AGREEMENT BETWEEN

THE MARY IMOGENE BASSETT HOSPITAL

AND

CHERRY VALLEY-SPRINGFIELD CENTRAL SCHOOL

THIS AGREEMENT dated July 1, 2014, between CHERRY VALLEY-SPRINGFIELD CENTRAL SCHOOL, 597 County Highway 54, PO Box 485, Cherry Valley, NY 13320 (the "School") and The Mary Imogene Bassett Hospital d/b/a Bassett Medical Center, One Atwell Road, Cooperstown, NY 13326 ("Bassett").

WHEREAS, the School wishes to retain Bassett for the purposes of providing a preventative school-based dental services program.

WHEREAS, Bassett desires to provide such services under the program.

NOW, THEREFORE, the parties hereto agree as follows:

A. Bassett will designate the Manager of School-Based Health of the Department of Pediatrics [the Bassett Employee(s)] to coordinate the services with the School. Bassett's Department of Pediatrics will manage and operate the School-Based Dental Services Program as follows:
    1. Provide a Register Dental Hygienist ("RDH") who will coordinate with the School nurse to provide preventative dental service which may include dental screening, application of topical fluoride, dental prophylaxis;
    2. Provide individual oral health counseling and dental health education in coordination with the school nurse and faculty;
    3. Provide referrals to dentist for comprehensive dental care and treatment;
    4. Provide third party billing services for students with dental insurance coverage, including collection of insurance information and demographic information for billing, registration, coding, batching, charge entry and submission of claims to third party payers. Balance billing will not be performed for services billed through the School-Based Health Center; and
    5. Provide all reasonably necessary office and dental supplies needed to operate the program.

B. In support of Bassett's services hereunder, the School agrees to:
    1. Provide adequate space acceptable to Bassett to accommodate a private dental service area which will include a hand washing sink, electrical outlets and internet access;
    2. Provide access to a phone and fax line to be used to communicate with area or supervising dentists, program staff, or parents.
    3. Arrange for the cooperation and support for communication and education of students, teachers, other school employees, parents and the community at large on the purpose, goals of the school-based dental program; and
    4. Provide support for school staff compliance with the rules and regulations of the New York State Department of Health and specifically with regard to the confidentiality of dental records. Bassett's school-based health dental staff will maintain the dental record which will be the property of Bassett.

C. This Agreement in no way establishes and agency relationship between the School and Bassett. Each party shall maintain its independence and separate identity and each party shall have exclusive control of its management, employees, staff, policies and assets. Neither party assumes any liability for the acts or omissions of the other party.

D. This Agreement shall be in effect for two years from the date indicated above, unless otherwise terminated as provided herein. This Agreement shall terminate immediately if either party fails to maintain in good standing its licensure, certification or accreditation. In such event, the party shall immediately notify the other party in writing.

The parties hereto shall hold harmless and indemnify the other party and its agents, servants, employees, directors and trustees from and against any loss, damage, liability or claim (or action in respect thereof) and any cost or expense, including attorneys' fees, in connection with any such loss, damage, liability, claim or action, that it or its agents, servants, employees, directors or trustees may suffer from any claim, demand, suit or action against it or them by reason of any act or failure to act on the part of the indemnifying party or its agents, servants, employees, directors or trustees in connection with or arising out of this Agreement.

E. In addition to malpractice insurance coverage for any of its professional employees involved in the provision of health care under this Agreement, each party shall maintain comprehensive liability insurance reasonably acceptable to the other party either in the form of a self-insurance program or in the form of a policy purchased from an insurance company. Each party shall have the right to inspect during normal business hours documents in relation to such insurance coverage.

F. Neither party shall have the right to assign its rights or obligation hereunder without the written consent of the other.

G. 1. The performance by each party of its services, obligations, or duties pursuant to this Agreement shall comply with all pertinent provisions of Title 10, Chapter V of the Official Compilation of Codes, Rules and Regulations of the State of New York.

2. Notwithstanding any other provisions in this Agreement, the parties hereto remain(s) responsible for ensuring that any service provided pursuant to this Agreement complies with all pertinent provisions of Federal, State and local statutes, rules and regulations.

H. The parties' rights and duties under this Agreement shall be governed by the law of the State of New York.

I. This Agreement may be terminated by either party by written notice to the other party.

J. All notices and communications in connection with this Agreement shall be in writing and shall be considered given as follows: (1) when delivered personally or by certified mail, return receipt requested or by overnight delivery to the recipient's address as stated in this Agreement; or (2) when sent by facsimile or electronic mail to the last facsimile number or electronic mail address of the recipient known to the person giving notice. Notice is effective upon receipt of the facsimile provided that a duplicate copy of the notice is promptly given by first class mail, or the recipient delivers a written confirmation of receipt.

K. Notices under this Agreement shall be sent as follows:

To School:

Attn: Mr. Timothy Ryan, Superintendent

Tel. No. (607) 264-9332, ext 501
Fax No. (607)

To Bassett:
Director
Women's Health and Pediatrics
One Atwell Road
Cooperstown, NY 13326
Tel. No. (607) 547 – 5628
Fax No. (607) 547- 5605

L. Those records in possession of the CHERRY VALLEY-SPRINGFIELD CENTRAL SCHOOL are governed by the Family Educational Rights and Privacy Act. Those records in possession of Bassett are subject to any applicable medical record confidentiality provisions of the New York State Public Health Law, Mental Hygiene Law, federal regulations on drug and alcohol abuse records, or the federal HIPAA privacy rules.

M. Bassett represents and warrants that it, nor its employees or contractors, are not excluded from participation in, and is not otherwise ineligible to participate, in a "federal health care program", including but not limited to Medicaid and Medicare, as defined in 42 U.S.C. Section 1320a-7b(f) or in any other government program.

N. In the event that Bassett or one of its employees is excluded from participation or becomes otherwise ineligible to participate in any such program during the term of this agreement, Bassett agrees that it will notify the District in writing of the exclusion within three (3) business days after learning of the exclusion. Failure to notify the District of the exclusion constitutes a material breach of this agreement and cause for the District to terminate the agreement immediately

O. The parties herein shall reasonably cooperate and assist each other in executing their respective duties under this Agreement.

P. This is the entire Agreement between the parties with respect to the subject matter hereof. The terms of this Agreement supersede any and all written and oral representations previously made. There shall be no oral modifications of this Agreement, and any modification or amendment of the terms of this Agreement shall not be binding unless executed in writing by an authorized representative of the parties hereto.

IN WITNESS WHEREOF, each of the parties hereto has caused this Agreement to be signed by their duly authorized officers as the day and year first above written.

[Signature Page Follows]

CHERRY VALLEY-SPRINGFIELD
CENTRAL SCHOOL

By: _____
Timothy Ryan
District Superintendent

Date: _____

THE MARY IMOGENE BASSETT
HOSPITAL d/b/a BASSETT
MEDICAL CENTER

By: _____
Bertine C. McKenna, PhD
Executive Vice President/COO

Date: 11/18/14

COLLABORATION AGREEMENT for
SERVICES to CHILDREN with DISABILITIES
BETWEEN
Cherry Valley Springfield School District
AND
Opportunities for Otsego Head Start
For academic years 2014-15 and 2015-16

I. Purpose Statement

1. Maximize the availability of services and resources.
2. Ensure continuity in educational services to eligible preschool children as they move from Head Start to the Local Educational Agency (LEA).
3. Enumerate areas where joint operational strategies can provide integrated services.
4. Provide opportunities for the inclusion of preschool children with disabilities in Head Start through the provision of special education and related services in the least restrictive environment.
5. Support the transition of children from Early Intervention Programs to Preschool Special Education in Head Start and from Head Start into the public school system.

II. Role of School District

1. Provide services to preschool children with disabilities as mandated by P.L. 99-457 and amendments Chapter 474 of the Laws of 1996.
2. Provide preschool children with disabilities a free and appropriate public education (FAPE) including the development and implementation of an Individualized Education Program (IEP), procedural safeguards and the provision of related services.
3. Place preschool children with disabilities in the least restrictive environment (LRE) with an opportunity to interact with non-disabled peers to the maximum extent appropriate.
4. Work with appropriate community agencies to provide approved services to preschool children with disabilities.

III. Role of Opportunities for Otsego Head Start

1. Recruit, enroll, and serve eligible children ages 3-5.
2. Ensure that no less than 10 percent of the total number of enrollment opportunities in Head Start is available for children with disabilities who are eligible to participate.
3. Screen all enrolled children for potential problems in the areas of health and development and share the results with parents in their native language.
4. Assist parents in referring children found to be at risk for further evaluation through the Local Educational Agency (LEA) where they reside.
5. Participate in the Committee for Preschool Special Education (CPSE) process.
6. Work closely with other community agencies in order to provide services to children with disabilities.

IV. Service Implementation:

Head Start will:

1. Provide information about Head Start to the school district.
2. Assist parents with referrals to the CPSE.
   a. Maximize the continuity of services to the child by transferring appropriate records, with written parental consent.
   b. Arrange for the participation of each child's teacher, Education/Disabilities Specialist or designee as needed at CPSE meetings.
   c. Provide an integrated preschool program to serve eligible children with disabilities in the least restrictive environment in Otsego County.

3. Explore transportation options with LEA for children within the school district, but outside the Head Start transportation area.
4. Share information, with written parental consent, as needed.
5. Explore the possibility of resource sharing to maximize services to children and families.
6. Support parents and children in the transition process from Head Start to public school.
   a. Provide a list of Kindergarten eligible children by February 1st.
   b. Invite Kindergarten teachers to observe in Head Start Classrooms.
   c. Provide, with written parental permission, health and education summaries by the end of June for children entering school in the fall.
   d. Conduct Kindergarten Follow Up activities of each child entering public school.
7. Explore the possibility of coordinating parent and staff training sessions.

Cherry Valley Springfield School will:

1. Provide referrals to Head Start of children ages two to four living within the District.`
2. Notify parents immediately upon receipt of CPSE referral. Arrange for an evaluation by the approved evaluator the parents choose. Assist parents with paperwork when necessary and inform them about their rights in a manner responsive to the linguistic needs of the family.
3. Ensure a comprehensive evaluation is completed in a timely manner as required.
4. Inform Head Start of the date and time of the CPSE meeting 5 business days prior to the meeting.
5. With written parental consent, share information about evaluations, recommendations, and IEPs, with Head Start staff.
6. Explore possibilities of assisting in transporting a child for services at Head Start when the child is outside the Head Start transportation area.
7. Support parents and children in the transition process from Head Start to public school.
8. Invite Head Start children to visit Kindergarten during May and/or June.
9. Inform Head Start of the Kindergarten registration and screening schedule.
10. Notify Head Start of any appropriate training events scheduled.
11. Notify Head Start about any school activity that may be appropriate for Head Start to participate in (e.g., school pictures, field days, etc.).

Cherry Valley Springfield School District Superintendent — Date

Opportunities for Otsego CEO — Date 11/14/14

NYSSBA Sample Policy 4326

PROGRAMS FOR ENGLISH LANGUAGE LEARNERS

NOTE: A policy and regulation/plan in this area are required by the regulations of the Commissioner of Education, whether or not the district currently operates such program(s). We have made changes to reflect recently revised Commissioner's Regulations, which go into effect for the 2015-16 school year. This policy is not intended to cover all of the elements of the new regulations; it is intended to highlight broad areas that require attention. District staff should review the regulations and guidance from the State Education Department to ensure compliance. Since the changes to the policy are extensive, we are not able to simply underline new text.

The Board of Education believes that students who, by reason of foreign birth or ancestry, have limited English proficiency (referred to here as "English Language Learners" or ELLs), will be more effective learners of both the language and the curriculum if they receive instruction in both their native language and English. The district will therefore take steps to identify ELL students and provide ELL students with an appropriate program of either Bilingual Education or English as a New Language.

Pursuant to this policy and the regulations of the Commissioner of Education, the Superintendent of Schools is directed to develop appropriate administrative regulations to ensure that students are:

1. screened to determine if the student is an ELL, in accordance with Parts 117 and 154 of the Commissioner's Regulations, a process that will include interviews and assessments and will assign each ELL student to the appropriate subpopulation (newcomer, developing, long term, former or inconsistent/interrupted formal education);
2. identified, as appropriate, as an ELL student with a disability;
3. annually evaluated to determine continued ELL eligibility. Included in the evaluation shall be each student's performance in English language proficiency and academic progress in content areas;
4. assured of access to appropriate instructional and support services, including guidance programs within the timeframes provided by Commissioner's Regulations; and
5. assured of having equal opportunities to participate in all school programs and extracurricular activities as non-ELL students.

The Superintendent shall be responsible for ensuring that the Commissioner of Education is provided with a comprehensive plan that describes the district's ELL program and includes all information specified in the Commissioner's Regulations, before the start of each school year. The district will also provide assurances that the district is providing appropriate school-related information to the parents (or persons in parental relation) of ELL students in English and the language they best understand.

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NYSSBA Sample Policy 4326

The district will provide an orientation program annually for ELL parents and will meet individually with ELL parents at least once a year, in addition to regular parent/teacher meetings.

In addition, the Superintendent shall ensure that all teachers employed in any Bilingual and/or English as a New Language program are properly certified in accordance with the Commissioner's Regulations, and that all staff receive appropriate professional development on ELL students.

Cross-ref: 4321, Programs for Students with Disabilities
9700, Professional Development

Ref: Education Law §3204
English Acquisition, Language Enhancement, and Academic Achievement Act, 20 USC §§6801 et seq
Equal Educational Opportunities Act of 1974, §§201 et seq., 20 U.S.C. §§1701 et seq.
8 NYCRR §§80-2.9; 80-2.10; 117; Part 154
Lau v. Nichols, 414 U.S. 563 (1974)
Rios v. Read, 480 F. Supp. 14 (1978)
Cintron v. Brentwood UFSD, 455 F. Supp 57 (1978)
Aspira of New York v. Board of Educ. (City of New York), 394 F. Supp. 1161 (1974)

Adoption date:

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NYSSBA Sample Exhibit 4326-E.1

PROGRAMS FOR ENGLISH LANGUAGE LEARNERS EXHIBIT PLACEMENT IN A LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM – PARENTAL NOTIFICATION

Dear Parent/Guardian:

Your child (insert child's name) has been identified as an "English Language Learner;" a student in need of help to learn English and the district is recommending placement in a (insert name of program). We have determined (insert child's name) eligibility, and placed (him or her) in such a program based on (insert reasons). Please review this letter, choose one of the options (see below) and sign and return the attached form within 5 school days.

(Child's name) is performing at (insert status of child's academic achievement). We have determined (his or her) level of English proficiency at (insert level) based on (insert how the district assessed that level).

We believe that placement in a (insert name of English instruction program) will help (insert child's name) both to learn English and increase (his/her) level of academic performance. Attached is a series of questions and answers we hope will help you better understand the program in which we have placed (insert child's name) and the benefits of that program.

The district will hold regular meetings at least twice a year for parents/guardians of English learners and we encourage you to attend. At those meetings, we will provide you with information about New York State's Learning Standards and the school's expectations that will help you to better understand the goals of your child's program, and suggest ways you can help (insert child's name). In between meetings we are always ready to listen and respond to any questions and recommendations you might have. District staff will also meet with you individually once a year, in addition to regular parent/teacher meetings, to discuss your child's language development progress, English language proficiency assessment results, and language development needs in all content areas.

However, you should know that you have the right to:

1. request that (insert child's name) be immediately withdrawn from the instructional bilingual program that the district has offered your child and schedule a meeting with the building principal and the district supervisor of bilingual education. At a minimum, however, (insert child's name) must participate in an English as a New Language program;
2. request placement in another available program or method of instruction;
3. request assistance in selecting from among the various programs and methods of instruction available; and

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4. accept the district's recommended placement.

Whatever your decision, we encourage you to help (insert child's name) attain English proficiency and high academic achievement levels. Some ways in which you can do this include: (insert some examples).

If you have any questions about this notice or the attached information, please contact (insert the name of the Building Principal or the program's coordinator). All of us in the district look forward to working with you to help (insert child's name) improve (his or her) English and overall academic skills.

Sincerely,

Building Principal

* * *

Questions and Answers About Your Child's English Instruction Educational Program

NOTE: In this exhibit, the district/school will have to fill in the answers to the questions below. Those answers will be specific to the individual child involved.

1. What methods of instruction will be used in my child's program?

2. Does the district offer any other programs for English language learners?

3. How do these other programs differ from the one offered my child in terms of methods of instruction, content, instructional goals and the use of English and a native language in instruction?

4. On what basis did the district select my child's program as opposed to another one?

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5. How will my child's program specifically help (him or her) learn English and meet age appropriate academic achievement standards for grade promotion and graduation?

6. My child is classified as a student with a disability. How will my child's English learning program meet the objectives set out in (his or her) individualized education program?

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NYSSBA Sample Exhibit 4326-E.2

PROGRAMS FOR ENGLISH LANGUAGE LEARNERS EXHIBIT PLACEMENT IN A LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM – PARENT RESPONSE FORM.

NOTE: This form must be returned within 5 school days.

I, as parent/guardian of _(*insert child's name*)_____, acknowledge receipt of the district's notification regarding my child's eligibility for an English Language Learner program. I elect the following option:

(check one box)

☐ I accept the district's recommended placement.

☐ I decline the district's recommended placement and request a meeting with the building principal and ELL program supervisor.

☐ I request my child's placement in a different district ELL program, (insert the name of the preferred program).

_____
Print Name (Parent)

_____ _____
Parent Signature *Date*

Mail to: (district provide mailing address)
Or email to: (provide district email address)

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NYSSBA Sample Policy 5150

SCHOOL ADMISSIONS

NOTE: As a result of recent guidance from the U.S. Departments of Justice and Education regarding enrollment of new immigrant students, NYSSBA is reissuing this policy. The policy has not been substantively changed, but we have inserted more examples of the types of documentation that can be required to enroll students, based upon the federal guidance documents. We have also added a number of citations that may be useful resources to districts.

In addition, Chapter 34 of the Laws of 2014, requires districts to provide information about referral and evaluation for the purpose of special education services upon a child's enrollment. This policy does not have to include mention of this; NYSSBA recommends considering it here so that the staff and school community are aware of it. New text is underlined below.

The district shall provide a public education to all persons residing in the district between the ages of five and twenty-one who have not received a high school diploma.

A veteran of any age who has not yet received his/her high school diploma and who has been discharged under conditions other than dishonorable is eligible to attend school.

A non-veteran under twenty-one years of age who has received a high school diploma shall be permitted to attend school or BOCES upon payment of tuition.

Upon registration, all new students shall be required to present:

1. <u>proof of age</u> - examples of acceptable forms of documentation include, but are not limited to, a birth certificate, baptismal record, <u>an entry in a family bible, an adoption record, an affidavit from a parent/guardian,</u> or a passport (including a foreign passport);
2. <u>record of immunizations* and a health certificate</u> from a licensed physician; and
3. <u>proof of district residency</u> – examples of acceptable forms of documentation include, but are not limited to, a pay stub, income tax form, <u>mortgage</u> or lease <u>documents</u> to a house or apartment, <u>telephone or</u> utility bills or other bills sent to the student's home address, <u>rent payment receipts, a copy of a money order for payment of rent, a letter from a parent's employer that is written on company letterhead,</u> voter registration document or a state- or other government-issued ID.

* Regulations that accompany policy 5420, Student Health Services, provide additional guidance regarding immunization records.

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NYSSBA Sample Policy 5150

NOTE: The following paragraph is not required. NYSSBA recommends that the Board consider including it to ensure that the district complies with federal and state law.

If the parent/guardian of a student seeking to enroll is limited English proficient, the district will meaningfully communicate material information about enrollment as required by federal law. The district will provide parents/guardians of all newly enrolled students with appropriate information including student handbooks and information about access to special education services.

Cross-ref: 5151, Homeless Students
5420, Student Health Services

Ref: Education Law §§903; 904; 3202; 3208; 4402(8)
Public Health Law §2164
Student Registration Guidance, New York State Department of Education, August 26, 2010
www.emsc.nysed.gov/sss/pps/residency/studentregistrationguidance082610.pdf
Educational Services for Recently Arrived Unaccompanied Children, New York State Education Department, September 10, 2014
Information on the Rights of All Children to Enroll in School, U.S. Departments of Education and Justice, Revised May 8, 2014
Fact Sheet I and II: Information on the Rights of All Children to Enroll in School, http://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201405.pdf
Plyler v. Doe 457 US 202 (1982)

Adoption date:

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NYSSBA Sample Policy 5460

CHILD ABUSE, MALTREATMENT OR NEGLECT IN A DOMESTIC SETTING

NOTE: Under the Education Law, Boards of Education must develop and maintain written policies on child abuse reporting and establish training programs on district procedures for reporting of child abuse cases. NYSSBA has updated this policy to reflect Chapter 205 of the Laws of 2014 which specified that full or part-time paid athletic coaches are now mandated reporters. The law goes into effect July 1, 2015 and applies to current employees.

In addition, earlier versions of this policy neglected to include school social workers in the list of mandated reporters.

New text is underlined below and the citations have been added.

The Board of Education recognizes that because of their sustained contact with school-aged children, employees are in an excellent position to identify abused, maltreated or neglected children and refer them for treatment and protection. The Board further recognizes the specific dictates of law which require school officials to report suspected instances of child abuse, maltreatment (which includes neglect) in a domestic setting.

The purpose of mandatory reporting is to identify suspected abused and maltreated children as soon as possible, so that such children determined to be abused or maltreated can be protected from further harm and, where appropriate, can be offered services to assist him or her and his or her family.

School officials, who have reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment, must immediately report this to the New York State Central Register for Child Abuse and Maltreatment (Central Register), as required by law. No conditions may be imposed which limit their responsibility to report. A school official is defined as:

NOTE: Athletic coach is defined in the statute as any full or part-time paid employee required to hold a temporary coaching license or professional coaching certificate.

- Teacher
- Guidance counselor
- Psychologist
- Nurse
- <u>Social Worker</u>
- <u>Full or part-time paid athletic coach</u>
- Administrator
- Any school personnel required to hold a teaching or administrative license or certificate.

The school official will also report the matter to the Building Principal.

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The report shall be made by telephone or by telephone facsimile machine on a form supplied by the Commissioner of Social Services. A written report shall be made within forty-eight hours to the appropriate local child protective service, and to the statewide Central Register.

School employees who are not school officials, as defined above, but who have reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment are encouraged to report to the Central Register. However, the school employee must report the matter to the Building Principal. If the matter has not yet been reported to the Central Register, the Building Principal shall make the report, in accordance with state law. In being required to file such report, the Building Principal does not have discretion.

School employees or officials may not contact the child's family or any other person to determine the cause of the suspected abuse or maltreatment. It is not the responsibility of the school official or employee to prove that the child has been abused or maltreated.

Any school official or employee who has cause to suspect that the death of any child is a result of child abuse or maltreatment must report that fact to the appropriate medical examiner or coroner.

In accordance with the law, any school official who fails to report an instance of suspected child abuse or maltreatment may be guilty of a Class A misdemeanor and may be held liable for the damages caused by the failure to report. The law grants immunity to persons who, in good faith, report instances of child abuse from any liability.

School employees will not be subject to retaliatory action, as defined in state law, as a result of making a report when they reasonably suspect that a child has been abused or maltreated.

The Board recognizes that knowingly reporting a false claim of child abuse is a violation of state law and this policy acknowledges that it is a crime to do so. The district will make every reasonable effort to ensure the integrity of the district's child abuse reporting process and procedure.

School District Relationship with Local Social Service District

The school district will cooperate to the extent possible with authorized child protective services workers in investigations of alleged child abuse. The Superintendent, or his or her designee, will represent the district when collaborating with local social service agencies to address instances of abuse or maltreatment, and in the development of policy and procedures regarding abuse or maltreatment (including educational neglect). In addition, the Superintendent will

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share a copy of the district's attendance policy, 5100, with the local social service district.

The school district shall maintain an ongoing training program which will address the identification and reporting of child abuse and maltreatment, including the legal implications of reporting and not reporting. Attendance at sessions of this training program shall be required of all school officials. *NOTE: Current athletic coaches have until July 1, 2015 to receive the applicable training." Districts must train "school officials," who are mandated reporters under the law, however, the district may choose to offer training to other employees, beyond "school officials.. If the District chooses to extend the training opportunity to additional employees, you may insert language to that effect here.* Attendance records shall be kept, and notations will be made in personnel files as to the dates of attendance.

The Superintendent shall develop, with input from appropriate personnel, a plan for implementation of such a training program, to be approved by the Board. In addition, the policy and regulations will be included in all employee handbooks and distributed annually to all school officials who are not covered under existing handbooks. The Superintendent will prepare and implement all regulations as are necessary to accomplish the intent of this policy

Cross-ref: Attendance, 5100

Ref: Child Protective Services Act of 1973, Social Services Law §§411 et seq.
Social Services Law §34-a
Family Court Act §1012
Family Educational Rights and Privacy Act,
20 U.S.C. §1232g, 45 CFR §99.36
Education Law §§3209-a, 3036
Penal Law 240.50

Adoption date:

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NYSSBA Sample Regulation 5460-R

CHILD ABUSE, MALTREATMENT OR NEGLECT IN A DOMESTIC SETTINGREGULATION

NOTE: The regulation has been updated consistent with the policy. The language added is underlined below.

New York State Law (Child Protective Service Act of 1973, as amended) provides for reporting of suspected cases of child abuse by school officials. These regulations are designed to implement this law within the district and to help protect students from the harmful effects of child abuse.

Definitions

The definition of child abuse and maltreatment is established by law.

Abused Child, according to Social Services Law and the Family Court Act, is a child less than 18 years of age whose parent or other person legally responsible for his or her care:

a. inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ; or
b. creates or allows to be created a substantial risk of physical injury to such a child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ; or
c. commits, or allows to be committed, a sex offense against such child, as defined in the penal law, provided, however, that the corroboration requirements contained therein shall not apply to proceedings under this article.

Neglected or maltreated child, according to the Family Court Act, is a child less than 18 years of age:

a. whose physical, mental, or emotional condition has been impaired or is in danger of becoming impaired as a result of the failure of his or her parents or other person legally responsible for his care to exercise a minimum degree of care:

    (1) in supplying the child with adequate food, clothing, shelter, or education in accordance with provisions of Part One, Article 65 of the Education Law, or medical, dental, optometrical or surgical care though financially able to do so or offered financial or other reasonable means to do so; or

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In order for a report of educational neglect to be accepted, three elements need to be established:

a. Excessive absence from school by the child

b. Reasonable cause to suspect that the parent is aware or should have been aware of the excessive absenteeism and the parent has contributed to the problem or is failing to take steps to effectively address the problem, and;

c. Reasonable cause to suspect educational impairment or harm to the child or imminent danger of such impairment or harm.

(2) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment; or by using a drug or drugs; or by using alcoholic beverages to the extent that he/she loses self-control of his/her actions; or by any other acts of a similarly serious nature requiring the aid of the court; or

b. who has been abandoned by his/her parent(s) or other person legally responsible for his/her care.

Person legally responsible includes the child's custodian, guardian, or any other person responsible for the child's care at the relevant time. Custodian may include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.

Impairment of emotional health and impairment of mental or emotional condition includes a state of substantially diminished psychological or intellectual functioning in relation to, but not limited to, such factors as failure to thrive, control of aggressive or self-destructive impulses, ability to think and reason, or acting out of misbehavior, including incorrigibility, ungovernability, or habitual truancy; provided, however, that such impairment must be clearly attributable to the unwillingness or inability of the parent, guardian, or custodian to exercise a minimum degree of care toward the child.

Reporting procedures and related information:

1. All school officials must, when they have reasonable cause to suspect that a child is abused or maltreated, report it to the New York State Central Register for Child Abuse and Maltreatment (800-342 3720). A school official, under state law, is defined as:

- Teacher
- Guidance counselor

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- Psychologist
- Nurse
- Social Worker
- Full or Part-time athletic coach
- Administrator
- Any school personnel required to hold a teaching or administrative license or certificate.

Personnel have the right to request that information which would identify the individual making the report be withheld if furnishing such data might prove detrimental to the safety or interest of that individual.

2. The school official must also report the matter to the Building Principal who will determine if any additional steps need to be taken by the school district (for instance, contacting the school physician, social worker or other support services).

3. In the event that a school employee, who is not required to report under the law (such as a bus driver, custodian, cafeteria monitor, etc.), has reasonable cause to suspect that a child is abused or neglected, he/she is encouraged to make a report to the Central Register. The employee must, by district policy, report the matter to the Building Principal.

4. If the Building Principal is informed of a case of suspected child abuse or maltreatment that has not yet been reported to the Central Register, the Building Principal is required to:
   (a) phone the New York State Central Register for Child Abuse and Maltreatment (800-342 3720) and inform them verbally of the problem; or
   (b) contact the above agency by telephone facsimile machine on a form supplied by the Commissioner of Social Services; and
   (c) file a written report with the local child protective services agency and the Central Register within forty-eight hours after the above report; and,
   (d) determine if additional steps need to be taken by the school district, as outlined in step 2 above.

5. The Building Principal may take color photographs or cause photographs to be taken of the areas of visible trauma on the child, and/or, if medically indicated, cause an examination to be performed. Such actions may be performed at public expense if they will provide appropriate documentation when filing the report. Photographic equipment shall be kept at the school and be available for this purpose.

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6 The written report that must be filed shall include all information which the Commissioner of Social Services may require.

7. If it should be necessary for Child Protective Services to interview a child at school to ascertain whether he/she has been abused or maltreated, or to obtain documentation of such acts, the interview should be conducted in the presence of a school official, unless circumstances require otherwise. The school official shall examine and verify the credentials of Child Protective Services worker(s) before allowing such worker(s) to either interview the child or to examine the child's records.

If sexual abuse is indicated, the presence of a same-sex staff member during the interview is appropriate.

8. The Building Principal shall request a summary report of the investigation of a case referred to Child Protective Services so the district can take appropriate next steps.

9. The district shall maintain an ongoing training program which will address identification and reporting of child abuse and maltreatment. Attendance at sessions of this training program shall be required of all school officials. *NOTE: The language regarding training offered here meets the statutory requirement. If the district takes a broader approach to training by offering it to additional staff, specify the district's practice here.*

10. Employee handbooks shall include a copy of these regulations and the related Board policy concerning child abuse and reporting requirements.

11. Only one report of any suspected abuse is required.

12. School personnel who, in good faith, make a report or take photographs of injuries and bruises have immunity from any liability, civil or criminal. The good faith of any person required to report cases of child abuse or maltreatment is presumed.

13 School personnel who have reasonable cause to suspect that a child has died as a result of child abuse or maltreatment shall report that fact to the appropriate medical examiner or coroner.

14 Any person required to report suspected cases of child abuse or maltreatment and who fails to do so may be found guilty of a class A misdemeanor and may be held civilly liable for the damages caused by this failure.

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15. Any school employee who fails to comply with this policy is subject to discipline in accordance with collective bargaining agreements and/or policy.

Adoption date:

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STUDENT PRIVACY

The Board recognizes its responsibility to enact policies that protect student privacy, in accordance with law. This is particularly relevant in the context of the administration of surveys that collect personal information, the disclosure of personal information for marketing purposes and in conducting physical exams.

Surveys

The Board of Education recognizes that student surveys are a valuable tool in determining student needs for educational services. In accordance with law and Board policy, parental consent is required for minors to take part in surveys which gather any of the following information:

1. political affiliations or beliefs of the student or the student's parent;
2. mental or psychological problems of the student or the student's family;
3. sex behavior or attitudes;
4. illegal, anti-social, self-incriminating or demeaning behavior;
5. critical appraisals of other individuals with whom respondents have close family relationships;
6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers;
7. religious practices, affiliations or beliefs of the student or the student's parent; 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).

In the event that the district plans to survey students to gather information included in the list above, the district will obtain written consent from the parent/guardian in advance of administering the survey. The notification/consent form will also apprise the parent/guardian of their right to inspect the survey prior to their child's participation.

Marketing

It is the policy of the Board not to collect, disclose, or use personal information gathered from students for the purpose of marketing or selling that information or providing it to others for that purpose.

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In the event that such data is collected by the district, disclosure or use of student personal information will be protected by the district pursuant to the requirements of the Family Educational Rights and Privacy act (FERPA). [For

~~*Eligible student:* a student who has reached the age of 18 or is attending postsecondary school.~~

Eligible student: a student who has reached the age of 18 or is attending postsecondary school.

Legitimate educational interest: a school official has a legitimate educational interest if they need to review a student's record in order to fulfill his or her professional responsibilities.

Personally identifiable information: is information that would allow a reasonable person in the school or its community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. Such data might include social security number, student identification number, parents' name and/or address, a biometric record, etc.

School official: a person who has a legitimate education interest in a student record who is employed by the district as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a member of the Board of Education; a person or company with whom the district has contracted to perform a special task (such as attorney, auditor, medical consultant or therapist); or a parent or student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official performing his or her tasks.

Third party contractor: is any person or entity, other than an educational agency, that receives student data or teacher or principal data from an educational agency pursuant to a contract or other written agreement for purposes of providing services to such educational agency, including but not limited to data management or storage services, conducting studies or audit or evaluation of publicly funded programs.

Annual Notification

At the beginning of each school year, the district will publish a notification that informs parents, guardians and students currently in attendance of their rights under FERPA and New York State Law and the procedures for exercising those rights. A 'Parents' Bill of Rights for Data Privacy and Security' will be posted on the districts website and included in any agreements with third-party contractors. This notice and 'Bill of Rights' may be published in a newspaper, handbook or other school bulletin or publication. The notice and 'Bill of Rights' will also be provided to parents, guardians, and students who enroll during the school year.

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The notice and Parents' Bill of Rights will include a statement that the parent/guardian or eligible student has a right to:

1. inspect and review the student's education records;

2. request that records be amended to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy rights;
3. consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent; and
4. file a complaint with the United States Department of Education alleging failure of the district to comply with FERPA and its regulations and/or file a complaint regarding a possible data breach by a third party contractor with the district and/or the New York State Education Department's Chief Privacy Officer for failure to comply with state law.

~~4.~~ .

The annual notice and the Parents' Bill of Rights will inform parents/guardians and students:

1. that it is the district's policy to disclose personally identifiable information from student records, without consent, to other school officials within the district whom the district has determined to have legitimate educational interests. The notice will define 'school official' and 'legitimate educational interest.'

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2. that, upon request, the district will disclose education records without consent to officials of another school district in which a student seeks to or intends to enroll or is actually enrolled.
3. that personally identifiable information will be released to third party authorized representatives for the purposes of educational program audit, evaluation, enforcement or compliance purposes.
4. that the district, at its discretion, releases directory information (see definition below) without prior consent, unless the parent/guardian or eligible student has exercised their right to prohibit release of the information without prior written consent.
5. that, upon request, the district will disclose a high school student's name, address and telephone number to military recruiters and institutions of higher learning unless the parent or secondary school student exercises their right to prohibit release of the information without prior written consent.
6. of the procedure for exercising the right to inspect, review and request amendment of student records.
7. the district will provide information as a supplement to the 'Parents' Bill of Rights' about third parties with which the district contracts that use or have access to personally identifiable student data.

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The district may also release student education records, or the personally identifiable information contained within, without consent, where permitted under federal law and regulation. For a complete list of exceptions to FERPA's prior consent requirements see accompanying regulation 5500-R, Section 5.

The district shall effectively notify parents, guardians and students who have a primary or home language other than English.

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In the absence of the parent or secondary school student exercising their right to opt out of the release of information to the military, the district is required to, under federal law, release the information indicated in number five (5)) above.

Directory Information

The district has the option under FERPA of designating certain categories of student information as "directory information." The Board directs that "directory information" include a student's:

- Name
- Major course of study
- Participation in school activities or sports
- Degrees and awards received
- Grade level

- Enrollment status

Social security numbers or other personally identifiable information will not be considered directory information.

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Once the proper FERPA notification is given by the district, a parent/guardian or student will have 14 days to notify the district of any objections they have to any of the "directory information" designations. If no objection is received, the district may release this information without prior approval of the parent/guardian or student for the release. Once the student or parent/guardian provides the "opt-out," it will remain in effect after the student is no longer enrolled in the school district.

The district may elect to provide a single notice regarding both directory information and information disclosed to military recruiters and institutions of higher education.

Cross-ref: 1120, School District Records
4321, Programs for Students with Disabilities Under IDEA and Part 89
5550, Student Privacy

Ref: Family Educational Rights and Privacy Act, as amended, 20 USC 1232g; 34 CFR Part 99
No Child Left Behind Act, 20 USC §7908 (Military Recruiter Access)
10 USC §503 as amended by §544 of the National Defense Reauthorization Act for FY 2002
Education Law § 225
Public Officers Law §87(2)(a)
Arts and Cultural Affairs Law, Article 57-A (Local Government Records Law)

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8 NYCRR 185.12 (Appendix I) Records Retention and Disposition, Schedule ED-1 for Use by School Districts and BOCES
"Guidance for Reasonable Methods and Written Agreements,"
http://www2.ed.gov/policy/gen/guid/fpco/pdf/reasonablemtd_agreement.pdf
Family Policy Compliance Office website:
http://www2.ed.gov/policy/gen/guid/fpco/index.html

Adoption date: