, meetings, and other activities is sent to the parents or family members of participating children in a format and, to the extent practicable, in a language the parents or family members can understand;
6. Provide other reasonable support for parent and family member engagement activities as parents or family members may request.

In carrying out the parent and family member engagement requirements, the School, to the extent practicable, will provide opportunities for participation of parents and family members, including parents and family members who have limited English proficiency, parents and family members with disabilities, and parents and family members of migratory children, including providing information and school reports in a format and, to the extent practicable, in a language they understand.

Procedures for Filing Complaints/Appeals

The School will disseminate the procedures for filing complaints free of charge to parents and family members of children in Title I programs, and to appropriate private school officials or representatives, adequate information regarding the School's written complaint procedures for resolving Title I issues.

ALLOCATION OF TITLE I, PART A FUNDS

Allocation of Funds

The School allocates the Title I, Part A funds it receives to school buildings on the basis of the total number of students from low-income families in each eligible school attendance area or eligible school, as defined in law. Unless the building is participating in a school wide program, the School building will only use Title I, Part A funds for programs that provide services to eligible children, as defined in law, identified as having the greatest need for special assistance.

The School will reserve from its allocation of Title I, Part A funds, such funds as are necessary to provide services comparable to those provided to students in buildings that receive Title I, Part A funds in order to serve:

1. Homeless children and youths, including educationally related support services to children in shelters and other locations where children may live;
2. Children in local institutions for neglected children; and
3. If appropriate, children in local institutions for delinquent children, and neglected or delinquent children in community day programs.

Funds Will Supplement Not Supplant

The School will ensure that Title I, Part A funds only supplement, not supplant, the funds that would, in the absence of such federal funds, be made available from state and local sources for the education of students participating in programs assisted by Title I, Part A funds.

Allocation Methodology

The School has developed an allocation methodology that is consistent with Title I guidelines.

EXHIBIT I (A): PARENT INVOLVEMENT POLICY

Mission: Niagara Charter School is dedicated to fostering the unique potential of each child by providing a rigorous academic program using the expeditionary learning approach designed to empower students as lifelong learners, resourceful and practical thinkers, active citizens, and future leaders.

This parent involvement policy addresses the No Child Left Behind commitment to shared accountability between schools and parents for high student achievement, including expanded public school choice and supplemental educational services for eligible children in low-performing schools, local development of parental involvement plans with sufficient flexibility to address local needs, and building parents' capacity for using effective practices to improve their own children's academic achievement.

New reporting provisions added by the NCLB Act offer parents important insight into their children's education, the professional qualifications of their teachers, and the quality of the schools they attend. The new legislation ensures that parents have the information they need to make well-informed choices for their children, more effectively share responsibility with their children's schools, and help those schools develop effective and successful academic programs. Parents now will know their children's academic strengths and weaknesses and how well schools are performing, and they will have other options and resources for helping their children if their schools are identified in need of improvement.

The new Title I, Part A is designed not only to help close the achievement gap between disadvantaged and minority students and their peers, but also to change the culture of America's schools so that success is defined in terms of student achievement and schools invest in every child.

The following plan lays out the respective responsibilities and commitments of the school, the administration and parents in working together for the academic success of students.

In particular:

Parents will be involved in the joint development of the Title I Plan through a variety of avenues including, but not limited to: parent representation on the board of trustees, participation in the school's Family School Association (FSA); annual surveys; teacher conferences; and school planning, evaluation, and review committees.

Niagara Charter School will aid in the planning and implementation of effective parent involvement activities to improve student academic achievement and school performance in numerous ways including, but not limited to: funding a full time Community Liaison, providing meeting space for the FSA, distributing meeting notices, publishing FSA articles and updates, recommending/making

presentations to parents on issues (e.g., understanding learning standards, school and student performance, opportunities for greater involvement with the school, accessing services), and other coordination, technical assistance, and support necessary.

Niagara Charter School will build the school's and parents' capacity for strong parental involvement in a variety of ways including, but not limited to: funding a full time Community Liaison position, making enhancing parent involvement a regular topic at staff and board meetings (as well as during employee evaluations), recommending/making presentations to the FSA to develop parents' skills, confidence, and awareness of their role in interacting with the school for their child's success; discussing parent involvement activities in every newsletter and at every parent/teacher conference.

Niagara Charter School will coordinate and integrate Title I parental involvement strategies with those of other programs (including federal, state and local programs) by making the parent involvement strategies universal. Parents are integral to the mission of the school and have a central role in any program implemented at Niagara.

Niagara Charter School will conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parent involvement policy in improving the academic quality of the school. The evaluation will include identifying barriers (such as limited English proficiency, disability status, limited literacy, economic disadvantage, etc.) to greater participation by parents in activities authorized by Title I (such as limited English proficiency, disabilities, etc.) and use the findings of the evaluation to design strategies for more effective parental involvement and, to revise—if necessary—the parental involvement policies at the school.

Mission

Niagara Charter School is dedicated to fostering the unique potential of each child by providing a rigorous academic program using the expeditionary learning approach designed to empower students as life long learners, resourceful and practical thinkers, active citizens, and future leaders.

Niagara Charter School is an Expeditionary Learning School where students learn best through purposeful, hands on experiences that provide opportunities to become active learners. Through learning expeditions, students are involved in original research, critical thinking, problem solving, and building character along with academic skills. Parent involvement is a significant component in the success of the school and its students.

Parent involvement Benefits

Niagara Charter School believes that education is a partnership among the student, parent, school, and community. The academic achievement and success of our students depend on the actions, relationships, and strengths of these partnerships. Parents and families provide their children with the foundation of their values, including: education values, responsibilities, expectations, rules for home/school environment, and aspirations. Parents are the primary providers in preparing their children for school readiness and academic success. Parents' knowledge of their children's unique histories, traditions, life experiences, and learning experiences are important to their success. Parents also share knowledge about community resources and challenges, both of which are valuable and critical to their child's progress. The educational responsibility for our students is shared by parents, school, and community.

Parent Involvement Framework

Niagara Charter School was opened in 2006 and currently charts a chapter of the national FSA that serves as the volunteer parent/community organization that plans activities, organizes family programming, and raises funds for special programs. The school's full time Community Liaison represents Niagara Charter School and is present at all FSA meetings. The FSA assists Niagara Charter School in developing comprehensive programs of school, family, and community partnership as part of its efforts to increase parent involvement. Niagara Charter School believes in the following:

1. Communicating: Communication between home and school is regular, two-way and meaningful.
2. Parenting: Parenting skills are promoted and supported.
3. Student Learning: Parents play an integral role in assisting student learning.
4. Volunteering: Parents are welcome in the school, and their support and assistance are actively sought.
5. School decision making and advocacy: Parents are full partners in the decisions that affect children and families.
6. Collaborating with community: Community resources are used to strengthen the school, our families and student learning.

School Responsibilities/Expectations

To successfully implement the School's beliefs in parent involvement, support will be comprised of, but not limited to the following:

1. Continuing to foster a network of sharing among parents and other members of the school community through the duties of the full time Community Liaison, the FSA, and other parent involvement opportunities.
2. Disseminating information relevant to student achievement and parent's rights through community meetings, telephone contact, newsletters and the school website.
3. Providing for parent participation on all school decision-making teams.

4. Ensuring compliance with Section 1118 (parent involvement) of the No Child Left Behind legislation:
 - a. Provide assistance to parents of children served by the school, in understanding such topics as the State's academic content standards and the State student academic achievement standards, state and local academic assessments, the requirements of this part, and how to monitor a child's progress and work with educators to improve the academic achievement of their children;
 - b. Provide materials and training to help parents to work with their children to improve their children's achievement, such as literacy training and using technology, as appropriate, to foster parental involvement;
 - c. Educate teachers, pupil services personnel, principals, and other staff, with the assistance of parents, in the value and utility of contribution of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent program, and build ties between parents and the school;
 - d. Coordinate and integrate to the extent feasible and appropriate, parent involvement programs and activities with Head Start, Reading First, Early Reading First, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parent as Teachers Program, and public preschool and other programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children;
 - e. Ensure that information related to school and parent programs, meetings and other activities is sent to the parents of participating children in a format and, to the extent practicable, in a language the parents can understand.
5. Providing an effective mechanism to ensure mutual respect and accountability in the school/parent partnership.

Building Capacity for Involvement:

The school has a full time Community Liaison responsible for working with parents to enhance their involvement (and capacity for involvement) with the school to increase student academic achievement.

The Community Liaison is charged with working with the FSA to develop programming on topics such as the State's academic content standards and State student academic achievement standards, State and local academic assessments, the requirements of this part, and how to monitor a child's progress and work with educators to improve the achievement of their children.

The Community Liaison is charged with working with the FSA to provide materials and training to help parents to work with their children to improve their children's achievement,

such as literacy training and using technology, as appropriate, to foster parental involvement.

The Community Liaison is charged with educating teachers, pupil services personnel, principals, and other staff, with the assistance of parents, in the value and utility of contribution of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and the school.

The Community Liaison is charged with coordinating and integrating—to the extent feasible and appropriate—parent involvement programs and activities with Head Start, Reading First, Early Reading First, Even Start, the Home Instruction Programs for Preschool Youngsters, the parent as Teachers Program, and public preschool and other programs, and conducting other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children.

The Community Liaison is charged with ensuring that information related to school and parent programs, meetings, and other activities is sent to the parents of participating children in a format and, to the extent practicable, in a language the parents can understand.

The Administration's Responsibilities and Expectations

The Principal, in collaboration with the Community Liaison, parents and with the support of the Niagara Charter School FSA will:

1. Designate the Community Liaison to participate in the FSA, representing Niagara Charter School in order to:
 - a. Ensure that the FSA meets on a regular (monthly) basis and that the organization continues to encourage the inclusion of new parents into the organization.
 - b. Ensure that the FSA elects officers and holds regular meetings that are scheduled in consultation with parents and announced publicly, with all invited to attend.
 - c. Ensure that the FSA is maintained as a viable entity to ensure that parents, who are full partners in their child's education, have an opportunity to be included in meetings and decision-making.
 - d. Ensure that regular elections are held to elect members to represent all parents from the school community to serve on the FSA, ensure that the school community elects two (2) parent members to serve on the School's Board of Trustees.
2. Establish and maintain an open door policy of candid and frequent communication between the school administration and parents.

Parent Responsibilities and Expectations

Parents are partners in Niagara Charter School and share responsibility for the successful education of the children. Parent involvement is the action parents take to participate in regular and meaningful communication with the school to provide an education that graduates productive citizens. All parent involvement is aimed at increasing student achievement through various levels of involvement

Parents can be defined as any parent, guardian, and/or person in parental relation to a child or children. Parents are expected to:

1. Ensure that children come to school prepared and ready to learn.
2. Provide high-quality nutrition, adequate sleep, and exercise for their children.
3. Provide a learning environment for children to do homework and actively monitor their children's homework and level of completion.
4. Review and support the School Attendance Policy.
5. Review and support the School Code of Conduct.
6. Attend FSA meetings, parent/teacher conferences and workshops designed to increase student achievement.
7. Communicate with the Community Liaison, teachers and the principal as a partner in their children's academic success.

The Niagara Charter School Board of Trustees and the School Director endorse and support this plan to help ensure the success of all students.

II. SCHOOL SAFETY PLANS POLICY

The School considers the safety of its students and staff to be of the utmost importance and is keenly aware of the evolving nature of threats to schools. As such, it will address those threats accordingly through appropriate emergency response planning. The building-level emergency response plan will be designed to prevent or minimize the effects of serious violent incidents and emergencies and to facilitate the coordination of the School with local and county resources in the event of these incidents or emergencies.

The plan will be reviewed by the appropriate team on at least an annual basis and updated as needed by September 1. The Chief Academic Officer will be responsible for ensuring the completion and yearly updating of building-level emergency response plans.

Building-Level Emergency Response Plan

Building-level emergency response plan means a plan that addresses crisis intervention, emergency response, and management at the building level and has the contents as prescribed in Education Law and Commissioner's regulations. As part of this plan, the School will define the chain of command in a manner consistent with the National Incident Management System (NIMS)/Incident Command System (ICS).

The building-level emergency response plan will be developed by the building-level emergency response team. The building-level emergency response team is a building-specific team appointed by the principal, in accordance with regulations or guidelines prescribed by the Board. The building-level team will include, but not be limited to, representatives of teachers, administrators, and parent organizations, school safety personnel and other school personnel, community members, law enforcement officials, fire officials, or other emergency response agencies, and any other representatives the Board deems appropriate.

Training Requirement

The School will submit certification to the New York State Education Department that all School staff have received annual training on the emergency response plan, and that this training included components on violence prevention and mental health. New employees hired after the start of the school year will receive training within 30 days of hire, or as part of the School's existing new hire training program, whichever is sooner.

Filing/Disclosure Requirements

A copy of each building-level emergency response plan and any amendments will be filed with the appropriate local law enforcement agency and with the state police within 30 days of its adoption. Building-level emergency response plans will be kept confidential and are not subject to disclosure under the Freedom of Information Law (FOIL) or any other provision of law.

FIRE AND EMERGENCY DRILLS AND BOMB THREATS

Fire and Emergency Drills

The School will instruct and train students on appropriate emergency responses, through fire and emergency drills, in the event of a sudden emergency.

Fire and emergency drills will be held at least 12 times in each school year; Eight of these will be completed by December 31. Eight of all drills will be evacuation drills, four will be through use of the fire escapes on buildings where fire escapes are provided or identified secondary exits. The other four drills will be lock-down drills. Drills will be conducted at different times of the school day. Students will also be instructed in the procedures to be followed in the event that a fire occurs during the regular lunch period or assembly.

Summer School

At least two additional drills will be held during summer school in buildings where summer school is held, and one of these drills will be held during the first week of summer school.

After-School Programs, Events, or Performances

The principal or designee will require those in charge of after-school programs, events, or performances, attended by any individuals unfamiliar with that school building, to announce at the beginning of these programs the procedures to be followed in the event of an emergency.

Bomb Threats

School Bomb Threats

A bomb threat, even if later determined to be a hoax, is a criminal act. No bomb threat should be treated as a hoax when it is first received. Upon receiving any bomb threat, the school has an obligation and responsibility to ensure the safety and protection of the students and other occupants of the school. This obligation must take precedence over a search for a suspect object. Prudent action is dependent upon known information about the bomb threat including location, if any, time of detonation, etc. Specific procedures as to appropriate responses as a result of a bomb threat can be located in the building level emergency response plan, as required by relevant law and regulation.

Police Notification and Investigation

Appropriate law enforcement agencies must be notified by the administrator or designee of any bomb threat as soon as possible after receiving the threat. Law enforcement

officials will contact, as the situation requires, fire and/or county emergency coordinators according to the county emergency plan.

Implementation

The Chief Academic Officer or designee will develop written procedures to implement the terms of this policy. Additionally, these procedures will be incorporated in the building level emergency response plan, with provisions to provide written information to all staff and students regarding emergency procedures by October 1 of each school year, an annual drill to test the emergency response procedures under each of its building-level emergency response plans, along with updates as necessary, by September 1, as mandated by law or regulation.

SAFETY CONDITIONS AND PREVENTION INSTRUCTION

The practice of safety will be considered an integral part of the instructional program through fire prevention, emergency procedures and drills, driver education, and traffic and pedestrian safety. The Chief Academic Officer will be responsible for the supervision of a safety program for the school. The safety program may include, but not be limited to, in-service training, fire prevention, accident recordkeeping, driver and vehicle safety programs, emergency procedures and drills, and traffic safety programs relevant to students, employees and the community. It will be the duty of the Board to provide inspections and supervision of the health and safety aspects of the school facilities.

Substance Abuse - Prevention Instruction

The Board recognizes the need to educate students on the hazards of alcohol, tobacco, and drug abuse. An educationally sequential health prevention program, utilizing, as appropriate, community, staff, and student input, will be developed to inform students of:

1. Causes for substance abuse;
2. Physical and psychological damage associated with substance abuse;
3. Avoidance of alcohol, tobacco, and drugs; and
4. Dangers of driving while under the influence of alcohol or drugs.

Environmental Conservation Instruction

The Board supports and encourages the development of a School-wide, articulated curriculum of environmental conservation integrated into other program disciplines.

Fire and Arson Prevention/Injury Prevention/Life Safety Education

The Board directs the administration to provide instruction in fire and arson prevention, injury prevention and life safety education relating to protection against injury or death and property loss or damage as a result of criminally initiated or other preventable fire.

This instruction will include materials to educate children on the dangers of falsely reporting a criminal incident, an impending explosion or fire emergency involving danger to life or property, an impending catastrophe, or a life safety emergency.

The Board directs the administration to provide this instruction for all students for a period of not less than 45 minutes in each month that school is in session.

Student Safety

Instruction in courses in technology education, science, home and career skills, health and safety, physical education, and art will include and emphasize safety and accident prevention.

Safety instruction will precede the use of materials and equipment by students in applicable units of work in the courses listed above, and instructors will teach and enforce all safety procedures relating to the particular courses. These procedures will include wearing protective eye devices during appropriate activities.

Eye Safety

The Chief Academic Officer or designee will ensure that eye safety devices are distributed as necessary and that they are properly repaired, cleaned and stored to prevent the spread of germs or diseases after use. Each classroom teacher is responsible for the safe and proper use of all instructional materials and equipment by students in his or her classroom.

Emergency Planning

The School will maintain updated plans and operating procedures to be followed in the event of natural or manmade disasters or enemy attack. Students will be provided instruction to respond effectively in emergency situations.

Instruction on Prevention of Child Abduction

All students in grades K through 6 will receive instruction designed to prevent the abduction of children, provided by or under the direct supervision of regular classroom teachers. The Board will provide appropriate training and curriculum materials for the regular classroom teachers who provide this instruction. However, at the Board's discretion, this instruction may be provided by any other public or private agency.

The Commissioner of Education will provide technical assistance to assist in developing curricula for these courses of study which must be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness skills, information, self-confidence, and support to aid in the prevention of child abduction.

For purposes of developing these courses of study, the Board may establish local advisory councils or utilize the school-based shared decision making and planning committee established under the Commissioner's regulations to make recommendations concerning the content and implementation of these courses. Alternatively, the School may utilize courses of instruction developed by consortia of school districts, boards of cooperative educational services, other school districts, or any other public or private agency. The advisory council will consist of, but not be limited to, parents, school trustees and Board members, appropriate school personnel, business and community representatives, and law enforcement personnel having experience in the prevention of child abduction.

CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN PUBLIC SCHOOL FACILITIES

The School will provide and maintain on-site in each instructional school facility functional cardiac automated external defibrillator (AED) equipment as defined in Public Health Law Section 3000-b for use during emergencies. Each facility will have sufficient equipment available to ensure ready and appropriate access for use during emergencies in quantities and types as deemed by the Commissioner of Education, in consultation with the Commissioner of Health. Determination of the quantity and placement of AEDs must be made with consideration of at least the factors described in Commissioner's Regulations. An instructional school facility means a building or other facility maintained by the school where instruction is provided to students in accordance with its curriculum.

Whenever an instructional school facility is used for a school-sponsored or school-approved curricular or extracurricular event or activity and whenever a school-sponsored athletic contest is held at any location, the school officials and administrators responsible for the school facility or athletic contest will ensure that AED equipment is provided on-site and that it is present during such an event, activity or contest and that at least one staff person who is trained in accordance with Public Health Law in the operation and use of an AED is present. School-sponsored or school-approved curricular or extracurricular events or activities mean events or activities of the School that are, respectively, associated with its instructional curriculum or otherwise offered to its students. A school-sponsored athletic contest means an extraclass intramural athletic activity of instruction, practice and competition for students in grades 4 through 6 consistent with Commissioner's Regulations Section 135.4.

It is the policy of our School to provide proper training requirements for School AED users, including ensuring the immediate calling of 911 and/or the community equivalent ambulance dispatch entity whenever the AED is used and identification of the location of the AED units as set forth in the School's Public Access Defibrillation Collaborative Agreement.

The School will provide for regular maintenance and checkout procedures of the AED unit(s) which meet or exceed manufacturer's recommendations. Appropriate documentation will be maintained in accordance with law and/or regulation. Further, the School will participate in the required Quality Improvement Program as determined by the Regional Emergency Medical Services Council.

The School will post a sign or notice at the main entrance to the facility or building in which the AED unit(s) is stored, indicating the exact location where the unit(s) is stored or maintained on a regular basis.

The School, or any employee or other agent of the School who, in accordance with the provisions of law, voluntarily and without expectation of monetary compensation renders emergency medical or first aid treatment using an AED to a person who is unconscious, ill or injured, will not be liable for damages for injury or death unless caused by gross negligence.

FACILITIES: INSPECTION, OPERATION AND MAINTENANCE POLICY

The Board, through the Chief Academic Officer and the staff, has the responsibility of protecting the School's facilities through a systematic maintenance program. The program will include periodic preventive maintenance activities, long-range maintenance schedules, and emergency repair procedures. The School will make reasonable attempts to ensure that all maintenance work will be carried out in the least intrusive manner.

Carbon Monoxide Detection Requirements

All new and existing School buildings that have appliances, devices, or systems that may emit carbon monoxide, and all attached garages, must have a means to detect carbon monoxide. Buildings include school buildings, bus maintenance facilities, concession stands, and field houses. Carbon monoxide may be produced by fuel-fired heating systems (boilers, HVAC units, and makeup air units), emergency or standby electric generation within a building, fuel-fired kitchen equipment (ranges, ovens, steamers, dishwashers, and makeup air units serving hoods), fuel-fired domestic hot water heaters, laboratory/shop equipment (gas outlets, torches, gas-fired kilns, and stationary or portable engines), maintenance and storage areas with fuel-fired equipment, and in garages.

The School may use a self-contained carbon monoxide alarm, a carbon monoxide detection system, or both. The School will comply with all laws and regulations regarding alarms/detectors, including where they must be located, their power sources, and labeling requirements. The School should develop written standard operating procedures to follow when a carbon monoxide detector is activated.

Inspections

The School is mindful of the health and safety of its students, staff, and visitors and, as such, the administration will cooperate with appropriate officials conducting health, fire, asbestos, bus, and boiler inspections. In addition, the administration will keep the Board of Trustees informed of the results of such inspections in a timely fashion.

In accordance with the Asbestos Hazard Emergency Response Act (AHERA), the School will inform all employees and building occupants (or their legal guardians) at least once each school year about all asbestos inspections, response actions, post-response action activities, as well as triennial re-inspection activities and surveillance activities that are either planned or in progress. The School will provide yearly notification to parent, teacher, and employee organizations on the availability of the School's asbestos management plan and any asbestos-related actions taken or planned in the school.

The School will test potable water for lead contamination from all outlets as required by law. If an outlet exceeds the action level for lead content, the School will prohibit use of the outlet for drinking and cooking purposes, and it will remediate the outlet before allowing these uses. The School will make all required notifications and issue all mandated reports to the public, local health department, or the SED. For ten years following creation, the School will retain all records of test results, lead remediation plans, lead-free building determinations, and waiver requests. The School may seek a waiver from testing requirements from the local health department by demonstrating prior substantial compliance with testing requirements.

Comprehensive Public School Building Safety Program (RESCUE)

To ensure that all School facilities are properly maintained and preserved and to provide suitable educational settings, the Board of Trustees requires that all occupied school facilities, which are owned, operated or leased by the School, comply with the provisions of the Comprehensive Public School Building Safety Program, the Uniform Code of Public School Building Inspections, and the Safety Rating and Monitoring as prescribed in Commissioner's regulations. For this reason, the School will develop a Comprehensive Building Safety Program in accordance with Commissioner's regulations. The program will be reevaluated and made current at least annually.

The Board of Trustees is committed to maintaining the integrity of school buildings and grounds while protecting the health and safety of students and staff and maintaining a productive learning environment.

Structural and landscape pests can pose significant problems for people and property. Weeds and infestations can destroy playing fields and playgrounds and more importantly, cause severe allergic reactions. Pesticides can pose risks to people, property, and the environment. It is therefore the policy of the School to incorporate Integrated Pest Management (IPM) procedures for control of weeds, structural and landscape pests. The

objective of this program is to provide necessary pest control while using the least toxic approach to all pests, weeds, and infestations.

Pest/Pesticide Management Plan

The School will manage weeds and pests to:

1. Reduce any potential human health hazard or threat to public safety.
2. Prevent loss or damage to school structures or property.
3. Prevent pests from spreading into the community, or to plant and animal populations beyond the site.
4. Enhance the quality of life for students, staff, and others.

Pesticide Use on Common Areas

Pesticides will not be used on playgrounds, turf, athletic, or playing fields, in effect, all lawn areas of the school. In these common areas where children gather and play, pesticide alternatives will be used whenever possible and effective. The prohibition does not apply to indoor use or the application to building structures.

An exception may be made for emergency applications of pesticide only when approved in advance by the Board. The Board may consult with the local Health Department on public health related emergency determinations. They may also consult with the Department of Environmental Conservation (DEC) for environmental emergency determinations. Emergency determinations should only be sought for one-time pesticide application in a specific situation, which presents a true emergency. The guidance document from DEC provides clarification on emergency determinations. It can be found at: http://www.dec.ny.gov/docs/materials_minerals_pdf/guidanceech85.pdf

Some types of pesticides and alternatives, those deemed safe in federal regulation, may be allowable on playing fields and playgrounds in certain circumstances.

Fertilizer Use

Phosphorous fertilizers will only be used on school grounds in compliance with the requirements of Environmental Law Section 17-2013 which provides:

1. Fertilizer use is prohibited between December 1 and April 1 annually.
2. The use of fertilizers is prohibited within twenty (20) feet of any surface water except:
 - a. Where a continuous natural vegetation buffer, at least ten (10) feet wide, separates lawn and water.
 - b. Where a spreader guard, deflector shield or drop spreader is used, then the application may not occur within three feet of any surface water.

3. The use of phosphorus fertilizers is prohibited on lawns or other non-agricultural turf with the following exceptions:
 - a. The use of phosphorus fertilizers is needed to establish a new lawn;
or
 - b. A soil test shows that phosphorus fertilizers are needed for growth.
4. Fertilizer cannot be used on any impervious surfaces and if such an application occurs, it must be cleaned immediately and legally applied or placed in an appropriate container.

Notification

The School will give prior written notice of all pesticide applications to anyone who has asked to receive such notice. The School will also notify parents, students and staff of periodic pesticide applications. The School will maintain a list of those people who wish to receive forty-eight (48) hour notice before pesticide applications and will ensure that a system is developed to deliver that notice in a timely fashion to all affected. The notification system may be by mail or email, and it will ensure that a back-up method is available to notify those for whom the regular system is unworkable. The name and contact information for the School's Pesticide Representative will be made available to all requesting it.

Sample forms for forty-eight (48) hour prior notification can be obtained at: http://www.emsc.nysed.gov/facplan/documents/PesticideNeighborNotificationGuidelineforSchools_091001.pdf

The School must also provide additional written notification to all parents and staff three (3) times per year to inform them of any pesticide applications that have occurred: within ten (10) days of the end of the school year, within two (2) school days of the end of winter recess and within two (2) days of the end of spring recess.

Recordkeeping

Records of pesticide use will be maintained on site for three (3) years. Records will be completed on the day of pesticide use. In addition, pest surveillance records will be maintained to help verify the need for pesticide treatments. Annual reports of any applications must be sent to DEC.

EXHIBIT II(A): EMERGENCY RESPONSE

<u>Hold-in-Place</u>	<u>Lockdown</u>	<u>Lockout</u>	<u>Shelter-in-Place</u>	<u>Evacuate</u>
<p>Used to limit movement of students and staff while dealing with short-term emergencies.</p> <ol style="list-style-type: none"> 1. Listen for instructions about the situation and your actions. 2. All students must remain in assigned classroom. 3. Students in hallways must return to assigned classroom. 4. Take attendance. 5. All other staff assist students, as needed. 6. Classroom activities continue as normal. 7. Stand-by for additional instructions from administration. 	<p>Used to secure school building and grounds during incidents that pose an immediate threat of violence in or around the school.</p> <ol style="list-style-type: none"> 1. If safe, gather students from hallways into classrooms/offices. 2. Lock classroom doors immediately. Do not allow anyone to enter or leave the classroom once the door is closed and locked. 3. Move students to a safe area in the classroom out of sight of the door and remain silent. 4. All classroom activities cease. 5. DO NOT cover door windows. Leave window blinds and lights as they are. 6. Take attendance. 7. DO NOT communicate through door or answer classroom phone. Silence cell phones. 8. DO NOT respond to walkie talkie announcements. 9. DO NOT respond to fire alarm unless imminent signs of fire are observed. 10. Stand-by for additional information from administration or law enforcement officials. 	<p>Used to secure school buildings and grounds during incidents that pose an imminent concern outside of the school.</p> <ol style="list-style-type: none"> 1. Listen for instructions regarding the situation and your actions. 2. Lock all exterior windows. 3. Leave window blinds and lights as they are. 4. Take attendance. 5. All outdoor activities must be terminated. 6. Classroom activities continue as normal. 7. Maintenance locks and secures all exterior doors, entrances, and windows. 8. Front office staff monitors main entrance. Only AUTHORIZED personnel may enter the building. 9. Stand-by for additional information from administration or law enforcement officials. 	<p>Used to shelter students and staff inside the building.</p> <ol style="list-style-type: none"> 1. Listen for instructions about the situation and your actions. 2. All students must remain in assigned classroom. 3. All students and staff who are outside the building must immediately return to the building. 4. Students in hallways must return to assigned classroom. 5. All other staff assist students, as needed. 6. Move away from windows, if situation warrants. 7. If instructed, move out of classroom to designated safe area. Stay together at all times. Once there, maintain silence and do not allow anyone to leave the area. 8. Stand-by for additional instructions from administration or law enforcement officials. 	<p>Used to evacuate students and staff from the building.</p> <ol style="list-style-type: none"> 1. Listen for instructions about the situation and your actions. 2. Evacuate the building to a pre-determined or announced location using fire emergency route. 3. Close the classroom door after exiting. 4. Bring attendance roster. 5. Take attendance before moving from and upon arrival at off-site location. 6. Stand-by for additional information from administration or law enforcement officials.

**** If a bomb threat is received, administration or designee will direct staff as to which response procedure to follow based on the credibility of the threat.**

III. STUDENT SAFETY POLICY

Fingerprinting Clearance of New Hires

Fingerprint-based background check clearance of all School staff (and contractors and volunteers as required by law):

- When permitted by law, applications for employment shall solicit information from applicants regarding prior criminal history.
- All offer letters shall state that the offer of employment is expressly contingent upon receiving clearance from the New York State Education Department's Office of School Personnel Review and Accountability ("OSPRA")
- Contemporaneously with the issuance of an offer letter, the School's Chief Academic Officer requests fingerprinting clearance through the TEACH system using the new hire's social security number
- The Chief Academic Officer views the person's clearance status in TEACH
- Once the person has full clearance to work at the School, he or she is eligible to commence work and no further action is required
- Occasionally, the new hire is in the TEACH system, but his or her fingerprint records have not been sent from the Department of Education to the State. In these cases, if time permits, the new hire completes the OSPRA 104 form so that his or her record can appear in TEACH. If time is limited, the new hire is asked to get re-printed so that he or she can be fully cleared more quickly. In either situation, the Chief Academic Officer monitors this person's record in TEACH to ensure that he or she is fully cleared prior to starting work.
- If the new hire is not listed in the TEACH system or notes that he or she has not previously been fingerprinted for a teaching position in New York State, the Chief Academic Officer informs the new hire, in writing, of the steps he/she must take to get fingerprinted, as well as how to create an account in the TEACH system
- The new hire is instructed to inform the Chief Academic Officer about when the fingerprinting appointment has been scheduled
- Following the appointment, the Chief Academic Officer accesses TEACH to retrieve the new employee's fingerprinting record
- Once the person has full clearance to work at the School, he or she is eligible to commence work and no further action is required
- In the event a new hire does not receive full clearance, the offer of employment is rescinded.
- In the event that the new hire desires to appeal OSPRA's decision to not clear the new hire and the School elects to keep the offer open while the new hire appeals OSPRA's decision, the Chief Academic Officer will stay in touch with the new hire and continue to monitor the appeal through its conclusion, at which time if OSPRA provides full clearance, the new hire will be eligible to commence work and no further action is required, or if OSPRA denies the appeal, the offer of employment is rescinded.
- Since the School has adopted a mandatory safety policy, in the event the School is unable to wait for a clearance from OSPRA due to an unforeseen vacancy (occurring less than 10 days before the start of any school session; when no other qualified individual is available; and when it is necessary to maintain services which the school is

legally required to provide to protect the health, education or safety of students or staff) the Chief Academic Officer is delegated by the Board of Trustees of the School to make an emergency conditional appointment for a prospective employee. Emergency conditional appointments may be made only in certain limited circumstances and have a 20-day duration. The prospective employee must send his or her fingerprints to the OSPRA for processing and must provide the the School a signed statement indicating whether, to the best of his or her knowledge, he or she has a pending criminal charge or a criminal conviction in any jurisdiction outside of New York State.

Staff-Student Relations (Fraternization)

The Board of Trustees requires that all School employees maintain a professional, ethical relationship with students that is conducive to an safe learning environment; and that staff members act as role models for students at all times, whether on or off school property and both during and outside of school hours. Staff must establish appropriate personal boundaries with students and not engage in any behavior that could reasonably lead to even the appearance of impropriety.

Staff members are prohibited to date or engage in any improper fraternization or undue familiarity with students, regardless of the student's express or implied consent to this conduct. Further, employees will not entertain students or socialize with students in such a manner as to create the perception that a dating relationship exists. Similarly, any action or comment by a staff member which invites romantic or sexual involvement with a student is considered highly unethical, in violation of School policy, and may result in the notification of law enforcement officials and the filing of criminal charges and/or disciplinary action by the School.

Inappropriate employee behavior includes, but is not limited to, flirting, making suggestive comments, dating, requests for sexual activity, physical displays of affection, giving inappropriate personal gifts, frequent personal communication with a student unrelated to course work or official school matters, providing alcohol or drugs to students, inappropriate touching, and engaging in sexual contact and/or sexual relations. "Frequent personal communication with a student unrelated to course work or official school matters" means any form in which personal communication may occur including, but not limited to, voice or text-based communication via phone, email, instant messaging, text messaging or through social networking websites.

Inappropriate fraternization of staff with students, even if the student participated "willingly" in the activity, is against School policy and may be in violation of professional standards of conduct and New York State Law. Inappropriate employee conduct does not need to rise to the level of criminal activity for such conduct to be in violation of School rules and subject to appropriate disciplinary sanctions.

Any student who believes that he/she has been subjected to inappropriate staff behavior as described in this policy must report the incident to any staff member or the employee's supervisor, the student's principal or the School's designated Compliance Officer. Further, students, school employees or third parties who have knowledge of or witness any possible occurrence of inappropriate staff-student relations must report the incident to any staff member or the employee's supervisor, the principal or the School's designated Compliance Officer. In all circumstances, these reports will be forwarded to the designated Compliance Officer for further investigation. Anonymous complaints of inappropriate fraternization of staff members with students will also be investigated by the School. Investigations of allegations of inappropriate staff-student relations will follow the procedures utilized for complaints of harassment within the School. Allegations of inappropriate staff-student behavior will be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints. If there is a finding upon completion of the investigation that inappropriate conduct occurred, School administration will take prompt corrective action.

Any employee having knowledge of or reasonable suspicion that another employee may have engaged in inappropriate conduct with a student that may constitute child abuse must also follow the School's reporting procedures for such allegations. This information will also be reported by the designated administrator as required by state law to law enforcement officials, the State Education Department and/or Child Protective Services as may be applicable.

If a student initiates inappropriate behavior toward a staff member, that employee will document the incident and report it to his/her Chief Academic Officer or Supervisor immediately, or as soon as is practicable.

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

The Board of Trustees prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of inappropriate staff-student relations. Follow-up inquiries and/or appropriate monitoring will be made to ensure that the alleged conduct has not resumed and that all those involved in the investigation have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the School.

School Responsibility/Training

The Chief Academic Officer and/or program supervisor will be responsible for informing students, staff and volunteers of the requirements of this policy, including the duty to report and the procedures established for investigation and resolution of complaints. Further, staff training will be provided to facilitate staff identification of possible behavior that may constitute inappropriate staff-student relationships. Students will be provided training in an age appropriate manner.

The School's policy, or a summary thereof, will be disseminated as appropriate to staff, students and parents.

Disciplinary Sanctions

Any staff member who engages in inappropriate conduct with a student will be subject to appropriate disciplinary measures up to and including termination of employment in accordance with legal guidelines, School policy and regulation. A violation of this policy may also subject the employee to criminal and/or civil sanctions as well as disciplinary action by the State Education Department.

The Board of Trustees affirms its commitment to provide an environment free from sex-based discrimination and sexual harassment, including sexual violence and intimidation. The Board, therefore, prohibits all forms of sexual harassment against students by other students, employees, school volunteers, and non-employees such as contractors and vendors, which occur on school grounds or at school-sponsored events, programs, or activities, including those that take place at locations off school premises.

Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. For the purposes of this policy, sexual harassment also includes sexual violence. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence includes, but is not limited to: rape, sexual assault, sexual battery, and sexual coercion.

Sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from students, employees, or third parties such as visitors or school volunteers.

Prohibited Conduct

Sexual harassment can be verbal, non-verbal, or physical. Examples of this conduct may include, but are not limited to, the following:

1. Verbal abuse or ridicule, including innuendoes, stories and jokes that are sexual in nature and/or gender-related. This might include inappropriate sex-oriented comments on appearance, including dress or physical features.
2. Direct or indirect threats or bribes for unwanted sexual activity.
3. Asking or commenting about a person's sexual activities.
4. Unwelcome and unwanted physical contact of a sexual nature including, but not limited to, physical acts such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement.

5. Displaying or distributing pornographic or other sexually explicit materials such as magazines, pictures, internet material, cartoons, etc.
6. The use of profanity and/or other obscenities that are sexually suggestive or degrading in nature.
7. Unwelcome staring, leering, or gesturing which is sexually suggestive in nature.
8. Unwelcome and/or offensive public displays of sexual/physical affection.
9. Clothing that reflects sexually obscene and/or sexually explicit messages, slogans, or pictures.
10. Demanding sexual favors of a student, insinuating that refusal to acquiesce in such favors will adversely affect a student's grades, references, academic/scholastic placement, and/or participation in extracurricular activities.
11. Engaging in sexual conduct with an individual who is unable to consent due to his/her age, use of drugs or alcohol, intellectual disability, or other disability.
12. Any other unwelcome and unwanted sexually oriented and/or gender-based behavior which is sexually demeaning, belittling, intimidating, or perpetrates sexual stereotypes and attitudes.

Investigation of Complaints and Grievances

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any student who believes he/she has been a victim of sexual harassment in the school environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, should immediately report such alleged harassment. The School recognizes that sexual harassment is a sensitive issue and that students may choose to inform any trusted staff member of suspected discrimination or harassment. Staff members who receive such complaints will immediately inform the Civil Rights Compliance Officer (CRCO). Where appropriate, the CRCO may seek the assistance of the relevant Dignity Act Coordinator in investigating, responding to, and remedying student complaints of discrimination and/or harassment. In the event that the CRCO is the alleged offender, the report will be directed to another CRCO, if the School has designated an additional individual to serve in such capacity, or to the Chief Academic Officer.

The School will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of sexual harassment and will promptly take appropriate action to protect individuals from further sexual harassment. All complaints will be handled in a manner consistent with School policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints.

CHILD ABUSE AND MALTREATMENT

Familial Child Abuse

The School takes seriously the obligations of its officers and employees to report cases of child abuse or maltreatment. To this end, training will be developed regarding the:

1. Mandatory reporting of suspected child abuse or maltreatment;
2. Reporting procedures and obligations of persons required to report;
3. Provisions for taking a child into protective custody;
4. Mandatory reporting of deaths;
5. Immunity from liability and penalties for failure to report;
6. Obligations for provision of services and procedures necessary to safeguard the life of a child; and
7. Provision of information in recognizing signs of unlawful methamphetamine laboratories for all current and new school officials, "mandated reporters", who, as part of their usual responsibilities, visit children's homes.

Additionally, an ongoing training program for all current and new school officials will be established and implemented to enable staff to carry out their reporting responsibilities.

Reporting Information

The School will post the child abuse hotline telephone number and directions for accessing the Office of Children and Family Services (OCFS) website in English and Spanish on its website and in highly visible areas of school buildings. The School will also make this information available from its administrative offices; provide it to parents and persons in parental relation at least once per school year by electronic communication, sending the information home with students, or otherwise; and provide it to each teacher and administrator. The School may post and provide this information in other, common languages used by the school community.

Persons Required to Report

Persons required to report cases of child abuse or maltreatment to the State Central Register (SCR) in accordance with Social Services Law Section 413(1) include, but are not limited to, school teachers, school guidance counselors, school psychologists, school social workers, school nurses, school administrators or other school personnel required to hold a teaching or administrative license or certificate, and full- or part-time compensated school employees required to hold a temporary coaching license or professional coaching certificate.

All mandated reporters must make the report themselves and then immediately notify the Chief Academic Officer or designee. The Chief Academic Officer or designee will be responsible for all subsequent administration necessitated by the report.

Any report will include the name, title and contact information for every staff member who is believed to have direct knowledge of the allegations in the report.

Prohibition of Retaliatory Personnel Action

Social Services Law Section 413(1) also prohibits a school from taking any retaliatory personnel action against an employee because the employee believes that he/she has reasonable cause to suspect that a child is an abused or maltreated child and that employee makes a report to SCR pursuant to Social Services Law. Further, no school or school official will impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

Pursuant to Labor Law Section 740(1)(e), "retaliatory personnel action" means the discharge, suspension or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

Report Form

The "Report of Suspected Child Abuse or Maltreatment" Form LDSS-2221A may be accessed at the OCFS website.

Child Abuse in an Educational Setting

The School is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers.

"Child abuse" means any of the following acts committed in an educational setting by an employee or volunteer against a child:

1. Intentionally or recklessly inflicting physical injury, serious physical injury or death;
2. Intentionally or recklessly engaging in conduct which creates a substantial risk of physical injury, serious physical injury or death;
3. Any child sexual abuse, defined as conduct prohibited by Penal Law Articles 130 or 263; or
4. The commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Penal Law Article 235.

"Educational setting" means the building(s) and grounds of the School; the vehicles provided by the School for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off School grounds; all co-curricular and extracurricular activity sites; and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

In any case where an oral or written allegation is made to a teacher, school's registered professional nurse, school guidance counselor, school psychologist, school social worker, school administrator, Board member, or other school personnel required to hold a teaching or administrative license or certificate, that a child (defined in the law as a

person under the age of twenty-one (21) years enrolled in a School in this state) has been subjected to child abuse by an employee or volunteer in an educational setting, that person will upon receipt of the allegation:

1. Promptly complete a written report of the allegation including the full name of the child alleged to be abused; the name of the child's parent; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. This written report will be completed on a form as prescribed by the Commissioner of Education.
2. Except where the school administrator is the person receiving an oral or written allegation, the employee completing the written report must promptly personally deliver a copy of that written report to the school administrator of the school in which the child abuse allegedly occurred.

In any case where it is alleged the child was abused by an employee or volunteer of a school other than their own, the report of these allegations will be promptly forwarded to the Chief Academic Officer of the School of the child's attendance and the School where the abuse allegedly occurred.

Any employee or volunteer who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in accordance with the reporting requirements of the law will have immunity from civil liability which might otherwise result by reason of such actions.

Upon receipt of a written report alleging child abuse in an educational setting, the Chief Academic Officer must then determine whether there is "reasonable suspicion" to believe that an act of child abuse has occurred. Where there has been a determination as to the existence of reasonable suspicion, the Chief Academic Officer must follow the notification/reporting procedures mandated in law and further described in administrative regulations including parental notification.

Where the Chief Academic Officer has forwarded a written report of child abuse in an educational setting to law enforcement authorities, the Chief Academic Officer will also refer the report to the Commissioner of Education where the employee or volunteer alleged to have committed an act of child abuse holds a certification or license issued by the State Education Department.

Any Chief Academic Officer who reasonably and in good faith makes a report of allegations of child abuse in an educational setting, or reasonably and in good faith transmits such a report to a person or agency as required by law, will have immunity from civil liability which might otherwise result by reason of such actions.

Reports and other written material submitted pursuant to law with regard to allegations of child abuse in an educational setting, and photographs taken concerning those reports

that are in the possession of any person legally authorized to receive such information, will be confidential and will not be re-disclosed except to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or pursuant to a court-ordered subpoena. The Chief Academic Officer will exercise reasonable care in preventing the unauthorized disclosure.

Additionally, teachers and all other school officials will be provided an annual written explanation concerning the reporting of child abuse in an educational setting, including the immunity provisions as enumerated in law. Further, the Commissioner of Education will furnish the School with required information, including rules and regulations for training necessary to implement School/staff responsibilities under the law.

Prohibition of "Silent" (Unreported) Resignations

The Chief Academic Officer and other school administrators are prohibited from withholding from law enforcement authorities or the Commissioner of Education, where appropriate, information concerning allegations of child abuse in an educational setting against an employee or volunteer in exchange for that individual's resignation or voluntary suspension from his/her position.

Chief Academic Officers, or a designated administrator, who reasonably and in good faith report to law enforcement officials information regarding allegations of child abuse or a resignation as required pursuant to the law will have immunity from any liability, civil or criminal, which might otherwise result by reason of such actions.

NOTIFICATION OF SEX OFFENDERS

In accordance with the Sex Offender Registration Act ("Megan's Law"), the Board of Trustees supports the New York State Department of Criminal Justice Services (DCJS) in its effort to inform the community in certain circumstances of the presence of individuals with a history of sex offenses, particularly against children, in the school locality. This policy is enacted in order to minimize the possibility that the sex offender will come in contact with school-age children, and to assist law enforcement agencies in preventing further criminal activity from occurring. Furthermore, the School will cooperate with local police authorities and the local community in promoting and protecting the safety and well-being of its students.

The School will disseminate all information which it receives from local police authorities in conjunction with Megan's Law to designated staff members who might have possible contact with the offender during the course of their school duties including, but not limited to, principals, supervisors, teachers, office personnel, coaches, custodians, bus drivers, and security personnel. The Chief Academic Officer reserves the right to automatically disseminate such information to additional members of the staff, designated supervisors of non-school groups that regularly use School facilities and have children in attendance, parents/guardians of School students, and other community residents who, in the opinion

of the Chief Academic Officer, have an immediate need to be notified of such data in order to maintain student safety.

All staff members will be informed of the availability of the information received by the School pursuant to Megan's Law upon written request to the applicable Chief Academic Officer.

Staff members will inform their immediate supervisor if they observe within the school building, on school grounds, at school activities, or at or near bus routes any individual whose description matches the information which was provided to the School by local law enforcement authorities. Law enforcement officials will be notified of this information by the School as appropriate.

Information that is disseminated to the School pursuant to Megan's Law may be disclosed or not disclosed by the School in its discretion. Any information that the School receives regarding a sex offender from a source other than the Sex Offender Registry, and is maintained independent of the requirements of Megan's Law, will be available from the School, upon written request, in accordance with the requirements of the Freedom of Information Law (FOIL).

As a mandatory condition of the sentence for sex offenders placed on probation or conditional discharge whose victim was under the age of eighteen (18) or who has been designated a Level 3 sex offender, the court requires that such sentenced offender refrain from knowingly entering into or upon school grounds or any other facility or institution primarily used for the care or treatment of persons under the age of eighteen (18) while one or more of such persons are present.

However, by exception, a sex offender may enter school grounds or facility with the written authorization of his/her parole officer and the Chief Academic Officer for limited authorized purposes. Entrance upon the premises is subject to the following conditions:

1. The offender is a registered student, participant or employee of the facility;
2. The offender is an employee of an entity contracted by the facility;
3. The offender has a family member enrolled in the facility; or
4. If the school is the offender's designated polling place and he/she enters solely to vote.

IV. STUDENT EVALUATION POLICY

COMPREHENSIVE STUDENT ATTENDANCE

Statement of Overall Objectives

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

1. To increase school completion for all students;
2. To raise student achievement and close gaps in student performance;
3. To identify attendance patterns in order to design attendance improvement efforts;
4. To know the whereabouts of every student for safety and other reasons;
5. To verify that individual students are complying with education laws relating to compulsory attendance; and
6. To determine the School's average daily attendance for State aid purposes.

Description of Strategies to Meet Objectives

The School will:

1. 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;
2. Maintain accurate recordkeeping via a Register of Attendance to record attendance, absence, tardiness or early departure of each student;
3. Utilize data analysis systems for tracking individual student attendance and individual and group trends in student attendance problems; and
4. Develop early intervention strategies to improve school attendance for all students.

Determination of Excused and Unexcused Absences, Tardiness and Early Departures

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

1. **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 medical appointment, or other such reasons as may be approved by the Board of Trustees.

2. **Unexcused/ Illegal Absence:** An absence, tardiness or early departure is considered unexcused if the reason for the lack of attendance does not fall into the above categories.

A written excuse, signed by a parent/person in parental relation should be presented by the student when returning to school following each absence.

Student Attendance Recordkeeping/Data Collection

The record of each student's presence, absence, tardiness and early departure will be kept in a register of attendance in a manner consistent with Commissioner's regulations. An absence, tardiness or early departure will be entered as "excused" or "unexcused" along with the School code for the reason.

Attendance shall be taken and recorded in accordance with the following:

1. For students in non-departmentalized kindergarten through grade six (i.e., self-contained classrooms and supervised group movement to other scheduled school activities such as physical education in the gym, assembly, etc.), the student's presence or absence will be recorded after the taking of attendance once per school day, provided that students are not dismissed from school grounds during a lunch period. Where students are dismissed for lunch, their presence or absence shall also be recorded after the taking of attendance a second time upon the student's return from lunch. For purposes of Teacher-Student Data Linkages (TSDL), classroom attendance for all students K through 6 must be recorded on a subject by subject basis for Teacher of Record Determinations.
2. Any absence for a school day or portion thereof will be recorded as excused or unexcused in accordance with the standards articulated in this policy.
3. In the event that a student at any instructional level from grades K through 6 arrives late for or departs early from scheduled instruction, such tardiness or early departure will be recorded as excused or unexcused in accordance with the standards articulated in this policy.

A record will 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 will 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 will be compiled and provided to the designated school personnel who are responsible for attendance. The nature of the absence, tardiness or early departure will be coded on a student's record in accordance with the established School/building procedures.

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 School'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 will be followed:

1. Copies of this policy will be available to parents/persons in parental relation and provided to students at the beginning of each school year or at the time of enrollment in the School.
2. School newsletters and publications will include periodic reminders of the components of the School's Comprehensive Student Attendance Policy. A plain English copy of the Attendance Policy will also be included in parent/student handbooks.
3. At periodic intervals, a designated staff member(s) will notify, by telephone, the parent/person in parental relation of the student's absence, tardiness, or early departure and explain the relationship of the student's attendance to his/her ability to receive course credit. If the parent/person in parental relation cannot be reached by telephone, a letter shall be sent detailing this information.
4. A designated staff member will review the School's Attendance Policy with students who have excessive and/or unexcused absences, tardiness or early departures. Further, appropriate student support services/personnel within the School, 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.

Notice of Students who are Absent, Tardy or Depart Early Without Proper Excuse

A designated staff member will notify by telephone the parent/person in parental relation to a student who is absent, tardy or departs early without proper excuse. The staff member will explain the School's Policy, the School's/building level intervention procedures, and, if appropriate, the relationship between student attendance and course credit. If the parent/person in parental relation cannot be reached by telephone, the staff member will provide notification by mail. Further, the School's Attendance Policy will be mailed to the parent/person in parental relation to promote awareness and help ensure compliance with the policy.

If deemed necessary by appropriate school officials, or if requested by the parent/person in parental relation, a school conference will be scheduled between the parent/person 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.

Disciplinary Consequences

Unexcused absences, tardiness and early departures will result in disciplinary sanctions as described in the School's *Code of Conduct*. Negative consequences will not be imposed, however, where the absence, tardiness or early departure is related to homelessness. Parents/persons in parental relation will be notified by designated School personnel at periodic intervals to discuss their child's absences, tardiness or early departures and the importance of class attendance and appropriate interventions.

Intervention Strategy Process

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

1. Identify specific element(s) of the pattern (e.g., grade level, building, time frame, type of unexcused absences, tardiness or early departures);
2. Contact the School staff most closely associated with the element. In specific cases where the pattern involves an individual student, the student and parent/person in parental relation will be contacted;
3. Discuss strategies to directly intervene with specific element;
4. Recommend intervention to Chief Academic Officer or his/her designee if it relates to change in School policy or procedure;
5. Implement changes, as approved by appropriate administration;
6. Utilize appropriate School and/or community resources to address and help remediate student unexcused absences, tardiness or early departures;
7. Monitor and report short and long term effects of intervention.

Appeal Process

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

Building Review of Attendance Records

The Principal will work in conjunction with the 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.

Annual Review by the Board of Trustees

The Board of Trustees will annually review the building level student attendance records and if the records show a decline in student attendance, the Board will make any revisions to the Policy and plan deemed necessary to improve student attendance.

Community Awareness

The Board of Trustees will promote necessary community awareness of the School's Comprehensive Student Attendance Policy by:

1. 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 parents/persons in parental relation;
2. Providing each teacher, at the beginning of the school year or upon employment, with a copy of the policy; and
3. Providing copies of the policy to any other member of the community upon request.

STUDENT EVALUATION, PROMOTION AND PLACEMENT

Grade Promotion and Placement

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

Testing Program

The School utilizes various ability, achievement, diagnostic, readiness, interest and guidance tests for the purpose of complying with state and federal law and/or aiding the implementation of quality educational services. The School will not make any student promotion or placement decisions based solely or primarily on student performance on the state administered English language arts and mathematics assessments for grades 3 through 6. The School may, however, consider student performance on such state assessments in making student promotion and placement decisions provided that

multiple measures be used in addition to such assessments and that such assessments do not constitute the major factor in such determinations.

Alternative Testing Procedures

The use of alternative testing procedures will be limited to:

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

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

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

Reporting to Parents and Persons in Parental Relation to Students

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

The School will not place or include on a student's official transcript or maintain in a student's permanent record any individual student score on a state administered standardized English language arts or mathematics assessment for grades 3 through 6. However, the School will comply with state and federal requirements regarding the maintenance and transfer of student test scores. Any test results on a state administered standardized English language arts or mathematics assessment for grades 3 through 6 sent to parents or persons in parental relation to a student will include a clear and conspicuous notice that such results will not be included on the student's official transcript or in the student's permanent record and are being provided to the student and parents for diagnostic purposes.

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

V. STUDENT GENDER IDENTITY POLICY

All students need a safe and supportive educational environment to progress academically and developmentally. The School is committed to fostering a safe learning environment for all students, free from discrimination and harassment on the basis of sex, gender, gender identity, gender nonconformity, and gender expression. In accordance with applicable law, regulations, and guidelines, the School will ensure that students have equal access to all school programs, facilities, and activities. The School will assess and address the specific needs of each student on a case-by-case basis.

Key Terms

Generally, School personnel should use the language that individual students are using to describe their own gender identity, appearance, or behavior. The most commonly used terms are:

Cisgender: a person whose gender identity corresponds to their assigned sex at birth.

Gender: actual or perceived sex, typically with reference to social and cultural differences rather than physiological ones.

Gender expression: the ways a person conveys their gender identity to others, such as through behavior, appearance, clothing, hairstyle, activities, voice, and mannerisms.

Gender identity: a person's inner sense or psychological knowledge of being male, female, neither, or both.

Gender nonconforming (GNC): describes someone whose gender identity or gender expression does not conform to social or stereotypical expectations of a person with that gender assigned at birth. This is also referred to as gender variant or gender atypical.

Transgender: someone whose gender identity is different than their gender assigned at birth.

Transition: the process by which a person socially or physically aligns their gender expression more closely to their gender identity than their assigned sex at birth.

Records

As required by law, the School will maintain the confidentiality of student information and records. If a transgender or GNC student has officially changed his or her name, as demonstrated by court order or birth certificate, the School will change its official and unofficial records, as needed, to reflect the change. The School will maintain records with the student's assigned birth name in a separate, confidential file.

If a transgender or GNC student has not officially changed his or her name, but wishes to be referred to by a different name that corresponds to their gender identity, the School may create or change unofficial records to reflect the name and gender identity that the student consistently asserts at school. On state standardized tests, certain reports to the New York State Education Department, and when necessary to ensure appropriate and coordinated medical care, however, the School will use the student's legal name and gender. Any student identification cards will be issued with the name reflecting the gender identity the student consistently asserts at school. The School will maintain records with the student's assigned birth name and gender in a separate, confidential file.

Names and Pronouns

When apprised of a student's transgender or GNC status, the School will endeavor to engage the student and his or her parents or guardians, as appropriate, in an effort to agree upon a plan that will accommodate the student's individual needs at school. Transgender and GNC students have the right to discuss and convey their gender identity and expression openly and to decide when, with whom, and how much to share this confidential information. The plan may therefore include when and how to initiate the student's preferred name and associated pronoun use and if, when, and how this is communicated to others. School staff will use the name and pronoun that corresponds to the gender identity the student consistently asserts at school.

Restrooms and Locker Rooms

The School will allow a transgender or GNC student to use the restroom and locker room that corresponds to the student's consistently expressed gender identity at school. Any student requesting increased privacy or other accommodations when using bathrooms or locker rooms will be provided with a safe and adequate alternative, but they will not be required to use that alternative.

Physical Education and Sports

Physical education is a required part of the School's curriculum. Where these classes are sex-segregated, students will be allowed to participate in a manner consistent with their gender identity. Students will likewise be allowed to participate in intramural activities consistent with their gender identity.

Other Activities

Generally, in other circumstances where students may be sex-segregated, such as overnight field trips, students may be permitted to participate in accordance with the gender identity that the student consistently asserts at school. Student privacy concerns will be addressed individually and on a case-by-case basis in accordance with School policy and applicable law, regulations, and guidelines.

Dress Code

Transgender or GNC students may dress in accordance with their gender identity or expression, within the parameters of the School's dress code. The School will not restrict students' clothing or appearance on the basis of gender.

VI. STUDENT HEALTH POLICY

Physical Activity and Education

Physical Activity

Since physical activity affects students' emotional and physical well-being, as well as their cognitive development, the School is committed to ensuring that all students, including students with disabilities requiring adaptations or modifications, are provided the opportunity to participate in physical activity before, during, and after school. Physical activity opportunities will be in addition to, not in lieu of, physical education.

Recess, physical education, or other physical activity time will not be cancelled for instructional make-up time, nor will it be withheld for disciplinary action unless the student is a danger to himself, herself or others. This does not include participation on sport teams that may have specific academic requirements. Classroom teachers will be provided with a list of ideas for alternative ways to discipline students.

The School is committed to encouraging physical activity through the following:

1. **Classroom Physical Activity Breaks (Elementary and Secondary)**
All classroom teachers, and particularly those engaged in the instruction of K through 5 students, are strongly encouraged to incorporate into the school day short breaks for students that include physical activity, especially after long periods of inactivity.
2. **Recess (Elementary)**
All elementary students will be offered one daily period of recess for a minimum of 20 minutes. This requirement will not apply on days where students arrive late, leave early, or are otherwise on campus for less than a full day. Outdoor recess will be offered when weather permits. In the event that indoor recess is necessary, it will be offered in a place that accommodates moderate to vigorous physical activity.
3. **Active Academics**
Teachers are encouraged to incorporate kinesthetic learning approaches into core learning subjects when possible to limit sedentary behavior during the school day.
4. **Before and After School Activities**
The School will offer opportunities for all students to participate in physical activity before and/or after the school day through various methods, such as physical activity clubs, intramurals, and interscholastic sports.
5. **Active Transport**
The School supports active transport to and from school, i.e. walking or biking. The School will encourage this behavior by securing storage facilities for bicycles and equipment and instructing students on walking and bicycling safety. The School strongly encourages the use of appropriate

protective wear, such as helmets.

Physical Education

The School will have a Board-approved Physical Education Plan on file with the New York State Education Department that meets or exceeds the requirements set forth in the Commissioner's regulations. All students will be required to fulfill the physical education requirements set forth in the Commissioner's regulations as a condition of graduating from the School.

The School recognizes the importance of physical education classes in providing students with meaningful opportunities for physical exercise and development. Consequently, the School will ensure that:

1. All physical education classes are taught or supervised by a certified physical education teacher;
2. All physical education staff receive professional development relevant to physical education on an annual basis;
3. Interscholastic sports, intramural sports, and recess do not serve as substitutes for a quality physical education program;
4. Students are afforded the opportunity to participate in moderate to vigorous activity for at least 50% of physical education class time;
5. It provides adequate space and equipment for physical education and conforms to all applicable safety standards;
6. An age-appropriate, sequential physical education curriculum consistent with national and state standards for physical education is implemented, with a focus on students' development of motor skills, movement forms, and health-related fitness;
7. A physical and social environment is provided that encourages safe and enjoyable activity for all students; and
8. Activities or equipment are adapted or modified to meet the needs of students who are temporarily or permanently unable to participate in the regular program of physical education. In doing so, the School will abide by specific provisions in 504 Plans and/or individualized education programs (IEP). To that end, the Committee on Special Education (CSE) will ensure that a certified physical education teacher participates in the development of a student's IEP, if the student may be eligible for adapted physical education.

Other School-Based Activities that Promote Student Wellness

The School is committed to establishing a school environment that is conducive to healthy eating and physical activity for all. The School will, therefore, pursue the following:

Community Partnerships

The School will develop, enhance, and continue relationships with community partners in support of the implementation of this wellness policy. Existing and new community partnerships will be evaluated to ensure they are consistent with this wellness policy and its goals. The School will provide all community partners with a copy of this wellness policy so that they are aware of the School's requirements and goals.

Community Access to Facilities for Physical Activities

School grounds and facilities will be made available to students, staff, community members and organizations, and agencies offering physical activity and nutrition programs consistent with School policy. Subject to provisions regarding conduct on school grounds and administrative approval of use by outside organizations.

Professional Learning

When feasible, the School will offer annual professional learning opportunities and resources for staff to increase knowledge and skills about promoting healthy behaviors in the classroom (e.g., increasing the use of kinesthetic teaching approaches or incorporating nutrition lessons into math class). Professional learning will help School staff understand the connections between academics and health and the ways in which health and wellness are integrated into ongoing reform or academic improvement plans/efforts.

VII. TOBACCO AND DRUG POLICY

SMOKING/TOBACCO USE

General

For purposes of this policy, tobacco is defined to include any lighted or unlighted cigarette, cigar, cigarillo, pipe, bidi, clove cigarette, spit/spitless tobacco and any other smoking or tobacco product, (smokeless, dip, chew, snus and/or snuff) in any form.

It is the policy of the School that the use of e-cigarettes, vaporizers and any other products containing nicotine, except for current FDA-approved smoking cessation products used by employees, are also prohibited.

Posting/Notification of Policy

In compliance with the New York State Clean Indoor Air Act, the School will prominently post its Smoking/Tobacco Use policy and signs prohibiting **all** forms of tobacco products in School buildings and other appropriate locations; and will supply a copy upon request to any current or prospective employee. The School will also designate an official to tell individuals who smoke in a non-smoking area that they are in violation of the New York State Public Health Law, Education Law, the federal Pro-Children Act of 1994 and School policy.

The School will also ensure that this policy is communicated to staff, students, parents/guardians, volunteers, and visitors as deemed appropriate in order to orient all persons to the School's "No Smoking" Policy and environment.

Prohibition of Tobacco Promotional Items/Tobacco Advertising

Tobacco promotional items (e.g., brand names, logos and other identifiers) are prohibited:

1. On school grounds;
2. In school vehicles;
3. At school-sponsored events, including those that take place off school premises and in another state;
4. In school publications; and
5. On clothing, shoes, accessories, gear, and school supplies .

In addition, tobacco advertising is also prohibited in all school-sponsored publications and at all school sponsored events. The School will request, whenever possible, tobacco free editions of periodical publications for school libraries and classroom use.

DRUG-FREE WORKPLACE

The Board of Trustees affirms that all programs in the School that receive Federal funds will guarantee that their workplaces are free of controlled substances. "Controlled substance" means a controlled substance in schedules I through V of the Controlled Substances Act. An acknowledgment form will be signed by the Chief Academic Officer indicating that the School is in full compliance with the Drug-Free Workplace Act. This policy guarantees that not only Federally funded programs, but the entire School is free of controlled substances.

"Workplace" is defined as a school building or other school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the School.

The Board of Trustees directs the administration to develop regulations to comply with this policy, and further supports such actions and activities of the administration as required to maintain a drug-free workplace.

VIII. USE OF FACILITIES BY THE BOY SCOUTS OF AMERICA AND PATRIOTIC YOUTH GROUPS

Niagara Charter School will not deny any group officially affiliated with the Boy Scouts of America or any other patriotic youth group listed in Title 36 of the United States Code equal access or a fair opportunity to meet. The School will not discriminate against any such group that requests to conduct a meeting within the School's designated open forum or limited public forum, including denying such access or opportunity or discriminating for reasons based on the group's membership or leadership criteria or oath of allegiance to God and country.

The School will provide groups officially affiliated with the Boy Scouts of America or other Title 36 patriotic youth group access to facilities and the ability to communicate using school-related means of communication on terms that are no less favorable than the most favorable terms provided to other outside youth or community groups.

The School is not required to sponsor any group officially affiliated with Boy Scouts or any other Title 36 patriotic youth group.

IX. ANIMALS IN THE SCHOOL FOR INSTRUCTIONAL PURPOSES POLICY

Observation and experimentation with living organisms and animals gives students unique perspectives of life processes. Animals and animal materials should be used respectfully and for the purpose of meeting course objectives.

The Board of Trustees, in recognizing the educational uses of animals in the classroom, requires that permission be obtained from the Chief Academic Officer before animals are brought into the school or classrooms. It is the Chief Academic Officer's responsibility to ensure that there is an appropriate educational purpose if any animal is housed in a classroom. Animals are not to be transported on school buses with the exception of service animals.

Study and Care of Live Animals

It is the responsibility of the Chief Academic Officer or his/her designee to develop a plan of care for those animals housed in school in the event of an emergency school closing or in the event the animals remain in the classroom on days when school is not in session.

Dissection of Animals

Any student expressing a moral or religious objection to the performance or witnessing of the dissection of an animal, either wholly or in part, will be provided the opportunity to undertake and complete an alternative project approved by the student's teacher, provided that such objection is substantiated in writing by the student's parent or legal guardian. An alternate activity clearly related to and of comparable rigor will be assigned in lieu of laboratory dissection. Some examples of alternate activities include the use of computer simulations or research. Students who perform alternative projects will not be penalized.

The School will give reasonable notice to all students enrolled in a course that includes the dissection of an animal and students' parent(s)/legal guardian(s) about their rights to seek an alternate project to dissection. Notice will be made available upon request at the School and distributed to parents and students enrolled in a course that includes dissection at least once at the beginning of the school year.

Instruction in the Humane Treatment of Animals

Students in elementary school must receive instruction in the humane treatment and protection of animals and the importance of the part they play in the economy of nature as well as the necessity of controlling the proliferation of animals that are subsequently abandoned and caused to suffer extreme cruelty. This instruction will be for a period of time as specified by the Board of Regents and may be joined with work in literature, reading, language, nature study, or ethnology.

X. INTERNET AND DATA SAFETY AND SECURITY POLICY

CONFIDENTIALITY OF COMPUTERIZED INFORMATION

The development of centralized computer banks of educational data gives rise to the question of the maintenance of confidentiality of such data while still conforming to the New York State Freedom of Information Law. The safeguarding of confidential data from inappropriate use is essential to the success of the School's operation. Access to confidential computerized data shall be limited only to authorized personnel of the School.

It shall be a violation of the School's policy to release confidential computerized data to any unauthorized person or agency. Any employee who releases or otherwise makes improper use of such computerized data shall be subject to disciplinary action.

However, if the computerized information sought is available under the Freedom of Information Law and can be retrieved by means of existing computer programs, the School is required to disclose such information.

Definitions for this Section

"Private Information" means Personal Information in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:

1. Social security number;
2. Driver's license number or non-driver identification card number; or
3. Account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial account.

"Private Information" does not include publicly available information that is lawfully made available to the general public from federal, state or local government records.

"Personal Information" means any information concerning a person which, because of name, number, symbol, mark or other identifier, can be used to identify that person.

"Personally Identifiable Information (PII)" includes information, such as a student's name or identification number, that can be used to distinguish or trace an individual's identity either directly or indirectly through linkages with other information. PII includes an individual's name, identification number, social security number, date and place of birth, mothers' maiden name, biometric records, etc.

"Breach of the security of the system," means unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality, or integrity of personal information maintained by the School. Good faith

acquisition of personal information by an employee or agent of the School for the purposes of the School is not a breach of the security of the system, provided that private information is not used or subject to unauthorized disclosure.

"Data Breach" is any instance in which there is an unauthorized release of or access to PII from student education records or other protected information about students not suitable for public release.

"Education Records" are records directly related to a student and maintained by an education agency or institution, or by a party acting on behalf of the agency or institution.

INFORMATION SECURITY BREACH AND NOTIFICATION

The School values the protection of private information of individuals in accordance with applicable law and regulations. Further, the School is required to notify affected individuals when there has been or is reasonably believed to have been a compromise of the individual's Private Information in compliance with the Information Security Breach and Notification Act and Board policy.

Determining if a Breach Has Occurred

In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or person without valid authorization, the School may consider the following factors, among others:

1. Indications that the information is in the physical possession or control of an unauthorized person, such as a lost or stolen computer or other device containing information; or
2. Indications that the information has been downloaded or copied; or
3. Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported; and
4. System failures.

Additional Signs of a Breach

Signs that a computer or system may have been compromised or breached may include the following:

1. Abnormal response time or non-responsiveness;
2. Unexplained account lockouts;
3. Inoperable passwords;
4. Inability to open website homepage or unexplained changes/content to website;
5. Programs not running properly;
6. Lack of disk space or memory;
7. Bounced back emails;

8. Inability to connect to the network;
9. Continuous or increasing crashes;
10. Abnormal hard drive activity;
11. Connecting to unfamiliar sites;
12. Changes in browser settings; and
13. Extra or unfamiliar toolbars that cannot be deleted.

Employees should report a suspected data breach to the principal or designee and to the Technology Coordinator immediately.

Investigation of Breaches

Breach investigations will be conducted by the Technology Coordinator or a designee of the Principal. If necessary, law enforcement should be contacted when a breach is detected. Steps to be taken in a breach investigation may include:

1. Determine exactly what information was compromised;
2. Take steps immediately to retrieve data and prevent any further disclosures;
3. Identify all affected records and students and/or employees;
4. Determine how the incident occurred, including which school officials had control of and responsibility for the information that was compromised;
5. Determine whether institutional policies and procedures were breached, including organizational requirements governing access (user names, passwords, PINs, etc.); storage; encryption; transmission; and destruction of information from education records;
6. Determine whether the incident occurred because of a lack of monitoring and oversight;
7. Conduct a risk assessment and identify appropriate physical, technological, and administrative measures to prevent similar incidents in the future;
8. Determine when the breach occurred;
9. Determine which computers or networks were involved;
10. Determine if the data encryption key was compromised;
11. Clarify the scope of the breach and the individuals involved;
12. Determine if the breach also involved additional cyber incidents such as denial of service, scans or malicious code.

Notification Requirements

For any computerized data owned or licensed by the School that includes private information, the School will disclose any breach of the security of the system following discovery or notification of the breach to any New York State resident whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The disclosure to affected individuals will be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system. The School will consult

with the State Office of Information Technology Services to determine the scope of the breach and restoration measures.

For any computerized data maintained by the School that includes private information which the School does not own, the School will notify the owner or licensee of the information of any breach of the security of the system immediately following discovery, if the private information was, or is reasonably believed to have been, acquired by a person without valid authorization.

The notification requirement may be delayed if a law enforcement agency determines that the notification impedes a criminal investigation. The required notification will be made after the law enforcement agency determines that the notification does not compromise the investigation.

Methods of Notification

The required notice will be directly provided to the affected persons by one of the following methods:

- a) Written notice;
- b) Electronic notice, provided that the person to whom notice is required has expressly consented to receiving the notice in electronic form; and a log of each such notification is kept by the School when notifying affected persons in electronic form;
- c) Telephone notification, provided that a log of each such notification is kept by the School when notifying affected persons by phone; or
- d) Substitute notice, if the School demonstrates to the State Attorney General that the cost of providing notice would exceed \$250,000, or that the affected class of subject persons to be notified exceeds 500,000, or that the School does not have sufficient contact information. Substitute notice will consist of **all** of the following:
 - 1. Email notice when the School has an email address for the subject persons;
 - 2. Conspicuous posting of the notice on the School's website page, if the School maintains one; and
 - 3. Notification to major statewide media.

Regardless of the method by which notice is provided, the notice will include contact information for the notifying the School and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, so acquired.

In the event that any New York State residents are to be notified, the School will notify the New York State Attorney General (AG), the New York State Division of Consumer Protection, and the New York State Office of Information Technology Services as to the

timing, content and distribution of the notices and approximate number of affected persons.

In the event that more than five thousand (5,000) New York State residents are to be notified at one time, the School will also notify consumer reporting agencies, as defined pursuant to State Technology Law Section 208, as to the timing, content and distribution of the notices and approximate number of affected persons. The notice will be made without delaying notice to affected New York State residents. A list of consumer reporting agencies will be compiled by the State Attorney General and furnished upon request to Schools required to make a notification in accordance with State Technology Law Section 208(2), regarding notification of breach of security of the system for any computerized data owned or licensed by the School that includes private information.

STUDENT DATA BREACHES

A student data breach is defined as any instance in which there is an unauthorized release of or access to PII or other protected information of students not suitable for public release.

The school has a legal responsibility to protect the privacy of education data, including PII of its students. The Family Education Rights and Privacy Act of 1974, commonly known as FERPA, protects the privacy of student education records. Although FERPA does not include specific data breach notification requirements, it does protect the confidentiality of education records and requires schools to record each incident of data disclosure. In addition, under state law, direct notification of parents and/or affected students may be warranted depending on the type of data compromised, such as student social security numbers and/or other identifying information that could lead to identity theft.

The School has implemented privacy and security measures designed to protect student data stored in its student data management systems. These measures include reviewing information systems and data to identify where PII is stored and used; monitoring data systems to detect potential breaches; and conducting privacy and security awareness training for appropriate staff. In the event of an suspected breach, the School will promptly take steps to validate the breach, mitigate any loss or damage, and notify law enforcement if necessary.

Response to Student Data Breaches

In the event that information from student education records has been compromised or inadvertently disclosed, the School may take one or more of the following steps:

1. Validate or confirm the data breach and determine exactly what information was compromised.

2. Assemble an incident response team to coordinate all aspects of the breach response.
3. Take steps immediately to determine affected devices, retrieve data, and prevent any further disclosures.
4. Identify all affected records and students. Locate, obtain, and preserve for examination all written and electronic logs and records applicable to the breach.
5. Determine how the incident occurred, including which school officials had control of, and responsibility for, the information that was compromised.
6. Determine whether institutional policies and procedures were breached, including organizational requirements governing access, storage, transmission, and destruction of information from education records.
7. Conduct a risk assessment and identify appropriate physical, technological, and administrative measures to prevent similar incidents in the future.
8. Consult with the School Attorney to ensure compliance with any applicable federal, state, and/or local laws or regulations related to data breaches, reporting, or notification requirements.
9. Report the incident to law enforcement authorities if criminal activity is suspected.

Notification of Student Data Breaches

In the event of a student data breach, the School will determine whether notification is warranted or required and when it should be made, in accordance with federal, state, and local laws. If the compromised data includes student social security numbers in combination with other identifying information that could lead to identity theft, the School may directly notify affected students and/or their parents of the breach and notify students and their parents and refer them to the U.S. Education Department's Office of Inspector General website.

The School will also maintain a record of each incident of data disclosure in accordance with federal law.

PII Storage and Monitoring

Review Information Systems and Data

The School, in conjunction with appropriate staff will review information systems and data to identify where PII is stored and used. The review may involve:

1. Documenting what PII and other sensitive information is maintained by the School, where it is stored (including backup and archived data), and how it is kept secure;
2. Conducting regular risk assessments and evaluating privacy threats for the School;

3. Reviewing those approved for access to PII or other sensitive information and checking user activity status to determine which accounts should be deactivated after a pre-determined period of inactivity;
4. Reviewing separation of duties to help ensure integrity of security checks and balances;
5. Implementing mitigation controls designed to prevent and detect unauthorized access, theft, or misuse of PII or other sensitive data;
6. Implementing security controls, such as encryption of sensitive data in motion and at rest (where feasible); and
7. Regularly reviewing and updating data destruction policies to minimize the risk of data breaches through unauthorized access to archived records or computers that are no longer in use.

Monitor Sensitive Data Leakage and Loss

The School will also monitor for PII and other sensitive data leakage and loss. This may include:

1. Employing automated tools, such as intrusion detection and prevention systems, next generation firewalls, and anti-virus and anti-malware tools, to monitor and alert about suspicious or anomalous activity;
2. Using data loss prevention solutions to track the movement and use of information within the School's system, to detect and prevent the unintentional disclosure of PII or other sensitive data, for both data at rest and data in motion;
3. Conducting regular searches of the information system and physical storage areas to identify PII that may be outside of approved areas;
4. Conducting internet searches to locate (and, whenever possible, remove) information that is already in the public domain or visible to the public; and
5. Periodically testing and checking privacy and information security controls to validate their effectiveness as part of a risk management program.

Conduct Privacy and Security Awareness Training

The School may conduct privacy and security awareness training which includes:

1. Providing privacy and information security training on a recurring basis to appropriate staff involved in data-related activities;
2. Posting and communicating privacy policies to parents, students, staff, and other users; and
3. Clearly defining and making easily accessible processes for reporting privacy incidents and complaints.

INTERNET SAFETY/INTERNET CONTENT FILTERING

In compliance with the Children's Internet Protection Act (CIPA) and Regulations of the Federal Communications Commission (FCC), the School will ensure the use of technology protection measures (i.e., filtering or blocking of access to certain material on the Internet) on all School computers with Internet access. These technology protection measures apply to Internet access by both adults and minors with regard to visual

depictions that are obscene, pornography, or, with respect to the use of computers by minors, considered harmful to students. The School will provide for the education of students regarding appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and regarding cyberbullying awareness and response. Further, appropriate monitoring of online activities of minors, as determined by the building/program supervisor, will also be enforced to ensure the safety of students when accessing the Internet.

Further, the Board of Trustees' decision to utilize technology protection measures and other safety procedures for staff and students when accessing the Internet fosters the educational mission of the School including the selection of appropriate teaching/instructional materials and activities to enhance the schools' programs; and to help ensure the safety of personnel and students while online.

However, no filtering technology can guarantee that staff and students will be prevented from accessing inappropriate sites. Proper safety procedures, as deemed appropriate by the applicable administrator/program supervisor, will be provided to ensure compliance with the CIPA.

In addition to the use of technology protection measures, the monitoring of online activities and access by minors to inappropriate matter on the Internet may, but will not be limited to, the following guidelines:

1. Ensuring the presence of a teacher and/or other appropriate School personnel when students are accessing the Internet including, but not limited to, the supervision of minors when using email, chat rooms, instant messaging and other forms of direct electronic communications. As determined by the appropriate building administrator, the use of email, chat rooms, as well as social networking websites, may be blocked as deemed necessary to ensure the safety of such students;
2. Monitoring logs of access in order to keep track of the websites visited by students as a measure to restrict access to materials harmful to minors;
3. In compliance with this Internet Safety Policy as well as the School's Acceptable Use Policy (AUP), unauthorized access and other unlawful activities by minors are prohibited by the School; and student violations of these policies may result in disciplinary action; and
4. Appropriate supervision and notification to minors regarding the prohibition as to unauthorized disclosure, use and dissemination of personal identification information regarding students.

The determination of what is "inappropriate" for minors shall be determined by the School and/or designated school official(s), the definition of which may vary depending upon the circumstances of the situation and the age of the students involved in online research.

The terms "minor," "child pornography," "harmful to minors," "obscene," "technology protection measure," "sexual act," and "sexual contact" will be as defined in accordance with CIPA and other applicable laws/regulations.

The School will provide certification, in accordance with the requirements of CIPA, to document the School's adoption and enforcement of its Internet Safety Policy, including the operation and enforcement of technology protection measures (i.e., blocking/filtering of access to certain material on the Internet) for all School computers with Internet access.

Internet Safety Instruction

In accordance with New York State Education Law, the School may provide, to students in grades K through 6, instruction designed to promote the proper and safe use of the Internet. The Commissioner will provide technical assistance to assist in the development of curricula for such course of study which will be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness, skills, information and support to aid in the safe usage of the Internet.

Additionally, students will be educated on appropriate interactions with other individuals on social networking websites and in chat rooms, as well as cyberbullying awareness and response.

Access to Inappropriate Content and Use of Personal Technology or Electronic Devices

Despite the existence of the School's policy, regulations and guidelines, it is virtually impossible to completely prevent access to content or material that may be considered inappropriate for students. Students may have the ability to access this content or material from their home, other locations off school premises and/or with a student's own personal technology or electronic device on school grounds or at school events.

The School is not responsible for inappropriate content or material accessed via a student's own personal technology or electronic device or via an unfiltered Internet connection received through a student's own personal technology or electronic device.

Notification/Authorization

The School's AUP will be disseminated to parents and students in order to provide notice of the school's requirements, expectations, and student's obligations when accessing the Internet.

This policy must be made available to the FCC upon request. Furthermore, appropriate actions will be taken to ensure the ready availability to the public of this policy as well as any other School policies relating to the use of technology.

DATA NETWORKS AND SECURITY ACCESS

The School values the protection of private information of individuals in accordance with applicable law, regulations, and best practice. Accordingly, School officials and Information Technology (IT) staff will plan, implement, and monitor IT security mechanisms, procedures, and technologies necessary to prevent improper or illegal disclosure, modification, or denial of sensitive information in the School Computer System (SCS). Similarly, such IT mechanisms and procedures will also be implemented in order to safeguard School technology resources, including computer hardware and software. School network administrators may review School computers to maintain system integrity and to ensure that individuals are using the system responsibly. Users should not expect that anything stored on school computers or networks will be private.

In order to achieve the objectives of this policy, the Board of Trustees entrusts the Chief Academic Officer, or his/her designee, to:

1. Inventory and classify PII on the SCS to protect the confidentiality, integrity, and availability of information;
2. Develop password standards for all users including, but not limited to, how to create passwords and how often such passwords should be changed by users to ensure security of the SCS;
3. Ensure that the "audit trail" function is enabled within the School's network operating system, which will allow the School to determine on a constant basis who is accessing the SCS, and establish procedures for periodically reviewing such audit trails;
4. Develop procedures to control physical access to computer facilities, data rooms, systems, networks, and data to only authorized individuals; such procedures may include ensuring that server rooms remain locked at all times and the recording of arrival and departure dates and times of employees and visitors to and from the server room;
5. Establish procedures for tagging new purchases as they occur, relocating assets, updating the inventory list, performing periodic physical inventories, and investigating any differences in an effort to prevent unauthorized and/or malicious access to these assets;
6. Periodically grant, change, and terminate user access rights to the overall networked computer system and to specific software applications and ensure that users are given access based on, and necessary for, their job duties;
7. Limit user access to the vendor master file, which contains a list of vendors from which School employees are permitted to purchase goods and services, to only the individual who is responsible for making changes to such list, and ensure that all former employees' access rights to the vendor master list are promptly removed;
8. Determine how, and to whom, remote access should be granted, obtain written agreements with remote access users to establish the School's needs and expectations, as appropriate, and monitor and control such remote access;
9. Verify that laptop computer systems assigned to teachers and administrators use full-disk encryption software to protect against loss of sensitive data;
10. Deploy software to servers and workstations to identify and eradicate malicious software attacks such as viruses and malware;

11. Develop a disaster recovery plan appropriate for the size and complexity of School IT operations to ensure continuous critical IT services in the event of any sudden, catastrophic event, including, but not limited to fire, computer virus or deliberate or inadvertent employee action.
12. Provide regular cybersecurity awareness training to all employees;
13. Establish procedures for routine testing and application of security patches and updates on all software on all school computers including, but not limited to, virus protection software.

PASSWORD GUIDELINES

Passwords are an important way to protect the security of the SCS and maintain the integrity of sensitive or confidential data. Therefore, in order to ensure the security of the SCS, users must comply with the following:

1. **Choosing Passwords:** The initial password provided to a system user must be changed by the user immediately upon gaining access to the system for the first time. Passwords must contain at least six characters, a mixture of upper and lowercase letters, and at least one number. Such passwords should not be a common word, family or pet name, address, birthday, social security, or telephone number. When a password is reset, it should not duplicate the previous passwords. In addition, user accounts will lock after three unsuccessful attempts to log on to the SCS.
2. **Changing Passwords:** Employees must change their network passwords every 90 days. Each password is secured by the individual users and maintained by the Office of Technology. All system level passwords will be changed whenever a member of the Information Technology (IT) staff changes. All user level passwords for network access will be changed when a compromise is suspected.
3. **Password Sharing:** Passwords should not be shared under any circumstances. If access is required by a supervisor, the system administrator will change the user's password to permit access. When the user returns to work, the password can be reset by the user.
4. **Related Security Practices:** Users should log out of the SCS if they will not be returning to their work station for a prolonged period of time. In addition, screensavers on all computer workstations should be set to engage within 15 minutes of user inactivity. The screensaver should then require the username and password of the logged in user when returning to activity. These measures are to lessen the risk of an unauthorized person accessing an unoccupied, but still logged in, workstation. Further, users should not post their current password in plain sight of the workstation. These actions expose the SCS and the user to potential security risks and information theft.

XI. SCHOOL WEB PAGE PUBLISHING POLICY AND STANDARDS

General Criteria

The availability of Internet access in the School provides an opportunity for staff and students to access information and to contribute to the School's presence on the World Wide Web. The School/classroom websites must relate to curriculum or instructional matters, school authorized activities, or general information of interest to the public pertaining to the School or its schools. Staff and students are prohibited from publishing personal home pages or links to personal home pages as part of the School/classroom Web Page(s) . Similarly, no individual or outside organization will be permitted to publish personal Web Pages as part of the School/classroom Web Page(s).

Internet access for the creation of Web Pages is provided by the School and all information must be reviewed by the Chief Technology Coordinator prior to publishing it on the Web. Personnel designing information for the Web Pages must familiarize themselves with and adhere to School standards and procedures. Failure to follow School standards or responsibilities may result in disciplinary sanctions in accordance with law and/or the applicable collective bargaining agreement.

The School will ensure that any and all notifications and documents required by law, regulation, or policy to be posted on its website will be so published.

Content Standards

- a) Approval for posting a Web Page must be obtained from the Chief Technology Coordinator or his/her designee(s). If at any time, the Website Manager/designee(s) believes the proposed material does not meet the standards approved by the School, it will not be published on the Web. Decisions regarding access to active Web Pages for editing content or organization will be the responsibility of the Website Manager/designee(s).
- b) A Web Page must be sponsored by a member of the School faculty, staff or administration who will be responsible for its content, design, currency and maintenance. The sponsor is responsible for ensuring that those constructing and maintaining the Web Page have the necessary technical training and that they fully understand and adhere to School policies and regulations. The Web Page must include the name of the sponsor.
- c) Staff or student work should be published only as it relates to a school/classroom authorized project or other school-related activity, and in compliance with any and all relevant laws, rules and regulations.
- d) The review of a Student Web Page (if considered a school-sponsored student publication) shall be subject to prior School review as would any other school-sponsored student publication.

- e) An authorized teacher who is publishing the final Web Page(s) for himself/herself or for a student will edit and test the Page(s) for accuracy of links and check for conformance with School standards and practices.
- f) Commercial advertising or marketing on the School/classroom Web Page(s) (or the use of school-affiliated Web Pages for the pursuit of personal or financial gain) shall be prohibited unless otherwise authorized in accordance with law and/or regulation. Decisions regarding website advertising must be consistent with existing School policies and practices on this matter. School-affiliated Web Pages may mention outside organizations only in the context of school programs that have a direct relationship to those organizations (e.g., sponsorship of an activity, student community service project).
- g) Web Pages may include faculty or staff names; however, other personal information about employees including, but not limited to, home telephone numbers, addresses, email addresses, or other identifying information such as names of family members may be published only with the employee's written permission.
- h) All Web Pages must conform to Regulations regarding standards of acceptable use; examples of inappropriate behavior; and compliance with applicable laws, privacy, and safety concerns.
- i) All staff and/or students authorized to publish material on the School/classroom Web Page(s) shall acknowledge receipt of the School's Web Page Standards and agree to comply with same prior to posting any material on the Web.

Release of Student Education Records/Directory Information

The School will not permit students' personally identifiable information to be posted on any School Web Pages unless the posting is consistent with the Family Educational Rights and Privacy Act (FERPA) and School Policy.

Bus Schedules

Online posting of school bus schedules and/or other specific activity schedules detailing dates/times/locations (e.g., field trips) is prohibited on school-affiliated websites as such information can pose risks of child abduction or other security concerns. Password protected websites may be authorized by the Chief Academic Officer/designee.

Use of Copyrighted Materials and "Fair Use" Exceptions

Copyrighted Materials

All employees and students are prohibited from copying materials not specifically allowed by the copyright law, "Fair Use" guidelines, licenses or contractual agreements, or the permission of the copyright proprietor. Web Page publications must include a statement of copyright when appropriate and indicate that permission has been secured when

including copyrighted materials or notice that such publication is in accordance with the "Fair Use" provisions of the Copyright Law.

However, the school's actions in such a case must be reasonably related to legitimate pedagogical concerns and may not amount to viewpoint discrimination.

Consequences for Non-Compliance

Web Pages that do not comply with the above criteria are subject to revocation of approval and removal from the School/classroom websites.

Staff

Faculty or staff posting non-approved or inappropriate material on a school-affiliated website are subject to discipline, including possible suspension or revocation of access to the School's computer network, in accordance with law and applicable collective bargaining agreements. In the case that a violation may constitute a criminal offense, it will be reported to the appropriate authorities.

Students

Students posting non-approved or inappropriate material on a school-affiliated website are subject to discipline, including possible suspension or revocation of access to the School's computer network, in accordance with applicable due process procedures and the *Code of Conduct*. In the case that a violation may constitute a criminal offense, it will be reported to the appropriate authorities.

Oversight

The Chief Academic Officer or his/her designee shall have the authority to approve or deny the posting of any proposed Web Pages on school-affiliated websites based upon compliance with the terms and conditions set forth in this policy as well as applicable School practices and procedures.

XII. RECORDS POLICY

RECORDS MANAGEMENT

A Records Management Officer will be designated by the Chief Academic Officer, subject to the approval of the Board of Trustees. The Records Management Officer will develop and coordinate an orderly and efficient records management program. This program includes the legal disposition or destruction of obsolete records and the storage and management of inactive records. The Records Management Officer will be given the authority and responsibility to work with other local officials at all levels in the development and maintenance of the records management program.

In addition, a Records Advisory Board may be created to assist in establishing and supporting the records management program. The School's legal counsel, the fiscal officer, and the Chief Academic Officer /designee may comprise the Advisory Board.

Retention and Disposition of Records

The Chief Academic Officer will retain records for such a period and dispose of them in the manner described in Records Retention and Disposition Schedule ED-1.

Special Approvals for Disposition of Records

Records not listed on a records retention and disposition schedule will not be disposed of without the approval of the Commissioner of Education. Similarly, records that have been damaged by natural or manmade disasters, such that the information contained in those records is substantially destroyed, or the records constitute a human health or safety risk also require the Commissioner's approval before disposition.

Replacing Original Records with Microforms or Electronic Images

Digital images of public records may be stored on electronic media, and such electronic records may replace paper originals or micrographic copies of these records. To ensure accessibility and intelligibility for the life of these records, the School will follow the procedures prescribed by the Commissioner of Education.

Retention and Preservation of Electronic Records

The School will ensure that records retention requirements are incorporated into any plan and process for design, redesign, or substantial enhancement of an information system that stores electronic records. The School will also ensure that electronic records are not rendered unusable because of changing technology before their retention and preservation requirements are met.

STUDENT RECORDS

The School will comply with the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Under its provisions, parents/guardians and noncustodial parent(s), whose rights are not limited by court order or formal agreement, have a right to inspect

and review any and all education records maintained by the School. All appropriate staff will be trained in such requirements, and the School's Special Education Coordinator will be responsible for ensuring the confidentiality of personally identifiable information within student records.

Definitions for this Section

Education Records

The term "education records" is defined as all records, files, documents and other materials containing information directly related to a student, and maintained by the education agency or institution, or by a person acting for that agency or institution. This includes all records regardless of medium, including, but not limited to, handwriting, videotape or audiotape, electronic or computer files, film, print, microfilm, and microfiche.

In addition, all records pertaining to services provided under the Individuals with Disabilities Education Act (IDEA) are considered "education records" under FERPA and they are subject to the confidentiality provisions of both Acts.

The definition of education records does not include:

1. Personal notes made by teachers or other staff are not considered education records if they are:
 - a. Kept in the sole possession of the maker;
 - b. Not accessible or revealed to any other person except a temporary substitute; and
 - c. Used only as a memory aid.
2. Records created or received by an educational agency or institution after an individual is no longer a student in attendance and that **are not directly related** to the individual's attendance as a student;
3. Grades on peer-graded papers before they are collected and recorded by a teacher;
4. Records created and maintained by a law enforcement unit for law enforcement purposes; and
5. Information about a student if the information is obtained through the school official's personal knowledge or observation and not from the student's education records.

Personally Identifiable Information

The term "personally identifiable information" ("PII") includes, but is not limited to:

1. The student's name;
2. The name of the student's parent or other family members;
3. The address of the student or student's family;
4. A personal identifier, such as the student's social security number, student

number, or biometric record ("Biometric record" is defined as a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual. Examples include fingerprints; retina and iris patterns; voiceprints; DNA sequence; facial characteristics; and handwriting);

5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
7. Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

Disclosure of Records

"Disclosure" is to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

Access to Student Records

Administrative regulations and procedures will comply with the provisions of federal law relating to the availability of student records. The purpose of these regulations and procedures is to make available to the parents/guardians of students and noncustodial parent(s) whose rights are not limited by court order or formal agreement, student records, and files on students, and to ensure the confidentiality of these records with respect to third parties. In accordance with FERPA, parents will be allowed to inspect and review all of their student's educational records maintained by the School. Upon receipt of such a request, the School will adhere to the requirements of the Freedom of Information Law. In any event, the School will comply with such a request for access within a reasonable period of time, but in no case more than 45 days after it has received the request.

Under FERPA, unless otherwise exempted in accordance with law and regulation, the School may release PII contained in student education records only if it has received a "signed and dated written consent" from a parent or eligible student. Signed and dated written consent may include a record and signature in electronic form provided that the signature:

1. Identifies and authenticates a particular person as the source of the electronic consent; and
2. Indicates the person's approval of the information contained in the electronic consent.

Exceptions

Without the consent of a parent or eligible student, the school may release a student's information or records when it is:

1. **Directory Information and Limited Directory Information:** Directory information is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Limited Directory Information Disclosure means that the School may limit disclosure of its designated directory information to specific parties, for specific purposes, or both. The intent is to allow schools the option to implement policies that allow for the disclosure of student information for uses such as yearbooks, honor roll lists, graduation programs and play bills, but restrict disclosure for more potentially dangerous purposes. The School will limit disclosure of its designated directory information as otherwise specified in its public notice to parents of students in attendance and eligible students in attendance.
2. **To School Officials who have a Legitimate Educational Interest:** To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. An educational interest includes the behavior of a student and disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of the student, other students or other members of the school community. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibility.
3. **To Another Educational Institution:** The School may disclose any and all educational records, including disciplinary records and records that were created as a result of a student receiving special education services under Part B of IDEA, to another school or postsecondary institution at which the student seeks or intends to enroll, or after the student has enrolled or transferred, so long as the disclosure is for purposes related to the student's enrollment or transfer. Parental consent is not required for transferring education records if the School's annual FERPA notification indicates that these disclosures may be made. In the absence of information about disclosures in the annual FERPA notification, school officials must make a reasonable attempt to notify the parent about the disclosure, unless the parent initiated the disclosure. Additionally, upon request, the school will provide a copy of the information disclosed and an opportunity for a hearing.
4. **For Health and Safety Emergency Reasons:** Schools must balance the need to protect students' PII with the need to address issues of school safety and emergency preparedness. Under FERPA, if an educational agency or institution determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records, without consent, to any person whose

knowledge of the information is necessary to protect the health and safety of the student or other individuals during the period of the health or safety emergency. Schools may release information from records to appropriate parties including, but not limited to, parents, law enforcement officials and medical personnel. A school's determination that there is an articulable and significant threat to the health or safety of a student or other individuals will be based upon a totality of the circumstances, including the information available, at the time the determination is made. The School must record the articulable and significant threat that formed the basis for the disclosure and maintain this record for as long as the student's education records are maintained.

5. **To Juvenile Justice Systems:** Information may be disclosed to state and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a state statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released. In these cases the official or authority must certify in writing that the information will not be disclosed to any other party except as provided under law without prior written consent.
6. **To Foster Care Agencies:** A school may release records to an agency caseworker or other representative of a State or local child welfare agency, who has the right to access a student's case plan, when the agency or organization is legally responsible, for the care and protection of the student. This does not give a child welfare agency the right to look into any non-foster care student's records, without parental consent, when there has been a mere allegation of abuse or neglect, absent an order or subpoena.
7. **Pursuant to a Subpoena or Court Order:** When the School receives a subpoena or court order for the release of records it will make a reasonable effort to notify the parent/guardian or eligible student of the order or subpoena in advance of compliance. This allows the parent/guardian or eligible student to seek protective action against the subpoena or order before the release of the records. Schools may disclose a student's records without first notifying parents/guardians or eligible students if the disclosure is:
 - a. Based on a subpoena in which the court orders, for good cause shown, not to reveal to any person the existence or contents of the subpoena or any information furnished pursuant to the subpoena;
 - b. In accordance with judicial order in cases where the parents are a party to a court proceeding involving child abuse or neglect or dependency matters, and the order is issued in the context of that proceeding; or
 - c. Made to a court (with or without an order or subpoena) when a School is involved in a legal action against a parent or student and the records are relevant to the matter.
8. **To Accrediting Organizations:** Disclosure of a student's records may be made to an organization in which that student seeks accreditation, in order to carry out their accrediting function.

9. **For Audit/Evaluation Purposes:** The audit or evaluation exception allows for the disclosure of PII from education records without consent to authorized representatives of the Comptroller General of the U.S., the Attorney General, the Secretary of Education, federal, state or local educational authorities. Under this exception, PII from education records must be used to audit or evaluate a federal or state supported education program, or to enforce or comply with federal legal requirements that relate to those education programs . The School may, occasionally, disclose PII from education records without consent to authorized representatives of the entities listed above. The School may also designate its own authorized representative who may access PII without consent in connection with an audit or evaluation of an education program within the School.
10. **For Conducting Studies:** This exception allows for the disclosure of PII from education records without consent to organizations conducting studies for, or on behalf of, schools, school districts or postsecondary institutions. Studies can be for the purpose of developing, validating, or administering predictive tests; administering student aid programs; or improving instruction. The School may disclose PII from education records without consent to these organizations conducting studies for the School, in accordance with its obligations under FERPA.

In addition, other entities outside of the School may, occasionally, disclose PII from education records that the School has previously shared with that entity, to organizations conducting studies on behalf of the School. For example, a State Education Agency (SEA) may disclose PII from education records provided by the School without consent to an organization for the purpose of conducting a study that compares program outcomes across schools to further assess the effectiveness of these programs with the goal of providing the best instruction.

Challenge to Student Records

Parents/guardians of a student under the age of 18 will have an opportunity for a hearing to challenge the content of the school records and to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy of students, and to provide an opportunity for the correction or deletion of any inaccurate, misleading, or otherwise inappropriate data.

Release of Information to the Noncustodial Parent

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

Maintenance of Records

The School shall designate an employee of the School as the official who shall be responsible for insuring that the education records confidentiality policies and procedures are enforced and administered. This official shall:

1. Notify parents or guardians of the policies and procedures regarding student education records and their rights regarding access.
2. Develop the plan for education records, including safeguards which protect the confidentiality of personally identifiable information at the point of collection, storage, release, and destruction.
3. Provide in-service training to all staff in the implementation of Federal and State record access and confidentiality policies.
4. Maintain the current listing of employees who are authorized to have access to personally identifiable information.

PUBLIC ACCESS TO RECORDS

Access to records of the School will be consistent with the rules and regulations established by the State Committee on Open Government and will comply with all the requirements of the New York State Public Officers Law Sections 87 and 89.

A Records Access Officer will be designated by the Chief Academic Officer, subject to the approval of the Board of Trustees, who will have the duty of coordinating the School's response to public request for access to records.

The School will provide copies of records in the format and on the medium requested by the person filing the Freedom of Information Law (FOIL) request if the School can reasonably do so regardless of burden, volume or cost of the request.

Requests for Records via Email

If the School has the capability to retrieve electronic records, it must provide such records electronically upon request. The School will accept requests for records submitted in the form of electronic mail and respond to such requests by electronic mail using the forms supplied by the School. This information will be posted on the School website, clearly designating the email address for purposes of receiving requests for records via this format.

When the School maintains requested records electronically, the response will inform the requester that the records are accessible via the internet and in printed form either on paper or other information storage medium.

DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS

In accordance with the Federal Trade Commission's (FTC) "Disposal Rule," and in an

effort to protect the privacy of consumer information, reduce the risk of fraud and identity theft, and guard against unauthorized access to or use of the information, the School will take appropriate measures to properly dispose of sensitive information (i.e., personal identifiers) contained in or derived from consumer reports and records. The School may determine what measures are reasonable based on the sensitivity of the information, the costs and benefits of different disposal methods, and changes in technology.

Definitions (in accordance with the FTC's Disposal Rule and the Fair Credit Reporting Act, 15 United States Code Section 1681 et seq.)

The term "person" means any individual, partnership, corporation, trust, estate, cooperative, association, government or governmental subdivision or agency, or other entity.

The term "consumer" means an individual.

The term "consumer report" means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing a consumer's eligibility for credit, employment, or insurance, among other purposes. Examples of consumer reports include credit reports, credit scores, reports businesses or individuals receive with information relating to employment background, check writing history, insurance claims, residential or tenant history, or medical history.

The term "employment purposes" when used in connection with a consumer report means a report used for the purpose of evaluating a consumer for employment, promotion, reassignment or retention as an employee.

The term "consumer information" means any record about an individual, whether in paper, electronic, or other form, that is a consumer report or is derived from a consumer report. Consumer information also means a compilation of such records. Consumer information does not include information that does not identify individuals, such as aggregate information or blind data.

The terms "dispose," "disposing," or "disposal" mean:

1. The discarding or abandonment of consumer information, or
2. The sale, donation, or transfer of any medium, including computer equipment, upon which consumer information is stored.

The term "personal identifiers," per the FTC, goes beyond simply a person's name. There are a variety of personal identifiers that would bring information within the scope of the Disposal Rule, including, but not limited to, a social security number, driver's license number, phone number, physical address, and email address. A rigid definition is not included within the Disposal Rule since, depending upon the circumstances, data elements that are not inherently identifying can, in combination, identify particular individuals.

The term "document destruction contractor" means a person, firm, or corporation that owns or operates a business, the principal purpose of which is to destroy records

containing personal identifying information for a fee, and for whom the total cash price of all of its document destruction contracts exceeds \$500 during any period of 12 consecutive months.

Information Covered by the Disposal Rule

There are a variety of personal identifiers beyond simply a person's name that would bring information within the scope of the Disposal Rule, including, but not limited to, a social security number, driver's license number, phone number, physical address, and email address. Depending upon the circumstances, data elements that are not inherently identifying can, in combination, identify particular individuals.

"Proper" Disposal

The School will utilize disposal practices that are reasonable and appropriate to prevent the unauthorized access to - or use of - information contained in or derived from consumer reports and records. Reasonable measures to protect against unauthorized access to or use of consumer information in connection with School disposal include the following examples.

1. Burning, pulverizing, or shredding of papers containing consumer information so that the information cannot practicably be read or reconstructed.
2. Destroying or erasing electronic media containing consumer information so that the information cannot practicably be read or reconstructed.
3. After due diligence, entering into and monitoring compliance with a contract with another party engaged in the business of record destruction to dispose of material, specifically identified as consumer information, in a manner consistent with the Disposal Rule. In this context, due diligence could include:
 - a. Reviewing an independent audit of the disposal company's operations and/or its compliance with the Disposal Rule;
 - b. Obtaining information about the disposal company from several references or other reliable sources;
 - c. Requiring that the disposal company be certified by a recognized trade association or similar third party;
 - d. Reviewing and evaluating the disposal company's information security policies or procedures;
 - e. Taking other appropriate measures to determine the competency and integrity of the potential disposal company; or
 - f. Requiring that the disposal company have a certificate of registration from the New York Department of State issued on or after October 1, 2008.
4. Identifying consumer information when providing it to service providers or affiliates to ensure that the information will be disposed of properly in accordance with the Disposal Rule.
5. For persons (as defined in accordance with the Fair Credit Reporting Act) or entities who maintain or otherwise possess consumer information through their provision of services directly to a person subject to the Disposal Rule, monitoring compliance with policies and procedures that protect against unauthorized or unintentional disposal of consumer information, and disposing of this information in accordance with examples

a) and b) above.

Implementation of Practices and Procedures

The Board delegates to the Chief Academic Officer/designee(s) the authority and responsibility to review current practices regarding the disposal of consumer information; and to implement such further reasonable and appropriate procedures, including staff training as necessary, to ensure compliance with the FTC's Disposal Rule.

Relation to Other Laws and Regulations

The FTC Disposal Rule will not be interpreted:

1. To require the School to maintain or destroy any record pertaining to a consumer that is not imposed under other law; or
2. To alter or affect any requirement imposed under any other provision of law to maintain or destroy such a record.

EMPLOYEE PERSONAL IDENTIFYING INFORMATION

In accordance with Section 203-d of the New York State Labor Law, the School will restrict the use and access to employee personal identifying information. As enumerated in law, "personal identifying information" will includes social security number, home address or telephone number, personal electronic mail address, Internet identification name or password, parent's surname prior to marriage, or driver's license number.

The School will not unless otherwise required by law:

1. Publicly post or display an employee's social security number;
2. Visibly print a social security number on any identification badge or card, including any time card;
3. Place a social security number in files with unrestricted access; or
4. Communicate an employee's personal identifying information to the general public.

A social security number will not be used as an identification number for purposes of any occupational licensing.

School staff will have access to this policy, informing them of their rights and responsibilities in accordance with Labor Law Section 203-d. School procedures for safeguarding employee "personal identifying information" will be evaluated; and employees who have access to such information as part of their job responsibilities will be advised as to the restrictions on release of such information in accordance with law.

Procedures for Safeguarding Employee "PII"

Procedures to be followed to help safeguard the use of, and access to, PII as required by law include, but are not limited to, the following:

1. Access to PII will be restricted to those employees whose job responsibilities require access to that data; unless otherwise authorized in accordance with law.
2. Any document containing PII should not be left unattended while visible on a computer monitor or a desk.
3. PII and other confidential or potentially confidential information will not be shared over the telephone unless the caller's identity can be positively confirmed.
4. Firewalls will be used on all computers; antivirus software will be used on all servers, desktops and laptops; access to programs or databases containing PII will be password protected granting access only on a "need-to-know" basis.

Procedures for safeguarding employee "PII" will be periodically evaluated by the Principal or designee, Human Resources Official, School Business Official, Internal Auditor, and others as deemed necessary.

Notice to Employees

Staff will be informed of and have access to Board Policy and Administrative Regulations addressing "Employee Personal Identifying Information," notifying them of their rights and responsibilities in accordance with Labor Law Section 203-d.

Employees who have access to "PII" as part of their job responsibilities will be advised as to the restrictions on release of this information in accordance with law.

EXHIBIT XII(A): REQUEST BY PARENT OR GUARDIAN OR ELIGIBLE STUDENT TO EXAMINE AND COPY RECORDS

TO: RECORDS ACCESS OFFICER

I, _____, hereby
request that

I be allowed to inspect and review the following records pertaining to:

☐ myself

☐ my son/daughter

Dated: _____

Signature of Parent or Guardian or Eligible Student

(To be kept by the Records Access Officer so as to indicate the date a particular record was requested for the purpose of the 45-day period. If a person refuses to fill out a written request, access cannot be denied. In those cases, the Records Access Officer should complete this form.)

EXHIBIT XII(B): AUTHORIZATION FOR RELEASE OF RECORDS

I, _____, hereby
authorize the Niagara Charter School to release copies
of _____
(list records)

which are part of the records of _____
(name of student)

and to furnish them to _____
for the purpose of _____

Signature

Date

(This form must be signed by the parent or guardian or eligible student prior to the release of personally identifiable student information to a third party at the request of the parent or guardian or eligible student.)

EXHIBIT XII(C): REQUEST TO CONTEST RECORDS

I, _____, hereby request a hearing to

challenge the contents of the school record(s) of _____.

My reason for requesting a hearing to challenge the content of these school record(s) is as follows (check as many as apply):

☐ The record(s) contain information that is inaccurate. (Explain - be as specific as possible.)

☐ The record(s) contain information that is misleading. (Explain - be as specific as possible.)

☐ The record(s) contain information that is in violation of the privacy or other rights of the student. (Explain - be as specific as possible.)

It is my understanding that I will be notified within a reasonable time of my request as to the date, time, and place of the hearing.

I also understand that I shall receive a written response by the Hearing Officer as to the disposition of the hearing within a reasonable time of the hearing.

Signed

Date

EXHIBIT XII(D): PARENTAL ELECTRONIC CONSENT FOR RELEASE OF STUDENT RECORDS

In accordance with the Family Educational Rights and Privacy Act (FERPA), subject to certain exceptions, the School cannot release student educational records to third parties without written parental consent.

Under law, the School may accept email consent from parents to release their child's educational records to a third party if such email consent "identifies and authenticates" the parent as the source of the consent and clearly indicates the parent's approval for the release.

If you wish to be able to email consent for the release of your child's educational records to a third party in accordance with FERPA, fill out the form below and **personally deliver it to the School Office**, along with personal identification and a photo ID.

PARENTAL ELECTRONIC CONSENT FOR RELEASE OF STUDENT RECORDS

I confirm that the School may accept my email consent for the release of educational records to a third party in accordance with the Family Educational Rights and Privacy Act (FERPA).

My email consent will be accepted provided that it contains the password indicated below and specifically states the records that I consent to be released.

It is my responsibility to notify the School of a change in my email address, password or any other changes to this electronic consent.

Date: _____

Student's Name: _____ (one form per student)

Parent's Signature: _____

Email Address: _____

Password: _____

For Office Use:

Type of personal identification and photo ID presented (photocopy attached):

EXHIBIT XII(E): NOTIFICATION OF RIGHTS UNDER FERPA

Rights

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days of the day the School receives a request for access.
2. Parents or eligible students should submit to the School Principal (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
3. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.
4. Parents or eligible students who wish to ask the School to amend a record should write the School Principal (or appropriate school official), clearly identify the part of the record they want changed, and specify why it should be changed. If the School decides not to amend the record as requested by the parent or eligible student, the School will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
5. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent (see below for examples of such exceptions).
6. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the *School* to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5920

Disclosures that Elementary and Secondary Schools May Make Without Consent

FERPA permits the disclosure of PII from students' education records, without consent of the parent or eligible student, if the disclosure is:

1. To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests.

A "school official" is a person employed by or under contract with the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law

enforcement unit personnel) or a person serving on the school board. A school official also may include contractors, consultants, volunteers or other parties outside of the school who performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist. "School official" also includes a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

2. To officials of another school, district or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer.
3. To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the state educational agency in the parent or eligible student's state (SEA). Disclosures under this provision may be made in connection with an audit or evaluation of federal or state supported education programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf.
4. To state and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a state statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released.
5. In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid.
6. To organizations conducting studies for, or on behalf of, the school, in order to:
 - a. Develop, validate, or administer predictive tests;
 - b. Administer student aid programs; or
 - c. Improve instruction.
7. To accrediting organizations to carry out their accrediting functions.
8. To parents of an eligible student if the student is a dependent for IRS tax purposes.
9. Based on a subpoena in which a court orders, for good cause shown, that the disclosure should not be revealed. Disclosures may also be made without notification to comply with a judicial order or lawfully issued subpoena, in cases involving child abuse or neglect or dependency matters.
10. To an agency caseworker or other representative of a state or local child welfare agency, who is legally responsible for the care and protection of the student (foster care).

11. To appropriate officials in connection with a health or safety emergency.
12. Information the school has designated as "directory information."

XIII. STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF PHYSICAL EXAMINATIONS TO MINORS POLICY

The Protection of Pupil Rights Amendment (PPRA) governs the administration to students of a survey, analysis, or evaluation that concerns one or more of the following eight protected areas:

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

PPRA also concerns marketing surveys and other areas of student privacy, parental access to information, and the administration of certain physical examinations to minors.

General Provisions

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

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

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

Annual Parental Notification of Policies/Prior Written Consent/"Opt Out" Provisions

The School will provide for reasonable notice of the adoption or continued use of this policy directly to parents/guardians and eligible students enrolled in the School. At a minimum, the School will provide this notice at least annually, at the beginning of the

school year, and within a reasonable period of time after any substantive change in this policy.

Further, in the notification, the School will offer an opportunity for parents/guardians to provide written consent or opt their child out of participation in the following activities in accordance with law and the surveys conducted:

1. The administration of any survey containing one or more of the eight protected areas.
 - a. U.S. Department of Education-Funded Surveys: Prior written consent from parents must be obtained before students are required to submit to the survey.
 - b. Surveys funded by sources other than U.S. Department of Education: Notification may indicate the specific or approximate dates during the school year when surveys will be administered and provide an opportunity for the parent to opt his/her child out of participating upon receipt of the notification.
2. Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).
3. Any non-emergency, invasive physical examination or screening that is required as a condition of attendance; administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students. The term "invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during the examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision or scoliosis screening.

Specific Notification

In the event that the School does not identify the specific or approximate dates of the activities or surveys to be administered in the general annual notification, it will "directly" notify, such as through U.S. Mail or email, the parents of students who are scheduled to participate in the specific activities or surveys prior to participation and provide an opportunity for the parent to provide written consent or opt his/her child out of participation in accordance with law and the surveys conducted.

U.S. Department of Education-Funded Surveys

The School is committed to protecting the rights and privacy interests of parents/guardians and students with regard to surveys funded in whole or part by any program administered by the U.S. Department of Education (DOE).

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

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

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

1. The right of the parent/person in parental relation to inspect, upon request, a survey created by a third party (i.e., by a party other than the DOE) before the survey is administered or distributed by the school to a student. Requests by parents/guardians to inspect the surveys are to be submitted, in writing, to the Chief Academic Officer at least ten days prior to the administration or distribution of any survey. Further, the School will grant a request by the parent/guardian for reasonable access to such survey within a reasonable period of time after the request is received by the School.
2. Arrangements will be provided by the School to protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of the eight protected areas, including the right of the parent/guardian of the student to inspect, upon request, any survey containing one or more of the eight protected areas. These requests must be submitted by the parent/guardian, in writing, to the Chief Academic Officer at least ten (10) days prior to the administration or distribution of any survey.
3. Parents/guardians will be granted, upon request, reasonable access and the right to inspect instructional materials used as part of the educational curriculum for the student within a reasonable period of time (defined by the School, for the purposes of this policy, as 30 days) after the request is received by the School. Requests must be submitted by parents/guardians, in writing, to the Chief Academic Officer. The term "instructional material" means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.
4. The administration of physical examinations or screenings that the School may administer to a student. Further, this law does not apply to any physical examination or screening that is permitted or required by State law, including physical examinations or screenings that are permitted without parental notification.
In the implementation of this provision regarding the administration of physical examinations or screenings that the school may administer to the

student, the School incorporates by reference policies that address student health services, as applicable, including but not limited to policies regarding the administration of medication, immunization of students, and student physicals.

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

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

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

1. Book clubs, magazines, and programs providing access to low-cost literary products;
2. Curriculum and instructional materials used by elementary schools and secondary schools;
3. Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing these tests and assessments) and the subsequent analysis and public release of the aggregate data from these tests and assessments;
4. The sale by students of products or services to raise funds for school-related or education-related activities; and
5. Student recognition programs.

EXHIBIT XIII(A) Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA)

PPRA affords parents of elementary and secondary students certain rights regarding the conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include, but are not limited to, the right to:

- Consent before students are required to submit to a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED):

1. Political affiliations or beliefs of the student or student’s parent;
2. Mental or psychological problems of the student or student’s family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or student’s parent; or
8. Income, other than as required by law to determine program eligibility.

- Receive notice and an opportunity to opt a student out of :

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information collected from students for marketing or to sell or otherwise distribute the information to others. (This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions.)

- Inspect, upon request and before administration or use:

1. Protected information surveys of students and surveys created by a third party;
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and

3. Instructional material used as part of the educational curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

Niagara Charter School has developed and adopted policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. Niagara Charter School will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. Niagara Charter School will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. Niagara Charter School will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this direct notification requirement:

- Collection, disclosure, or use of personal information collected from students for marketing, sales, or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

Parents who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

XIV. ENROLLMENT AND ADMISSIONS POLICY AND PROCEDURES

General Information

The School is dedicated to fostering the unique potential of each child by providing a rigorous academic program using the Expeditionary Learning approach which is designed to empower students as lifelong learners, resourceful and practical thinkers, active citizens, and future leaders. The School, as an Expeditionary Learning School, understands that individuals learn best through purposeful experiences that provide opportunities to become active learners. Through expeditions students are involved in original research, critical thinking, problem solving, and they build character along with academic skills.

The School shall not discriminate against or limit the admission of any student on any unlawful basis, including on the basis of ethnicity, national origin, gender, disability, intellectual ability, measures of achievement or aptitude, athletic ability, race, creed, religion, or ancestry. Niagara Charter School does not require any action by a student or family (such as an admissions test, interview, essay, attendance at an information session, etc.) in order for an applicant to either receive or to submit an application for admission to our school.

Eligibility for Enrollment

The School shall be open to any child who is eligible under the laws of New York State for admission to a public school, and the School shall ensure compliance with all applicable antidiscrimination laws governing public schools, including Title VI of the Civil Rights Act and §2854(2) of the New York Education Law, governing admission to a charter school.

The School enrolls students as early as age 4 (as long as they turn 5 by December 1st) through age 13, which is entering grades K through 6. The School seeks to enroll students from diverse communities and experiences, including English Language Learners and Students with Disabilities.

All persons who are between the ages of five (5) years and thirteen (13) years are entitled to enroll in the School using the lottery process for new students.

A student who becomes six (6) years of age on or before the first of December in any school year will be required to attend full-time instruction from the first day that the schools are in session in September of that school year. A student who becomes six (6) years of age after the first of December in any school year will be required to attend full-time instruction from the first day of session in the following September.

Evidence of a prospective student's age and residency must be presented in the form as is permitted by state and federal law and regulation.

In accordance with Education Law § 2854(2)(a), the School will institute a preference for students at-risk of academic failure, defined as students qualifying for the federal free- and reduced- priced lunch programs. The School draws students from approximately seven school districts, with the majority of

the School's students being drawn from the Niagara Falls City School District. Among the sending districts, Niagara Falls City School District has the highest level of poverty.

The School will follow guidance and directions from the New York State Education Department pertaining to §2854(2) (b), which states that: "Applications for admission to a charter school shall be submitted on a uniform application form created by the department and shall be made available by a charter school in languages predominantly spoken in the community in which such charter school is located." The School will require applicants to complete the School's adaptation of the uniform application.

The School will recruit for open registration and meet with families to introduce them to the educational opportunities and experiences provided at Niagara Charter School. Interested families will submit applications beginning January 15th until April 1st. The deadline for receipt of application submissions is April 1st of each year. Except for homeless students, application submissions must include proof of residency (i.e., a NYS driver's license, telephone bill, or utility bill, etc.).

All students offered admission must accept the offer by May 1st. Students who decline an offer for admission will not be eligible to apply until the following year and will not be included on the School's waiting list until the following year.

The School may refuse admission to any student who has been expelled or suspended from a public school until the period of suspension or expulsion from the public from the public school has expired, consistent with the requirements of due process.

Determination of Student Residency

Residence is established by a child's physical presence as an inhabitant within a district and his/her intent to reside in that district.

A child's residence is presumed to be that of his/her parents or legal guardians. Information on student residency determinations will be shared by districts and charter schools, as the information affects reimbursement rates and student transportation. When a child's parents live apart, the child can have only one legal residence. In cases where parents have joint custody, the child's time is essentially divided between two households, and both parents assume responsibility for the child, the decision regarding the child's residency lies ultimately with the family. Where parents claim joint custody, but do not produce proof of the child's time being divided between both households, residency will be determined on the basis of the child's physical presence and intent to remain within a district.

The presumption that a child resides with his/her parents or legal guardians may be rebutted upon demonstration that custody of such child has been totally and permanently transferred to another individual. The district of residence will not acknowledge living arrangements with persons other than a child's parents or legal guardians which are made for the sole purpose of taking advantage of that district's schools or services.

Undocumented Children

Undocumented children are entitled to attend school, provided they meet the age and residency requirements established by state law. Consequently, the School will not request on any enrollment or registration form, in any meeting, or in any other form of communication, any documentation or information regarding or tending to reveal the immigration status of a child, a child's parent(s) or the person(s) in parental relation. In the event the School is required to collect certain data, it will do so after the child has been enrolled or registered. In no instance will the information be required as a condition of enrollment or continued attendance.

Children of Activated Reserve Military Personnel

Students temporarily residing outside the area due to relocation necessitated by the call to active military duty of the student's parent or person in parental relation will be allowed to attend the school that they attended prior to the relocation. The district of residence is not required to provide transportation between a temporary residence school and the school the child attends.

Homeless Children

The Board recognizes the unique challenges that face homeless students and will provide these students with access to the same free, appropriate public education as other children and youth and access to educational and other services necessary to be successful in school, and will ensure that they are not separated from the mainstream school environment. The Board is also committed to eliminating barriers to the identification, enrollment, attendance, or success of homeless students.

As defined in with Commissioner's regulations, a "homeless child" means a child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child who is:

- a) Sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;
- b) Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
- c) Abandoned in hospitals;
- d) A migratory child who qualifies as homeless in accordance with Commissioner's regulations. As defined in the No Child Left Behind Act of 2001, the term "migratory child" *includes* a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who has moved from one School to another in the preceding 36 months, in order to obtain, or accompanies his or her parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work; or
- e) A child or youth who has a primary nighttime location that is:
 - 1. A supervised, publicly or privately operated shelter designed to provide temporary living accommodations including, but not limited to, shelters operated or approved by the state or local department of social services, and residential programs for runaway and homeless youth established pursuant to Executive Law Article 19-H; or

2. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train station or similar setting.

An "unaccompanied youth" means a homeless child not in the physical custody of a parent or legal guardian. This term does not include a child or youth who is residing with someone other than a parent or legal guardian for the sole reason of taking advantage of the schools in the area.

A designator will decide which school district a homeless child or unaccompanied youth will attend. A designator is:

- a) The parent or person in parental relation to a homeless child; or
- b) The homeless child, together with the homeless liaison designated by the School, in the case of an unaccompanied youth; or
- c) The director of a residential program for runaway and homeless youth, in consultation with the homeless child, where the homeless child is living in that program.

The designator may select either the current school, the school district of origin, or a school district participating in a regional placement plan as the school the homeless child will attend. However, the designated school must determine whether the designation made by the parent, guardian, or youth, in the case of an unaccompanied youth, is consistent with the best interest of the child by considering certain student-centered factors, including factors related to the impact on education and the health and safety of the child or youth.

A homeless child is entitled to attend the school of origin for the duration of his or her homelessness and also through the remainder of the school year in which he or she locates permanent housing in accordance with his or her best interest.

The term "school of origin" includes preschool and feeder schools as defined by applicable law.

Enrollment, Retention and Participation in the Educational Program

The School will immediately enroll children and youth who are homeless even if the child missed any relevant application or enrollment deadlines during any period of homelessness. The ability of a homeless child or youth to continue or participate in the educational program will similarly not be restricted due to issues such as:

- a) Transportation;
- b) Immunization requirements;
- c) Residency requirements;
- d) Birth certificates, medical records, individualized education programs (IEPs), school records and other documentation;
- e) Guardianship issues;
- f) Comprehensive assessment and advocacy referral processes;
- g) Resolution of disputes regarding school selection;

- h) Proof of social security numbers;
- i) Attendance requirements;
- j) Sports participation rules;
- k) Inability to pay fees associated with extracurricular activities such as club dues and sports uniforms; or
- l) Other enrollment issues.

All determinations regarding whether a child is entitled to attend schools as a homeless child or youth will be made in accordance with Section 100.2(x) of the Commissioner's Regulations, as well as applicable policy and regulation.

Lottery Procedures

If the number of applications exceeds capacity, the School will institute a random selection or lottery. The School will determine and publicize the number of spaces available each year by grade. The School will provide notice in accordance (NYS Public Officers Law §104(1)) that each lottery is open to the public (NYS Education Law §2854(2)(b)), and that a disinterested party not affiliated with the School will conduct and draw the lottery in accordance with the School's admission preference. This lottery will be held after the close of business on April 1st or a date thereafter, sufficiently prior to the annual deadline for notifying the students' district of residence for transportation services. Students not selected for enrollment will be placed on the waiting list.

Admissions Preference

Applications will be drawn from the lottery for the number of seats available in each grade level based on the following admission preferences in accordance with §2854(2) (b):

1. First preference will be given to returning students, who will automatically be assigned a seat in the School.
2. Second preference will be given to siblings of students already enrolled in the School. For definition purposes, "siblings" are two or more children that are related either by birth by means of the same father or mother or by legal adoption.
3. Third preference will be given to students who are "at risk" of academic failure defined based on poverty as measured by eligibility for the federal free- and reduced-priced lunch program. Preference is given to students residing within the district of location which is the Niagara-Wheatfield Central School District first and then students from other districts.
4. Fourth preference for admission will be given for students not "at-risk" who reside in the school district of location.
5. Any remaining slots shall be available to applicants not "at-risk" who reside outside the district of location.

Waiting List Policy

In the event that a lottery process is necessary to determine enrollment, student names will continue to be drawn after all available spaces have been filled in order to form a waiting list for each

preference category for each grade level. This waiting list will be the only official, legal document identifying the names of grade eligible students with applications to the School pending acceptance for the subsequent school year, or when vacancies arise, based upon the order of random selection from the lottery following a recruitment period.

XV. EDUCATION OF STUDENTS IN FOSTER CARE

The School recognizes the importance of educational stability for students in foster care and will collaborate, as appropriate, with the State Education Department (SED) and the local Department of Social Services (LDSS) to ensure that students in foster care have the opportunity to achieve at the same high-levels as their peers. For purposes of this policy, LDSS also refers to the local Social Services District or the local child welfare agency.

Definitions

1. **Child or youth in foster care** ("student in foster care") means a child who is in the care and custody or custody and guardianship of a local Commissioner of Social Services or the Commissioner of the Office of Children and Family Services.
2. **Feeder school** means:
 - a. A preschool whose students are entitled to attend a specified elementary school or group of elementary schools upon completion of that preschool;
 - b. A school whose students are entitled to attend a specified elementary, middle, intermediate, or high school or group of specified elementary, middle, intermediate, or high schools upon completion of the terminal grade of such school; or
 - c. A school that sends its students to a receiving school in a neighboring school district pursuant to applicable laws and regulations.
3. **Foster care** means 24-hour substitute care for children placed away from their parents or guardians and for whom the state or tribal child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. A child is in foster care regardless of whether the foster care facility is licensed and payments are made by the state, tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is federal matching of any payments that are made.
4. **Preschool** means a publicly funded prekindergarten program administered by SED or a local educational agency or a Head Start program administered by a local educational agency and/or services under the Individuals with Disabilities Education Act (IDEA) administered by a local educational agency.
5. **Receiving school** means:
 - a. A school that enrolls students from a specified or group of preschools, elementary schools, middle schools, intermediate schools, or high schools; or

- b. A school that enrolls students from a feeder school in a neighboring local educational agency pursuant to applicable laws and regulations.
- 6. **School district of origin** means the school district within New York State in which the child or youth in foster care was attending a public school or preschool on a tuition-free basis or was entitled to attend at the time of placement into foster care when the Social Services District or the Office of Children and Family Services assumed care and custody or custody and guardianship of such child or youth, which is different from the school district of residence.
- 7. **School district of residence** means the public school district within New York State in which the foster care placement is located, which is different from the school district of origin.
- 8. **School of origin** means a public school that a child or youth attended at the time of placement into foster care, or the school in which the child or youth was last enrolled, including a preschool or a charter school. For a child or youth in foster care who completes the final grade level served by the school of origin, the term school of origin will include the designated receiving school at the next grade level for all feeder schools. Where the child is eligible to attend school in the school district of origin because the child was placed in foster care after such child is eligible to apply, register, or enroll in the public preschool or kindergarten or the child is living with a school-age sibling who attends school in the school district of origin, the school of origin will include any public school or preschool in which such child would have been entitled or eligible to attend based on such child's last residence before the circumstances arose which caused such child to be placed in foster care.

District Foster Care Liaison

The School will designate an appropriate staff person to act as the School's point of contact for students in foster care, the "Foster Care Liaison"). The Foster Care Liaison will not be the same staff person as the McKinney-Vento Liaison unless the McKinney-Vento Liaison has sufficient ability to carry out the responsibilities of both roles.

The Foster Care Liaison will work collaboratively with representatives from the LDSS.

The School will ensure that the name and contact information for the Foster Care Liaison are:

- 1. Submitted to SED;
- 2. Provided, in writing, to the point of contact for any LDSS known by the School to have students in its custody; and
- 3. Posted on the School website.

Designation of School District and School

The LDSS, in consultation with the appropriate local educational agency or agencies, will determine whether placement in the school district of origin or the school district of residence is in the best interest of a student in foster care. Provided that the School is an appropriate local educational agency, the School will work with the LDSS to make the best interest determination as quickly as possible in order to prevent educational discontinuity for the student. If the student has an Individualized Education Program (IEP), a Section 504 plan, or is an English language learner, relevant school staff may be consulted during the best interest determination process.

To the extent feasible and appropriate, the student should remain in his or her school of origin while the best interest determination is being made.

Subject to a best interest determination, a student in foster care is entitled to attend the school of origin or any school that children and youth who live in the attendance area in which the foster care placement is located are eligible to attend, including a preschool, for the duration of the student's placement in foster care and until the end of the school year in which he or she is no longer in foster care, and for one additional year if that year constitutes the student's terminal year in that building.

Where the school district of origin or school of origin that a student was attending on a tuition-free basis, or was entitled to attend when the student entered foster care is located, in New York State and the student's foster care placement is located in a contiguous state, the student is entitled to attend his or her school of origin or any school that children and youth who live in the attendance area in which the foster care placement is located are eligible to attend, including a preschool, subject to a best interest determination, for the duration of the student's placement in foster care and until the end of the school year in which he or she is no longer in foster care, and for one additional year if that year constitutes the student's terminal year in such building.

Responsibilities When Designated as the School of Attendance

If the School is designated as the school of attendance for a student in foster care, the School will immediately:

1. Enroll the foster care student, even if the student is unable to produce records which are normally required for enrollment, such as previous academic records, records of immunization and/or other required health records, proof of residency or other documentation and/or even if the student has missed application or enrollment deadlines during any period of placement in foster care, if applicable;
2. Treat the student in foster care as a resident for all purposes; and
3. Make a written request to the school or district where the student's records are located in order to obtain a copy of the student's records and coordinate

the transmittal of these records in accordance with applicable laws and regulations.

Request for Records

Within five days of receipt of a request for school records from a new school, the School will forward, in a manner consistent with federal and state law, a complete copy of the records of the student in foster care, including, but not limited to: proof of age; academic records; evaluations; immunization records; and guardianship papers (if applicable).

Tuition Reimbursement

Except as otherwise provided in law or regulation, the cost of instruction of a student in foster care will be borne by the school district of origin. Where a district other than the school district of origin is designated as the school district of attendance, the cost of instruction will be borne by the school district of origin and the tuition paid to the designated school district of attendance will be computed in accordance with applicable laws and regulations.

Transportation Responsibilities

Any student in foster care who requires transportation in order to attend his or her school of origin, is entitled to receive that transportation.

As appropriate, the School will coordinate and collaborate with the LDSS to make an appropriate transportation plan that supports the student's school stability plan.

Where the School of Origin is a Charter School

Where the school of origin is a charter school, the school district designated as the school district of attendance for a student in foster care will be deemed to be the school district of residence for the student for purposes of fiscal and programmatic responsibility and will be responsible for transportation of the student in foster care. If the designated school district of attendance is not the school district of origin, the designated school district of attendance may seek reimbursement from the school district of origin in accordance with applicable laws and regulations.

Dispute Resolution Process

To the extent feasible and appropriate, the School will ensure that a student in foster care remains in his or her school of origin while any dispute is being resolved in order to minimize disruptions and reduce the number of moves between schools.

Coordination with Other Agencies

The School will coordinate the provision of services described in this policy, as appropriate, with agencies or programs providing services to students in foster care.

The School will coordinate with other schools and districts on issues, such as transportation or transfer of school records.

The School will coordinate implementation of the above provision of services with the requirements of IDEA for students with disabilities.

Comparable Services

Each student in foster care will be provided services comparable to other students in the school of attendance, including: transportation services; educational services for which the student meets eligibility criteria; educational programs for students with disabilities; educational programs for English learners; programs in career and technical education; programs for gifted and talented students; and school nutrition programs.

Student Privacy

As appropriate, the School will collaborate with SED and/or the LDSS to determine what documentation related to a student in foster care should be shared among involved parties. In all cases, the School will comply with all statutory requirements to protect student privacy, including the Family Educational Rights and Privacy Act (FERPA) and any other applicable privacy requirements under federal, state, or local laws.

XVI. EDUCATION OF STUDENTS IN TEMPORARY HOUSING POLICY

The Board recognizes the unique challenges that face students in temporary housing (i.e., homeless children and youth) and will provide these students with access to the same free and appropriate public education as other students, as well as access to educational and other services necessary to be successful in school. The School will ensure that these students are not separated from the mainstream school environment. The Board is also committed to eliminating barriers to the identification, enrollment, attendance, and success of students in temporary housing.

Identification of Students in Temporary Housing

All schools are obligated to affirmatively identify all students in temporary housing. Therefore, the School will determine whether there are students in temporary housing by using a housing questionnaire to determine the nighttime residence of all newly enrolled students and all students whose address changes during the school year. Not all students in temporary housing can be identified through social service agencies or shelters, as children may be sharing the housing of other persons, such as family or friends, due to loss of housing, economic hardship, or other similar reason. For this reason, the School uses a housing questionnaire that asks for a description of the current living arrangements of the child or youth to determine whether the child or youth meets the definition of a homeless child.

In addition to using the housing questionnaire, the School will also contact the local department of social services (LDSS) (i.e., the social services district) to identify students in temporary housing, as well as the local runaway and homeless youth shelter, and any other shelters located nearby to ensure all students in temporary housing are properly identified and served.

Definitions

1. Feeder school means:
 - a. A preschool whose students are entitled to attend a specified elementary school or group of elementary schools upon completion of that preschool;
 - b. A school whose students are entitled to attend a specified elementary, middle, intermediate, or high school or group of specified elementary, middle, intermediate, or high schools upon completion of the terminal grade of such school; or
 - c. A school that sends its students to a receiving school in a neighboring school district.
2. Homeless child means:
 - a. A child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child or youth who is:

- i. Sharing the housing of other persons due to a loss of housing, economic hardship, or a similar reason (sometimes referred to as "doubled-up");
 - ii. Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
 - iii. Abandoned in hospitals;
 - iv. A migratory child who qualifies as homeless under (i), (ii), or (iii) of this subparagraph or item b below; or
 - v. An unaccompanied youth; or
 - b. A child or youth who has a primary nighttime location that is:
 - i. A supervised, publicly, or privately operated shelter designed to provide temporary living accommodations, including, but not limited to, shelters operated or approved by the state or LDSS, and residential programs for runaway and homeless youth established in accordance with applicable law; or
 - ii. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting.
3. Migratory child means a child or youth who made a qualifying move in the preceding 36 months:
 - a. As a migratory agricultural worker or a migratory fisher; or
 - b. With, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher
 4. Preschool means a publicly funded prekindergarten program or a Head Start program administered by the School and/or services under the Individuals with Disabilities Act administered by the School.
 5. Receiving school means:
 - a. A school that enrolls students from a specified or group of preschools, elementary schools, middle schools, intermediate schools, or high schools; or
 - b. A school that enrolls students from a feeder school in a neighboring local educational agency.
 6. Regional placement plan means a comprehensive regional approach to the provision of educational placements for homeless children that has been approved by the Commissioner of Education.
 7. School district of current location means the public school district within New York State in which the hotel, motel, shelter or other temporary housing arrangement of a homeless child, or the residential program for runaway and homeless youth, is located, which is different from the school district of origin.
 8. School district of origin means the school district within New York State in which:
 - a. The homeless child was attending a public school or preschool on a tuition-free basis or was entitled to attend when circumstances arose

- that caused the child to become homeless, which is different from the school district of current location;
 - b. The child was residing when circumstances arose that caused the child to become homeless if the child was eligible to apply, register, or enroll in public preschool or kindergarten at the time the child became homeless; or
 - c. The homeless child has a sibling who attends a school in the school district in which the child was residing when circumstances arose that caused the child to become homeless.
- 9. School of origin means:
 - a. The public school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool or a charter school;
 - b. The designated receiving school at the next grade level for all feeder schools for a student in temporary housing who completes the final grade level served by the school of origin; and
 - c. The public school or preschool in which the child would have been entitled or eligible to attend based on the child's last residence before the circumstances arose which caused the child to become homeless if the child becomes homeless after the child is eligible to apply, register, or enroll in the public preschool or kindergarten or if the child is living with a school-age sibling who attends school in the school district of origin.
- 10. Unaccompanied youth means a homeless child or youth who is not in the physical custody of a parent or legal guardian.

The McKinney-Vento Liaison for Students in Temporary Housing

The School will designate an appropriate staff person, who may also be a coordinator for other federal programs, as the School liaison for students in temporary housing (otherwise referred to as the McKinney-Vento Liaison). The School's McKinney-Vento Liaison serves as one of the primary contacts between families experiencing homelessness and school staff, School personnel, shelter workers, and other service providers. The McKinney-Vento Liaison coordinates services to ensure that homeless children and youth enroll in school and have the opportunity to succeed.

The School's McKinney-Vento Liaison must ensure that:

- 1. Students in temporary housing are identified by school personnel and through coordination activities with other entities and agencies;
- 2. Students in temporary housing enroll in, and have full and equal opportunity to succeed in, the School;
- 3. Students in temporary housing and their families receive educational services for which they are eligible, including Head Start programs administered by a local educational agency, Early Head Start, early

- intervention services under part C of the Individuals with Disabilities Education Act, and other preschool programs administered by the School.
4. Students and parents in temporary housing receive referrals to health care services, dental services, mental health and substance abuse services, housing services and other appropriate services;
 5. Parents or guardians of students in temporary housing are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
 6. Parents and guardians of students in temporary housing, and unaccompanied youth, are fully informed of all transportation services, including transportation to and from the school district of origin and are assisted in accessing transportation services;
 7. Disputes regarding eligibility, school selection, enrollment and/or transportation are mediated in accordance with applicable laws and regulations;
 8. Assistance in commencing an appeal, in accordance with applicable law, of a final determination regarding eligibility, enrollment, school selection, and/or transportation is provided to the student in temporary housing's parent or guardian or the unaccompanied youth;
 9. A record is maintained of all appeals of enrollment, school selection, and transportation;
 10. Public notice of the educational rights of students in temporary housing is posted in locations where these students receive services, such as schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of students in temporary housing, and unaccompanied youth;
 11. School personnel providing services to students in temporary housing receive professional development and other support;
 12. Unaccompanied youths:
 - a. Are enrolled in school;
 - b. Have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth, including receiving credit for full or partial coursework earned in a prior school pursuant to Commissioner's regulations; and
 - c. Are informed of their status as independent students under section 480 of the Higher Education Act of 1965 and that the youths may obtain assistance from the McKinney-Vento liaison to receive verification of this status for purposes of the Free Application for Federal Student Aid (FAFSA);
 13. School personnel, service providers, advocates working with students in temporary housing, parents and guardians of students in temporary housing, and students in temporary housing are informed of the duties of the McKinney-Vento liaison; and

14. Assistance with obtaining any necessary immunizations or screenings, or immunization or other required health records is provided to the parents or guardians of the students in temporary housing.

School District and School Designations

A designator will make the initial decision about which school district and school a student in temporary housing will attend.

A designator is:

1. The parent or person in parental relation (guardian) to a student in temporary housing;
2. The student in temporary housing, together with the McKinney-Vento liaison, in the case of an unaccompanied youth; or
3. The director of a residential program for runaway and homeless youth, in consultation with the student in temporary housing, where the student is living in that program.

The School will ask the designator to designate one of the following as the school of attendance for the student in temporary housing:

1. The school or school district of current location;
2. The school or school district of origin; or
3. A school district participating in a regional placement plan.

The School will also ask the designator to designate one of the following as the school where a student in temporary housing seeks to attend:

1. The school of origin; or
2. Any school that permanent housed children and youth who live in the attendance area in which the child or youth is actually living are eligible to attend, including a preschool.

A student in temporary housing is entitled to attend the school of origin without the payment of tuition for the duration of his or her homelessness and through the remainder of the school year in which the student becomes permanently housed and for one additional year if that year constitutes the student's terminal year in that school building, subject to a best interest determination.

Designation/STAC 202 Form

The School will identify all students in temporary housing, and a designation form will be completed by the designator for all these students and any other student who claims homelessness. Designations must be made on the STAC 202 form provided by the Commissioner.

The appropriate designator must complete the designation form. The School makes designation forms available to a student in temporary housing who seeks admission to school or to the parent or person in parental relation who seeks to enroll the child in school.

The School will provide completed designation forms to the McKinney-Vento Liaison immediately, but no later than two business days from the earlier date on which the child or youth either:

1. Sought enrollment in school; or
2. Was placed in a temporary housing facility or residential facility for runaway and homeless youth.

Where a parent or person in parental relation or a child who is neither placed in a temporary housing facility by the LDSS nor housed in a residential program for runaway homeless youth, designates the School as the school of current location, the School will forward to the State Education Department a completed designation form and a statement of the basis for its determination that the child is a homeless child entitled to attend the School.

Immediate Enrollment and Best Interest Determinations

Upon identification of a child who is in temporary housing and/or receipt of a completed designation/STAC 202 form, the School will:

1. Immediately review the designation form to ensure that it has been completed and admit the student in temporary housing even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, immunization records, proof of residency or other documentation and even if the child or youth has missed application deadlines;
2. Determine whether the designation made by the designator is consistent with the best interests of the student in temporary housing. In making best interests decisions the School will:
 - a. Presume that keeping the child in the school of origin is in the child's best interest, except when doing so is contrary to the wishes of the parent or guardian (or youth in the case of an unaccompanied youth); and
 - b. Consider student-centered factors such as the effect of mobility on student achievement, education, health, and safety of the child, giving priority to the wishes of the child's parent or guardian (or the youth, if a homeless unaccompanied youth). If the School determines that it is in the best interest of the student in temporary housing to attend a school other than the school of origin or the designated school, the School will provide the parent or guardian (or

- youth, if an unaccompanied youth) with a written explanation of its determination, including information about the right to appeal.
3. Provide the child with access to all of the School's programs, activities and services to the same extent as they are provided to resident students;
 4. Immediately contact the school where the child's records are located in order to obtain a copy of these records and coordinate the transmittal of records for students with disabilities pursuant to applicable laws and regulations;
 5. Immediately refer the parent or guardian of the student in temporary housing to the McKinney-Vento liaison who must assist in obtaining necessary immunizations or immunization or medical records if the child or youth needs to obtain immunizations or immunization or medical records;
 6. Forward the STAC 202 form to the Commissioner and the school district of origin, where applicable. In all cases, the School will give a copy of the completed STAC 202 form to the designator and keep a copy of the STAC 202 form for the School's records;
 7. Arrange for transportation in accordance with applicable laws and regulations; and
 8. Arrange for the child to receive free school meals.

Request for Records

Within five days of receipt of a request for school records from a new school, the School will forward, in a manner consistent with state and federal law, a complete copy of the student in temporary housing's records, including, but not limited to, proof of age, academic records, evaluations, immunization records, and guardianship papers, if applicable.

Transportation Responsibilities

The LDSS is responsible for providing transportation to students in temporary housing, including preschool students and students with disabilities who are eligible for benefits under Social Services Law §350-j and placed in temporary housing arrangements outside their designated districts. Where the LDSS requests that the designated school district of attendance provide or arrange for transportation for a student in temporary housing in the circumstances above, the School will provide or arrange for the transportation and directly bill the LDSS so that the district will be fully and promptly reimbursed for the cost of the transportation.

Dispute Resolution Process

The School has established the following procedures for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth:

1. The School will provide a written explanation, including a statement regarding the right to appeal, to the parent or guardian of a student in

temporary housing, or to an unaccompanied youth, if the School determines that the School is not required to either enroll and/or transport the child or youth to the school of origin or a school requested by the parent or guardian or unaccompanied youth, or if there is a disagreement about a child's or youth's status as a homeless child or unaccompanied youth. The written explanation will be in a manner and form understandable to the parent, guardian, or unaccompanied youth and will include a statement regarding the McKinney-Vento liaison's availability to help the parent, guardian, or unaccompanied youth with any appeal and the contact information for the liaison.

2. The School will immediately enroll the student in the school in which enrollment is sought by the parent or guardian or unaccompanied youth, provide transportation to the school, and will delay for 30 days the implementation of a final determination to decline to either enroll in and/or transport the student in temporary housing to the school of origin or a school requested by the parent or guardian or unaccompanied youth.
3. If the parent or guardian of a student in temporary housing or unaccompanied youth commences an appeal to the Commissioner within 30 days of such final determination, the student will be permitted to continue to attend the school he or she is enrolled in at the time of the appeal and/or receive transportation to that school pending the resolution of all available appeals.

The McKinney-Vento Liaison's Dispute Resolution Responsibilities

The School's McKinney-Vento liaison must assist the student in temporary housing's parent or guardian or unaccompanied youth in bringing an appeal to the Commissioner of a final School decision regarding enrollment, school selection and/or transportation. In the event of a dispute regarding eligibility, enrollment, school selection, and/or transportation, the School's McKinney-Vento liaison will:

1. Provide the parent or guardian or unaccompanied youth with a copy of the form petition;
2. Assist the parent or guardian or unaccompanied youth in completing the form petition;
3. Arrange for the copying of the form petition and supporting documents for the parent or guardian or unaccompanied youth, without cost to the parent or guardian or unaccompanied youth;
4. Accept service of the form petition and supporting papers on behalf of any School employee or officer named as a party, or the School if it is named as a party, or arrange for service by mail by mailing the form petition and supporting documents to any School employee or officer named as a party, and, if the School is named as a party, to a person in the office of the Principal who has been designated by the Board to accept service on behalf of the School;

5. Provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgment verifying that he or she has received the form petition and supporting documents, and will either accept service of these documents on behalf of the School employee or officer or School, or effect service by mail by mailing the form petition and supporting documents to any School employee or officer named as a party, and, if the School is named as a party, to a person in the office of the Principal who has been designated by the Board to accept service on behalf of the School;
6. Transmit on behalf of the parent or guardian or unaccompanied youth, within five days after the service of, the form petition or any pleading or paper to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234;
7. Provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgement verifying that he or she has received the form petition and supporting documents and will transmit these documents on behalf of the parent, guardian or unaccompanied youth to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234;
8. Accept service of any subsequent pleadings or papers, including any correspondence related to the appeal, if the parent or guardian or unaccompanied youth so elects. He or she will also make this correspondence available to the parent or guardian or unaccompanied youth; and
9. Maintain a record of all appeals of enrollment, school selection, and transportation determinations.

Coordination

The School will coordinate the provision of services described in this policy with local social services agencies, housing providers and other agencies or programs providing services to students in temporary housing and their families, including services and programs funded under the Runaway and Homeless Youth Act.

The School will coordinate with other schools and districts on issues such as transportation or transfer of school records.

The School will coordinate implementation of the above provision of services with the requirements of the Individuals with Disabilities Education Act (IDEA) for students with disabilities.

Coordination with Title I

The School acknowledges that students in temporary housing are eligible for services under Title I, Part A, whether or not they live in a Title I school attendance area or meet the academic requirements required of other children. The School will ensure that:

1. Title I, Part A funds are set aside as are necessary to provide students in temporary housing, who may have unique needs that differ from their permanently housed peers, with educationally related support services;
2. Its local plan includes a description of how the plan is coordinated with McKinney-Vento;
3. Its local plan describes the services provided to students in temporary housing;
4. Its local plan describes the efforts it made to identify students in temporary housing, including unaccompanied youth, if the School reports that there are no students in temporary housing enrolled in the School. These efforts will include contacting the LDSS or Office of Children and Family Services (OCFS) to verify that there are no students in temporary housing in the School; and
5. Its housing questionnaire asks about the living arrangements of the child or unaccompanied youth, including asking if he or she is living in a shelter; with relatives or others due to loss of housing or economic hardship; in an abandoned apartment/building; in a motel/hotel, camping ground, car, train/bus station or other similar situation due to the lack of alternative, adequate housing. Documentation of the School's efforts to identify students in temporary housing will be maintained on file and a copy of the housing questionnaire will also be kept on file.

Reporting Requirements

The School will collect and transmit to the Commissioner of Education, at the time and in the manner as the Commissioner may require, a report containing information as the Commissioner determines is necessary, including the numbers of homeless students, their grade, and their nighttime residence.

Access to Free Meals

The School will provide free meals to all children identified as homeless. They do not have to complete a free or reduced-price meal application. When the McKinney-Vento liaison or a shelter director provides a child's name to the School's school food service office, free school meals will commence immediately.

Removal of Barriers

The School will review and revise its policies that may act as barriers to the identification of students in temporary housing and their enrollment and retention in school, including barriers to enrollment and retention due to outstanding fees or fines, or absences.

Comparable Services

The School will provide services to students in temporary housing comparable to those offered to other students in the School, including: transportation services; educational

services for which the child or youth meets the relevant criteria, such as services provided under Title I or similar State or local programs; educational programs for students with disabilities; educational programs for English learners; programs in career and technical education; programs for gifted and talented students; and school nutrition programs.

Student Privacy

Information about a student in temporary housing's living situation will be treated as a student education record and will not be deemed to be directory information under the Family Educational Rights and Privacy Act (FERPA). A parent or guardian or unaccompanied youth may consent to the release of a student's address information in the same way they would for other student education records under FERPA.

Training

All school enrollment staff, secretaries, school counselors, school social workers, and principals will be trained on the requirements for enrollment of students in temporary housing. Other staff members including school nutrition staff, school registered professional nurses, teachers, and bus drivers will receive training on homelessness that is specific to their field.

EXHIBIT XVI(A): NIAGARA CHARTER SCHOOL TRANSPORTATION AND ENROLLMENT OF HOMELESS STUDENTS

Charter schools are considered local educational agencies (LEAs) under the McKinney-Vento Act and are required to appoint a liaison to help students in temporary housing and their parents. Under the Act, the McKinney-Vento Liaison is responsible for ensuring that:

- Children and youth in temporary housing are identified by school personnel and through coordination activities with other agencies;
- Children and youth in temporary housing enroll in, and have a full and equal opportunity to succeed in, schools of that LEA;
- Families, children and youth in temporary housing receive educational service for which such families and youth are eligible;
- The parents/guardians of children and youth in temporary housing are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in their children's education;
- Public notice of the educational rights of children and youth in temporary housing is disseminated where such children and youth receive services, such as schools, family shelters, and soup kitchens;
- Enrollment disputes are promptly mediated; and
- The parent or guardian of a child or youth in temporary housing, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin. (42 U.S.C. § 11432(g)(6)(A)).

Pursuant to state law, all students identified as homeless, including those attending charter schools, must complete a designation form, indicating the designated school district of attendance. (*Education Law* § 3209(2)(d)).

The parent or the student with the help of the McKinney-Vento Liaison, in the case of an unaccompanied homeless youth, designates the district of attendance on the designation form, otherwise known as the STAC-202 form, linked here:

http://www.oms.nysed.gov/stac/schoolage/schoolage_placement_summary/homeless/stac_202_form.pdf

After a student has been identified as homeless, a designation form or STAC-202 form must be completed.

All local education agencies (charter schools, school districts, and BOCES) have an affirmative obligation to identify students experiencing homelessness. (42 U.S.C. § 11432(g)(6)(A); *Education Law* § 3209(2-a)). To help LEA's meet this requirement, LEAs receiving Title I funds are required to administer a **Residency Questionnaire** inquiring about the housing status of all students seeking enrollment in the district **as well as those who have a change of address** per SED's Consolidated Application.

A charter school, school district, or local department of social services (in cases where it has placed the family in temporary housing) may complete the STAC-202 form and send a copy to all parties listed on the STAC-202 form. In many instances, the charter school will be the first to become aware of a student's housing situation and should fill out the STAC-202 form. However, the charter school itself should *not* be entered anywhere on the STAC-202 form. It should be completed as follows:

- *Box 7A. NYS School District of Attendance Before Becoming Homeless:* the student's district of origin should be entered, even if the student has never attended a traditional public school in that district.
- *Box 8A. NYS School District of Current Location:* the school district in which the student is temporarily residing should be listed. Note that, because students may attend charter schools in any district, the student's school district of current location may or may *not* be the district in which the charter school they are attending is located.
- *Box 9A. NYS Designated District of Attendance:* the district designated by the student's parent (or the youth, if she is unaccompanied) should be listed

A parent may designate either the district of origin or the district of current location as the district of attendance.

- In most cases, if the student was attending the charter school prior to becoming homeless, the district of origin should be designated as the district of attendance, to ensure the provision of transportation. Under Education Law, the district of origin must transport a student in temporary housing up to 50 miles each way to school, whereas the student is only eligible for transportation from the district of current location insofar as permanently housed students in that district are eligible for transportation to that charter school. (*Education Law § 3209(4)*).
- If the student enrolls in a charter school after becoming homeless, the designation of the district of attendance will depend on factors such as where the student temporarily living, which district is better suited to provide the transportation, and which district is better suited to provide special education services if the student has an IEP (for example, which district may already have arrangements in place to provide speech therapy in the charter school in cases where the student in temporary housing is mandated to receive this related service according to his IEP).

Typically, the school district of residence is responsible for charter school basic tuition payments to charter schools. (*Education Law § 2856(1)(a)*). However, students experiencing homelessness do not have a district of residence because of their loss of permanent housing. The **designated district of attendance is responsible for paying the charter school basic tuition for a student in temporary housing who is attending a charter school.**

The designated district of attendance is responsible for transporting students in temporary housing who attend a charter school. If the district of origin is designated, it is required to provide transportation up to 50 miles each way. If the district of current location is designated, it is required to provide transportation subject to the mileage limitations applicable to permanently housed students in the district. (*Education Law § 3209(4)*).

If the district of current location is designated as the district of attendance, it will be reimbursed the non-resident district tuition rate, pro-rated for the period of instruction while the student is in temporary housing. The reimbursement is processed through the STAG Unit and is initiated with the sending of the STAC 202 form to the State Education Department. If the district of origin is designated, there is no reimbursement available through the STAC process, and the STAC 202 form should not be sent to the State Education Department, although the form should be completed and retained by the charter school.

Districts are eligible for state transportation aid for allowable costs associated with transporting students in temporary housing. Districts will be reimbursed using the same transportation aid ratios as those used for permanently housed students. (*Education Law § 3209(4)*).

Attachments: STAC 202

Residency Questionnaire

Documenting Efforts to Identify Homeless Students

XVII. POLICY AND PROCEDURES FOR ENGLISH LANGUAGE LEARNERS

The Niagara Charter School shall serve any and all students with limited English proficiency (English Language Learners or "ELL") using structured English language immersion so that they achieve proficiency in the English language as quickly as possible. The Charter School shall comply with all applicable laws including Title VI of the federal Civil Rights Act of 1964 (as amended) and the federal Equal Educational Opportunities Act of 1974.

Overview/Assurances

Students at the Charter School with limited proficiency in English will achieve proficiency in the English language as quickly as possible through the use of the School's services and teaching methods. The School ensures that ELL students will not be excluded from curricular and extra curricular activities based on an inability to speak and understand the language of instruction, and also that ELL students will not be assigned to special education because of their lack of English proficiency. Parents whose English proficiency is limited will receive notices and information from the School in their native language to encourage participation in the School by all members of the Charter School community. Parental outreach may also be conducted through home visit by a school official and an interpreter.

Identification of ELL Students

The Charter School will use the State Education Department's process for identifying students who are English Language Learners as follows: i) Home Language Questionnaires will be used to screen all new enrollees for potential limited English proficiency if one has not been provided by the home district; ii) If the home language is other than English or the student's native language is other than English, appropriate School staff shall conduct an informal interview in the student's native language and English; iii) If the student speaks a language other than English and the student speaks little or no English, the School will administer the Language Assessment Battery-Revised (LAB-R). A score below the designated cut score for the child shall determine eligibility for services. The LAB-R shall be administered only once to each incoming student.

The School's teachers will be responsible for observing each student throughout the class day with an eye toward detecting limited English proficiency. All teachers who are working with ELL students will receive professional development training on techniques for detecting whether a student has English language deficiencies and on communicating with students designated as ELL students and their parent/guardian(s). Such activities will focus on the language, cultural heritage and instructional methodologies, including ESL methods for teaching content areas, and support services appropriate for learners of a second language. Any student suspected of having limited English proficiency will be tested to determine if and what level of services, if any, are necessary.

English Immersion Program & Services

All students that are English Language Learners will be expected to become proficient in the English language at a rapid pace. We believe that a structured English immersion program will be most helpful to ELL students in improving their abilities to master the language. Students of limited English proficiency will receive the same academic content as those students who are native English speakers. All instruction will be in English. However, the level of English used for instruction—both oral and written—will be modified appropriately for each ELL student. All teachers will receive professional development on communicating with students designated as ELL and in techniques for detecting whether a student has English language deficiencies. Within the School's extended day schedule, there is ample time that can be used for additional intensive English language instruction.

The Niagara Charter School will provide all necessary staff and specialized curricular materials to enable ELL students to achieve proficiency. Staff will be "highly qualified" pursuant to the provisions of the NCLB Act, and any instructors hired or contracted with will be certified in accordance with application regulations of the Commissioner for teacher English to speakers of other languages. Curricular materials and facilities for the implementation of the instructional program shall not be inferior to those materials and facilities available to English proficient students, and will be of the same quality and quantity available to the general population. The School will directly provide or make referrals to appropriate support services that may be needed by ELL students in order to achieve and maintain a satisfactory level of academic performance. Such services may include individual counseling, group counseling, home visits, and parental counseling. The School will be prepared to address the needs of students who are struggling with the structured English immersion program by providing, if it is determined to be the best course of action, pull-out instruction and/or assignment to a certified aide, teacher or qualified consultant under contract who speaks that child's non-English language. Instructional materials will be of high quality in both languages of instruction and appropriate for teaching English to second language learners. The School will seek to hire at least one full-time teacher who speaks the foreign language that is most common among its students, which in all likelihood will be Spanish. Parents of ELL students will be kept abreast of their child's progress in English language acquisition, preferably in the language that the parents best understand.

Exit Criteria

The proficiency of an identified ELL student in the English language will be measured at least annually to determine whether continued special services are warranted. The Charter School will evaluate each student's performance in academic content areas to measure the student's progress in core subjects. The School also will use the New York State English as a Second Language Achievement Test (NYSESLAT) to assess ELL students, as required by the State Education Department to implement the federal *No Child Left Behind* Act, as well as administering the state English Language Arts assessment. The scores on the NYSESLAT indicate the proficiency level—either

Beginning, Intermediate, Advanced, or Proficient—the student has achieved each year, and whether the student's level of English is high enough to exit the program. If an ELL student fails to show appropriate progress in these academic areas, modifications to the instructional program may be made. Any student classified and receiving educational services as an ELL student who subsequently tests high enough to exit the program will be deemed to be no longer in need of ELL services.

Accountability and Evaluation of the ELL Program

In order to ensure that the ELL program is achieving the desired results (students are making progress in the acquisition of the English language and making progress academically), an annual evaluation will occur. In order to determine if any programmatic modification are necessary, the School will evaluate the progress of its ELL students on standardized assessments and non-standardized assessments against that of the non-ELL students. The School also will track students longitudinally throughout their matriculation to determine if there is significant variation in the academic achievement of students who were once classified ELL and non-ELL students as measured by standardized assessments and non-standardized assessments. The school will track how many students are declassified as ELL and the number of instructional years it takes for this declassification to occur.

XVIII. STUDENTS WITH DISABILITIES POLICY

A child with a disability means a student under the age of twenty-one who is entitled to attend public schools and who, because of mental, physical or emotional reasons can only receive appropriate educational opportunities from a program of special education. A child is not considered as having a disability if his/her educational needs are due primarily to unfamiliarity with the English language; environmental, cultural or economic factors; or lack of appropriate instruction in reading or mathematics.

The Niagara Charter School (the "School") will educate students with disabilities in the least restrictive environment, with their non-disabled peers to the extent appropriate and allowed by each student's individualized education plan (IEP) prepared by the Committee on Special Education (CSE) of the students' school district of residence and all applicable federal laws, including the Individuals with Disabilities Education Act (IDEA). The School shall not discriminate in admission and enrollment practices on the basis of a student having or suspected of having a disability.

APPROACH TO STUDENTS WITH DISABILITIES

All students with disabilities will be provided with full access and opportunity to participate in School programs, including nonacademic and extracurricular programs and activities, that are available to all other students enrolled in the School. Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment will occur only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily, in accordance with the IEP prepared by the Committee on Special Education of the students' district of residence.

Students with disabilities will also be expected to participate in, and receive credit for, nonacademic, extracurricular and ancillary programs and activities with all other students to the extent allowed by the IEP prepared by the CSE of the students' district of residence. Parents/guardians of students with disabilities with disabilities will receive all notices concerning school-sponsored programs, activities and services.

Methods and Strategies

All special education programs and services at the School shall be provided in accordance with Education Law § 2853(4) (a) and applicable federal laws and regulations and in accordance with the IEP recommended by the CSE of the students' school district of residence. The School will ensure that the special education programs and services as indicated on each student's IEP will be provided directly to the student during school hours. The School will provide consultant teacher services. In accordance with the students' IEP, special education staff will ensure that classroom teachers at the School are knowledgeable about the needs of students with disabilities; are informed of their responsibilities for particular students; receive the support they may require to implement

a student's program; and implement any necessary modifications or accommodations in their classes.

If the School is unable to directly provide services to the extent necessary, we will rely on the school district of the student's residence to provide services. If necessary the School shall request of the District of Residence appropriately certified or licensed individuals to provide services under our direction, more specifically, the students Local Education Agency. The services to be provided may include, but are not limited to:

1. Speech language pathology and audiologist services;
2. Psychological services;
3. Physical and occupational therapy;
4. Recreation, including therapeutic recreation;
5. Early rehabilitation counseling;
6. Orientation and mobility services;
7. Diagnostic and/or evaluative medical services; or
8. Student and/or parent counseling.

Grouping by Similar Needs

For those students for whom an appropriate education requires that they be placed together for purposes of special education, the following guidelines apply:

1. That each student with a disability will be identified, evaluated and placed as determined by their district of residence Committee on Special Education (CSE).
2. The CSE will determine written goals, including academic and functional goals, for each student with a disability by considering the special and individual needs of each student with a disability. Short-term instructional objectives and/or benchmarks will be created for each student who take New York State alternate assessments.
3. The CSE will recommend to the Board of Trustees appropriate educational programs and services for each student with a disability based upon the CSE evaluation.
4. The CSE will provide information to those teachers and professionals who arrange instructional groups for students with disabilities. Information will include physical, psychological and social information as well as achievement test results.
5. The curriculum and instruction provided to students with disabilities who are grouped by similarity of needs will be consistent with the individual needs of each student in the group.
6. Students with disabilities may be grouped according to:
 - a) Academic achievement, functional performance and learning characteristics;
 - b) Social development;

- c) Physical development; and
 - d) Management needs.
- 7. When grouping students by similarity of needs, the social needs or physical development of a student will not be the sole determinant for placement of a student in a special education program.
- 8. The management needs of such students may vary, provided that environmental modifications, adaptations, or human or material resources required to meet the needs of any one student in the group are provided and do not consistently detract from the opportunities of other students in the group to benefit from instruction.

Student Referrals

A student that may have a disability will be referred in writing by the School to the chairperson of the CSE of the district of residence for an individual evaluation and determination of eligibility for special education programs and services. Referrals may be made by any professional staff member of the School following the in-school process described below using the Behavioral Academic Social Emotional Child Study Team (BASE CST). Such referrals will: (1) state the reasons for the referral and include any test results, records or reports upon which the referral is based, if any; (2) describe any attempts to remediate the student's performance prior to the referral, including any supplementary aids or support services provided for this purpose, if any; and (3) describe the extent of parental contact or involvement prior to the referral. A copy of such referral along with the procedural safeguards notice described in 34 CFR §300.504 will be sent to the student's parents.

The classroom teacher or any teacher may refer students who are suspected of having a disability to the BASE Team. The BASE Team conducts a formal intervention process for the identification of a student's educational strengths and weaknesses; for problem solving by teachers; and for systematic collegial development and documentation of interventions. The goal also is to provide prompt accessible within-building support in cases where students are encountering problems in areas such as learning, behavior, attendance, work habits, self-concept, etc. The BASE Team is the School's formal pre-referral process.

Team Formation and Composition

The Special Education Coordinator is responsible for the on-going operation of the BASE Team. The faculty volunteers to form a 3-4-person team consisting of two (2) regular classroom teachers, one (1) special subject area teacher and a professional with non-classroom responsibilities. Other professionals may be needed on an individual basis depending upon the child in question and his/her problem area. The team will delegate a BASE Team Facilitator.

Determining Team Members

BASE Team members join on a volunteer basis. Once the team is formed, they are trained in the BASE process for roles and responsibilities, efficient strategy for conducting meetings, identified effective teaching practices, precision behavioral description and effective interaction skills. Orientation to BASE is provided to team members by the Special Education Coordinator.

At no point has the School had difficulty finding volunteers to serve on the BASE CST. Our teachers are dedicated and understand the importance of taking part in such teams. However, being that teachers are told that they may be required to take part in duties outside of normal "teaching duties"; the school could require a teacher to hold a seat on the BASE CST.

A liaison is a member of the team who is assigned to the teacher/child who was referred. The team member is chosen based on the needs of the child and the strengths of the team member. The liaison observes the student in and does a more in depth review of data and then reports, with the teacher, back to the team.

Plans may be implemented by the classroom teacher, counselor, assistants, AIS staff or other member of the faculty who is needed. Each child is revisited on a monthly basis, by the entire team. The type of assessment is based upon what the original objective was. Being that this team deals with varied types of needs it is not realistic to say that one type of assessment is used.

Information is "coded" according to the data that is collected. This completely depends on the type of data that is being collected. For example, if we are looking at the reading level, we would graph the reading levels at regular intervals starting with the date the case comes before the team and from that point forward while the team is working with the child and teacher. This would be "coded" differently if we were dealing with a child who is having problems staying in his seat. Information is gathered by the classroom teacher and the liaison.

Team Responsibilities

1. The Facilitator, the Special Education Coordinator, reviews the request for completeness of information.
2. The liaison constructs a Problem Interaction Diagram and then holds a preliminary conference with the requesting teacher to clarify the issue under consideration or the desired behavioral outcome.
3. A classroom observation may be made by a team member if the requesting teacher agrees.

4. The Facilitator sets the time and place for meeting, and the agenda.

The Team Meeting

A teacher requests/submits a referral form for a student in need (behavioral, academic, social, and emotional) to the Special Education Coordinator. The Coordinator assigns a liaison who will meet with the referring teacher to discuss the student. The liaison will also conduct one or two classroom observations. The student will then be placed on the next meeting's agenda. At the meeting, the student will be presented by the referring teacher and the liaison. The team will brainstorm interventions and create an Action Plan for the referring teacher to implement. The liaison will check in with the teacher to see how the Action Plan interventions are working. The student is placed on the next month's meeting to monitor progress.

Interventions can be categorized and coded for statistical analysis. Categories may include identification of specific teaching strategies, implementation of specific methodology, use of approved educational tactics, parental involvement, adaptation of instructional technique, and employment of child-specific behavior modification program, referral to other school-based support services (guidance, speech, library attendance, and remedial referral to outside community agency). An action plan is determined by the teacher who requested assistance with the team. An important feature of this process is that the teacher decides what strategy s/he will implement. It is not the role of the team to recommend or direct the requesting teacher's subsequent actions. Rather, their function is to assist the teacher in problem solving his/her particular issue.

Evaluation And/ Or Follow-Up

A record of the effectiveness or ineffectiveness of the interventions employed is maintained through a 4-week follow-up conference with the teacher requesting assistance. Three possibilities may exist: 1. the problem is solved, 2. the problem continues, 3. the problem is ameliorated somewhat. In cases #2 and #3, new interventions may need to be developed or an observation may be done by a team member to reinforce or recommend previous suggestions for consideration.

It is important to give strategies and interventions ample time to see their effectiveness. A time frame of 8-10 weeks is recommended to allow for growth or change. If the 10-week intervention does not resolve the problem as anticipated, the BASE Team may decide to refer the student to the CSE of the student's district of residence accompanied by the BASE Team data.

If pre-referral interventions cannot provide the necessary success in general education, the child will be referred to the chairperson of the student's resident district's CSE for an individual evaluation and determination of eligibility for special education programs and services. Any professional staff member of the School may make a referral. Such a referral will: (1) state the reasons for the referral and include any test results, records

or reports upon which the referral is based, if any; (2) describe any attempts to remediate the student's performance prior to the referral, including any supplementary aids or support services provided for this purpose, if any; and (3) describe the extent of parental contact or involvement prior to the referral. A copy of such referral along with the procedural safeguards notice described in 34 CFR §300.504 will be sent to the student's parents by the CSE of the student's district of residence.

IEP and Its Implementation

Initial evaluations, reevaluations, and revisions of IEPs, and the procedures relating thereto, are the responsibility of the local educational agency — the school district of a student's residence (see 34 CFR §§300.22, 300.312 and 300.340 et al). The School will implement the IEP developed by the CSE of the student's district of residence for each student with a disability, and will cooperate with the student's district of residence to ensure that all services as recommended in that IEP are provided to the student.

The School will provide substitute coverage for teachers as necessary to ensure that they are able to attend CSE meetings. As required by the IDEA, the student's regular education teacher will be involved in the development and implementation of a student's IEP, provided that the student is, or may be, participating in the regular education environment. The School will ensure that the teacher is knowledgeable about the student's needs and will help implement any modifications or accommodation as determined by the CSE of the student's district of residence. While the School may send the mandated procedural safeguards notice to parents, it is the responsibility of the CSE of the student's district of residence to do so. Every teacher of a student with a disability will be provided a copy of the student's IEP and training will be provided by the school's special education teacher, as needed, to ensure their understanding of the student's needs and their responsibilities related to the student's IEP.

Quarterly progress reports regarding each student and his or her IEP goals, as well as copies of all report cards, will be provided to the student's parents. The school district is welcome at any time to monitor the school's implementation of its special education program.

The special education coordinator shall interact with the students district of residence in a number of ways, including seeing that referrals are made for students suspected of having a disability; fulfilling reporting requirements of the resident district; ensuring that all appropriate school staff participate in meetings of the resident district CSE; and establishing a reporting structure in accordance with applicable law whereby the district of the student's residence is provided progress on the degree to which the services on the IEP are being provided. The Special Education Coordinator will communicate directly with Chairperson of the District's CSE and/or their designee.

Staff Responsibilities and Training

The responsibilities of the special education teacher will include: providing direct and indirect instruction; long- and short-term planning to address individual needs of students; evaluation of students' progress; establishing and maintaining classroom management procedures; reporting on all special education issues to School Leadership; preparing written reports accurately and in a timely manner; effectively communicating with teachers and parents in regards to IEP goals; effectively consulting with parents, teachers, and administrators; representing the School at CSE meetings; remaining knowledgeable on current special education laws, rules, and regulations; and maintaining the privacy of student records and information.

Professional training and development for staff involved with the education of students with disabilities will include the following: the referral process to the CSE, development of a student's IEP, implementation of a student's IEP, evaluation of a student's progress toward meeting IEP goals and objectives, meeting reporting requirements to parents and CSEs, and discipline of students with disabilities. Additionally, the Special Ed coordinator has gone to off-site PD and components of the EL training focus on Special Education. Professional development is conducted by the Special Education Coordinator at the beginning of the year and on an on-going basis as needed throughout the year.

Child Find Requirements

The School will work with the district of residence on Child Find, to identify students within their own school building that are in need of special education services. The school will comply with the federal Child Find requirements (34 CFR §300.125), which require schools to have in place a process for identifying, locating and evaluating students with disabilities. Students enrolling for the first time in a New York public school will be screened by a team of teachers (including both regular and special education teachers) to identify any possible indication that the child may need a specialized or intensive education program, or referral to the CSE of the student's district of residence. Students suspected of having difficulties in school will be brought to the attention of the team if they are demonstrating any problems within the regular classroom environment. Students will be assessed through use of Running Records, pre-bench mark assessments, kindergarten screening, report cards, classroom, and New York State Assessments. Interventions will then be implemented to address any identified special needs of the student. Should the problems persist and a disability is suspected, the student will be referred to the CSE of the student's district of residence for an evaluation.

Reporting Requirements

In compliance with 34 CFR §300.750, the School will submit an annual report to the State Education Department detailing the number of students with disabilities it serves, the nature of each student's disability, and each student's educational placement and setting. Regarding reports that are the responsibility of the district of residence, the School will make any necessary data available to the district in a timely fashion. The School will also

comply with 8 NYCRR §119.3, which details requirements for the "Charter School Report Card" and includes information relating to students with disabilities.

In compliance with 34 CFR §300.750, the School will submit annually the following reports by the dates noted:

PD-1C/4C	Count of Students with Disabilities Provided Special Education on December 2 and the Settings in which Students with Disabilities are provided services	December 13
PD SC	Students Exiting Special Education	mid-July
PD-6	Special Education Personnel	February 1
PD-8	Students with Disabilities Suspended for Disciplinary Reasons	mid July
SEDCAR-1	ASEP Request for IDEA Sub allocation	March 1

Independent Educational Evaluations

Parents of children with disabilities have the right under federal and state regulations to obtain an independent educational evaluation (IEE) at public expense under certain conditions if they disagree with an evaluation obtained by the district of residence.

A parent is entitled to only one IEE at public expense each time the district of residence conducts an evaluation with which the parent disagrees.

The School and district may ask the parent to explain the reason as to why they object to the district of residence's evaluation, although the parent is not required to answer. The district of residence will not unreasonably delay either providing the IEE or initiating an impartial hearing to defend its own evaluation.

Section 504 Of The Rehabilitation Act of 1973

The Board of Trustees affirms its compliance with those sections of the Rehabilitation Act of 1973 dealing with program accessibility.

Section 504 of the Rehabilitation Act prohibits discrimination against qualified individuals with disabilities in federally assisted programs or activities solely on the basis of disability. The School will make its program and facilities accessible to all its students with disabilities.

The School will also identify, evaluate and extend to every qualified student with a disability under Section 504, a free, appropriate public education, including modifications, accommodations, specialized instruction or related aids and services, as deemed necessary to meet their educational needs as adequately as the needs of non-disabled students are met.

The School official responsible for coordination of activities relating to compliance with

Section 504 is the Chief Academic Officer. This official will provide information, including complaint procedures, to any person who feels his/her rights under Section 504 have been violated by the School or its officials.

Prohibition Against Disability-Based Discrimination in Accelerated Programs

The practice of denying, on the basis of disability, a qualified student with a disability the opportunity to participate in an accelerated program violates both Section 504 and Title II. A School may not impose or apply eligibility criteria that screens out or tends to screen out a student with a disability from fully and equally enjoying any service, program, or activity, unless such criteria can be shown to be necessary.

It is also unlawful to deny a student with a disability admission to an accelerated class or program solely because of his/her need for special education or related aids or services (i.e., related services, supplementary aids and services, program modification and supports for school personnel) or because the student has an Individualized Education Program (IEP) or a plan under Section 504.

Schools may employ appropriate eligibility requirements or criteria in determining whether to admit students, including students with disabilities, into accelerated classes or programs. Additionally, nothing in Section 504 or Title II requires schools to admit into accelerated classes or programs students with disabilities who would not otherwise be qualified for these classes or programs.

Assessment Of Students With Disabilities

All students with disabilities shall take state assessments except in cases that the IEP developed by the CSE of the student's district of residence determines that such students cannot participate in regular state assessments. In these instances, the State Alternate Assessment (NYSAA) will be administered as required by law. The School also will present to and discuss with members of the CSE each component of the School's assessment program, and will ask the CSE to make a determination about which, if any, of these various assessment measures would be appropriate to include in these children's IEPs.

STUDENT RECORDS

Access To Student Records/FERPA

The School will comply with the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Under its provisions, parents/guardians and noncustodial parent(s), whose rights are not limited by court order or formal agreement, have a right to inspect and review any and all education records maintained by the School. All appropriate staff will be trained in such requirements, and the School's Special Education Coordinator will be responsible for ensuring the confidentiality of personally identifiable information within student records.

Education Records

The term "education records" is defined as all records, files, documents and other materials containing information directly related to a student; and maintained by the education agency or institution, or by a person acting for that agency or institution. This includes all records regardless of medium, including, but not limited to, handwriting, videotape or audiotape, electronic or computer files, film, print, microfilm, and microfiche.

In addition, all records pertaining to services provided under the Individuals with Disabilities Education Act (IDEA) are considered "education records" under FERPA and they are subject to the confidentiality provisions of both Acts.

However, personal notes made by teachers or other staff are not considered education records if they are:

1. Kept in the sole possession of the maker;
2. Not accessible or revealed to any other person except a temporary substitute;
and
3. Used only as a memory aid.

Additionally FERPA does not prohibit a school official from disclosing information about a student if the information is obtained through the school official's personal knowledge or observation and not from the student's education records.

Records created and maintained by a law enforcement unit for law enforcement purposes are also excluded.

Access to Student Records

Administrative regulations and procedures will comply with the provisions of federal law relating to the availability of student records. The purpose of these regulations and procedures is to make available to the parents/guardians of students and noncustodial parent(s) whose rights are not limited by court order or formal agreement, student records, and files on students, and to ensure the confidentiality of these records with respect to third parties. In accordance with FERPA, parents will be allowed to inspect and review all of their student's educational records maintained by the School. Upon receipt of such a request, the School will adhere to the requirements of the Freedom of Information Law. In any event, the School will comply with such a request for access within a reasonable period of time, but in no case more than 45 days after it has received the request.

Under FERPA, unless otherwise exempted in accordance with law and regulation, the School may release personally identifiable information (PII) contained in student

education records only if it has received a "signed and dated written consent" from a parent or eligible student. Signed and dated written consent may include a record and signature in electronic form provided that the signature:

1. Identifies and authenticates a particular person as the source of the electronic consent; and
2. Indicates the person's approval of the information contained in the electronic consent.

Exceptions

Without the consent of a parent or eligible student, the school may release a student's information or records when it is:

1. **Directory Information and Limited Directory Information:** Directory information is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Limited Directory Information Disclosure means that the School may limit disclosure of its designated directory information to specific parties, for specific purposes, or both. The intent is to allow schools the option to implement policies that allow for the disclosure of student information for uses such as yearbooks, honor roll lists, graduation programs and play bills, but restrict disclosure for more potentially dangerous purposes. The School will limit disclosure of its designated directory information as otherwise specified in its public notice to parents of students in attendance and eligible students in attendance.
2. **To School Officials who have a Legitimate Educational Interest:** To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. An educational interest includes the behavior of a student and disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of the student, other students or other members of the school community. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibility.
3. **To Another Educational Institution:** The School may disclose any and all educational records, including disciplinary records and records that were created as a result of a student receiving special education services under Part B of IDEA, to another school or postsecondary institution at which the student seeks or intends to enroll, or after the student has enrolled or transferred, so long as the disclosure is for purposes related to the student's enrollment or transfer. Parental consent is not required for transferring education records if the School's annual FERPA notification indicates that these disclosures may be made. In the absence of information about

disclosures in the annual FERPA notification, school officials must make a reasonable attempt to notify the parent about the disclosure, unless the parent initiated the disclosure. Additionally, upon request, the school will provide a copy of the information disclosed and an opportunity for a hearing.

4. **For Health and Safety Emergency Reasons:** Schools must balance the need to protect students' PII with the need to address issues of school safety and emergency preparedness. Under FERPA, if an educational agency or institution determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records, without consent, to any person whose knowledge of the information is necessary to protect the health and safety of the student or other individuals during the period of the health or safety emergency. Schools may release information from records to appropriate parties including, but not limited to, parents, law enforcement officials and medical personnel. A school's determination that there is an articulable and significant threat to the health or safety of a student or other individuals will be based upon a totality of the circumstances, including the information available, at the time the determination is made. The School must record the articulable and significant threat that formed the basis for the disclosure and maintain this record for as long as the student's education records are maintained.
5. **To Juvenile Justice Systems:** Information may be disclosed to state and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a state statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released. In these cases the official or authority must certify in writing that the information will not be disclosed to any other party except as provided under law without prior written consent.
6. **To Foster Care Agencies:** A school may release records to an agency caseworker or other representative of a State or local child welfare agency, who has the right to access a student's case plan, when the agency or organization is legally responsible, for the care and protection of the student. This does not give a child welfare agency the right to look into any non-foster care student's records, without parental consent, when there has been a mere allegation of abuse or neglect, absent an order or subpoena.
7. **Pursuant to a Subpoena or Court Order:** When the School receives a subpoena or court order for the release of records it will make a reasonable effort to notify the parent/guardian or eligible student of the order or subpoena in advance of compliance. This allows the parent/guardian or eligible student to seek protective action against the subpoena or order before the release of the records. Schools may disclose a student's records without first notifying parents/guardians or eligible students if the disclosure

is:

- a. Based on a subpoena in which the court orders, for good cause shown, not to reveal to any person the existence or contents of the subpoena or any information furnished pursuant to the subpoena;
 - b. In accordance with judicial order in cases where the parents are a party to a court proceeding involving child abuse or neglect or dependency matters, and the order is issued in the context of that proceeding; or
 - c. Made to a court (with or without an order or subpoena) when a School is involved in a legal action against a parent or student and the records are relevant to the matter.
8. **To Accrediting Organizations:** Disclosure of a student's records may be made to an organization in which that student seeks accreditation, in order to carry out their accrediting function.
9. **For Audit/Evaluation Purposes:** The audit or evaluation exception allows for the disclosure of PII from education records without consent to authorized representatives of the Comptroller General of the U.S., the Attorney General, the Secretary of Education, federal, state or local educational authorities. Under this exception, PII from education records must be used to audit or evaluate a federal or state supported education program, or to enforce or comply with federal legal requirements that relate to those education programs . The School may, occasionally, disclose PII from education records without consent to authorized representatives of the entities listed above. The School may also designate its own authorized representative who may access PII without consent in connection with an audit or evaluation of an education program within the School.
10. **For Conducting Studies:** This exception allows for the disclosure of PII from education records without consent to organizations conducting studies for, or on behalf of, schools, school districts or postsecondary institutions. Studies can be for the purpose of developing, validating, or administering predictive tests; administering student aid programs; or improving instruction. The School may disclose PII from education records without consent to these organizations conducting studies for the School, in accordance with its obligations under FERPA.

In addition, other entities outside of the School may, occasionally, disclose PII from education records that the School has previously shared with that entity, to organizations conducting studies on behalf of the School. For example, a State Education Agency (SEA) may disclose PII from education records provided by the School without consent to an organization for the purpose of conducting a study that compares program

outcomes across schools to further assess the effectiveness of these programs with the goal of providing the best instruction.

Challenge to Student Records

Parents/guardians of a student under the age of 18 will have an opportunity for a hearing to challenge the content of the school records and to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy of students, and to provide an opportunity for the correction or deletion of any inaccurate, misleading, or otherwise inappropriate data.

Release of Information to the Noncustodial Parent

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

Confidentiality

All files required by law to be kept confidential shall be kept under lock, in a place and manner that restricts access to only those individuals who are authorized to view these records. More specifically, special education records shall be kept under a locked file cabinet under the supervision of the special education teacher in his or her secure office who shall maintain a list of those staff allowed to access specific files, including the respective student's teacher and parent. A sign-out sheet shall be maintained by the teacher for all records to keep

track of their location at all times. Additionally, in relation to FERPA and the Special Education Coordinator, the position must ensure that all teachers have copies of IEP's in locked cabinets

as well as providing them to the students' teachers and ensuring the IEP' s are kept by the teachers in locked cabinets. The SPED Coordinator and Administrator will oversee and inform the staff in the maintenance and confidentiality of personally identifiable information in student records.

The coordinator will insure the school is in compliance with FERPA in regard to special education records. All teachers must be NCLB highly qualified per federal mandate and only persons who are highly qualified may teach in Niagara Charter School.

USE OF SERVICE ANIMALS

The Board of Trustees allows the use of service animals on school grounds by individuals with disabilities, subject to restrictions permitted by federal and/or state law, and procedures established by the Chief Academic Officer or his/her designee.

A service animal is defined as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals.

The work or tasks performed by a service animal must be directly related to the individual's disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. Psychiatric service animals that have been trained to take a specific action to help avoid an anxiety attack or to reduce its effects, however, may qualify as a service animal.

The Chief Academic Officer or his/her designee may create procedures, regulations and/or building-specific rules regarding the use of service animals on school grounds by individuals with disabilities.

TRANSPORTATION

Transportation For Charter School Students With Disabilities

For students with disabilities, ages 5 through 13 who are parentally placed in nonpublic schools outside their district of residency, if special education services are to be provided to a student at a site other than the nonpublic school, the district of location is responsible for providing the special education services, including, as applicable, arranging and providing transportation necessary for the student to receive special education services.

The district of residence remains responsible to provide transportation to parentally placed charter school students from the student's home to the charter school.

Transportation of students with disabilities may not exceed 50 miles one way from the student's home to the appropriate special service or program unless the Commissioner certifies that no appropriate nonresidential special service or program is available within 50 miles. In that event the Commissioner may then establish transportation arrangements.

Student Information

Upon written consent of the parent or person in parental relation, every school bus which is used to regularly transport students with disabilities will maintain on such mode of transportation the following information about each student with a disability being transported:

1. Student's name;
2. Nature of the student's disability;
3. Name of the student's parent, guardian or person parental relation and one or more telephone numbers where that person can be reached in an

- emergency; and/or
4. Name and telephone number of any other person designated by such parent, guardian or person in parental relation who can be contacted in an emergency.

This information will be used solely for the purpose of contacting the student's parent, guardian, person in parental relation, or designee in the event of an emergency involving the student, will be kept in a manner which retains the privacy of the student, and will not be accessible to any person other than the driver or a teacher acting in a supervisory capacity. In the event that the driver or teacher is incapacitated, this information may be accessed by any emergency service provider.

This information will be updated as needed, but at least once each school year and will be destroyed if parental consent is revoked, the student no longer attends the school, or the disability no longer exists.

XIX COMPLAINT POLICY

The Niagara Charter School's Complaint Policy will remain in effect for the next charter renewal term. Niagara Charter School's aim is to seek a positive resolution to any complaint brought to its attention. Any individual or group may bring a formal complaint to the Board of Trustees of the Niagara Charter School alleging the violation of the New York Charter Schools Act, the charter, or any other provision of law relating to the management or operation of the Niagara Charter School. Such complaint to the Board of Trustees shall be submitted in writing to: Niagara Charter School Board of Trustees, c/o James Muffoletto, President, 2077 Lockport Rd, Niagara Falls, NY 14304.

Complaints are provided in writing to the Board of Trustees at least one week prior to the next scheduled Board meeting. Complaints received less than one week prior to a scheduled Board meeting will be addressed at the subsequent Board meeting. Emergency issues are dealt with on an as-needed basis, with the Board of Trustees responding at or prior to its next regular public meeting.

The Board of Trustees will investigate and gather all relevant information concerning the complaint. As necessary, the Board may delegate the CAO or other responsible party to act upon the complaint and report to the Board. Every effort is made to respectfully address each complaint. Student safety is always of primary concern.

Complaints will be considered and resolved as quickly and efficiently as possible. The Board of Trustees shall render a determination in writing no later than twenty (20) days from the Board meeting when such complaint was addressed; except however when additional time is required due to the need for further investigation or other extenuating circumstances.

In accordance with Education Law § 2855(4), if after presentation of such a complaint to the Board of Trustees, the individual or group determines that the Board has not adequately addressed the complaint, that individual or group may present the complaint in writing to the Niagara Charter School's charter entity, the New York State Board of Regents through the State Education Department's Charter School Office, which shall investigate and respond. Written complaints may be sent to the Charter School Office at 89 Washington Avenue, Albany, New York 12234. The Board of Regents shall have the power and the duty to issue appropriate remedial orders to the Board of Trustees of the Charter School under their jurisdiction to effectuate the provisions applicable under Education Law.

In addition to the foregoing, Niagara Charter School will make every effort to resolve all complaints informally in accordance with the best practices recommended by the New York State Board of Regents State Education Department, Charter School Office. Such practices may include the following:

- Having readily available information for parents or complainants concerning how complaints can be resolved informally;

- Responding promptly and calmly to any complaints;
- Ensuring that all appropriate staff are familiar with the Niagara Charter School's discipline policy and making available copies of such policy to parents or complainants, if needed;
- Maintaining up-to-date contact information for the Board of Trustees;
- When necessary, consulting with the New York State Education Department Charter School Office or the Niagara Charter School's attorney for advice and assistance in handling complaints.

XX. VIDEO SURVEILLANCE POLICY

The Board authorizes the use of surveillance cameras on the School property to ensure the health, welfare, and safety of all students, staff and visitors to the School property and to safeguard the School buildings, grounds, and equipment. Surveillance cameras will also be used to oversee student and faculty behavior in classrooms. The Board grants discretion to the Chief Academic Officer to approve appropriate locations for surveillance devices. Placement of the video cameras will be based on the presumption and belief that students, staff and visitors have no reasonable expectation of privacy in areas or at events that occur in plain view. Surveillance cameras will only be placed in public or common areas, such as stairwells, hallways, cafeterias, parking lots, or playgrounds, and not in private areas such as locker rooms, bathrooms, or other areas in which individuals have a reasonable expectation of privacy. Audio recordings will not be utilized by the School officials, however, this prohibition may not preclude the use of audio recordings by law enforcement officials in accordance with their official duties or as otherwise authorized by law.

Signs will be posted on the School property to notify students, staff and visitors that video cameras may be in use. Parents and students will also be notified through the student handbook. Students and Staff will be responsible for any violations of school rules and conduct caught on tape by cameras.

Any video surveillance recording in the schools, on school buses, or on school property, on tape, CD, or digitally, will be the sole property of the School and stored in its original form and in a secure location to avoid tampering and also to ensure its confidentiality in accordance with relevant law and regulations. Typically, the School will retain copies of video recordings for up to 30 days or until they are deleted from the School's computer server. Any other footage will be kept for as long as the Chief Academic Officer, Assistant Academic Officer, Business Manager, Board of Trustees or Officers shall determine.

Videos containing evidence of a violation of student and faculty conduct rules and/or state or federal law will be retained until the issue of the misconduct is no longer subject to review or appeal as determined by board policy or applicable law. Any release or viewing of the video will be in accordance with the law.

The individuals with access to the footage will be the administrators of the School, to wit; the Chief Academic Officer, the Assistant Academic Officer and the Business Manager. In addition at the sole discretion of the Chief Academic Officer, faculty may have access to such footage as the Chief Academic Officer may determine. Furthermore, the Board of Trustees shall also have access to the footage. Any of these individuals may review the recordings. Any request for viewing of the recordings must be approved by a Board President. The School Administrators will determine if an individual requesting to view the recording is considered authorized pursuant to federal and state law and this policy. Other than the authorized individuals set forth above, a recording may only be reviewed if there has been a report of an incident or a complaint relative to conduct on school property.

The School Administrators will be responsible for maintaining a log of the date and names of all individuals who view a recording.

Video recordings or footage from School surveillance cameras may be used in student or employee disciplinary proceedings, as appropriate. Video recordings used as part of disciplinary investigations or other proceedings shall be considered an educational record for purposes of the Family Educational Rights and Privacy Act ("FERPA"). Release of video recordings will only occur pursuant to disclosure requirements of FERPA and such recordings may not be released to parents without the permission of the parents of all identifiable students. Only that portion of the recording which is relevant to the incident of complaint will be reviewed or released in accordance to state and federal law and this policy. For cases involving law enforcement or court requests to review the recordings, the Chief Academic Officer or designee will review the case and will decide on the appropriateness of the request based upon federal and state law. In the event a law enforcement officer or a court requests the release of the recording, the Chief Academic Officer or designee will release only a copy of the recording and will maintain the original recording pending the outcome of the law enforcement or court action.

XII. Technology Device Policy

The School's Technology Device Policy will be provided to parents/guardians for each student chosen to borrow a personal computing device from the School. The Policy may be provided in the following letter format or other appropriate manner:

Dear Parent/Guardian(s):

Your child has been chosen to borrow a personal computing device (iPad) that can be used at home to enhance his/her learning. This device is property of Niagara Charter School, and the guidelines in this handbook must be strictly adhered to.

TECHNOLOGY DEVICE CONTRACT

This document is intended to inform all students, parents and guardians of the expectations and policies associated with this program. These technology resources provide meaningful learning opportunities for students, while providing reinforcement and enhanced opportunities outside of the classroom setting. Students should be aware of responsibilities associated with the efficient, ethical and lawful use of technology and NCS curricular resources. If a student violates any of the conditions named in this document, privileges may be terminated, access to Niagara Charter School technology may be denied, and the appropriate disciplinary action may be taken.

Student Participation

Student participation in this program is contingent upon an NCS administrative approval. Parent/guardian and student contracts must be signed and returned before any device or hardware is distributed. All computing devices provided are to be used for educational purposes only.

Device Ownership

Any computing device and additional hardware/accessories issued through this program are the property of Niagara Charter School. Students have no ownership of the computing device, peripheral hardware, and related resources. All resources will be returned to the school at the completion of the program. If the student leaves the charter school, the resources must be returned immediately. While students are responsible for proper care and handling of the resources, the school can recall the computing device and accessories at any point for maintenance or spot checking for compliance with the student contract. Niagara Charter School reserves the right to monitor and access all information on the computing devices, including Internet histories. Students and parents should clearly understand there is no expectation of privacy on school equipment. To reiterate, school officials will spot-check computing devices at any point and have the right to recall devices.

Technical Support

Students will immediately communicate to their classroom teacher or to administration regarding any damage to, loss of, or problems with the computing devices.

Internet Use/Connectivity

Internet is for academic use only. Niagara Charter School will monitor students' use of the Internet. Students should bear in mind that there is no expectation of privacy when using NCS owned resources (computing devices, network, software, etc.). Whenever possible, students must use Wi-Fi to connect to the Internet.

Loss, Theft or Damage

Each computing device will be assigned to a particular student. Students must not lend or exchange the iPads. The building IT coordinator must be notified immediately in the event of a lost, stolen or damaged computing device. Computing devices issued by NCS may include internal tracking software. In the event that the device is reported lost or stolen, software may be used to locate and remotely disable the device. Modifying, disabling, or attempting to disable the location software is a violation of the Acceptable Use Policy and grounds for disciplinary action. If damage occurs or if the computing device is not operating properly, the IT Coordinator will determine how best to repair the device. If damage to NCS technology is intentional or malicious, the parents/guardians may be held financially responsible. In the event that damage occurs, or the computing device is not functioning correctly, students should report the situation to the IT Coordinator. In the event that a student's computing device needs repair, a loaner device will be provided as soon as possible while the device is being repaired.

Intentional damage from student misuse or neglect will be repaired and the cost may be borne by the parent/guardian. Niagara Charter School does not accept responsibility for the loss of any information, applications, etc. deleted due to the necessity of a re-format and/or re-image.

Device Maintenance

Computing devices and accessories must be returned in the same condition they were given – free of marks, stickers, writing or engraving. Students must store the computing device in a safe location and keep it secure in its protective case if one is provided. Students must not use their computing device to purchase goods and services via the Internet.

NCS Acceptable Use Policy

Use of the Internet is for educational purposes only and appropriate blocks are in place on all school devices. Access to the Internet is a privilege, not a right. It entails responsibility. There is NO RIGHT TO PRIVACY when using the school's computer resources. Administration, faculty, and other authorized persons will have the right to review any and all material saved, transmitted, accessed, or momentarily in use by the student in accord with the policy set by the school's administration. When using the school's computer system, the students must agree to the following:

- Never to give out any personal information (name, address, phone, e-mail, gender, etc.).
- Never to give out another person's personal information.
- Never to disguise one's identity, impersonate other users, or send anonymous e-mail messages.
- Never to access other user accounts using passwords or identifiers. This includes never giving personal account passwords or identifiers to someone else.
- Never to try to set up or accept an invitation to a meeting with anyone.
- Never to buy or sell anything on-line.
- Never to access or transmit sexually explicit or violent material.
- Never to harass anyone.
- Never to access or transmit discriminatory material (racist, sexist, or prejudicial).
- Never to use software or hardware that they do not have permission to use.
- Never to try to get into another computer that they are not allowed access to (hacking).
- Never to plagiarize or violate copyright law.
- Never to participate in illegal activity (including the spread of computer viruses).
- Never to install software or other programs without the permission of a teacher or principal.
- Never to download or upload any material without a teacher's or principal's permission.
- To transmit material (e-mail or other Internet postings) only under the direct supervision of a teacher.
- Always to be respectful of people and the equipment.
- Never to do or say anything using the computer that could not be done or said in the teacher's presence.

If a student violates any of these rules, he/she will face disciplinary action. This action may include removal from the system temporarily or permanently. The student may face more serious consequences depending on the seriousness of the offense, including suspension. If off-campus computer use is deemed inappropriate and can detrimentally impact the school or program, or if the conduct poses a threat to another student, the school may take action. The student realizes that he/she is responsible and the school can impose a consequence for conduct occurring outside school.

NCS Student Device Contract

Students:

1. I am responsible for my device. I will check my device every day and will inform an adult if I find any physical or technical problems with my device.
2. The device will only be used for educational use. I will not download games, use internet games, browse YouTube or similar video sites, and/or use any social media websites or applications.
3. I will not post any inappropriate media or text on any technology program or social media platform with my device.
4. Any behavior which purposely threatens the physical safety of the devices will lead to disciplinary action, and I may be entitled to pay for the damages. (Note: When an accident occurs, this will not apply).
5. I will never give my usernames or passwords to anyone.
6. I will not take pictures or videos using my device of myself or any other person. The camera feature will not be used for any reason.
7. I will not cyberbully! (Cyberbullying includes sending or posting mean messages, emails, rumors, embarrassing pictures, and/or videos of any other person using technology)
8. I will not change my desktop images or screensavers.
9. I will not have any food or drinks close to my /device at any time.
10. I understand that failure to adhere to these regulations will result in the loss of this privilege, and my iPad will be immediately returned to the school.

Student Name

Student Signature

Crew # _____

NCS Parent Device Contract

Parents/Guardians:

1. I understand that the value of the computing device, case and accessories is \$500 dollars.
2. I am in support of my child using his/her computing device at home to support and enhance his/her learning.
3. I understand that the use of this device is for educational purposes only.
4. I understand if my child causes purposeful or malicious damage or loss to the computing device and any related equipment, I may be held financially responsible.
5. I understand the computing device allows my child access to the Internet. School officials have the right to recall and spot-check devices at any point.
6. I understand my child must follow Niagara Charter School's technology policies and should treat and use all technology responsibly.
7. I understand that violation of the student contract and/or the technology policy may result in a consequence determined by the building's administration.
8. I agree to all technology program policies and procedures, as outlined in the program guide.
9. I understand that the computing device and related equipment are the property of Niagara Charter School.
10. I understand that the computing device must be returned immediately following the completion of the program or at the request of the IT coordinator and/or building administration.

Parent/Guardian Name

Parent/Guardian Signature

Acceptable Use Policy for Technology Devices

Student:

I understand that if the school rules as outlined in the Technology Student Handbook are not followed, I will lose the privilege to use this technology.

Student Name (Please Print):

First Name _____ Last Name _____

Student Signature _____

Date ____/____/____

A Parent or Guardian must initial below:

_____ I have read the Technology Program Handbook as well as the Acceptable Use Policy given by Niagara Charter School.

_____ I understand the policies and procedures of the Technology Device Program.

Please Print and Sign Below:

Student's Name (Print):

Parent/Guardian's Name (Print):

Parent/Guardian's Signature:

Phone Number: _____ Date: ____/____/____

XXII. BOARD OF TRUSTEES CODE OF ETHICS

The undersigned hereby states they have read and reviewed the following Code of Ethics for the Niagara Charter School and agrees to adhere to same.

The trustees, officers and employees of the Niagara Charter School shall at all times be in compliance with the following Code of Ethics:

- The Board of Trustees shall conduct or direct the affairs of the School and exercise its powers subject to the applicable limitations of the Education Law, Not-for-Profit Corporation Law, the School's charter and its bylaws. The Board may delegate aspects of the management of school activities to others, so long as the affairs of the school are managed, and its powers are exercised, under the Board's ultimate jurisdiction.
- Not more than 49 percent of the people serving on the School's Board may be comprised of: (a) people currently being compensated by the School for services rendered to it within the previous 12 months, whether as a full-time or part-time employee, independent contractor or otherwise; or (b) any sister, brother, ancestor, descendant, spouse, sister-in-law, brother-in-law, daughter-in-law, son-in-law, mother-in-law or father-in-law of any such person.
- Every Trustee has the right to participate in the discussion and vote on all issues before the Board or any Board Committee, except that any Trustee shall be excused from the discussion and vote on any matter involving such Trustee relating to: (a) a "self-dealing transaction" (see below); (b) a conflict of interest, (c) indemnification of that Trustee uniquely; or (d) any other matter at the discretion of a majority of the Trustees. The Board of Trustees and the employees of the School shall not engage in any "self-dealing transactions," except as approved by the Board, and in accordance with its By-Laws. "Self-dealing transaction" means a transaction to which the school is a party and in which one or more of the Trustees has a material financial interest. Notwithstanding this definition, the following transaction is not a self-dealing transaction, and is subject to the Board's general standard of care: a transaction that is part of a public or charitable program of the Corporation, if the transaction (a) is approved or authorized by the Board in good faith and without unjustified favoritism, and (b) results in a benefit to one or more Trustees or their families because they are in a class of persons intended to be benefited by the program.
- Any Trustee or Officer having an interest in a contract, other transaction or program presented to or discussed by the Board of Trustees for authorization, approval, or ratification shall make a prompt, full and frank disclosure to the Board of his or her interest prior to its acting on such contract or transaction. Such disclosure shall include all relevant and material facts known to such person about the contract or transaction, which might reasonably be construed to be adverse to the Board's interest. A person shall be deemed to have an "interest" in a contract or other transaction if he or she is the party (or one of the parties) contracting or dealing

with the school, or is any employee, Trustee or Officer of or has a significant financial or influential interest in the entity contracting or dealing with the School.

- Trustees representing any not-for-profit corporation proposing to do business with the Charter School shall disclose the nature and extent of such business propositions.
- No Trustee, officer, or employee of a for-profit corporation having a business relationship with the Charter School shall serve as voting member of the Board of Trustees for the duration of such business relationship, provided, however, that this provision shall not apply to the following:
 - Individuals associated with a partnership, limited liability corporation, or professional corporation, including but not limited to doctors, accountants and attorneys;
 - Individuals associated with an educational entity (including but not limited to schools of education) some of whose faculty may be providing paid services directly or indirectly to such charter school;
 - Individuals associated with a bank, insurance, mutual fund, investment bank, stock brokerage, financial planning, or other financial services organization.
- In no instance shall a Trustee, officer, or employee of a for-profit educational management organization having a business relationship with the charter school serve as a voting member of the Board of Trustees for the duration of such business relationship.
- Trustees, officers, or employees of any external organization shall hold no more than 40 percent of the total seats comprising the Board of Trustees.
- Trustees shall avoid at all times engaging in activities that would appear to be unduly influenced by other persons who have a special interest in matters under consideration by the Board. If this occurs, a Trustee shall write a letter disclosing all known facts prior to participating in a Board discussion of these matters, and the Trustee's interest in the matter will be reflected in the Board minutes.
- Trustees shall make all appropriate financial disclosures whenever a grievance of conflict of interest is lodged against them.
- Trustees shall not use his or her position with the charter school to acquire any gift or privilege worth \$50 or more that is not available to a similarly situated person, unless that gift is for the use of the charter school.
- Charter School Trustees, officers, or employees may never ask a subordinate, a student, or a parent of a student to work on or give to any political campaign.

Furthermore, the undersigned agree that they have reviewed the following Article X and Article XI, Section E of the School's By-Laws as follows:

ARTICLE X: SELF-DEALING TRANSACTIONS

The Corporation shall not engage in any self-dealing transactions, except as approved by the Board in accordance with Article VI.B.3.(e). "Self-dealing transaction" means a transaction to which the Corporation is a party and in which one or more of the Trustees has a material financial interest ("Interested Trustee(s)"). Notwithstanding, no Interested Trustees shall have the ability to vote on any such dealing transaction. Notwithstanding this definition, the following transaction is not a self-dealing transaction, and is subject to the Board's general standard of care:

A transaction which is part of a public or charitable program of the Corporation, if the transaction (a) is approved or authorized by the Board in good faith and without unjustified favoritism; and (b) results in a benefit to one or more Trustees or their families because they are in a class of persons intended to be benefited by the program.

ARTICLE XI: OTHER PROVISIONS

E. Conflict of Interest. Any Trustee, Officer, or Committee member having an interest in a contract, other transaction or program presented to or discussed by the Board or Board Committee for authorization, approval, or ratification shall make a prompt, full and frank disclosure of his or her interest to the Board or Committee prior to its acting on such contract or transaction. Such disclosure shall include all relevant and material facts known to such person about the contract or transaction that may reasonably be construed to be adverse to the Corporation's interest. The body to which such disclosure is made shall thereupon determine, by majority vote, whether the disclosure shows that a conflict of interest exists or can reasonably be construed to exist. If a conflict is deemed to exist, such person shall not vote on, nor use his or her personal influence on, nor be present during the discussion or deliberations with respect to, such contract or transaction (other than to present factual information or to respond to questions prior to the discussion). The minutes of the meeting shall reflect proceedings, including the disclosure made, the vote thereon and, where applicable, the abstention from voting and participation. The Board may adopt formal policies requiring:

1. Regular annual statements from Trustees, Officers and key employees to disclose existing and potential conflicts of interest; and
2. Corrective and disciplinary actions with respect to transgressions of such policies. For the purpose of this section, a person shall be deemed to have an "interest" in a contract or other transaction if he or she is the party (or one of the parties) contracting or dealing with the Corporation, or is a Director, Trustee or Officer of, or has a significant financial or influential interest in the entity contracting or dealing with the Corporation.

BOARD OBLIGATIONS

In order to remain a member of the Board of Trustees in good standing I:

1. will attend every board and committee meeting;
2. will notify the meeting chair in regard to my availability for such meetings;
3. will have my standing as a trustee reviewed by the Governance Committee and/or Board should I have three absences in any academic year;
4. will actively participate in a minimum of three NCS activities outside of Board obligations (e.g. Family School Association, Community Circle, Exhibition Night)

BOARD RESPONSIBILITIES

As a trustee of Niagara Charter School I agree to:

1. be positive and maintain open communication with my colleagues on the Board and NCS staff;
2. act in accordance with my role as a board member and distinguish that from my role as a school volunteer or employee;
3. become and remain familiar with NCS's uniqueness, strengths and areas needing improvements;
4. be able to articulate NCS's contributions to our communities;
5. be conscientious in keeping pace with new developments in elementary education and the charter school movement;
6. set an example for other members through personal commitment and actions, including participation in a significant number of NCS functions;
7. prepare adequately for board and committee meetings;
8. participate actively at board and committee meetings, expressing my opinion openly while difficult subjects are under discussion;
9. listen actively to viewpoints expressed by fellow board members so that I can understand all aspects of the issue;
10. support implementation of the decisions of the Board and school policies;
11. exercise discretion in dealing with sensitive matters and ensure that matters requiring confidentiality are unequivocally respected;
12. request information I need to monitor the school's health and to suggest sound policies;
13. have a good working knowledge of NCS history, its charter, by-laws and policies;
14. be prompt for meetings, respecting the value of time for others;
15. admit publicly when I am wrong and apologize when required;
16. work toward peaceful resolution of conflicts and disagreements with others, practicing empathy and keeping an open mind;
17. live and support the mission, vision and core values of NCS.

XXIII. DIGNITY FOR ALL STUDENTS

The Niagara Charter School (the “School”) seeks to create an environment free of harassment, bullying, and discrimination; to foster civility in its schools; and to prevent conduct that is inconsistent with its educational mission. The School, therefore, prohibits all forms of harassment and bullying of students by employees or other students on school property and at school functions. This policy is just one component of the School’s overall commitment to maintaining a discrimination and harassment-free educational and work environment.

The School further prohibits discrimination against students, including, but not limited to, discriminatory acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by employees or other students on school property and at school functions.

In addition, other acts of harassment, bullying, and/or discrimination that occur off school property may be subject to discipline or other corrective action, where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property.

The School adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of harassment, bullying, and/or discrimination of students. The School will promptly respond to reports of harassment, bullying, and/or discrimination of students, 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 School's Dignity Act Coordinator(s) (DAC(s)).

Dignity Act Coordinator

The School will designate at least one employee to serve as the Dignity Act Coordinator (DAC) and receive reports of harassment, bullying, and/or discrimination. Each DAC will be:

- a) Approved by the Board of Trustees;
- b) Licensed and/or certified by the Commissioner as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, school administrator or supervisor, or Superintendent;
- c) Instructed in the provisions of the Dignity for All Students Act and its implementing regulations;

- d) Thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex;
- e) Provided with training which addresses the social patterns of harassment, bullying, and discrimination, including, but not limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex;
- f) Provided with training in the identification and mitigation of harassment, bullying, and discrimination; and
- g) Provided with training in strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings.

The School will widely disseminate the name, designated school, and contact information of each DAC to all school personnel, students, and parents or persons in parental relation by:

- a) Listing it in the *Code of Conduct*, with updates posted on the School's website; and
- b) Including it in the *Code of Conduct's* plain language summary provided to all parents or persons in parental relation to students before the beginning of each school year; and
- c) Providing it to parents or persons in parental relation in at least one School mailing or other method of distribution each school year, including, but not limited to, electronic communication and/or sending information home with each student. If the information changes, parents and persons in parental relation will be notified in at least one subsequent School mailing, or other method of distribution as soon as practicable thereafter; and
- d) Posting it in highly visible areas of school buildings; and
- e) Making it available at the School administrative offices.

If a DAC vacates his or her position, the School will immediately designate another eligible employee as an interim DAC, pending approval of a successor DAC from the Board within 30 days of the date the position was vacated. In the event a DAC is unable to perform his or her duties for an extended period of time, the School will immediately designate another eligible employee as an interim DAC, pending the return of the previous individual to the position.

Training and Awareness

Each year, all employees will be provided with training to promote a supportive school environment that is free from harassment, bullying, and/or discrimination, and to discourage and respond to incidents of harassment, bullying, and/or discrimination. This training may be

provided in conjunction with existing professional learning and will be conducted consistent with guidelines approved by the Board, and will include training to:

- a) Raise awareness and sensitivity to potential acts of harassment, bullying, and discrimination;
- b) Address social patterns of harassment, bullying, and discrimination;
- c) Inform employees on the identification and mitigation of harassment, bullying, and discrimination;
- d) Enable employees to prevent and respond to incidents of harassment, bullying, and discrimination;
- e) Make employees aware of the effects of harassment, bullying, cyberbullying, and discrimination on students;
- f) Provide strategies for effectively addressing problems of exclusion, bias, and aggression;
- g) Include safe and supportive school climate concepts in curriculum and classroom management; and
- h) Ensure the effective implementation of school policy on conduct and discipline.

Rules against harassment, bullying, and discrimination will be included in the *Code of Conduct*, publicized School-wide, and disseminated to all staff and parents or persons in parental relation. Any amendments to the *Code of Conduct* will be disseminated as soon as practicable following their adoption. The School will provide new employees with a complete copy of the current *Code of Conduct* upon beginning their employment, and distribute an age-appropriate summary to all students at a school assembly at the beginning of each school year.

Internal Reports and Investigations of Harassment, Bullying, and/or Discrimination

All School employees who witness or receive an oral or written report of harassment, bullying, and/or discrimination are required to take action. School employees must make an oral report promptly to the Chief Academic Officer (CAO), their designee, or the DAC not later than one school day after witnessing or receiving an oral or written report of harassment, bullying, and/or discrimination. No later than two school days after making the oral report, the School employee must file a written report with the CAO, their designee, or the DAC.

The CAO, their designee, or the DAC will lead or supervise the thorough investigation of all reports of harassment, bullying, and/or discrimination and ensure that all investigations are promptly completed after the receipt of a written report. In investigating any allegation, the investigator may seek the assistance of the School's Civil Rights Compliance Officer (CRCO(s))

and/or Title IX Coordinator(s) in investigating, responding to, and remedying complaints of harassment, bullying, and/or discrimination.

Additionally, other School policies and documents address harassment, bullying, and discrimination of students. All complaints will be handled in accordance with the applicable School policies and/or documents.

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

When an investigation verifies a material incident of harassment, bullying, and/or discrimination, the CAO, their designee, or the DAC will take prompt action, consistent with the School's *Code of Conduct*, reasonably calculated to end the harassment, bullying, and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom the behavior was directed.

The CAO, their designee, or the DAC will promptly notify the appropriate local law enforcement agency when it is believed that any harassment, bullying, and/or discrimination constitutes criminal conduct.

Reporting Incidents

Reporting Incidents to the CAO

At least once during each school year, each building administrator will provide a report on data and trends related to harassment, bullying, and/or discrimination to the CAO in a manner prescribed by the School. This report will be used to submit the annual School Safety and the Educational Climate (SSEC) Summary Data Collection form to the State Education Department (SED).

Reporting of Material Incidents to the Commissioner of Education

Each school year, the School will submit to the Commissioner a report of material incidents of harassment, bullying, and/or discrimination that occurred during the school year in accordance with law and regulation. This report will be submitted in a manner prescribed by the Commissioner, on or before the basic educational data system (BEDS) reporting deadline or other date determined by the Commissioner.

Prohibition of Retaliatory Behavior (Whistle-Blower Protection)

Any person who has reasonable cause to suspect that a student has been subjected to harassment, bullying, and/or discrimination by an employee or student on school grounds or at a school function, and who acts reasonably and in good faith in reporting it to school officials, the

Commissioner, or law enforcement authorities, or who otherwise initiates, testifies, participates, or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from making that report, or from initiating, testifying, participating, or assisting in those proceedings. The School also prohibits any retaliatory behavior directed against any complainant, victim, witness, or any other individual who participated in the reporting or investigation of an incident of alleged harassment, bullying, or discrimination.

Publication of School Policy

At least once during each school year, all employees, students, and parents or persons in parental relation will be provided with a written or electronic copy of this policy, or a plain-language summary of it. The policy or summary will include information relating to how students, parents or persons in parental relation, and employees may report harassment, bullying, and/or discrimination. Additionally, the School will maintain a current version of this policy on its website at all times.

Application

Nothing in this policy or its implementing regulations should be interpreted to preclude or limit any right or cause of action provided under any local, state, or federal ordinance, law or regulation including, but not limited to, any remedies or rights available under the Individuals with Disabilities Education Act, Title VII of the Civil Rights Law of 1964, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

Education Law §§ 10-18 and 2801
8 NYCRR § 100.2

XXIV. PUBLIC ACCESS TO RECORDS AND FREEDOM OF INFORMATION LAW

Access to records of the Niagara Charter School (the “School”) will be consistent with the rules and regulations established by the State Committee on Open Government and comply with all the requirements of the New York State Public Officers Law §§ 87 and 89.

A Records Access Officer will be designated by the Chief Academic Officer, subject to the approval of the Board of Trustees, who will have the duty of coordinating the School's response to public request for access to records.

The School will provide copies of records in the format and on the medium requested by the person filing the Freedom of Information Law (FOIL) request if the School can reasonably do so regardless of burden, volume or cost of the request.

Requests for Records via Email

If the School has the capability to retrieve electronic records, it must provide such records electronically upon request. The School will accept requests for records submitted in the form of electronic mail and respond to such requests by electronic mail using the forms supplied by the School. This information will be posted on the School website, clearly designating the email address for purposes of receiving requests for records via this format.

When the School maintains requested records electronically, the response will inform the requester that the records are accessible via the internet and in printed form either on paper or other information storage medium.

NYS Education Department Subject Matter List: P-12 Education (Not All Applicable to NCS)

Bilingual Education & Foreign Language Studies

- General Correspondence
- Title I Consolidated Application and related documents
- Part 154 Plan's

Career and Technical Education

- Federal VTEA documents
- Driver Education Teacher & Course Approvals
- General Correspondence

Child Nutrition Program Administration Including the Summer Food Service Program

- Program Operational Material - National School Food Service Program
- Correspondence & Training Reports

- Administrative Files/Office Management Files
- Audits of National School Food Service Programs
- Federal Reports
- Management Company Contracts

Civil Rights/Intercultural Relations

- Project, Program, Research Files
- Complaint Files
- Administrative Files
- Advisory Councils, Commissions, Committees
- School & Central School School Files
- Technical Assistance & Training

Curriculum, Assessment and Educational Technology

- BEDS Reports & Chapter I Projects
- NYS English/Language Arts Curriculum K-12
- English Tests - Past Usage
- Administration Files
- Federal & State Mandates, Recommendations, Issues
- Curriculum/Program Development
- Assessments - Students/Programs
- Staff Development Records
- Social Studies Curriculum
- Examination & Test Files - non-secure only
- TAG - Technical Advisory Group
- Legislation
- Administrative & Correspondence Files
- BOCES & Public School Files

ESEA/NCLB Title I

- Title I Consolidated Application and related documents
- Title II Application materials
- ECIA Chapter 1/PSED grant application – Migrant
- Migrant Education projects & correspondence
- Homeless Application materials and correspondence

School Improvement

- General Subject & Resource Files
- Grants Program Files
- Special Project Files
- Development & Training Files
- School Files
- Staff Administrative Files
- Administrative Files
- Resource Files
- Development & Training
- Federal & State Programs

School Operations and Management Services (Facilities Planning / Education Management)

- School Bus Driver & Instructor Training Records
- School District Capital Project & Correspondence Files
- Plans & Specific of School District Capital Construction
- State Environmental Quality Review Act & Site Approvals
- General Correspondence

Student Support Services

- Administrative & General Subject Files
- Regents Records
- School District Files
- Program Files

Special Education Services

- Child Count Records
- IDEA Applications for Federal Funds
- Administrative & Correspondence Records
- Legal guidelines & Publications
- Site Visit Reports & Documentation
- Application for Requests for Approval for Services
- Interagency Placement of Students with Disabilities
- Administrative Records
- Miscellaneous Subject files
- School Program Files
- Statewide Training Program Materials
- Impartial Hearing Officer Records
- Parent Center files
- Preschool approvals and modifications
- SED approved school-age special education program approvals and revisions
- PBIS Records
- Statewide Special education quality assurance monitoring reports
- Special education policy
- Special education publications
- Early childhood direction center records
- Non-district Unit records

Education Law § 2116

Public Officers Law §§ 87 and 89

21 NYCRR Parts 1401 and 9760

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