

**INSTRUCTIONAL GOALS**

A Carmel Central School District student should:

1. have a broad knowledge base, including what has happened and what is happening in:
  - mathematics, science and technology;
  - English language arts;
  - social studies;
  - the arts;
  - technical and occupational studies;
  - languages other than English; and
  - health, physical education and home economics.as described in the New York State Standards and as may be modified by the State from time to time;
2. retrieve, synthesize and apply relevant information;
3. make informed decisions including ethical concerns, consideration of the impacting and the acceptance of responsibility for those decisions;
4. communicate using various media;
5. recognize diversity in the world, utilize interpersonal skills to work together, and demonstrate an understanding of one's responsibility to contribute to society; and
6. maintain one's physical and mental health.

Carmel students must demonstrate that they are striving continuously for mastery and attainment of the above skills and knowledge, and performing at a level which:

- a. represents the student's full potential;
- b. earns the student the respect of both peers and the community;
- c. provides the student with an advantage when pursuing employment and/or additional education;
- d. supports the student's future endeavors, both personal and professional; and
- e. enables the student to meet society's expectations successfully.

**Cross-ref:** 4321, Programs for Students with Disabilities  
4600, Guidance Programs  
4720, Testing Programs  
5000, Student Policy Goals

**Adoption Date: February 23, 2000**

**EQUIVALENCE IN INSTRUCTIONAL STAFF AND MATERIALS**

In accordance with federal regulations, the Board of Education will ensure equivalence among district schools in teachers, administrators, and auxiliary personnel; and in the provision of curricular materials and instructional supplies. The Superintendent of Schools shall follow the State Education Department guidelines in determining such equivalence on an annual basis, and report to the Board on the status of district schools with regard to equivalence.

**Cross-ref:** 1900, Parental Involvement  
4325, Compensatory Education  
6231, Title I/PSEN Programs and Services

**Ref:** 34 CFR § 200.43(c)(1)(i) (ESEA Chapter 1 Program in Local Educational Agencies)  
State Education Department, Office of School Improvement Grants Management and Compliance, Consolidated Application and Applicant's Guide and Instructions for Consolidated Application

**Adoption Date: February 23, 2000**

**SCHOOL CALENDAR**

The school calendar for the ensuing year will be developed by the Superintendent of Schools and presented to the Board of Education for approval. The Board shall annually adopt a school calendar prior to the last day of school for the succeeding school year. The number of days scheduled for students will meet or exceed the requirements of state law.

**Ref:** Education Law §§ 3015(2); 3101(3); 3204(4); 3604(7-8)  
8 NYCRR Part 175

**Adoption Date: February 23, 2000**

## CURRICULUM DEVELOPMENT

In order to achieve its annual instructional goals, the Board of Education supports a collaborative approach to district curriculum development. Such an approach must recognize the interrelation of a "core" curriculum and effective instructional processes, as well as interdisciplinary applications and articulation of programs from one level to the next.

A "core" curriculum will include basic content area knowledge and related skills, with the realization that such information needs continuous updating. Curricula will also be designed to encourage transferrable concepts/skills, including critical thinking skills. The Board is committed to providing district students and staff with appropriate instructional materials to implement curricula. In addition, all students are assured equal access to courses of study, regardless of national origin, race, color, religion, creed, marital status, sex or disability.

District staff, on all levels, shall be continuously involved in updating and improving the curricula of the district. The Superintendent of Schools shall work with other district administrators to integrate current educational theory and research on curricula design, and successful instructional strategies practiced by comparable districts. District administrators shall initiate and direct curriculum study committees as deemed necessary to study and devise means of improving the curriculum. The reports of such committees shall be presented by the district administration to the Board for approval.

Teachers and program directors are directed to use state syllabi, supplemental materials and handbooks for general curricular guidelines; however, the Board encourages instructional staff to create individualized, flexible curriculum guides and original instructional materials. Such materials shall reflect a sensitivity to district students, their concerns, learning styles, and changing developmental abilities/needs.

Parents and members of the community are also encouraged to provide feedback on district curricula and instruction. The Superintendent will consult with Building Principals, teachers, students and the community in order to develop a responsive curriculum, and to promote a continuing review and upgrading of such curriculum. To this end, the Superintendent shall periodically invite community input using a curricula assessment questionnaire or other means. This information, along with input from citizens' advisory committees, will be considered annually in evaluating and revising district curricula.

Curriculum changes will take into consideration the results of state and local testing/classroom evaluations, reflect at a minimum the requirements of the state, and address further needs of the community and student population. Administrators and staff shall work together in evaluating the educational program and recommending changes or additions in courses, programs, instructional methodology, and/or staff development activities which are necessary to implement such changes and/or additions.

At its meetings, the Board will hear regular reports on curriculum-related matters, such as instructional programs, the work of curriculum study committees, and periodic evaluation of specific curriculum areas. The Superintendent will also be responsible for implementing curriculum studies, including pilot projects, as authorized by the Board.

CARMEL

**Cross-ref:** 4319, Science and Math Instruction  
4325, Compensatory Education

**Ref:** Education §§1709(3); 1711(5)

**Adoption Date: February 23, 2000**

**CURRICULUM RESEARCH**

The Board of Education encourages the Superintendent of Schools to search out and initiate research into courses of study, programs and all other means by which the district might better meet its obligations to the students. However, new courses or programs may not be implemented without the prior approval of the Board.

**Adoption Date: February 23, 2000**

## **CURRICULUM GUIDES AND COURSE OUTLINES**

The Board of Education believes that curriculum guides and course outlines developed on the local level have proven to be essential in helping individual students achieve instructional goals of the district. Therefore, the Board encourages the development of such curriculum guides and course outlines at all educational levels. The Board believes that the involvement of instructional staff members in developing such guides and outlines is imperative.

The curriculum shall be designed to show the developmental sequence of content and skills. The Board encourages ideas and creativity in the development of curriculum guides and course outlines from all participants in the school community. The Superintendent shall develop regulations and procedures to properly channel such ideas and creativity into effective curriculum guides and course outlines.

Curriculum guides and course outlines shall be reviewed annually and recommendations made by the Superintendent of Schools or designee for revision and modification. The Assistant Superintendent of Schools shall inform the Board on all phases of revision and modification of such guides and outlines. The final revision of curriculum guides or course outlines shall be submitted to the Board for approval.

Curriculum guides and course outlines approved by the board shall be made available to all affected staff members. The staff shall use such guides and outlines as a basis for instruction. However, teachers may take varying approaches to presentation of the required subject matter in class. The Board regards individuality of teacher presentation, within acceptable educational limits, as an important element in creating a beneficial learning environment.

**Adoption Date: February 23, 2000**

## CURRICULUM

The curriculum shall be comprised of courses of study that have been prescribed by the district administration in accordance with the mandates of the Education Law and the Regulations of the Commissioner of Education. Curriculum will be designed to carry out the instructional goals of the district and provide for the continuous intellectual growth of all students. The Board of Education believes that there must be close coordination between curriculum development and instructional processes as well as continuity between educational levels, if instructional goals are to be reached.

To this end, curriculum will be developed by the Superintendent of Schools and submitted to the Board for adoption. The Superintendent shall be responsible to ensure that the curriculum reflects minimum state requirements and addresses the needs of the community and individual students. Administrators and staff shall work together in evaluating the educational program and recommending changes or additions in courses, programs, instructional methodology, and/or staff development activities which are necessary to implement such changes and/or additions.

New courses and programs will be recommended by the Superintendent and adopted by the Board. New courses and programs must be approved by the Board before their implementation into the curriculum. In addition, the Board will hear regular reports on curriculum-related matters, such as instructional programs, the work of curriculum study committees, and periodic evaluation of curriculum areas. In addition, the Superintendent will also be responsible for authorizing curriculum studies as requested by the Board.

**Ref:** Education Law §§1709(3); 1711(5); 801 et seq.  
8 NYCRR §§100.1 et seq.

**Adoption Date: February 23, 2000**

**CIVIC MISSION OF THE SCHOOLS**

Preserving American democracy is an essential responsibility and priority for public education. The Board of Education recognizes its special role in ensuring that the student attending the schools of the district are provided with the appropriate skills and knowledge to gain an appreciation and understanding of the American form of government, including but not limited to the Constitution, its Bill of Rights, the electoral process, the jury system, and the role of law and citizenship education generally. To that end, the district shall, in compliance with statutory and regulatory mandates, offer instruction and related activities in citizenship, patriotism and human rights issues. This instruction will be offered on a regular basis and in keeping with appropriate grade level instruction.

Ref: Education Law §§801; 802  
Executive Law §403  
8 NYCRR §108.1  
*Matter of Bielenberg* 9 EDR (1970)

**Adoption Date: November 28, 2006**

**DISPLAY OF THE FLAG**

The Board of Education believes that the flag of the United States is a symbol of the values of our nation, the ideals embedded in our Constitution and the spirit that should animate our district.

The district shall purchase a United States flag, flag staff and the necessary appliances for its display upon or near every school building. There shall be a flag on display in every assembly room of every school.

The flag shall be flown at full- or half-staff pursuant to law. In addition, the flag may be flown at half-staff to commemorate the death of a present or former board member, present employee, teacher, student, clerk or custodian.

Consistent with national and state law and regulations and this policy, the Superintendent of Schools shall develop rules and regulations for the proper custody, care and display of the flag.

**Cross-ref:** 4311, Citizenship Education

**Ref:** Education Law, 418; 419; 420; 802  
Executive Law, Article 19  
8 NYCRR Part 108  
*Lapolla v. Dullaghann*, 63 Misc 2d 157 (1970)

**Adoption Date: February 23, 2000**

**DISPLAY OF THE FLAG REGULATION***Flags Displayed Out-of-Doors and on Movable Hoists Indoors*

A United States flag shall be displayed in front of every school building in the district every day that school is in session and at such other times as the Superintendent of Schools shall direct. Unless otherwise stated, the flags shall be flown at full-staff. The flags may also be displayed at night upon special occasions, at the discretion of the Superintendent of Schools, when it is desired to produce a patriotic effect.

In addition to days when school is in session, the flags will be displayed on the following days: New Year's Day, Martin Luther King, Jr. Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Flag Day, the Fourth of July, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Pearl Harbor Day and Christmas Day. If any of these days (except Flag Day) falls on a Sunday, the flag shall be displayed on the next day. In addition, the flag shall be displayed on each general election day and each day appointed by the President of the United States or by the Governor of New York as a day of general thanksgiving or for displaying the flag.

Flags shall be flown at half-staff on Pearl Harbor Day, on days commemorating the death of a personage of great importance, and on days designated by the President or the Governor.

The flags shall fly at half-staff to commemorate the death of a present or former board member, present employee, teacher, student, clerk or custodian. Flags shall be flown at half-staff for 30 days in these instances.

The flag will not be displayed on days when the weather is inclement.

*Hoisting of the Flag*

The flag shall be hoisted briskly and lowered ceremoniously.

In half staffing the flag, it first should be hoisted to the peak for an instant and then lowered to the half-staff position. The flag shall be again raised to the peak before it is lowered for the day. The flag shall never be put at half mast in the middle of the day. It must be put at half mast in the morning only.

*Indoor Flags and Those Not on Movable Hoists*

There shall be a United States flag in each assembly room of every school in the district. It is the duty of the teacher or other person in charge of each assembly room to ensure that the flag in the room is displayed from a staff standing at the audience's right as they face the stage. If the flag is placed on the platform, it should stand at the right of the speaker as he/she faces the audience and at the audience's left as they face the stage.

**Adoption Date: February 23, 2000**

**OCCUPATIONAL EDUCATION**

The Board of Education shall provide secondary school students access to programs of occupational education, commensurate with the interests and capabilities of those desiring and having a need for preparatory training. The district will develop programs with sensitivity to present and projected employment opportunities, based upon work force needs in existing and emerging occupations. The Board shall authorize the payment of tuition for resident students to attend neighboring industrial, technical or vocational schools for grades nine through twelve (9-12) when an equivalent program is not available in the district schools.

**Ref:** Education Law §§1001 et seq.; 2045(2); 3602(17), (34); 3602-c; 4601 et seq.  
8 NYCRR §§100.2(h); 141 et seq.

**Adoption Date: February 23, 2000**

### HEALTH EDUCATION

The district's health education curriculum is designed to accomplish three basic aims:

1. to develop wholesome health skills and practices;
2. to encourage sound attitudes towards good health; and
3. to acquire up-to-date and scientific health knowledge.

Teachers shall cooperate and consult with the school nurse regarding the teaching of health and hygiene in the classroom.

In recognition of the religious tenets of certain families, the Board of Education, subject to the regulations of the state Board of Regents, shall excuse a student from required study of Health and Hygiene if such study is found to conflict with the religion of his/her parents.

Such conflict must be certified by a proper representative of his/her religion.

**Ref:** Education Law §§804; 804-a  
8 NYCRR §§135.3; 135.6

**Adoption Date: February 23, 2000**

**AIDS INSTRUCTION**

In compliance with the regulations of the Commissioner of Education, the district will provide classroom instruction concerning Acquired Immune Deficiency Syndrome (AIDS) as part of a sequential and comprehensive health program for all students, K-12. Instruction must be offered during regularly scheduled classes. Such instruction will be age-appropriate, and include the following information:

1. the nature of the disease;
2. methods of transmission of the disease; and
3. methods of prevention of the disease (stressing abstinence as the most effective and appropriate protection against AIDS).

A pupil may be excused from that segment of AIDS instruction regarding methods of prevention of the disease if his/her parent/guardian files a request with the Superintendent of Schools. The request must give assurance that such instruction will be given at home.

The Board shall establish an advisory council which shall be responsible for making recommendations on content, implementation, and evaluation of the AIDS instructional program. The advisory council must consist of Board members, appropriate school personnel, parents and community representatives, including representatives from religious organizations.

**Cross-ref:** 1210, Citizens Advisory Committees  
2260, Advisory Committees  
5191, Students with HIV-Related Illness

**Ref:** Education Law §3204(5)  
8 NYCRR §§16.2; 135.3  
*Ware v. Valley Stream High School District*, 75 NY2d 114 (1989)  
*New York State School Boards Association v. Sobol*, 168 AD2d 188 (1991)  
*Matter of Ware*, 28 EDR 415 (1989)

**Adoption Date: February 23, 2000**

**TEACHING ABOUT DRUGS, ALCOHOL, TOBACCO**

The Board of Education views with grave concern the serious implications of alcohol, drug, and tobacco use by people, specifically young people, all over the United States and especially in the school district. In keeping with its primary responsibility--the education of youth--the Board directs the professional staff of the district to continue to investigate the causes of student involvement with drugs, tobacco and alcohol, and to develop suitable preventive measures however and whenever feasible. In addition referral to community cessation and education resources will be supported (promoted).

The Board and the professional staff shall continue to seek ways to educate students and school staff of the district about the dangers of the illegal use of drugs and the abuse of alcohol and tobacco. Instruction will include sessions about the causes and effects of drug, alcohol and tobacco abuse, especially in young people. In addition, all high school students will receive instruction on the dangers of driving while under the influence of alcohol and/or drugs.

The following objectives must be realized if the goal of minimizing drug, tobacco and alcohol abuse is to be achieved:

1. students shall be encouraged to identify the problem and its causes and to organize to solve it;
2. they should understand the nature of legal and illegal drugs and tobacco;
3. they shall be encouraged to develop a set of values and behavioral insights which shall give them a deeper understanding of themselves and society;
4. they shall be encouraged to identify the variety of alternate forms of behavior, other than drug or alcohol abuse and tobacco use, which are available to satisfy their needs; and
5. they shall be encouraged to make constructive decisions concerning the use of drugs, alcohol, and tobacco.

While the Board in no way condones the abuse of illegal or harmful substances, it is in the interest of student and staff health that a climate be created in the schools so that individuals with problems may seek to receive help without fear of reprisal.

**Cross-ref:** 5312.3, Smoking

**Ref:** Education Law §804  
8 NYCRR §§100.2(c)(3)

**Adoption Date:** February 23, 2000

**Revised:** March 24, 2009

**DRIVER EDUCATION**

The district may establish and maintain instruction in the safe and lawful operation of motor vehicles, in accordance with the Education Law and the Vehicle and Traffic Law.

If provided, classroom instruction will emphasize the effects of drug and alcohol use, including the hazards of driving while impaired or intoxicated; the penalties for alcohol-related motor vehicle violations; and the medical, biological and physiological effects of the consumption of alcohol and their impact on the operation of a motor vehicle. Such classroom training will be provided by a person approved by the State Education Department and the Commissioner of Motor Vehicles. The law authorizes driver education classes to be conducted on Saturdays if necessary.

**Ref:** Education Law §§806-a; 3604(8)  
Vehicle and Traffic Safety Law §§502(2); 507(1)

**Adoption Date: February 23, 2000**

### **ALTERNATIVE FORMATS FOR INSTRUCTIONAL MATERIALS**

Vendors who agree to provide materials in a usable alternative format shall be given preference in the purchase of instructional materials. "Alternative Format" is defined as any medium or format other than a traditional print textbook, for presentation of instructional materials that is needed as an accommodation for each student with a disability, including students enrolled in the School District with Section 504 Accommodation Plans. Alternative formats include, but are not limited to Braille, large print, open and closed captioned, audio, or an electronic file in an approved format as defined in the Commissioner's Regulations.

The District Plan will ensure that all instructional materials to be used in the schools of the School District are available in a usable alternative format for each student with a disability, at the same time as such instructional materials are available to non-disabled students.

Ref: Chapter 377 of the Laws of 2001  
Education Law 1709(?) And 2503(7-a)  
8 NYCRR 200.2

Adoption Date: August 21, 2007

## **PROGRAMS FOR STUDENTS WITH DISABILITIES**

The Board of Education shall make available to all students eligible under the Individuals with Disabilities Education Act and Article 89 of the Education Law, and their implementing regulations, a free appropriate public education in the least restrictive environment appropriate to meet their individual needs.

The Board acknowledges its responsibility to offer, at public expense, special education and related services which are designed to provide educational benefits to students in conformity with their individualized education program. Special education services or programs will be designed to enable a student with disabilities to be involved in and progress in the general education curriculum, to the extent appropriate to his/her needs.

Consistent with the requirements of federal and state law and regulations, the Board will:

1. Appoint a committee on special education (CSE), and as appropriate, CSE subcommittees to assure the identification and placement of eligible students with disabilities.
2. Based upon the recommendation of the CSE, arrange for special education programs within legally prescribed time frames. Should it disagree with the recommendation of the CSE, the Board, upon notice to the parents involved, and in accordance with the procedures set forth in the Regulations of the Commissioner of Education, may forward its concerns to the CSE, or reconvene a second CSE for review of and revisions to the original recommendation as appropriate.

The Board hereby appoints a Committee on Special Education comprised of at least the following mandated members:

1. the parents or persons in parental relationship to the student;
2. the regular education teacher of the student if the student is, or may be participating in the general education environment;
3. the special education teacher or special education service provider of the student;
4. a school psychologist, whenever a new psychological evaluation is reviewed or a change to a program with a more intensive staff/student ratio is considered;

5. a representative of the district qualified to provide or supervise the provision of special education and is knowledgeable about the general curriculum and about the availability of the resources of the school district;
6. an individual who can interpret the instructional implications of the evaluation results, who may be a member of the team selected from the general or special education teacher or provider or district representative described above;
7. the school physician, if specifically requested in writing by the parent or by a member of the school at least 72 hours prior to the meeting;
8. a volunteer parent of a student with a disability, or a parent of a student with a disability who has been declassified, or become ineligible to receive special education services within the past five years, who resides in the district or a neighboring school district, provided that such parent is not a required member if the parent(s) of the student request that the additional parent member not participate in the meeting;
9. other persons having knowledge or special expertise regarding the child, including related services personnel, as appropriate, as the school district or the parents shall designate. The determination of knowledge or special expertise of that person shall be made by the party who invited the individual to be a member of the CSE;
10. whenever appropriate, the student with a disability;
11. a representative of a private school, BOCES, or educational facility when CSE is considering out of district placement;
12. a designee of the appropriate CSE County or State agency when considering a residential placement.

Testing and evaluation procedures will be used for the identification and placement of students with disabilities, which meet the requirements of federal and state law and regulations. As part of the periodic reevaluation of a student with disabilities, the CSE will determine if the child continues to have a particular category of disability, or continued need for special education and related services. The continued eligibility for services of a student previously classified as a student with disabilities will be determined in accordance with the procedures set forth in federal and state law and regulations.

Parents of students with disabilities and their children will be provided with notice of the procedural safeguards available to them and their children. The district will use the procedural safeguard notice prescribed by the Commissioner of Education and make the notice available in the manner prescribed by the Commissioner's Regulations. Students with disabilities and their parents will be afforded the procedural safeguard rights set forth in the notice.

To ensure the appropriate delivery of services to students with disabilities in the district, the Superintendent of Schools shall ensure that:

1. All children with disabilities residing in the district, including those attending private schools located in the district are identified, located, evaluated and provide FAPE if eligible in accordance with law.
2. School wide approaches and pre-referral interventions including, but not limited to, academic intervention services in order to remediate a student's performance prior to referral for special education are implemented.
3. The CSE is informed of the process prescribed by law and regulations for the appropriate declassification of students with disabilities.

The Superintendent shall ensure that personally identifiable data and information or records pertaining to students with disabilities remain confidential as required by law and regulations.

The Superintendent shall also develop and maintain a comprehensive personnel development plan so that professional and paraprofessional staff working with students with disabilities possess the skills and knowledge necessary to meet the needs of students with disabilities.

The Board hereby directs the Superintendent to develop regulations which identify how universal design principles will be utilized in developing and administering district-wide assessment programming.

Ref: Education Law § 4401 et seq. (Article 89)  
20 U.S.C. §§1400 et seq. (IDEA)  
34 CFR Part 300  
8 NYCRR Part 200

**Adoption date:** May 21, 2001  
**Revised:** August 21, 2007

## PRESCHOOL SPECIAL EDUCATION

The Board of Education recognizes the value of special education and its responsibility in ensuring that all resident preschool children with disabilities have the opportunity to participate in special programs and services from which they may benefit. The Board of Education authorizes the Superintendent of Schools to establish administrative practices and procedures which shall include:

1. locating and identifying all preschool children with disabilities pursuant to the relevant provisions of the Education Law. The register of children eligible to attend a preschool special education program is to be maintained and revised annually by the Committee on Preschool Special Education (CPSE);
2. ensuring that the parents/guardians of preschool age children with disabilities have received and understand the request for consent for evaluation of their child;
3. developing an individualized education program (IEP) for each preschool age child with a disability;
4. appointing and training appropriately qualified personnel including the members of a CPSE;
5. maintaining lists of impartial hearing officers and of State Education Department-approved special education programs within the county and adjoining counties in which the School District is located; and
6. reporting to the State Education Department the number of children with disabilities that are being served, as well as those not served.

The Board of Education hereby establishes the CPSE as required under the Education Law. Its responsibilities will include the evaluation and recommendation for placement in appropriate approved programs and the provision of appropriate special education programs and services for each preschool child with a disability. The CPSE shall review, at least annually, the status of each preschool child with a disability.

The Board of Education hereby appoints a Committee on Preschool Special Education. The membership of the Committee on Preschool Special Education shall include, but is not limited to:

- the student's parent;

- the general education teacher of the student if the student is, or may be, participating in the general education environment;
- the special education teacher or special education service provider of the student;
- the CPSE chairperson who is a representative of the district and is qualified to provide, or supervise special education;
- an individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the general or special education teacher or provider or district representative described above;
- an additional parent of a preschool or elementary school age student with a disability who resides in the district, provided that such volunteer parent member is not a required member if the parent(s) of the child requests that the additional parent member not participate;
- for a student in transition from early intervention programs and services, the appropriately licensed or certified professional from the Department of Health's Early Intervention Program;
- an appropriately licensed or certified professional from the municipality is invited but not required for a quorum;
- other persons having knowledge of special expertise regarding the child, including related services personnel as appropriate, as the school district or the parents shall designate. The determination of knowledge or special expertise of such person shall be made by the party who invited the individual to be a member of the CPSE.

It is ultimately the responsibility of the Board of Education to arrange for the appropriate approved preschool special education program and services for the District children. Should the Board disagree with the CPSE's recommendations, it shall send the recommendation back to the CPSE so that they may schedule a timely meeting to review the Board of Education's concerns and to revise the IEP as deemed appropriate.

Placement may be appealed by a parent/guardian to an impartial hearing officer, appointed by the Board of Education. Mediation shall be offered to such parents/guardians to resolve complaints regarding the education of preschool children with disabilities at the same time notice of the availability of an impartial hearing is provided.

The CPSE shall make an annual report on the status of each preschool child with a disability and report on the adequacy of preschool special education programs

and services to the Board of Education.

The Board of Education directs the Superintendent to ensure that the District considers that adequate and appropriate space is made available for such preschool special education programs and services. The Board of Education further directs the Superintendent of Schools or designee to develop and maintain a plan which incorporates information concerning the provision of services for preschool children with disabilities, pursuant to the Regulations of the Commissioner of Education.

Ref: Individuals with Disabilities Education Act, 20 U.S.C. §§1400 et seq.  
34 CFR §§300.12; 300.503  
Education Law §4410  
8 NYCRR Part 200

**Adoption Date: December 20, 1999**  
**Revised: August 21, 2007**



## PROGRAMS FOR STUDENTS WITH DISABILITIES REGULATION

### I. The Committee on Special Education (CSE)

**Effective July 1, 1998 and pursuant to the federal Individuals with Disabilities Education Act, the Board of Education shall appoint a Committee on Special Education (CSE) composed of:**

- 1. the parents of a child with a disability, the parents of a child with a disability who has graduated, and/or the parents of a child formerly known to have a disability who has been declassified.**
- 2. at least one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);**
- 3. at least one special education teacher, or where appropriate, at least one special education provider of such child;**
- 4. a representative of the district who**
  - (a) is qualified to provide, or supervise the provision of, specifically designed instruction to meet the unique needs of children with disabilities;**
  - (b) is knowledgeable about the general curriculum; and**
  - (c) is knowledgeable about the availability of resources of the district.**
- 5. an individual who can interpret the instructional implications of evaluation results (may also be one of the above team members);**
- 6. at the discretion of the parent or the district, other individuals who have knowledge or special expertise regarding the child, including related services personnel;**
- 7. whenever appropriate, the child with a disability.**

**Under New York law, the CSE must also include a parent member, a school psychologist, and a school physician if requested by the parents or the school district 72 hours prior to the CSE meeting.**

### II. Identifying Children with Disabilities

The CSE shall identify students with disabilities who are in need of special services or programs and develop an individualized educational program (IEP) for each student.

The district shall conduct a census in accordance with the Education Law to locate and identify all children with disabilities who reside in the district and establish a register of those who are entitled to attend the school district. The register shall be maintained and revised annually by the CSE. Such census data shall be compiled and maintained in accordance with the Commissioner's Regulations.

Upon receipt of written notification that a student is suspected of having a disability, the CSE chairperson shall notify the child's parent(s) or guardian(s) that a referral has been made and to request consent for the child to be evaluated. Such notice must include, among other things, the following information: the right to consent or withhold consent to an initial evaluation or placement; the right to a hearing; procedures for appeal; the availability of mediation to resolve complaints regarding the education of a student with a disability; the acknowledgment that if consent is refused there will be no evaluation and the student shall remain in his/her current placement, or receive admittance to the requested school pending the outcome of a hearing; the availability of free or low cost legal aid and reimbursement of reasonable attorney's fees if the parent(s)/guardian(s) win their hearing. The notification shall be in the dominant language or mode of communication of the parent(s)/guardian(s).

If parental consent is not obtained within 30 days of receipt of referral then the Board shall initiate an impartial hearing to determine if the individual evaluation shall be conducted. The CSE chair shall notify the parent(s)/guardian(s) of his/her right to request an informal conference at which the parent(s)/guardian(s) may ask questions regarding the evaluation.

### III. Individual Evaluation

The CSE shall ensure that an individual evaluation of the student is conducted at no cost to the parent(s)/guardian(s). The district shall maintain a list of approved evaluators which shall be provided to the parent(s)/guardian(s).

The evaluation shall include, at least: a physical examination, a social history, a classroom observation, a psychological evaluation unless determined unnecessary by the school psychologist and other appropriate assessments or evaluations as necessary to ascertain the physical, mental and emotional factors which contribute to the suspected disabilities.

The evaluator shall submit a written report to the CSE which shall include a detailed statement of the child's individualized educational needs, and if the child is determined to have a disability, a recommendation as to the frequency and duration of services and the manner in which the child can be provided with instruction in the least restrictive environment. The parent(s)/guardian(s) shall be provided the results of the evaluation and a copy of the CSE recommendation in their dominant language or mode of communication.

If the parent(s)/guardian(s) disagrees with the evaluation, he/she shall notify the district so the district may initiate an impartial hearing to determine the adequacy of the evaluation. If the hearing officer determines the evaluation was inadequate, then the parent(s)/guardian(s) may obtain an independent evaluation at no cost to themselves. Even if the evaluation is determined to be adequate by the hearing officer, the parent(s)/guardian(s) may obtain an independent evaluation, but not at public expense.

### IV. Determining the Appropriate Placement and Program - Least Restrictive Environment

Following the individual evaluation, if the CSE determines the student has a disability, the members shall develop an Individual Education Plan (IEP) for the student. The IEP is a written plan which contains:

1. a statement of the present levels of educational performance of such child and individual needs;
2. a statement of annual goals, including short-term instructional objectives;
3. a statement of the specific educational services to be provided to such child, class size if appropriate, and the extent to which such child will be able to participate in regular educational programs;
4. a statement of the needed transition services for students beginning no later than age 16 and annually thereafter (and, when determined appropriate for the individual, beginning at age 14 or younger);
5. the projected date for initiation and anticipated duration of such services;
6. appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved;
7. a description of any specialized equipment and adaptive devices;
8. a list of testing modifications; and
9. a recommended placement.

Before the development of a recommendation, the CSE shall ensure that the

appropriateness of the resources of the regular educational program, including educationally related support service, and remedial instruction, have been considered. In developing the IEP, the CSE shall consider a student's academic or educational achievement, learning characteristics, social development, physical development and management needs. To ensure the student is placed in the least restrictive environment, the school district, with the input of the student's parent(s)/guardian(s) and teacher(s) and the student, when appropriate, must determine what placement is most appropriate: placement in a general education program with supplementary aids and services, placement in a special class or special school or a combination of general and special education classes. The CSE must show that a general education program was considered when the student is not placed in such a program.

If the Board disagrees with the recommendation of the CSE, the Board shall follow one of the following procedures:

1. The Board may return the recommendation to the original CSE with a statement of the Board's objections or concerns and request that a timely meeting be held to review Board's objections or concerns. The CSE shall consider the Board's concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree, it may continue to send the recommendation to the CSE for additional reviews of its objections or concerns or establish a second CSE; or
2. The Board may immediately establish a second CSE to develop a new recommendation for the student. If the Board disagrees with the recommendation of the second CSE, the Board may send the recommendation to the second CSE with a statement of their concerns and a request that a timely meeting be held to review and consider the concerns. The second CSE shall consider the Board's concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the second CSE, the Board may continue to remand the recommendation for additional reviews of its concerns by the second CSE.

In either case, once the Board has established a second CSE, the Board can no longer select the recommendation of the original CSE.

The parent(s)/guardian(s) shall be notified of the Board's approval or disapproval of the CSE's recommendation, and provided notice of the meeting when the Board disapproved.

The Board must arrange for appropriate special education programs and services to be provided in accordance with the student's IEP within 60 days of receipt of consent to evaluate for a student not previously identified as having a disability, or within 60 days of the referral for review of a student with a disability. However, if the recommendation is for placement in an approved in-state or out-of-state private school, the Board shall arrange for such programs and services within 30 days of the Board's receipt of the recommendation.

#### V. Participation of Students with Disabilities in Extracurricular Programs and Activities

Students with disabilities residing in the district shall have the opportunity to participate in district programs, including extracurricular programs and activities, which are available to all other students enrolled in the district's public schools.

#### VI. Due Process Provisions

In the event the parent(s)/guardian(s) disagrees with the CSE's recommendation, the CSE fails to make a recommendation in accordance with the Commissioner's Regulations or the Board fails to effectuate the recommendation

within 30 days of receipt of the recommendation, the parent(s)/guardian(s) may request, in writing, a formal impartial hearing.

Parent(s)/Guardian(s) of students with, or suspected to have, disabilities shall have mediation available to resolve complaints regarding the education of a student. The availability or use of mediation shall not diminish or limit any rights of parents or guardians provided for in law, including the right of a parent or guardian to request an impartial hearing subsequent to mediation. The parent(s)/guardians will not be deemed to have failed to exhaust administrative remedies by requesting an impartial hearing in the absence of or prior to mediation.

During the pendency of an appeal, unless the parent(s)/guardian(s) and Board otherwise agree, the child will remain in the current educational placement.

**Note:** Regulation added  
Please be aware that as of September, 1998 state law and federal and state regulations are still being updated and this regulation will undoubtedly need further modification.

**Adoption Date: December 20, 1999**

**ALLOCATION OF SPACE FOR SPECIAL EDUCATION  
PROGRAMS AND SERVICES**

To ensure that adequate and appropriate space is made available for special education classes provided by the district, as well as in programs provided by the Board of Cooperative Education Services (BOCES), the Board of Education will allocate an appropriate amount of space in district facilities to meet the needs of students in such programs. This allocation will be part of the biennial district plan for the provision of special education programs and services, as mandated by the Commissioner.

**Ref:** 8 NYCRR §200.2(c)(iv) and (v)

**Adoption Date: December 20, 1999**

[The Regulations of the Commissioner (§200.2(c)) require that each Board of Education which receives an apportionment for eligible students with disabilities prepare plans by November 1, 1990 and every second year thereafter for appropriate space for special education programs and services, and adopt a written policy to this effect.]

**PRESCHOOL SPECIAL EDUCATION**

The Board of Education recognizes the value of special education and its responsibility in ensuring that all resident preschool children with disabilities have the opportunity to participate in special programs and services from which they may benefit. The Board authorizes the Superintendent of Schools to establish administrative practices and procedures which shall include:

1. locating and identifying all preschool children with disabilities through a census pursuant to the relevant provisions of the Education Law during the next year. The register of children eligible to attend a preschool program is to be maintained and revised annually by the Committee on Preschool Special Education (CPSE);
2. ensuring that the parent(s)/guardian(s) of preschool age children with disabilities have received and understand the request for consent for evaluation of their child;
3. developing an individualized education program (IEP) for each preschool age child with a disability;
4. appointing and training appropriately qualified personnel including the members of a CPSE. The district will provide appropriate educational opportunities and experiences needed to be develop and maintain staff and committee member skills and knowledge of state regulations;
5. maintaining lists of impartial hearing officers and of State Education Department-approved special education programs within the county and adjoining counties in which the district is located; and
6. reporting to the State Education Department the number of children with disabilities that are being served, as well as those not served.

The Board of Education shall annually appoint the CPSE as required under the Education Law. The CPSE shall consist of members as required by the Regulations of the Commissioner of Education.

The responsibilities of the CPSE will include the evaluation and recommendation for placement in appropriate approved programs and the provision of appropriate special education programs and services for each preschool child with a disability. The CPSE shall review, at least annually, the status of each preschool child with a disability.

It is the responsibility of the Board to arrange for the appropriate approved preschool program and services for the district children. Should the Board disagree with the CPSE's recommendations, it must set forth its reasons and return the recommendation to the CPSE so they may address the Board's concerns. Placement may be appealed by a parent(s)/guardian(s) to an impartial hearing officer, appointed by the Board. Mediation shall be offered to such parents/guardians to resolve complaints regarding the education of preschool children with disabilities at the same time notice of the availability of an impartial hearing is provided.

The Board directs the Superintendent to ensure that the District considers that adequate and appropriate space is made available for such programs and services.

**Cross-ref:** 4321.3, Independent Educational Evaluations  
**Ref:** Individuals with Disabilities Education Act, 20 U.S.C. §§1400 et seq.  
34 CFR §§300.12; 300.503  
Education Law §4410  
8 NYCRR Part 200

**Adoption Date: December 20, 1999**

**PRESCHOOL SPECIAL EDUCATION REGULATION****I. The Committee on Preschool Special Education (CPSE)**

The Board of Education shall appoint a Committee on Preschool Special Education (CPSE) composed of:

1. an appropriate professional employed by the school district who shall serve as the chairperson of the committee;
2. a parent(s)/guardian(s) of a child with a disability who resides in the district and is enrolled in preschool or elementary level education provided the parent(s)/guardian(s) is not employed by or under contract with the district or county;
3. the child's teacher;
4. a professional who participated in the evaluation of the particular child; and
5. for a child in transition from programs and services provided pursuant to applicable federal laws, the appropriately licensed or certified professional designated by the applicable agency.

The chief executive officer of the county in which the district is located also may appoint an appropriately licensed or certified professional to the committee.

The Board directs the Superintendent of Schools to ensure that all members of the CPSE are appropriately trained for their responsibilities on that committee.

**II. Identifying and Evaluating Preschool Children with Disabilities**

The district shall conduct a census in accordance with the Education Law to locate and identify all children with disabilities who reside in the district and establish a register of such children who are eligible to attend a preschool program in accordance with Section 4410 of the Education Law. Such register shall be maintained and revised annually by the CPSE. Such census data shall be compiled and maintained in accordance with Section 200.2(a) of the Regulations of the Commissioner.

Age eligibility for pre-school special education will be determined in the following manner: if the child turns three between January 1 and June 30 of a calendar year, the child will be eligible for special education as of January 2 of that year; if the child turns three on or after July 1 during that year, the child will be eligible as of July 1.

Upon the receipt of written notification that a preschool child is suspected of having a disability, the chairperson of the CPSE shall notify the child's parent(s)/guardian(s) that a referral has been made and request consent for the child's evaluation.

Such notification must include, among other things, the following information: the right to consent or withhold consent to an initial evaluation or placement; the right to a hearing; procedures for appeal; the availability of mediation to resolve complaints regarding the education of a preschool child with a disability; the acknowledgment that if consent is refused, there will be no evaluation and the pupil shall remain in his/her current placement, or receive admittance to the requested school pending the outcome of a hearing; the availability of free or low cost legal aid and reimbursement of reasonable attorney's fees if the

parent(s)/guardian(s) win their hearing. The notification shall be in the dominant language or dominant mode of communication of the parent(s).

If parental consent is not obtained within 30 days of receipt of referral then the Board of Education shall initiate an impartial hearing to determine if the individual evaluation shall be conducted. The CPSE chairperson shall notify the parent(s)/guardian(s) of his/her right to request an informal conference at which the parent(s)/guardian(s) may ask questions regarding the evaluation.

### III. Individual Evaluation

The CPSE shall ensure an individual evaluation of the pre-school child is conducted at no cost to the parent(s)/guardian(s). The district shall maintain a list of approved evaluators which shall be provided to the parents. The parents may select the evaluator from the list.

The evaluation shall include, at least: a physical examination; a social history; a psychological evaluation unless determined to be unnecessary by the school psychologist; and other appropriate assessments or evaluations as necessary to ascertain the physical, mental and emotional factors which contribute to the suspected disabilities.

The evaluator shall submit a written report to the members of the CPSE and to a person designated by the county in which the preschool child resides. The report shall include a detailed statement of the preschool child's individual needs, and if the child is determined to have a disability, a recommendation as to the general type, frequency and duration of special education services and the manner in which the special services and programs can be provided with instruction in the least restrictive environment. The parent(s)/guardian(s) shall receive a summary of the evaluator's findings. Upon request, the parent(s)/guardian(s) shall also receive a copy of the evaluator's statement and recommendation to the CPSE.

If the parent(s)/guardian(s) disagree with the evaluation, they shall notify the district so the district may initiate an impartial hearing to determine the adequacy of the evaluation. If the hearing officer determines the evaluation was inadequate then the parent(s)/guardian(s) may obtain an independent evaluation at no cost to themselves. Even if the evaluation is determined adequate by the hearing officer, the parent(s)/guardian(s) may obtain an independent evaluation, but not at public expense.

### IV. Determining the Appropriate Preschool Program - Least Restrictive Environment

Following the individual evaluation, if the CPSE determines the child has a disability, the members shall recommend the development of an Individual Education Plan (IEP) for the preschool child. The committee must review all relevant information, including but not limited to:

1. information presented by the parent(s)/guardian(s) and the child's teacher(s);
2. the results of all evaluations; and
3. information provided by the appropriate licensed or certified professional designated by the agency that is charged with the responsibility for the child pursuant to applicable federal laws, if any.

Before the CPSE recommends any program, the members must consider the appropriateness of providing related services or special education itinerant services only. The recommendation must state the reasons for the recommendation even if CPSE determines the child has no disability. In addition, if the CPSE's recommendation differs from the parent(s)/guardian(s) preference, the recommendation must provide reasons why a program different than the parent(s)/guardian(s) preference was recommended.

Any recommended programs and services shall be selected from the list of approved preschool programs within the county and adjoining counties or the municipality's list of itinerant service providers. The CPSE must provide the recommendation to the Board within 30 days of the date of receipt of consent and shall notify the parent(s)/guardian(s) of the child of its recommendation.

Upon the parent's(s)/guardian's(s) request, the CPSE shall provide copies of all written documentation to be considered by the committee in the development of the preschool child's individualized educational program (IEP).

The Board shall arrange the appropriate services and/or program after receipt of the recommendation of the CPSE and any expressed preference of the parent(s)/guardian(s). Should the Board disagree with the recommendation of the CPSE, the recommendation shall be returned to the CPSE with notice to schedule a timely meeting to review the Board's concerns. The parent(s)/guardian(s) and the county shall be notified of the Board's disapproval of the recommendation and the need to schedule a meeting to discuss the Board's reasons for disapproval.

Services of a program shall commence with the July, September or January starting date of the approved program. Should the recommendation of the CPSE be given thirty days prior to, or after, such starting date for the program selected for the child, services shall be provided no later than 30 days after the recommendation of the CPSE. The CPSE shall review at least annually the status of each preschool child with a disability.

#### V. Due Process Provisions

Should the parent(s)/guardian(s) of a preschool child disagree with the determination of the Board or if the CPSE or the Board fails to make or effectuate such a recommendation within the time periods set by the Commissioner, an impartial hearing may be requested.

Parents or guardians of preschool children with, or suspected to have, disabilities shall have mediation available to resolve complaints regarding the education of a student. The availability or use of mediation shall not diminish or limit any rights of parents or guardians provided for in law, including the right of a parent or guardian to request an impartial hearing subsequent to mediation. Parents or guardians will not be deemed to have failed to exhaust administrative remedies by requesting an impartial hearing in the absence of or prior to mediation.

During the pendency of an appeal, unless the parent(s) or guardian(s) and Board otherwise agree, the child will remain in the current educational placement at the time the Board made the decision which is the subject of the appeal. If the child has not been previously served, he/she may enter the Board recommended placement if the parent(s)/guardian(s) consents. Until his/her third birthday, a preschool child who received services from an agency after having been placed by a Family Court,

may continue to receive services at the agency. The child may remain in such placement until August 31 of that calendar year, and thereafter must be referred to the CPSE

. [For those districts receiving state aid for preschool children with disabilities:]

#### VI. District Plans for Preschool Special Education Program

The district shall maintain a two-year plan for the provision of services and programs offered to preschool children with disabilities. The plan shall include:

1. a description of the nature and scope of special education programs and services currently available to preschool children residing in the district;
2. identification of the number and age span of preschool children to be served by type of disability and recommended setting;
3. the method to be used to evaluate the extent to which objectives of the program have been achieved;
4. a description of the policies and practices of the Board to ensure the continual allocation of appropriate space within the district for special education programs that meet the needs of preschool students with disabilities. Although each district will not have to ensure the allocation of such space, the space needs of these children must be considered in the plan;
5. a description of the policies and practices of the Board that ensure that appropriate space will be available to meet the needs of preschool children with disabilities who attend special education programs provided by Boards of Cooperative Educational Services;
6. the program's estimated budget; and
7. the date on which such plan was adopted by the Board.

Such plan, with personally identifiable information deleted, shall be filed and made available for public inspection and review by the Commissioner of Education.

**Cross-ref:** 4321.3, Independent Educational Evaluations

**Ref:** Individuals with Disabilities Education Act, 20 U.S.C. §§1400 et seq.  
34 CFR §§300.12; 300.503  
Education Law §4410  
8 NYCRR Part 200

**Adoption Date: December 20, 1999**

## INDEPENDENT EDUCATIONAL EVALUATIONS

An Independent Educational Evaluation is an individual evaluation of a student thought to have a disability, conducted by a qualified examiner who is not employed by the School District or any public agency responsible for educating the student.

If a parent disagrees with an evaluation obtained by the school district, the parent should explain, in a writing to the (Appropriate Special Education Administrator), the reason(s) why he or she disagrees with the district's evaluation. The (Appropriate Special Education Administrator) will promptly make a decision as to whether the request for an independent educational evaluation at public expense will be granted. If such request is denied, the district will, without unnecessary delay, commence an impartial hearing to demonstrate the appropriateness of the challenged evaluation(s). If the hearing officer's decision is that the challenged evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense. The results of any independent educational evaluation will be considered by the Committee on Special Education in any decision made with respect to the student's educational program.

Whenever an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the district uses when it initiates an evaluation. Thus, whenever approval of a parent's request for an independent evaluation is granted, the independent evaluator must be licensed or certified or have met any minimum qualification requirements that an evaluator(s) employed by the District would need to possess to perform the same evaluation.

The Board hereby directs the Superintendent of Schools to develop regulations which ensure that information regarding independent educational evaluations is made available to parents who request the same. Such information should include the minimum qualifications required of independent evaluators and provide a schedule of the fees that the District will pay for independent educational evaluations in a variety of disciplines. The fee schedule shall be reflective of community standard rates in each discipline. In exceptional circumstances (e.g., if an unusual evaluation is needed, or if no appropriately certified independent evaluators can be found whose rates meet those set by the District), the (Appropriate Special Education Administrator) may authorize an independent

evaluation for which the fee charged will exceed the allowable fee which may be paid for a particular type of independent evaluation.

**Adoption Date: December 20, 1999**

**Revised: August 21, 2007**

**IMPARTIAL HEARING OFFICER SELECTION,  
APPOINTMENT AND COMPENSATION**

It shall be the policy of the Carmel Central School District to select, appoint and compensate impartial hearing officers in the following manner:

**A. Selection and Appointment**

1. The District shall utilize the most recent rotational list of impartial hearing officers established by the State Education Department. Additional qualified impartial hearing officers requesting to serve in the District shall have their names inserted into such rotational list in alphabetical order.
2. Within two (2) business days after the District receives a written request for an impartial hearing, the District Clerk shall initiate attempts to contact that hearing officer whose name next follows the last hearing officer appointed by the Board of Education from the rotational list. The District Clerk shall first attempt contact by telephone call. If unsuccessful at reaching the hearing officer, the District Clerk shall leave a message (if voice mail is available; and, if not available, he/she shall send a letter by overnight mail informing the hearing officer that:
  - a. a hearing has been requested concerning a student (identify the student only by number) and the name of the school district;
  - b. the hearing officer's name is the next one on the rotational list; and
  - c. the hearing officer must contact the District Clerk (leave telephone number) no later than 24 hours from the date the telephone message is left and/or the date of the correspondence.
3. If the hearing officer declines appointment, or fails to respond within 24 hours after being telephoned or sent a letter by overnight mail, the District Clerk will, according to the procedures outlined above, offer the appointment to each successive hearing officer whose name appears on the rotational list, until it is accepted.
4. Once an appointment is accepted, the hearing officer shall be formally appointed by:
  - a. resolution adopted by the Board of Education; or
  - b. a letter signed by the President or Vice-President of the Board of Education.
5. The President and/or Vice-President of the Board of Education are hereby delegated with the authority to immediately appoint impartial hearing officers who are selected in accordance with these procedures.
6. The District Clerk shall comply with any applicable reporting provisions contained in Section 200.5 of the Commissioner's Regulations relating to the appointment of impartial hearing officers.

**B. Compensation**

Impartial hearing officers appointed to conduct hearings under the provisions of Article 89 of the Education Law shall submit statements to the School District for fees and expenses in

accordance with the following guidelines:

1. A statement for fees and expenses shall be submitted at the conclusion of the hearing and receipt of the impartial hearing officer's final decision or other determination having the effect of terminating the impartial hearing officer's involvement in the hearing.
2. All statements for fees and expenses shall separately list each individual item of service or expense, the date it occurred and the time spent, by hour or fraction thereof in increments of one-tenth of an hour (e.g. 1,2,3..). Time charges must be appropriate. The District reserves the right to request additional information concerning the appropriateness of any time charges and to withhold payment for time charges deemed to be inappropriate and/or inconsistent with applicable Board policy.
3. Compensation will be made at the rate of \$100 per hour for authorized activities.
4. The District will not reimburse impartial hearing officers for administrative assistance, secretarial or other overhead expenses.
5. The District will, upon review and approval of properly submitted receipts, reimburse impartial hearing officers for automobile travel at the I.R.S. approved rate and for tolls reasonably and necessarily incurred as a result of the hearing.
6. In addition to hearing time itself, the Board will reimburse, at the hourly rate, for time actually expended by the impartial hearing officer for:
  - a. Scheduling the hearing;
  - b. Pre-hearing conference calls (if necessary);
  - c. Scheduling letters;
  - d. Preparing the Decision, including any Interim Decisions.
7. Absent extraordinary circumstances, as determined in advance by the District, impartial hearing officers will not be reimbursed for any other expenses associated with their appointment and service as impartial hearing officers.
8. A hearing cancellation fee of \$500.00 shall be paid by the District where five calendar days notice is not provided to the impartial hearing officer. The District will not be responsible for any compensation in connection with hearing cancellations where five or more calendar days notice is provided to the impartial hearing officer.

**C. Notice**

1. A copy of this policy will be forwarded to the impartial hearing officer at the time of appointment.

**Adoption Date: January 23, 2007**

**DISSEMINATION OF INDIVIDUALIZED EDUCATION PROGRAM  
INFORMATION**

The Board of Education shall provide a copy of each student's Individualized Education Program ("IEP") to each regular education teacher, special education teacher, related service provider and/or other service providers responsible for implementing a student's IEP prior to implementation of the IEP by the District.

Each Committee on Special Education Chairperson of the District shall designate a professional with knowledge of a student's disabilities and program to inform each teacher, assistant related service provider and support staff person of his or her responsibilities related to implementation of the student's IEP, as well as the modifications and supports provided under such program.

Although dissemination shall be made to each teacher and service provider, redisclosure of each student's IEP shall only be made if in accordance with existing confidentiality laws, including the Individuals with Disabilities in Education Act and the Family Educational Rights and Privacy Act. The Superintendent shall develop regulations to implement the provisions of this policy.

RE: Chapter 408 Laws of 2002

**Adoption date:** September 25, 2007

#4321.7

## **INTERPRETERS FOR HEARING IMPAIRED PARENTS**

It shall be the policy of the Carmel School District to provide interpreter services at no charge to parent(s) or persons in parental relationships who are hearing impaired as defined by relevant law, for any meeting(s) or activities conducted by the school district which are specific to a child's educational program.

Requests for interpreter services must be made in writing and received by the District's Section 504 Coordinator at the address listed below at least 5 business days prior to the scheduled meeting. In the event that an interpreter is unavailable, other reasonable accommodations shall be made to enable the parent or guardians participation in such meeting.

Ref: NYS Education Law 3230

**Adoption date:** August 21, 2007

## PROGRAMS FOR THE GIFTED AND TALENTED

The Board of Education recognizes the need for educational programs which challenge and promote the realization of individual potential in all students. The Board also recognizes that further efforts are necessary to extend educationally and in a cost-effective manner the allocation of resources towards appropriate programs for students identified as gifted and talented.

Consistent with district efforts to develop a continuum of learning experiences which addresses the special gifts and talents of students, the Superintendent of Schools, with input from appropriate school personnel, will develop a district plan for education of the gifted and talented. The Superintendent will submit to the Board a status report on an annual basis which will include:

1. the criteria for pupil participation in programs;
2. status of ongoing programs;
3. recommendations for new programs;
4. the identification and allocation of resources for all ongoing and recommended programs;
5. provisions for staff development to promote effective implementation of programs; and
6. provisions for ongoing monitoring and evaluation of pupils and programs.

Teachers and guidance personnel shall be responsible to recommend advanced programs for those students who are gifted or academically talented.

The Board believes that programs traditionally viewed as for the gifted and talented greatly benefit the entire school program and encourages programs that provide enrichment opportunities for all students. The Board also recognizes the value of community support for program success and encourages the use of community resources for special programs and periodic reporting of activities.

**Ref:** Education Law §§3602(23); 4451-4453  
8 NYCRR Part 142; §§117.3(c)(3),(f)

**Adoption Date: February 23, 2000**

## COMPENSATORY EDUCATION

The Board of Education, in its commitment to provide an educational program which meets individual student needs, recognizes the importance of compensatory education. The Board therefore directs the Assistant Superintendent for Instruction to oversee the development, establishment, maintenance and evaluation of a compensatory education program coordinated and articulated with the developmental program. The program will specifically address the needs of students who must be provided compensatory education as a result of test scores on state-required tests (in compliance with the Regulations of the Commissioner), and may address the needs of other educationally disadvantaged students.

To determine student eligibility for federal and state programs, the Assistant Superintendent for Instruction will design appropriate student assessment procedures. Assessment shall be a collaborative effort involving parents, regular classroom teachers, guidance and special education personnel. Referrals may be initiated by Building Principals and/or classroom teachers, based in part on low student scores on New York State assessments, but also taking into consideration a broad range of student needs. Students who are participating in Chapter 1 will be eligible for such services until they are performing at acceptable levels. Children eligible for PCEN services will also be served until they are performing at those levels.

Individual assessments shall attempt to gauge a student's need for emotional and/or physical health services, and seek to determine whether his/her academic performance has a basis in a physical or emotional disability. Student learning style and level of proficiency in speaking/reading/writing English must also be assessed. If the latter is a factor, instruction in English as a Second Language (ESL) and/or bilingual instruction will be provided prior to any determination regarding the need for further specialized instruction. All transferring students and new entrants shall be screened to determine their need for compensatory education. A student may be eligible for remediation based on test scores received from the district in which such student was previously enrolled.

If a student is eligible for compensatory education, he/she will be assigned to an appropriately certified teacher qualified to provide instruction in the area for which remediation is required. In-service training in compensatory methods/programs shall be provided to all teachers periodically.

Actual compensatory education will vary in approach, but will focus on common instructional objectives. Teachers are encouraged to involve parents, community volunteers, teacher aides/assistants and student peers whenever possible.

Teachers shall coordinate compensatory education with the student's regular classwork and homework load. Program goals shall include regular coordination of the curriculum across grades and between grade levels, based upon a core curriculum.

All compensatory education programs shall be evaluated yearly. Evaluation shall be based on performance on New York State assessments and/or norm referenced test scores. Other objective student outcomes, such as classroom performance and student behavior will also be considered. When seeking to improve programs, the Assistant Superintendent for Instruction shall research effective program models used by other districts in New York State and nationally. Such

models shall be adapted to district resources and needs. All changes in program outlines shall be submitted to the Board for prior approval.

In addition, the district shall seek all applicable state and federal funding to improve its compensatory education programs and services.

**Cross-ref:** 1900, Parental Involvement  
4010, Equivalence in Instructional Staff and Materials  
4200, Curriculum Development  
4326, Limited English Proficiency Instruction  
6231, Chapter 1/PSEN Programs and Services

**Ref:** 8 NYCRR §§100.1(g); 100.2(r); 100.3(b); 100.4(d)(e)

**Adoption Date: April 27, 2000**

## LIMITED ENGLISH PROFICIENCY INSTRUCTION

The Board of Education believes that students who, by reason of foreign birth or ancestry, have limited English proficiency, will be more effective learners of both the language and the curriculum if they receive instruction in both their native language and English. The Board recognizes the need to provide instruction to limited English proficient (LEP) students to enable such students to develop academically while they are achieving competence in the English language. The district will therefore make every effort to ensure that LEP students are provided with an appropriate program of transitional bilingual education or free-standing English as a second language program.

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 LEP students are:

1. diagnostically screened for limited English proficiency, in accordance with Part 117 of the Commissioner's Regulations. Those students who according to their scores are identified as LEP will be annually evaluated. Included in the evaluation shall be each student's performance in content areas to measure academic progress;
2. assured of access to appropriate instructional and support services, including guidance programs; and
3. assured of having equal opportunities to participate in all school programs and extracurricular activities as non-LEP students.

The Superintendent shall be responsible for ensuring that the Commissioner is provided with all information required under the Commissioner's Regulations and that the district provides appropriate school-related information to the parents of LEP students in English, or when necessary, in the language they understand. In addition, the Superintendent shall ensure that all teachers employed for any bilingual and/or ESL program are properly certified in accordance with the Commissioner's Regulations.

**Cross-ref:** 4325, Compensatory Education

**Ref:** Education Law §3204  
 Bilingual Education Act of 1974, §§701 et seq., 20 U.S.C. §§880b et seq.  
 Equal Educational Opportunities Act of 1974, §§201 et seq.,  
 20 U.S.C. §§1701 et seq.  
 8 NYCRR §§80.9; 80.10; 117; 154 et seq.  
*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: February 23, 2000**

**LIMITED ENGLISH PROFICIENCY INSTRUCTION REGULATION**

In attempting to ensure that students who are limited English proficient (LEP) receive appropriate schooling in English and curriculum areas, the school district shall:

1. in accordance with Part 117 of the Commissioner's Regulations,  
diagnostically screen every new entrant to the schools to determine whether they are possibly LEP\* in accordance with subdivision 2-a of section 3204 of the Education Law. It will also be determined through such screening whether the student is of foreign birth or ancestry and comes from a home where a language other than English is spoken as determined by the results of a home language questionnaire and an informal interview in English;
2. ensure that students diagnostically determined to be LEP are annually evaluated. Such evaluation will include evaluation of each student's performance in content areas to measure the student's progress;
3. ensure that all LEP students have access to appropriate instructional and support services, including guidance programs;
4. ensure that all LEP students have equal opportunities to participate in all school programs and extracurricular activities as non-LEP students;
5. annually provide the Commissioner with the following documents, in the form and by the dates prescribed by the Commissioner:
  - a. a copy of the Board of Education's policy;
  - b. a report by building of students initially identified and annually evaluated as being LEP in the preceding school year;
  - c. a report by building of the number of teachers and support personnel providing services to LEP students;
  - d. a description by building of the curricular and extracurricular services provided to LEP students; and
  - e. results of the annual evaluation of LEP students, including test data and any additional data required by the Commissioner.

The district will also distribute to the parents, or other persons in parental relation to LEP students, school-related information in English or when necessary, the language they understand, and refer LEP students who are suspected of having a disability to the Committee on Special Education.

[In addition to the above requirements, districts which desire to receive state aid for the operation of programs for LEP students must comply with the following additional requirements:]

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In order to receive state funds for the education of LEP students, the district shall submit to the State Education Department by September 1 of each year a comprehensive plan to meet the educational needs of such students.

\* A student who by reason of foreign birth or ancestry, speaks a language other than English, and scores at or below the fortieth percentile on an English language instrument approved by the Commissioner, is to be classified as "LEP."

Such plan shall include:

1. the criteria used to place LEP students in appropriate transitional bilingual or free-standing ESL programs;
2. a proposed budget for the operation of the state-aided program;
3. a description of the nature and scope of the bilingual and/or ESL services currently available to LEP students;
4. an evaluation plan in the format specified by the State Education Department;
5. a description of procedures for the program's management, including: staff selection, parental notification, coordination of funds, training, and program planning;
6. an assurance that all regulations and laws governing programs for LEP students will be followed;
7. a description of the support services provided to LEP students;
8. a description of the transitional services provided to LEP students; and
9. a description of the in-service training plan for all school personnel.

### *Bilingual Instruction*

Should twenty (20) or more LEP students with the same native language at the same grade level all attend the same school building in the district, such students shall be provided with a bilingual program. Such program shall be composed of:

1. English as a second language (ESL) instruction which emphasizes listening, speaking, reading, writing and communicating skills in English;
2. course content instruction in both English and the native language; and
3. native language arts instruction which emphasizes communication skills in the student's home language.

### *English as a Second Language Instruction*

Should fewer than twenty (20) LEP students with the same native language at the same grade level all attend the same school building in the district, such students shall be provided with a free-standing English as a Second Language (ESL) program. Such program shall be composed of:

1. instruction which emphasizes listening, speaking, reading, writing, and communicating skills in English; and
2. course content area instruction using ESL methods.

Such program need not provide a native language arts component designed to develop skills in the native language.

### *Additional Concerns*

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The district reserves the right to contract with a Board of Cooperative Educational Services (BOCES) or another school district to provide bilingual and/or ESL programs.

The district shall notify, in English or in the appropriate native language, the parent(s) or guardian(s) of a student designated as LEP of the student's placement in a transitional bilingual or ESL program. Such notification shall include program options, including the option of not having the student placed in a transitional bilingual program. Should a parent wish to withdraw his/her child from a transitional bilingual program, the parent/guardian shall meet with the Building Principal and Supervisor of Bilingual Education. Such meeting shall be for the purpose of informing the parent/guardian of the nature and value of the transitional bilingual program. Any child that withdraws from a transitional bilingual program must participate in a free-standing ESL program.

Parents shall be informed that they have the option of transferring their child to another school within the district, when the number of eligible students in the student's building does not require the offering of a transitional bilingual education program. If a parent/guardian chooses not to exercise this option, he/she shall be informed that the child will participate in a free-standing ESL program.

### *Support Services*

The district shall provide appropriate support services to students who are participating in either transitional bilingual or free-standing ESL programs in order for such students to achieve and maintain a satisfactory level of academic performance. Such services may include, but shall not be limited to, individual counseling, group counseling, home visits, and parental counseling. If appropriate, such services shall be provided in the first language of the students and the student's parent(s)/ guardian(s).

### *Transitional Services*

The district shall ensure a transition for former LEP students who are transferring from a bilingual or free-standing ESL program into an English mainstream program. Transitional services shall be provided for the first year after such students are placed in the English mainstream instructional program.

### *In-Service Training*

The district shall provide in-service training to all personnel providing instruction or other services to LEP students in order to enhance staff appreciation for such students' native languages and cultures, and staff ability to provide appropriate instructional and support services.

### *Services to LEP Students with Disabilities*

If a student's score on an English language assessment instrument approved by the Commissioner is the result of a disability, the student shall be provided special education programs and services in accordance with the individualized education program (IEP) developed for such student(s). Such student shall also be eligible for all services described above, if such services are recommended in his/her IEP.

Appropriate district personnel shall meet at least twice a year with all parents of LEP students to discuss the students' needs and progress.

**Adoption Date: February 23, 2000**

**HOMEBOUND INSTRUCTION**

Homebound instruction is a service provided to students who are unable to attend school due to medical, emotional or disciplinary problems. Students receive credit for their work while on homebound instruction.

Homebound instruction shall be provided upon referral from appropriate medical or educational sources in accordance with the guidelines established by the Superintendent of Schools for students.

Secondary students shall receive instruction for two hours per day and elementary students shall receive one hour per day.

**Cross-ref:** 5100, Student Attendance

**Ref:** Education Law §§1709(24); 3202(6),(7); 3205(1); 3210(2)(a);  
3214(3)(e); 4401 et seq.  
8 NYCRR §175.21

**Adoption Date: February 23, 2000**

### ALTERNATIVE SCHOOL PROGRAMS

For those students not benefiting appropriately from the learning experiences offered in the regular school program, alternatives will be explored. These alternatives may be additions to the regular program for support in one or more subject areas, student personal support help, separate programs through the Committee on Special Education (as outlined in the district Special Education Plan) or (Special Non-Handicapped) program through BOCES. Examples include but are not limited to:

1. remedial program;
2. support program;
3. enrichment and acceleration programs;
4. unclassified support;
5. the full range of programs for students with disabilities within the district and the BOCES, in accordance with policy 4321;
6. alternatives offered through the BOCES;
7. a restricted daily schedule;
8. homebound instruction in accordance with policy 4327; and
9. other programs developed by the district.

Placement in alternative school programs will not be imposed as a punishment for disciplinary infractions. However, placement may be considered when the behavior of a student indicates that he/she is not able to appropriately benefit from the regular school program. A student may be withdrawn from an alternative school program with the mutual consent of the student, his/her parent(s) or guardian(s), and affected staff.

A student suspected of having a disability will be referred to the CSE and afforded all the due process rights outlined in policy 4321 and guaranteed by federal and state law and regulation.

**Cross-ref:** 4321, Programs for Students with Disabilities  
4327, Homebound Instruction

**Adoption Date: December 20, 1999**

**SUMMER SCHOOLS**

As part of the district educational program, whenever possible, the Board of Education shall meet the educational requirements of district students by providing summer school and summer programs. Such programs shall provide for remediation and enrichment and shall conform to the Regulations of the Commissioner of Education.

The Board will not pay tuition for district students to attend a summer school in another school district.

**Cross-ref:** 4524, School Libraries

**Ref:** Education Law §§3602; 4402 et seq.  
8 NYCRR §§110 et seq.; 200.1(jj),(kk),(ll); 200.4(c)(2),(d); 200.5(b);  
200.6(j)  
*Appeal of Kovalsky*, 33 EDR 352  
*Matter of Hannahs*, 21 EDR 706

**Adoption Date: March 20, 2000**

**HIGH SCHOOL CREDIT FOR COLLEGE COURSES**

The Board of Education recognizes the value that college courses can add to a student's educational program. Accordingly, high school credit will be awarded to students who choose to enroll in approved college courses pursuant to the following criteria:

1. The number of college courses a student may participate in each school year shall be subject to the approval of the Superintendent of Schools and the high school Principal. The course content, equivalency of instruction, and time requirements shall be approved in advance by the Principal and the Superintendent. In the case of students with disabilities, the above must also be approved by the Committee on Special Education (CSE).
2. One semester of college course work (3 credit hours) shall be equivalent to □ unit(s) of high school credit.
3. For purposes of this policy, a unit is a year's work in a subject requiring 180 minutes of instruction per week throughout the school year or the equivalent.
4. The costs for any and all such higher education shall be borne by the individual student.
5. High School credit shall not be granted for any college course for which a student receives a failing grade.
6. Students who wish to participate in college courses must meet specific academic, grade level and coursework requirements as set forth by the Superintendent.

**Cross-ref:** 4321, Programs for Students with Disabilities

**Ref:** Rehabilitation Act of 1973, Section 504, as amended 29 USC 974  
Individuals with Disabilities Education Act (IDEA), 20 USC 1401 et seq.

**Adoption Date: March 20, 2000**

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**HIGH SCHOOL CREDIT FOR MILITARY EDUCATION**

High school credit for education in the armed services will be granted to veterans and other students upon the recommendation of the Superintendent of Schools and the approval of the Board of Education.

**Adoption Date: March 20, 2000**

### CONTINUING EDUCATION PROGRAMS

The Board of Education may establish day and/or evening continuing education programs to provide the community with a broad scope of courses. Courses will be offered to meet the civic, intellectual, social, vocational, recreational and leisure needs of the community.

The mission of the district's continuing education program shall be as follows:

1. to promote life-long learning as a component of an individual's growth;
2. to provide activities which enable people to develop their full potential;
3. to provide a learning environment that encourages personal growth, autonomy and self-confidence;
4. to contribute to the development of an aware and responsible community.

The Board shall appoint a coordinator for the continuing education program. The coordinator shall be charged with recommending to the Board policies and programs for the effective operation of the adult education program.

The continuing education programs will be administered by the Superintendent of Schools or his/her designee and shall be self-supporting through the collection of appropriate fees as well as through state and federal aid. Registration fees shall be nominal and shall vary depending on the cost of providing such course.

**Cross-ref:** 5150, School Admissions

**Ref:** 20 USC §§1203 et seq.  
Education Law §§4602; 4604  
8 NYCRR §§157.1; 157.2

**Adoption Date: March 20, 2000**

**INTERNATIONAL TRAVEL AND EXCHANGE PROGRAMS**

The Board of Education encourages student exchange programs. The Board shall provide such educational opportunities in different cultural settings without payment of tuition. All such placements will be subject to INS rules and regulations.

**Adoption Date: March 20, 2000**

**CLASS SIZE**

The Board of Education directs the Superintendent of Schools or his/her designee to establish class sizes in the respective schools, as facilities permit, while planning the instructional program.

**Adoption Date: March 20, 2000**

**STUDENT SCHEDULES AND COURSE LOADS**

The Board of Education believes that district administrators should have final responsibility in determining the parameters for student schedules and course loads. All student schedules must conform to state requirements, and work to enhance student learning opportunities and improve individual academic achievement.

The Board encourages course scheduling designed to accommodate teaching styles and subject materials which may not readily conform to traditional 40-60 minute class periods. Scheduling which makes provision for team teaching and inter-disciplinary arrangements is also encouraged.

When making changes in district scheduling, administrators are encouraged to balance district budgetary concerns with overall instructional goals to achieve a system which is both flexible and cost-effective.

**Cross-ref:** 4740, Honor Rolls

**Adoption Date: March 20, 2000**

### INSTRUCTIONAL MATERIALS

The Board of Education affirms its basic responsibility to ensure district students are given a full opportunity for a comprehensive educational program based upon free inquiry. Therefore, the Board asserts its basic responsibility to provide the following materials for all district students and teachers:

1. instructional materials necessary to assist in the fulfillment of the goals of all district-approved programs;
2. resource materials which will enrich and support district-approved educational programs;
3. support materials which stimulate growth in factual knowledge, literary appreciation, cultural heritage, aesthetic values, and ethical-moral standards;
4. varied sources of information which will contribute to thoughtful, intelligent, and meaningful decision-making;
5. a balance of materials which appropriately cover opposing sides of controversial issues for the purpose of critical analysis; and
6. materials representative of the many historical, political, social, ethnic, religious, and social groups which contribute to American and world heritage.

The Board believes that instructional media are indispensable to instructional programs that stress individualization, inquiry and independent learning for students. To ensure that multi-media material and equipment shall be available for instruction, the Board shall approve sufficient funds, as recommended by the Superintendent, that are in harmony with total budgetary demands.

The Board shall be legally responsible for the selection of instructional materials. The Board authorizes the Superintendent of Schools to select all district instructional and library materials of the finest quality in accordance with this policy and other relevant policies and regulations. The Board shall approve all recommendations for textbooks.

The Board authorizes the Superintendent to establish any and all rules, regulations, and procedures necessary to implement and maintain this policy.

**Cross-ref:** 4511, Textbook Selection and Adoption

**Adoption Date: March 20, 2000**

### INSTRUCTIONAL TECHNOLOGY

The Board of Education recognizes its responsibility to ensure that district staff and students have access to up-to-date technological materials and equipment. As used in this policy, "technology" refers principally to electronic materials and equipment, such as computers, telecommunications, lasers and robotics, as available.

The following reflect the district's goals for students regarding instructional technology:

1. to foster an atmosphere of enthusiasm and curiosity regarding new technology and its applications;
2. to heighten each student's familiarity and/or working knowledge of current technological materials/equipment;
3. to provide equal access to district technological materials/equipment and to instruction in their implementation;
4. to ensure that the various technologies are utilized in a variety of applications, and are not restricted to one subject area or one location in the schools; and
5. to promote district educational goals through the use of such technology(ies).

In order to achieve the above-stated goals, the Board shall seek the advice of representatives from groups utilizing technology in pursuit of district goals (i.e., Board members, administrators, teachers, support staff, parents, and students). In addition, the Board directs the Superintendent of Schools to equip district schools with appropriate and up-to-date hardware/software, to schedule "hands-on" inservice activities for district staff, and to implement suggestions from the above representatives and the instructional materials planning committee, within budgetary constraints.

**Adoption Date: March 20, 2000**

### TEXTBOOK SELECTION AND ADOPTION

The Board of Education is responsible for the selection and designation of all textbooks to be used in the district schools. The Superintendent of Schools shall recommend suitable lists of textbooks to be used in the schools for the Board's consideration. The Board shall approve all textbooks.

Texts, once approved by the Board, shall not be superseded for a period of five years, except by a three-fourth's vote of the Board.

The Superintendent shall establish procedures for the selection and recommendation of textbooks and a method for selecting staff members who shall serve in the selection and recommendation process.

The following criteria are to be considered in the selection of textbooks:

1. textbook or material should have been copyrighted within the past five years;
2. qualifications of the author(s) on the subject;
3. adaptability to existing instructional program;
4. accuracy of the information presented;
5. sufficient scope to meet the requirements of the curriculum as developed locally and approved by the State Education Department;
6. objectivity and impartiality in treatment of subject matter and freedom from bias and prejudice;
7. high quality format in respect to typography, arrangement of materials or pages, cover design, size and margins;
8. appropriateness to grade level as to vocabulary, sentence structure, and organization;
9. textbook series should meet grade-to-grade requirements. They should contain supplementary aids to learning, when desirable and necessary, such as a table of contents, introduction, study activities, exercises, questions, problems, selected references, bibliography, index glossary and appendices;
10. texts should include appropriate illustrative materials--pictures, maps, charts, graphs, diagrams, etc., which clarify the text and enrich the content;
11. materials should fairly represent the many ethnic and cultural groups and their contribution to American heritage pursuant to policy 4350; and
12. a reasonable balance of viewpoints regarding controversial issues should be presented.

The following criteria are to be considered in the selection of literary works for classroom use in teaching literature, as well as the assignment of such works to particular grade levels:

1. use of a compositional style which contributes to the reader's critical and appreciative understanding of the work;
2. sophisticated use of literary devices (i.e., metaphor, point of view, tone) to further student understanding of written concepts;
3. levels of student maturity and experience necessary for empathic reading of literature;
4. capacity of a work to capture student interest;
5. thematic treatment which promotes sound and healthy values for students;
6. intrinsic qualities that establish a work as a significant part of the literary heritage; and
7. variety to avoid duplication of theme, plot, setting, etc., unless such

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duplication affords opportunities for comparison and contrast or serves to reinforce understanding.

**Cross-ref:** 1420, Complaints about Curricula or Instructional Materials

**Ref:** Education Law §§701 et seq.; 1711; 2508; 2566

**Adoption Date: March 20, 2000**

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**#4511.1**

**TEXTBOOK LOAN**

In order to fulfill its obligation to afford an education appropriate for school-aged children, whether such children attend school in the public schools or non-public schools, it is the policy of the District to lend textbooks in accordance with the requirements of Section 701 of the New York State Education law to all resident students who are entitled to a free public education.

The Superintendent of Schools will establish regulations for carrying out an equitable loan program regarding the textbooks of the District.

**Adopted: June 20, 2006**

### **TEXTBOOK LOAN REGULATION**

The textbook loan program will be applied to the resident students of this District, whether such students attend the public schools or non-public schools.

1. The District shall maintain an inventory of all textbooks presently owned by the District, whether or not the same have been loaned to students attending non-public schools.
2. By no later than June 1<sup>st</sup> of each year, parents of students who will be attending non-public schools shall be required to submit applications for textbook loans for the textbooks to be used by such students during the upcoming school year. The June 1<sup>st</sup> deadline will not apply to applicants who enroll their child in non-public school after June 1<sup>st</sup>, in which case the written application must be submitted within 30 days after enrolling the child in the non-public school.
3. The District's textbook loan application shall set forth an acknowledgment which must be signed by the parent/guardian for the return of such book or books and, also, provide that in the case of loss or damage, the parent shall be contractually obligated to reimburse the District for the value of the book(s).
4. In order to facilitate the timely arrival of textbooks, the administrative personnel of the District may notify the parents of such non-public school students on or before April 1<sup>st</sup> of the June 1<sup>st</sup> deadline requirement for submitting textbook order applications. Nothing contained in these regulations shall mandate that such advance notice be given to the parents of non-public school students.
5. The Superintendent's designee shall attempt to inform the administrators of the non-public schools at which resident students attend, of textbooks in the existing stock so that textbook loan state aid can be used in the most efficient and effective manner.
6. In the event that new textbook purchase requirements exceed the allotted textbook state aid for a given year, the Board of Education, by resolution, presented by the Superintendent of Schools, shall determine the subject

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area(s) in which no new textbooks shall be purchased for the students in the public school and non-public schools.

7. At the District's option, textbooks which have been loaned to students attending non-public schools may be stored at the site of such schools from year to year, if the same are to be used in subsequent school year, provided that no storage charge shall be paid to the non-public school. In the event that books of the District are stored at non-public schools, a contract shall be entered into acknowledging the storage, that no charge or fee shall be paid for the same, a listing of inventory of books on loan to students at that school, as well as a requirement that the non-public school advise the District of any books which have not been returned with the name and last known address of the borrower.
8. The textbooks of the District which are subject to the textbook loan program shall be labeled or otherwise appropriately identified as being the property of the Carmel Central School District.

**Adopted: June 20, 2006**

### LIBRARY MATERIALS SELECTION

The Board of Education, as the governing body of the school district, is legally responsible for the selection of library materials, including the selection and approval of printed and non-printed materials for its use. Since the Board is primarily a policy-making body, it delegates to the following professional personnel of the district the authority for the selection of materials: teachers, principals, librarians, etc., under the leadership of the Superintendent of Schools.

In order to provide the Superintendent and his/her staff with guidance in the acquisition of instructional resource material, such as library books, references, audiovisuals, maps, etc., the Board endorses the guidelines approved by the American Library Association that such resources:

1. provide information that will enrich and support the curriculum, taking into consideration the varied interests, abilities, and maturity levels of the students served;
2. provide information that will stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards;
3. provide information that will enable students to make intelligent judgments in their daily lives;
4. provide information on opposing sides of controversial issues so that young citizens may develop under guidance the practice of critical reading and thinking;
5. provide information representative of the many religious, ethnic, and cultural groups and their contributions to our American heritage; and
6. place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive collection appropriate for the users of the library.

The Superintendent shall be responsible for the selection of resource materials within the aforesaid guidelines and for the determination of factual accuracy, readability, authoritativeness, integrity and quality of format. To assist in the selection process, reputable, unbiased professionally prepared aids (such as the Horn Book, School Library Journal, etc.) shall be consulted as guides.

In order to respond to any complaints about, or challenges to, the selection of library materials, the district has adopted regulations (1420-R, Complaints About Curricula or Instructional Materials Regulation) establishing a complaint procedure and providing for a committee to review such complaints or challenges.

If any person wishes to permanently remove materials from a school district library, he/she must seek the formal approval of the Board. The Board may determine that such materials should be removed. Such determination must not be based upon official suppression of ideas, but rather upon the educational suitability of the materials in question. Only the Board and/or the Superintendent may authorize said permanent removal of instructional materials, pursuant to the decision of the Board.

**Cross-ref:** 1420, Complaints about Curricula or Instructional Materials

**Ref:** Education Law §§1709(15); 1711(5)(f)  
*Board of Educ., Island Trees UFSD v. Pico*, 457 US 853 (1982)

**Adoption Date: March 20, 2000**

## SCHOOL LIBRARIES

The Board of Education acknowledges its responsibility to ensure the maintenance of the school library/media center. The Board recognizes that a school library is an essential and integral part of the school system. Therefore, the Board shall strive to provide adequate library facilities, resources, and personnel for all elementary and secondary students in the district's schools.

The school library shall be established and maintained pursuant to the regulations of the Commissioner of Education.

In order to provide the Superintendent of Schools and the library staff with guidance in the acquisition of instructional resource materials such as library books, reference materials, audiovisuals, maps, etc., the Board endorses the guidelines approved by the American Library Association.

The secondary school libraries shall employ a library media specialist, unless otherwise authorized by the Commissioner of Education. Each elementary school library shall be staffed by qualified personnel. The library media specialist will work cooperatively with the staff members to interpret and guide the application of the policy in making day-to-day selections. While the Superintendent has the authority to veto any selection he/she deems inappropriate, final responsibility to make decisions concerning selections remains with the Board.

Complaints from parents or students regarding library materials shall be handled via a procedure established by the Superintendent and approved by the Board and contained in Regulation 1420-R. The Board shall retain final authority regarding the permanent removal of materials from the school library. The Board will not remove any library materials for the purpose of suppressing ideas but may remove materials if the Board has determined that they are vulgar or obscene or are educationally unsuitable.

On a periodic basis, the Board shall authorize a review of the effectiveness of the school library materials using the recommendations of the American Library Association. The Board shall appoint a Faculty/Staff/Citizen Advisory Committee including representatives of the Library Media Center, teaching and administrative staff to make recommendations regarding the evaluation of the school library program.

The expenses of the school library shall be included in the annual district budget.

In the event the Board decides to join a school library system with other districts in cooperation with the local BOCES, the district shall do so in accordance with the regulations of the Commissioner of Education.

### *Professional Library*

The Board shall make every effort to provide the maximum feasible resources for teachers. Therefore, the Board, in its desire to keep district staff updated on the most current trends in education, shall budget funds, on the recommendation of the Superintendent, for the improvement of the professional library.

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**Cross-ref:** 1420, Complaints about Curricula or Instructional Materials  
4513, Library Materials Selection and Adoption

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4524

**Ref:** Education Law §§274; 275; 277; 278; 279; 283; 310; 1709 (8); 2503  
(4) (b); 2576  
8 NYCRR §§90.7; 91.1; 91.2  
Library Bill of Rights, American Library Association  
*Island Trees UFSD v. Pico*, 457 U.S. 853 (1982)  
*Bicknell v. Vergennes Union School Board of Directors*, 638 F.2d 438  
(1980)

**Adoption Date: March 20, 2000**

### COMPUTER NETWORK FOR EDUCATION

The Board of Education is committed to the optimization of student learning and teaching. The Board considers a computer network to be a valuable tool for education, and encourages the use of computers and computer-related technology in district classrooms.

The Board encourages computer network use as an integral part of the curriculum. Through software applications, online databases, internet accessibility bulletin boards and electronic mail, the network will significantly enhance educational experiences and provide statewide, national and global communications opportunities for staff and students.

The Board directs the Superintendent of Schools to designate a computer coordinator to oversee the use of district computer resources. The computer coordinator will prepare in-service programs for the training and development of district staff in computer skills, and for the incorporation of computer use in appropriate subject areas.

The Superintendent, working in conjunction with the designated Purchasing Agent for the district, the computer coordinator and the instructional materials planning committee, will be responsible for the purchase and distribution of computer software and hardware throughout district schools. They shall prepare and submit for the Board's approval a comprehensive multi-year technology plan which shall be revised as necessary to reflect changing technology and/or district needs.

The Superintendent shall establish rules and regulations governing the use and security of the district's computer network. Failure to comply with district policy and regulations for use of the network may result in disciplinary action as well as suspension and/or revocation of computer access privileges.

**Adoption Date: March 20, 2000**

## FIELD TRIPS AND EXCURSIONS

The Board of Education recognizes the desirability of providing off-campus experiences which will enhance the educational program of the school system. The Board encourages and endorses field trips which are of sufficient educational value to justify the time and expense involved. Such off-campus experiences include traditional field trips, class trips, off campus extra-curricular events and any other school sponsored activity involving Carmel students,

In order to make necessary transportation arrangements, all requests for field trips must be submitted to the appropriate Building Principal well in advance of the trip date. The Principal shall review all such requests.

Overnight trips or field trips which require more than 60 miles of travel one-way must be approved by the Board at least 60 days prior to the proposed trip. However, field trips which are proposed to occur within the first 60 days of the first day of the school year shall only be required to be approved 30 days prior to the proposed trip.

Each student must secure the permission of his/her parent or guardian before participating in such activity. Adequate adult supervision (chaperones) must be provided on all field trips.

The same code of behavior adhered to by school personnel during school hours (reference policy 9610) shall apply for the duration of the field trip. This applies equally to any volunteer chaperones. Chaperones will exemplify the high standards and expectations of the district. Drinking of alcoholic beverages or use of tobacco products or illegal drugs is prohibited for the duration of the field trip/excursion.

Factors relevant in consideration of approval of such field trips may include the relationship to the curriculum, the distance of the trip, availability of transportation, the cost involved, weather conditions, and full utilization of transportation.

The Superintendent of Schools shall promulgate any necessary rules and regulations to administer this policy.

Adoption Date: March 20, 2000

Revised: February 24, 2009

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## SCHOOL VOLUNTEERS

The Board of Education recognizes that the use of volunteers strengthens school/community relations through positive participation, builds an understanding of school programs among interested citizens, and assists employees in providing more individualization and enrichment opportunities in instruction. The Board encourages qualified citizens to volunteer their time in the district for the purpose of involvement in classrooms as requested by the teaching staff. Routine involvement (□parent helper) will be under the authority of the Building Principal. Presentation of programs to students by volunteers will be under the authority of the Superintendent of Schools or his/her designee.

School personnel who are responsible for tasks or projects that will make use of volunteers will identify appropriate tasks and time schedules for such activities, as well as make provisions for adequate supervision, in-service programs, and evaluation. Volunteers will not be used to provide transportation for school-sponsored activities.

All volunteers may be subject to the same screening procedures used for regular school employees, including but not limited to the following:

1. Volunteers will be required to provide references, who will be contacted before the volunteer begins services on school grounds.
2. The district reserves the right to request information on previous criminal convictions.
3. Volunteers are not to be alone with students in a location that is out of view of staff members.
4. The District reserves the right, in its sole discretion, to deny any volunteer access to District buildings and grounds.
5. Any volunteer denied access to District buildings and grounds may appeal that decision by corresponding, in writing, to the Board of Education.

The district may maintain complete records of any information obtained through any of the above procedures.

**Adoption Date: March 20, 2000**

Revised: April 25, 2006

## GRADING SYSTEMS

The Board of Education recognizes that the classroom teacher has the primary responsibility to evaluate students and determine student grades. Grading is considered a positive tool to indicate achievement and development in each class or subject area in which a student is enrolled.

District staff shall develop and the Board shall adopt a uniform grading system for the evaluation of student achievement. Pass/fail or numerical grades will be determined by the Superintendent of Schools and the district administration. Classroom teachers will evaluate students and assign grades according to the established system. The district will maintain a continuous study to find improved methods of student evaluation.

It is to be recognized that a student is an individual with his/her own abilities and capabilities. It is also recognized that an individual is part of a society which is achievement-oriented and competitive in nature. Hence, when a student's achievement is evaluated, attention should be given to his/her unique characteristics and to accepted standards of performance in the educational setting.

All students are expected to complete the assigned class work and homework as directed. Students are also expected to participate meaningfully in class discussions and activities in order to receive course credit. If work is missed due to absence, the student is expected to make up the work, except in physical education courses. The student and/or the student's parent(s) or guardian(s) should discuss with the student's teacher an appropriate means of making up the missed work. With the possible exception of absences intended by the student as a means of gaining an unfair academic advantage (e.g., to secure more time to study for a test), every effort will be made to provide students with the opportunity and assistance to make up all work missed as a result of absence from class (see 4760, Makeup Opportunities).

The following guidelines will be observed:

1. Students and their parents will be provided with information regarding classroom attendance/participation and course credit policies upon their admission to school and at the beginning of the school year.
2. Parents are to be informed regularly, at least three (3) times a year, of their child's progress.
3. The use of marks and symbols will be appropriately explained.
4. Secondary students shall be graded on a numerical scale with sixty-five (65) as a minimum passing grade.
5. Grading will not be used for disciplinary purposes, (i.e., giving lower grades for unexcused absences, as opposed to giving lower grades for failure to complete assigned work or for lack of class participation). However, a student's misconduct that is directly related to his/her academic performance (e.g., plagiarism, cheating on a test, avoiding an exam to secure more time to study), may be reflected in the student's grade.
6. Grading will be based, in part, upon student improvement, achievement, potential and participation in classroom discussions and activities.
7. A grade for classroom attendance/participation will account for a percentage of the student's overall grade in each class. Classroom work missed due to absences from class and the failure to make up the work missed, will be

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factored into the attendance grade in accordance with this policy. In consultation with Building Principals, teachers (with the exception of physical education teachers) will develop procedures for the make up of work missed due to any absences from class.

8. Absences due to attendance at school-sponsored functions or programs that are directly related to the class work missed as a result of such absence, shall not be counted as an absence for purposes of this policy.

The professional judgment of the teacher should be respected. Once a grade is assigned to a student by a teacher, the grade may only be changed by a district administrator after notification to the teacher of the reason for such change. Should an administrator enforce a grade change, he/she shall be prepared to report to the Superintendent of Schools and/or the Board of Education.

**Cross-ref:** 4712, Student Progress Reports to Parents  
5100, Student Attendance  
5160, Student Absences and Excuses

**Ref:** Education Law §§3202; 3205 et seq.  
Matter of Ackert, 30 EDR 31 (1990)  
Matter of Augustine, 30 EDR 13 (1990)  
Matter of Boylan, 24 EDR 421 (1985)  
Matter of Burns, 29 EDR 103 (1989)  
Matter of Chipman, 10 EDR 224 (1971)  
Matter of Dickershaid, 26 EDR 112 (1986)  
Matter of Fitchett-Delk, 25 EDR 178 (1985)  
Matter of Gibbons, 22 EDR 134 (1982)  
Matter of LaViolette, 24 EDR 37 (1984)  
Matter of MacWhinnie, 20 EDR 145 (1980)  
Matter of McClurkin, 28 EDR 136 (1988)  
Matter of Reid, 65 Misc 2d 718 (1971)  
Matter of Rivers, 27 EDR 73 (1987)  
Matter of Shamon, 22 EDR 428 (1983)

**Adoption Date: April 27, 2000**

**STUDENT PROGRESS REPORTS TO PARENTS**

An important aspect of the instructional program of the school is reporting student progress to parents. Written reports are a vital form of communication between schools and parents/guardians. The goal is to communicate as often as is necessary and as effectively as possible with the parents of each child, and to encourage parents to communicate with the school. Therefore, the Board of Education will endeavor to ensure that reports to parents or guardian concerning their children are as informative and useful as possible.

In accordance with the provisions of Title I, parents/guardians shall be provided with regular reports on their child's progress. Report cards for secondary school students shall be sent four times per school year. Copies of letters sent to parents/guardians relating to a particular situation or problem will be kept in the student's folder.

Each student who receives Title I services will be monitored and evaluated frequently for academic progress.

The district's formal reporting system includes report cards and/or forms developed by the professional staff and issued periodically, scheduled conferences between parents and teachers, and interim reports issued as needed or required. Parents and guardians shall be notified of the unsatisfactory performance of their children in advance of regular reports. Parents are urged to visit the school and to confer with guidance counselors and teachers as deemed necessary.

Staff members are urged to maintain informal contact with parents through telephone calls and notes.

**Cross-ref:** 1900, Parental Involvement  
4710, Grading System

**Ref:** 34 CFR §200.34(c)(1)(i) (ESEA Chapter I Program in Local Educational Agencies)  
8 NYCRR Part 149, subparts 149-1; 149-3

**Adoption Date: April 27, 2000**

### **PARENT CONFERENCES**

The Board of Education believes that parent conferences are a basic part of the reporting program of the district. The Board encourages all parents and guardians to participate in parent conferences with teachers as an effective means of communication between the home and the school. These conferences provide opportunity for exploration of the educational development of each student and opportunity for open communication regarding administrative procedures, instructional programs, goals and objectives, and pertinent information regarding student progress.

Teachers have a responsibility to meet with parents to discuss student problems and progress. When a parent requests a conference with a teacher, the teacher shall make every effort to arrange a mutually convenient time. Such conferences should be scheduled around the school day so as not to interfere with the instructional process. Teachers should notify the appropriate Building Principal in advance of such conferences.

Parents and guardians shall be provided with a written evaluation of the performance of their child during every parent conference.

**Adoption Date: April 27, 2000**

### TESTING PROGRAMS

The Board of Education believes that standardized testing programs can provide a meaningful source of information about the curriculum and overall student achievement. The Board, therefore, authorizes a program of testing to help accomplish the following objectives:

1. to evaluate strengths and weaknesses of the current curriculum and methods of instruction;
2. to provide one means to evaluate student growth through individual, inter district, and intra district comparison;
3. to provide teachers with diagnostic information which will enable them to better address the instructional needs of their students; and
4. to provide a basis for longitudinal study of student achievement.

Information gained through the use of testing programs will be used to design educational opportunities for students to better meet their individual and collective needs. The Board views this purpose to be a primary function of schools.

The Board recognizes that tests provide only a limited source of information, and will therefore be used only in conjunction with all other information known about a student or to assist the student in improving his/her work.

Records of the results of standardized tests shall be maintained in accordance with the Board's policy on student records.

**Ref:** 8 NYCRR §§100.3(b)2; 100.4(d)1; 100.5(a)4; 100.5(b)5; 100.5(c)5

**Adoption Date: April 27, 2000**

### **HONOR ROLLS**

The development of student intellectual ability, desirable traits of character and qualities of leadership are all achievements the school system desires to encourage and foster. In recognition of outstanding student achievement far in excess of the minimum requirements, the Board of Education supports academic recognition programs. These programs may include honor rolls, honor societies, and special awards.

The Board shall encourage the certified staff to develop criteria and procedures for these recognition programs. In all cases, the relationship between the honor and the relevant goal of the school shall be made explicitly clear.

**Cross-ref:** 4430, Student Schedules and Courses Loads

**Adoption Date: April 27, 2000**

## PROMOTION AND RETENTION OF STUDENTS

It is essential that each child experience both challenge and success from school activities. To this end, the district will make every effort to place each student in the most appropriate learning level for a successful educational experience.

District curriculum guides indicate goals for achievement by the "average" student at each grade level. However, academic growth, like physical growth, does not take place at the same pace or time for all individuals. Certain students may achieve mastery in a shorter period, while others need additional time. Early identification and intervention, promotion and retention are methods of meeting the needs of such children.

The following guidelines shall govern student progression:

### *Early Identification/Intervention*

Classroom teachers are expected to make every effort to identify early those students at risk of failing. The Building Principal and the parents/guardian must be notified promptly if retention is anticipated, and a special support program shall be designed for each child identified as in danger of failing. Such support services may include, but are not limited to, individualized assistance before, during or after the school day; remedial classes; a change in instructional treatment, and, where appropriate, referral to the Committee on Special Education for evaluation.

### *Promotion/Retention*

Elementary level. At the elementary level, students who pass all subjects will be promoted. Students who do not make satisfactory progress in one or more basic subjects -- Reading, English, Mathematics, Spelling, Social Studies and Science -- shall have their cases considered on an individual basis and may be retained.

Secondary level. At the high school level, promotion from one class to the next shall be contingent upon passing all required subjects and the accumulation of 4 or 5 units of credit at each level.

Academic standards. Building Principals shall be responsible for ensuring that written standards for student progress at each grade level are available to parents and others upon request. Such academic standards are to be forwarded to the Superintendent of Schools each year.

Retention. A decision to retain shall be arrived at by consensus from a case conference approach involving the teacher, Building Principal, school psychologist, and parent/guardian. Factors to be considered include teacher recommendation; classroom achievement and attitude; standardized test scores; social, emotional and physical development; results of the family conference; and, for identified students, recommendations by the Committee on Special Education. If a consensus cannot be reached, the decision of the Building Principal shall be final.

No student will be retained without an appropriate educational plan defining what will occur that is instructionally different for the student. Once the educational

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plan has been implemented, the student will be monitored regularly. The educational plan will be revised until the student demonstrates acceptable performance.

**Ref:** Education Law §§1709; 2503(4); 3202  
8 NYCRR §100.4  
Isqwith v. Levitt, 285 App. Div. 833; 137 N.Y.S.2d 497 (1955)  
Matter of Eckert, 13 EDR 270 (1979)  
Op. Counsel, 1 EDR 775 (1952)

**Adoption Date: April 27, 2000**

### MAKEUP OPPORTUNITIES

With the exception of physical education courses, students who are absent shall be given reasonable time to make up assignments missed during their absence. When necessary and applicable, assignments may be sent home and teachers shall be available to render necessary assistance. Students whose misconduct is directly related to the student's academic performance (e.g., plagiarism) may be denied the opportunity to make up work.

It is the student's responsibility to request all makeup assignments from subject teachers following absence from class. The student must request assignments early enough to allow adequate time for completion prior to the end of the marking quarter.

In grades 9, 10 and 11 if a student fails English, social studies or physical education, and does not successfully complete a makeup course in a duly authorized summer school, the student must retake the same course again the following year. With administrative approval, in English and social studies, a student may take two courses in the following year. In physical education, a student may only double up in the second semester of his/her senior year.

**Ref:** *Matter of Augustine*, 30 EDR 13 (1990)  
*Matter of Shannon*, 26 EDR 218 (1986)  
*Matter of Falcigno*, 22 EDR 599 (1983)

**Adoption Date: March 20, 2000**

**GRADUATION REQUIREMENTS**

Diplomas will be awarded to students who meet the requirements set forth below:

## 1. Regents Diploma:

The student has completed the requirements for a Regents diploma, including 18 1/2 units of school credit and receives a score of at least 65 on specified Regents examinations. The units of credit must include the following:

- 4 units of English
- 4 units of social studies  
(including 1 unit of American history, 1/2 unit of government and 1/2 unit of economics)
- 2 units of science
- 2 units of mathematics
- 1 unit of art and/or music
- 1/2 credit of health education
  
- 2 units of physical education  
(not counted towards required units)

Students must also have completed successful sequences in science, math, a second language, music, art or occupational education subjects, as prescribed by Commissioner's Regulations. With certain exceptions, students must have completed one sequence of three units of credit in a second language in order to earn a Regents diploma.

## 2. Local Diploma:

Students must have completed the requirements of a local diploma, including 18 1/2 units of school credit (as listed above) and successfully completed all the following required tests:

For Students

Entering

Grade 9 in:

1996

Competency Tests

Math, Science, Global  
Studies and U.S. History

Regents Tests

English\*

1997

Science, Global Studies  
and U.S. History

English\* and  
Mathematics\*

1998

Science

English,\* Math,\*  
Global Studies,\*  
U.S. History\*

1999

English,\*Math,\*  
Science,\* Global  
Studies,\* and  
U.S. History\*

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\*The school board has established a modified passing score ranging between 55-64 for a local diploma.

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Students must also have completed successful sequences in science, math, a second language, music, art or occupational education subjects, as prescribed by Commissioner's Regulations.

Under certain prescribed conditions, students may earn a maximum of six and one-half units of credit for either a Regents or local diploma without completing the above units of study for such units of credit.

3. IEP Diploma. Students who have been designated as having a disability must have completed the requirements to receive an IEP diploma or local certificate as specified in the Individualized Education Program (IEP) and approved by the Committee on Special Education (CSE).

**Ref:** 8 NYCRR §§100.1-100.7; 100.9  
*Matter of O'Neill*, 29 EDR 297 (1990)

**Adoption Date: April 27, 2000**

### **EARLY GRADUATION**

The Board of Education, in certain instances, shall grant students who wish to graduate from high school in less time than the ordinary four-year sequence the permission to complete graduation requirements on an alternative schedule. To this end, all normal graduation requirements must be completed for early graduation. Furthermore, a student shall not be denied an exact class rank if he/she wishes to complete the usual four-year course of studies in three years.

In regard to individual student requests, the following factors may be considered: the student's grades, performance in school, his/her future plans, and benefits that would accrue to the student if the request for early graduation were to be approved. The Building Principal shall make the final decision on whether to grant permission after consultation with the individual student's counselor, the English department chairman, student and parent(s).

**Adoption Date: April 27, 2000**

**INDIVIDUALIZED EDUCATION PROGRAM DIPLOMAS**

The Board of Education and district staff shall comply with all federal and state requirements concerning the education of children with disabilities. All students, including those with disabilities, shall be given the greatest opportunity possible to earn a Regents or local diploma.

The Committee on Special Education (CSE) shall review the progress of all students with disabilities who will attain the age of twenty-one years prior to the end of the current school year and those students with disabilities who have received twelve years of education for whom an application for a high school individualized education program (IEP) diploma has been made. The CSE shall notify the Superintendent of Schools of those students eligible to receive an IEP diploma.

Pursuant to Section 100.9(b) of the Regulations of the Commissioner of Education, a student with a disability who has attained the age of twenty-one and has achieved the educational goals contained in his/her current IEP shall be awarded an IEP diploma. Upon application of a student with a disability, or the student's parent(s), an IEP diploma shall be issued if the student has attended school, or received a substantially equivalent education elsewhere, for twelve years exclusive of kindergarten, if the student has achieved the educational goals specified in the student's current IEP.

The Superintendent of Schools shall notify the Board, prior to graduation ceremonies in June, of those students eligible to receive an IEP diploma. The Board shall direct that an IEP diploma be issued to eligible students. The Superintendent shall file a report with the Commissioner of Education within fifteen days of graduation, in the form and containing such information required by the Commissioner.

Each IEP diploma shall indicate on its face that it is awarded on the basis of the student's successful achievement of the educational goals specified in the student's current IEP as recommended by the CSE.

If the student receiving an IEP diploma is less than twenty-one years of age, the diploma shall be accompanied by a written assurance of the student's continued right to attend public school until the end of the school year in which the student reaches the age of twenty-one or until the student has earned a high school diploma, whichever is earlier.

**Cross-ref:** 4321, Programs for Students with Disabilities

**Ref:** 8 NYCRR §§100.6; 100.9

**Adoption Date: December 20, 1999**

## TEACHING ABOUT CONTROVERSIAL ISSUES

As a natural part of preparation for assuming an adult role in society, matters of a controversial nature will arise and may be dealt with as part of the student's learning experience. The Board of Education believes that the free, objective discussion of controversial issues is the heart of the process of representative government, freedom of speech, and free access to information which are among our nation's most cherished traditions.

The Board recognizes that controversial issues deal with matters about which there are varied levels of opposing views, biases, emotions and/or conflict. Therefore, it is the responsibility of the classroom teacher that he/she have guidelines in order to prepare and execute lessons that will be as objective as possible while considering the nature of the subject matter. It is important that students and staff recognize the following responsibilities:

1. In the classroom, matters of a controversial nature shall be handled as they arise in the normal course of instruction and not introduced for their own sake. Such issues shall be neither sought nor avoided.
2. When presenting various positions on a controversial issue, the teacher shall be responsible to ensure that such controversial issues are:
  - a. relevant to the course of study;
  - b. limited to the level of understanding and age group of the students in the class;
  - c. maintained within the bounds of objectivity and scholarship commonly accepted by the community and as interpreted by the Board by taking care to balance major views and assuring that as many sides of the issues as possible are presented in a fair manner, with no position being espoused by the teacher as the only one acceptable. The teacher shall approach classroom discussions in an impartial and unprejudiced manner and shall refrain from using the classroom to promote partisan and factional points of view.
3. When materials dealing with controversial topics are to be used, assigned or recommended, such materials must:
  - a. balance major views and provide as many sides of the issue as possible in a fair manner, with no position presented as the only one acceptable;
  - b. be appropriate to the maturity level of the students; and
  - c. not adversely affect the attainment of the district's instructional goals or result in substantial disruption of the normal operation of the classroom.
4. Before a guest speaker is permitted to address the students, approval must be granted by the Building Principal, who must be informed of the scheduling of all guest speakers at least three (3) days prior to their presentation.

**Ref:** Education Law §414  
*Hazelwood v Kuhlmeier*, 484 US 260 (1988)  
*Tinker v Des Moines Independent Community School District*, 393 US 503 (1969)  
*Board of Ed., Malverne UFSD v. Morgan*, 3020-a panel decision; Howard C. Edelman, Esq., chairman (Feb. 2, 1990)

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*Matter of Morgan, 29 EDR 363 (1990)*  
*Malverne v. Sobol (RJI # 01-90-ST2690) Sup. Ct., Albany County, G. Cobb,*  
*J.S.C., 4/1/91*

**Adoption Date: April 27, 2000**

### SCHOOL CEREMONIES AND OBSERVANCES

The Board of Education recognizes the value of certain ceremonies and observances in promoting patriotism and good citizenship among the students. Therefore, activities in schools commemorating national holidays such as Memorial Day, Thanksgiving and President's Day are encouraged.

The Board remains impartial with regard to religion and seeks neither to advance nor inhibit religion. Students, faculty and administration are reminded of the pluralism of religious beliefs and are urged to be conscious of and respect the sensitivities of others. Therefore, no religious celebrations including organized prayer, bible reading or other activities performed in a religious context may be held on public school property.

Notwithstanding, the Board recognizes that activities related to the celebration of religious holidays present an excellent opportunity to teach about religion and foster respect and understanding among students. In addition, educational goals motivated by secular purposes cannot always filter out religious aspects, and sometimes requires the presentation of material with religious themes. Therefore, activities related to the observance of religious holidays will be permitted to the extent that they are conducted in an unbiased and objective manner and focus on the origins of the holiday, its history, and the generally agreed upon meaning of the holiday observance.

In planning activities related to a religious holiday or theme, special effort should be made to ensure that the activity is not devotional and students of all faiths can join without feeling that they are betraying their own beliefs. Therefore,

1. school and class plays shall not be overtly religious and church-like scenery will be avoided;
2. religious music shall not entirely dominate the selection of music; and
3. program notes and illustrations shall not be religious or sectarian.

The display of religious objects or symbols is also prohibited except to the extent that they are used as a teaching aid or resource to provide examples of cultural and religious heritage within the context of a short-term study in the curriculum such as world religions, art or history. Symbols which are secular and seasonal in nature, such as Santa Claus and Easter bunnies, can be displayed in a seasonal context.

Students shall be given the option to be excused from participating in those parts of a program or curriculum involving a religious theme which conflicts with their own religious beliefs.

**Ref:** *Lee v. Weissman*, 112 S. Ct. 2649, 120 L. Ed. 467 (1992)  
*Lemon v. Kurtzman*, 403 U.S. 602 (1971)  
*Lynch v. Donnelly*, 465 U.S. 668 (1984)  
*County of Allegheny v. American Civil Liberties Union of Greater Pittsburgh Chapter*, 492 U.S. 573 (1989)  
*Florey v. Sioux Falls School District*, 619 F2d 1311 (8th Cir., 1980)  
*Matter of Rosenbaum*, 28 EDR 138 (1988)  
*Matter of Cromwell*, 72 EDR 116 (1951)

**Adoption Date: April 27, 2000**