

SYOSSET CSD

Board of Education Meeting

1st Reading

June 10, 2019

POLICY 5150

SCHOOL ADMISSIONS

REVIEW REVISED POLICY

Reason for Revision	Update policy to reflect revised re-registration practice
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SCHOOL ADMISSIONS
Policy 5150
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I. Admission of Resident Students

The School District shall provide a public education to all persons residing in the School District between the ages of five and twenty-one who have not received a high school diploma. Residence is established by one's physical presence as an inhabitant within the district and intent to reside in the district. The child's residence is presumed to be that of his/her parent/guardian. No person shall be refused admission into or be excluded from the School District on account of any legally protected status as enumerated in policy 0100, Equal Opportunity, including race, creed, color, national origin, sex, gender (including gender identity and expression), sexual orientation, weight, religion, marital status, disability, or predisposing genetic characteristic.

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

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

Required Documentation

Parents/guardians must provide sufficient proof as set forth in the regulations that they reside in the School District when enrolling their children in School District schools. Examples of proof of residence include, but are not limited to:

1. A mortgage statement or deed of ownership;
2. A tax bill for the Town of Oyster Bay;
3. A copy of a lease executed by the tenant and landlord;
4. Statements for utility bills;
5. A pay stub or income tax form showing the in-district address; or
6. A voter registration document or a state- or other government- issued ID.

In the event a lease is provided as proof of residency, the School District shall require that upon the expiration of the lease the parent/guardian of the student provide proof of the renewal of said lease. In the event the parent/guardian cannot provide such proof, the student must provide the School District with new proof of residency in accordance with this policy.

Effective July 1, 2019, the School District will require each student to have provided verification of the student's residency in the year prior to the student's:

1. entrance into the middle school and
2. entrance into the high school

[Notwithstanding the foregoing, no family shall be required to verify its residency more than once in any twenty-four month period, unless one or more original proofs of residency have expired during this period or questions arise concerning the student's current residency status.](#)

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In the event the student's residency has not been verified, the parent/guardian of the student shall be notified as set forth below of the determination that the student is not a resident of the School District.

Other Documentation

New entrants must also present the following documents:

1. Proof of age - examples of acceptable forms of documentation include, but are not limited to, a birth certificate, baptismal record, or a passport (including a foreign passport);
2. Proof of immunization (see also policy and regulation 5420, Student Health Services) - dates for immunization against diphtheria, polio, measles, German measles (rubella), mumps, pertussis, tetanus, pneumococcal disease, Haemophilus influenza type B, hepatitis B, meningococcal disease and varicella); and
3. A health certificate from a licensed physician.

Students transferring from another school district are asked to provide the transfer or discharge notice from former school district (except for kindergarten students). Students with disabilities are asked to provide the IEP from the former school district.

Determinations of Non-Residency

Any decision by the School District that a child is not entitled to attend the schools of the district shall include notification of the procedures to obtain review of the decision within the School District. Prior to making a determination of entitlement to attend the schools of the School District, the Superintendent of Schools or his/her designee shall afford the child's parent, the person in parental relation to the child or the child, as appropriate, the opportunity to submit information concerning the child's right to attend school in the School District. When the Superintendent of Schools or his/her designee determines that a child is not entitled to attend the schools of the School District because the child is not a resident of the School District, the Superintendent of Schools or his/her designee shall, within two (2) business days, provide written notice of its determination to the child's parent, to the person in parental relation to the child, or to the child, as appropriate. Such written notice shall state:

- (i) that the child is not entitled to attend the public schools of the School District;
- (ii) the specific basis for the determination that the child is not a resident of the School District, including but not limited to a description of the documentary or other evidence upon which such determination is based;
- (iii) the date as of which the child will be excluded from the schools of the School District; and
- (iv) that the determination may be appealed to the Commissioner of Education, in accordance with Education Law, section 310, within thirty (30) days of the date of the determination, and that the instructions, forms and procedure for taking such an appeal,

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including translated versions of such instructions, forms and procedures, may be obtained from the Office of Counsel at www.counsel.nysed.gov, or by mail addressed to the Office of Counsel, New York State Education Department, State Education Building, Albany, NY 12234 or by calling the Appeals Coordinator at (518) 474-8927.

Foster Care

Any child placed in foster care by the Department of Social Services or the Office of Children and Family Services will be admitted to attend the schools in the School District only as set forth in Section 3202 [and 3244](#) of the Education Law.

Family Homes

Children cared for in free family homes and family homes at board located within the School District, when such family homes are the actual and only residence of the children, and who are not supported or maintained by a social services district or a state department or agency, shall be deemed residents of the School District for purposes of attending School District schools without tuition.

Placement

Any child reaching the age of five (5) on or before December 1 of any year will be eligible for kindergarten in the preceding September. Any child who meets these age requirements may be enrolled in kindergarten after the opening day of school. Any child enrolled in a kindergarten at another public, private or parochial school who does not meet these eligibility requirements will not be permitted to transfer into the School District during the year in which they are enrolled in kindergarten.

A child reaching the age of six (6) on or before December 1 of any year will be eligible for Grade 1 in the preceding September. A child who does not meet this age requirement, but who has satisfactorily completed a year's work in a kindergarten program approved by the New York State Education Department which provides substantially equivalent instruction to that of the local public school, may be enrolled in Grade 1 if requested by the parent/guardian.

A child entering the School District who has been enrolled in Grade 1 or above in another school district will be placed in the same grade. If it is determined that the child is not properly placed, an alternate placement will be made. If a student is enrolled in the School District from another country, the initial placement will be based upon the student's age and academic history which will be reviewed to determine appropriate grade placement.

Fraud

If any information or document has been falsified in connection with registration and/or placement, the Superintendent of Schools shall assess the educational status of the child and shall

notify the parent/guardian in writing of the rejection of said documentation on this basis. Upon finding an intentional fraud, the Superintendent of Schools shall recommend appropriate action to the Board of Education and notify the parent/guardian in writing of his/her recommendation and the Board of Education's decision concerning the provision of educational services to their child. To the extent the Superintendent of Schools deems it appropriate, he/she shall notify the proper authorities of the fraudulent act.

II. Education of Homeless Children and Unaccompanied Youth

The Board of Education recognizes its responsibility to identify homeless children, as that term is defined under federal and state law, within the School District, encourage their enrollment and eliminate existing barriers to their education which may exist in school district practices. The Board of Education will provide that homeless children attending the schools in the School District with access to the same free and appropriate public education, including preschool education, as other children.

In order to determine whether there are unserved homeless children in the School District, the School District shall contact the local department of social services, local runaway and homeless youth shelters and any other shelters located in the School District. It is understood that not all homeless students can be identified through agencies as they may be sharing the housing of other persons, such as family or friends, due to loss of housing, economic hardship, or other similar reason. Accordingly, the School District will utilize an enrollment form that asks for a description of the current living arrangement of the child or youth in order to determine whether the child or youth meets the definition of a homeless child under the McKinney-Vento Homeless Education Assistance Act and New York State Education Law.

A homeless child is a child who lacks a fixed, regular, and adequate nighttime residence or who has a primary nighttime location in a public or private shelter designed to provide temporary living accommodations, or a place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. This definition also includes a child who shares the housing of others due to loss of housing, economic hardship, or similar reason; lives in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; lives in a car, park, public space or abandoned building, substandard housing, bus or train station or similar setting; has been abandoned in a hospital; or is a migratory child who qualifies as homeless. An unaccompanied youth is a homeless child not in the physical custody of a parent or legal guardian.

A homeless child has the right to attend school in either the district of origin (i.e., where he/she resided before becoming homeless), or the school in which he/she was last enrolled, including preschools and receiving schools (i.e. the school a child is to attend after completing the final grade level at the school of origin), the district of current location, or a district participating in a regional placement plan. The homeless child is entitled to attend the designated school district on a tuition-free basis for the duration of his or her homelessness. If the child is relocated to temporary housing outside the School District, or to a different attendance zone or community school district within the School District, the child is entitled to continue to attendance in the same

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school building until the end of the school year and for one additional year if that year constitutes the child's terminal year in such building.

The Superintendent of Schools or his/her designee shall develop procedures necessary to expedite the homeless child's access to the designated school. Such procedures shall include:

1. Admission: Upon designation, the School District shall immediately admit the homeless child to school, even if the child is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency or other documentation and even if there is a dispute with the child's parents regarding school selection or enrollment.
2. Homeless children will have the same opportunity as other children to enroll in and succeed in the schools in the School District. They will not be placed in separate schools or programs based on their status as homeless.
3. Transportation: The School District shall provide transportation for homeless students currently residing within the School District as required by applicable law.
4. School Records: For homeless students attending school out of the School District, the School District shall, within five days of receipt of a request for records, forward a complete copy of the homeless child's records including proof of age, academic records, evaluation, immunization records and guardianship paper, if applicable.
5. Coordination: The School District shall coordinate with local social services agencies and other entities providing services to homeless children and their families for the provision of services to homeless children, and shall coordinate with other school districts on issues of prompt identification, transportation, transfer of records, and other inter-district activities. This shall include providing appropriate services to homeless students with disabilities who are eligible for services under either Section 504 or IDEA.

Information about a homeless child's living situation shall be treated as a student education record, and shall not be deemed to be directory information under FERPA.

The Superintendent of Schools or his/her designee shall also designate a liaison for homeless children. The liaison's responsibilities shall include, but not be limited to, providing that:

1. homeless children and youth are identified by school personnel and through coordination activities with other entities;
2. homeless children are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
3. parents and guardians and unaccompanied youth are fully informed of all transportation services available to them, and are assisted in accessing them;

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4. enrollment disputes involving homeless children are promptly mediated and resolved;
5. school personnel through outreach and in coordination with shelters and social service agencies and other appropriate entities identify homeless children, including homeless preschoolers;
6. homeless children receive educational services for which they are eligible, including Head Start and preschool services to which they are eligible, as well as referrals to health care and other appropriate services; and
7. public notice of educational rights of homeless children is disseminated In locations frequented by homeless unaccompanied youth and parents/guardians of homeless children, including schools, shelters, public libraries and soup kitchens in a manner and form understandable to them;
8. staff who provide services to homeless students receive required professional development and support in identifying and meeting the needs of homeless students; and
9. homeless unaccompanied youth are informed of their rights, are enrolled in school, and have opportunities to meet the same State standards set for all students, including receiving credit for full or partial coursework earned in a prior school pursuant to the Commissioner's regulations.

In accordance with law and regulation, the School District will offer a prompt dispute resolution process (described in more detail in the accompanying administrative regulation).

In accordance with Commissioner's regulations, the School District shall collect and transmit to the Commissioner information necessary to assess the educational needs of homeless children within the State.

Each school in the School District shall maintain forms provided by the Commissioner of Education for designating a homeless child's district of attendance. These forms must be provided to any homeless child or parent or guardian who seeks to enroll a child in school. The School District's liaison for homeless students shall assist the homeless child and/or parent or guardian in understanding their rights under the law and provide them with information regarding the educational and related opportunities available to them.

School placement decisions for homeless children will be based on the "best interest of the child" And shall consider student-centered factors (such as the effect of mobility on student achievement, education, health and safety.) Unless doing so is contrary to the wishes of the child's parent or guardian, to the extent possible, a homeless child will continue to attend the school of origin (i.e. the school the child attended when he or she became homeless or the school in which the student was last enrolled).

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If the School District wishes to send a homeless child to a school other than the school of origin or a school requested by the parent/guardian or unaccompanied youth, the Superintendent of Schools or his/her designee shall provide the parent or guardian with a written explanation of its decision, together with a statement regarding the right to appeal the placement process, which shall be in a manner and form understandable to them. The Superintendent of Schools or his/her designee shall refer any such dispute to the School District's liaison for the homeless for resolution. The homeless child must be enrolled in the school sought by the parent or guardian pending resolution of the dispute, including all final appeals.

Admission Procedures

Upon designation, the Superintendent of Schools or his/her designee shall immediately:

1. review the designation form to determine that it is complete;
2. admit the homeless child even if the child or his/her parent or guardian is unable to produce records normally required for enrollment, the homeless child has missed application or enrollment deadlines, or there is an unresolved dispute regarding school selection or enrollment;
3. where applicable, make a written request to the School District where a copy of the child's records are located for a copy of the homeless child's school records;
4. notify the liaison for homeless children of the child's admission. The liaison shall:
 - a. notify the child and/or the parent or guardian of the educational and related opportunities available to homeless children including transportation;
 - b. determine that the child receives the educational services for which they are eligible, including Head Start and Even Start and preschool programs administered by the School District;
 - c. make necessary referrals for the homeless children or their families to health care services, dental services, mental health services, substance abuse services, housing services, and other appropriate services; and
 - d. mediation of any enrollment disputes promptly and in accordance with law.
 - e. when assisting unaccompanied youth in placement or enrollment decisions, give him/her the opportunity to explore education opportunities available to him/her, give priority to the views of such youth, and inform them of their status as "independent students" for purposes of applying for federal financial aid for college and assist with that process; and
 - f. assist homeless children and their parents/guardians in obtaining required immunizations, health screenings, immunization records or health records.

The Superintendent of Schools or his/her designee shall forward a copy of the designation form to the Commissioner of Education and the school district of origin where applicable.

Transportation

In accordance with the Education Law, the school district of current location shall provide transportation to homeless children, where designated, as the school district of attendance, on the

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same basis provided to resident students. For homeless children who are ineligible for transportation either from the local Department of Social Services or a residential program licensed by the Division For Youth (DFY) for runaway and homeless youth, the designated school district shall provide transportation from the child's temporary location and the school on the same basis it transports its resident students. Such transportation shall not be in excess of 50 miles each way except where the Commissioner of Education certifies that transportation in excess of 50 miles is in the best interest of the child.

Transportation will be provided when the district receives notice of a child's homeless status, as well as during the pendency of disputes. If a child is receiving transportation to his/her school of origin and obtains permanent housing during the school year, the student has the right to continued transportation services to the school of origin until the end of the academic year, as well as if the student completes the final grade level in a building, or attends the designated receiving school at the next level.

Dispute Resolution Process

If, after the Superintendent of Schools or his/her designee reviews the designation form, he/she finds that the student is either not homeless, not entitled to attend the District's school, or not entitled to transportation (if requested), the Superintendent of Schools or his/her designee will do the following:

1. Contact the School District's homeless liaison to assist in dispute resolution process.
2. Contact the student and parent (if available) and inform them of their opportunity to provide more information prior to the School District making a final determination.

If, after consideration of any additional information and input from the homeless liaison, the Superintendent of Schools or his/her designee makes a final determination that a student is not homeless, or not entitled to enrollment or transportation, he/she must provide the student's parent or guardian, or the student, if the student is an unaccompanied youth, with written notice that the student is not entitled to their request. This written notice must also:

1. state the rationale/basis for the School District's determination;
2. state the date as of which the student will be excluded from the School District's schools (or transportation);
3. advise that the School District's final determination may be appealed to the Commissioner of Education (Commissioner);
4. provide the name and contact information for the School District's homeless liaison;
5. inform the student's parent or guardian or the student, if the student is an unaccompanied youth, that the School District's homeless liaison is required to assist him/her in filing such an appeal; and

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6. include, as an attachment, the form petition needed to file an appeal to the Commissioner.

The Superintendent of Schools or his/her designee will deliver the School District's final decision to the parent, guardian, or unaccompanied youth in a timely manner. The student must remain enrolled and provided with transportation (if requested) until the School District makes a final determination and for a minimum of thirty (30) days after the determination to give the student's parent or guardian or unaccompanied youth the opportunity to appeal to the Commissioner.

If the parent/guardian or student commences an appeal to the Commissioner within thirty (30) days of the final determination, the homeless child or youth will be permitted to continue to attend the school s/he is enrolled in at the time of the appeal and/or receive transportation to that school until the Commissioner renders a decision on the appeal.

III. Admission of Non-Resident Students

Definition: For the purpose of attendance in the District's schools, a resident is defined as an individual whose domicile is within the district.

Non-resident pupils shall be denied the privilege of attending the District's schools except in the following circumstances:

Eligibility of Former Residents:

- Students enrolled in 5th or 8th grade as of July 1st will be permitted to complete the school year in the District's schools without the payment of tuition.
- Students enrolled in 12th grade as of July 1st who attended the District's schools during 9th, 10th, and 11th grade will be permitted to will be permitted to complete their high school education in the School District's schools without the payment of tuition.

Eligibility of Special Non-Residents Under Contract From Other Districts:

This policy shall not apply to non-resident students who are placed in a School District program as a result of another public school district's Committee on Special Education recommendation, when such recommendation has been consented to by the District and for which a contract between the School District and the other public school district exists.

Admission of Non-Resident Students Awaiting Possession of Home in District:

Non-residents who are scheduled to become residents of the School District by purchasing or leasing a School District residence within forty-five (45) calendar days from the date of enrollment of their child(ren) may register their child(ren) prior to establishing such residency upon the delivery of the following to the School District's Registrar:

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- an executed copy of the contract for the purchase or lease of a residence in the School District; and
- a certified/bank check or money order made payable to the Syosset Central School District in an amount equal to 2/10ths of the yearly tuition for non-resident students.
- A sworn affidavit, in the form annexed hereto, acknowledging the non-resident applicant's status as a non-resident, and that such status shall continue unless and until the non-resident applicant has actually established residence in the School District.

The parent/guardian of the non-resident student is responsible for transporting the student to and from school until the time that they become bona fide residents.

Non-Resident Tuition:

Non-resident students who are qualified to attend in accordance with the above section titled "Admission of Non-Resident Students Awaiting Possession of Home in District" will pay tuition at the rate set forth in the Commissioner's Regulations as follows:

- Tuition shall be payable in equal installments on September 1st and January 31st. If student does not attend for a full semester, the tuition will be prorated by weeks of attendance (partial weeks are considered a full week).
- Any student whose parents become residents of the School District on or before October 1st of any school year will be refunded any tuition paid for that year. Any student whose parents become residents after October 1st shall have tuition refunded on a pro-rated basis from the date of residence on a weekly basis.
- School taxes paid on property owned within the School District, by the parents of a non-resident student who wishes to attend a school in the School District, shall be deducted from the price of tuition for the non-resident student in accordance with the Commissioner's Regulations.

Reservation of Rights:

The School District reserves the right to refuse to admit a non-resident student if the Superintendent of Schools or her/his designee determines that:

- placement in the School District's program would result in the exclusion of a resident student;
- the admission of the non-resident student will result in an increase in the size of the faculty or staff necessary to educate the non-resident student;

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- the student has been disciplined, suspended or excluded from her/his previous school for disruptive behavior or endangering the health and safety of other students; or
- when such exclusion is deemed to be in the interests of the School District.

IV. Admission of Foreign Exchange Students

The Board of Education recognizes the importance of providing the opportunity for students of the District to participate in educational and cultural exchanges with non-immigrant foreign students.

Only non-immigrant foreign exchange high school students who possess a valid J-1 Visa to study in the United States will be admitted to the School District's High School. The School District is not authorized to provide high school students who possess an F-1 Visa admission to the School District. In addition, the School District is not responsible for transportation or other services to those students who possess an F-1 Visa who attend private/parochial schools.. The Board of Education retains the sole discretion to deny admission to any foreign exchange student not meeting all of the requirements set forth in this policy.

Foreign Exchange Students with J-1 Visas

Foreign exchange students possessing a J-1 Visa will be admitted to the School District's High School for a one-year academic program subject to the following provisions and restrictions:

1. In order to qualify for a J-1 Visa for participation in such a program, the foreign exchange student must be a secondary school student in his or her home country who has not yet completed more than 11 years of primary or secondary study exclusive of Kindergarten or be between the ages of 15 and 18 years and 6 months at the time of the initial school enrollment.
2. The foreign exchange student must demonstrate maturity, good character and scholastic aptitude and must not have previously participated in an academic year or semester secondary school student exchange program in the United States.
3. The School District recognizes only those sponsors designated by the Secretary of State of the State Department as sponsoring organizations for the exchange of students. Any such organization must supply proof of designation prior to recognition.
4. Under no circumstances will a foreign exchange student subject to this policy be admitted into the School District's high school by a foreign exchange student program unless he or she has been accepted, in writing, as a student by the Superintendent of Schools or his/her designee. These approvals must be obtained prior to the foreign exchange student's admission into the High School. The School District reserves the right to rescind/ revoke admission when it determines that

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there has been a material misrepresentation concerning the student's qualifications and/or the student violates the School District's Code of Conduct.

5. Prior to accepting a foreign exchange student into the School District's High School, the sponsor shall provide to the school a written English language summary of the student's complete academic class work from the sponsor.
6. Tuition shall not be charged to foreign exchange students possessing a J-1 Visa unless funds have been made available to pay the foreign exchange student's tuition by the United States government, the foreign exchange student's government, or any organization, agency, or institution designated as a sponsor by the U.S. Department of State for the purpose of furthering international education and cultural exchange.
7. This policy does not apply to foreign exchange students living with families residing in the School District and attending a high school other than the School District's high school.

The School District shall admit no more than three (3) foreign exchange students, not more than one (1) per host family, per school year in total.

Review of Policy

The Superintendent of Schools shall periodically review the operation of this policy.

Cross-ref: 0100 Equal Opportunity
5110 Designated Schools of Attendance
5151 Homeless Children
5152 Admission of Non-Resident Students
5420 Student Health Services

Ref: Education Law §§305; 903; 904; 1709(13); 1805; 3202; 3205; 3208; 3209
Executive Law §§532-b; 532-e
Public Health Law §2164
42 USC §§11431, et seq.
School Enrollment Guidelines on the McKinney-Vento Act, 67 Fed. Reg. 10,697-10,701 (March 8, 2002)
Executive Law §§532-b; 532-e
Social Services Law §§17; 62; 397
8 NYCRR §§100.2; 174.2; 175.6

Adoption Date: December 11, 2017

Revised: November 19, 2018

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Regulation 5150-R

SCHOOL ADMISISON REGULATION

Regulation Process

Parents or guardians may enroll their children in the School District either online via the School District's website or in person. Registration is required prior to enrollment. Registration forms are available in English, Chinese, Japanese, Korean, Hindi and Urdu. Translation is available for in-person registration. The application will be completed in English by the resident or translator.

Enrollment Requirements

Prior to enrollment parents or guardians must submit one of these records to show proof of age:

- Original/certified birth certificate (US or other)
- Passport (US or other)
- Other documentary evidence or other recorded evidence in existence two years or more, and satisfactory to the certifying officer, except an affidavit of age.
- Other Government issued document
 - Official driver's license
 - State or other government issued identification
 - School photo identification with sate of birth
 - Consulate identification card
 - Hospital or health records
 - Military dependent identification card
 - Documents issued by federal, state or local agencies
 - Court orders or other court-issued documents
 - Native American trial document
 - Records from non-profit international aid agencies and voluntary agencies.

Further, prior to enrollment, parents or guardians must show proof of residency. According to NY State Law, in order to register your child/children in the School District, you must be physically domiciled at your address within the School District's geographical boundaries. Such proof can be:

Column A (One proof and two from Colum B)	Column B (Any Three)
1. Executed Residential Lease	1. Pay stub
2. Proof of ownership (mortgage, deed)	2. Income tax form(s)
3. Statement from landlord, or	3. Utility bill

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Column A (One proof and two from Colum B)	Column B (Any Three)
4. Statement from other third party that establishes residency.	4. Voter registration document(s)
	5. Official Driver's license, learner's permit or non-driver identification
	6. State or other government issued identification
	7. Membership documents that are based upon residency with address
	8. Documents issued by federal, state or local agencies
	9. Evidence of custody of the child/children, including, but not limited to judicial custody orders or guardianship papers
	10. Other forms of documentation and/or information establishing parent(s) or person (S) in parental relation physical presence in the School District.

Registration Procedures

By law, the student must be enrolled within twenty-four (24) hours, even without adequate documentation. The School District has three (3) days to determine if a student is a resident. If there is not sufficient documentation, the student is un-enrolled from the School District.

If available, the parent or guardian should produce the student's most recent report card from the school in which the student is currently enrolled. For High School students, please provide a transcript with all grade levels attended, as well as a schedule of current courses the student has taken within the current year. If applicable, please provide a copy of the student's Individual Education Plan, 504 Accommodation Plan, or other applicable documents. A release for education records from the former school (if any) will need to be completed.

Details of all public health requirements are outlined in the registration packet. The school nurse will review and approve immunization records prior to the enrollment of new students as set forth in Policy 5420 (Student Health Services).

Parent(s)/Guardian(s) must provide proper proof of parental relationship. The School District shall require the parent(s) or person(s) in parental relation to provide the School District with an affidavit either: 1) indicating that they are the parent(s) with whom the child/children lawfully resides; or 2) indicating that they are the person(s) in parental relation to the child/children, over whom they have a total and permanent custody and control, and describing how they obtained

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total and permanent custody and control, whether through guardianship or otherwise. The School District may also accept other proof, such as documentation indicating that the child/children resides with a sponsor with whom the child/children has been placed by a federal agency.

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Regulation 5150-R

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**99 Pell Lane
Syosset, New York 11791**

AFFIDAVIT FOR NON-RESIDENTS

_____, being duly sworn, deposes and says that each of the following statements is true, under the penalty of perjury:

1. I and my family will move into the dwelling and become bona fide residents of the Syosset Central School District by making our home at _____

within forty-five (45) days from the execution of this affidavit.

2. I and my family currently reside at our home at _____

_____.

3. The following persons will live in our home:

Name	Relationship
_____	_____
_____	_____
_____	_____
_____	_____

4. I recognize that the Syosset Central School District will rely upon this representation that our home (also known as our domicile) is at the address shown in paragraph one.

5. My statements in this affidavit are true. I know that perjury is a crime punishable by imprisonment or fine.

6. I have deposited a two month deposit for tuition.

7. I have read Policy No. 5150 and understand its terms. I have had an opportunity to have

SYOSSET CENTRAL SCHOOL DISTRICT

SCHOOL ADMISSIONS

Policy 5150

an attorney explain those terms to me.

8. In the event I do not establish my domicile at the address set forth in paragraph 1 of this affidavit within forty-five (45) days from today, I understand and agree that the School District will be authorized to retain the proceeds of the check I delivered today, as tuition, and exclude my children from attendance in its schools.

9. I understand that until I become a bona fide resident in the School District, I will be responsible to transport my children to and from school daily.

Sworn to before me this _____
day of _____, 20__.

Notary Public

POLICY 5605

VOTER REGISTRATION FOR STUDENTS

REVIEW NEW POLICY

Reason for Adoption	New Required Policy
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-DRAFT NEW POLICY-

SYOSSET CENTRAL SCHOOL DISTRICT

VOTER REGISTRATION FOR STUDENTS

POLICY 5605

The Board of Education believes that involving young people in the election process helps to prepare young people to be engaged voters who have been educated in the importance of the right to vote. In an effort to promote student voter registration, the Superintendent of Schools or his/her designee will implement a procedure to offer all students (a) who are at least sixteen (16) years old the opportunity to pre-register to vote and (b) who are at least eighteen (18) years old the opportunity to register to vote, to become effective January 1, 2020. The procedure established by the Superintendent of Schools or his/her designee may include collaboration with the County Board of Elections.

Those students who are otherwise qualified to vote and who pre-register will be automatically registered upon reaching the age of eighteen (18). Students who do not wish to preregister to vote will not be penalized (including participation grade or credits) for choosing not to do so.

Ref: Election Law §5-507

Adoption Date:

POLICY 6830

EXPENSE REIMBURSEMENT

REVIEW REVISED POLICY

Reason for Revision	Revise manner in which meals will be reimbursed
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SYOSSET CENTRAL SCHOOL DISTRICT

EXPENSE REIMBURSEMENT

Policy 6830

Members of the Board of Education, school officials and staff members shall be reimbursed for reasonable out-of-pocket expenses incurred while traveling for school related activities. Only expenses necessary to the purpose of the travel shall be reimbursable. Tax exemption letters shall be issued and utilized only for official school related business.

The Board of Education shall determine, by duly adopted resolution, whether the attendance of members of the Board of Education at any conference or professional meeting is in the best interest of the School District and whether they are eligible for reimbursement of expenses under this policy. The Superintendent of Schools, or his/her designee, shall determine whether attendance by School District staff at any conference or professional meeting is in the best interest of the School District and whether such staff members are eligible for reimbursement of expenses under this policy within budgetary allocations.

To obtain reimbursement, the claimant must first secure a purchase order and, then after travel has occurred, complete and sign a claim for reimbursement, attach all receipts or other expense documentation, together with a copy of the approved conference request form from the School District's online approval system and conference attendance certificate, and submit the same to the Business Office. Reimbursement shall only be made after such claim has been audited and cleared for payment.

Day Travel

When an Board of Education member, school official or employee engages in travel which does not result in overnight travel, only transportation and registration costs are eligible for reimbursement. ~~If travel extends beyond the regular business day, the School District will reimburse the employee for meals. Notwithstanding the foregoing, if a Board of Education member, school official or employee attends a multi-day conference and chooses to travel between home and the conference, the Board of Education member, school official or employee will be reimbursed for meals as set forth below concerning meals.~~

Overnight Travel

Board of Education members, school officials and employees ~~Persons~~ traveling on School District-related business are expected to secure the most reasonable rate for necessary hotel accommodations. The School District will reimburse for actual lodging fees up to the maximum lodging fee set by the federal government for that location. GSA rates can be found at <http://www.gsa.gov/portal/content/104877>.

Payment for overnight lodging is permitted for overnight travel which is necessary for the performance of School District business. When the lodging rate is pre-determined by the organization sponsoring the event, lodging costs shall be reimbursed at a rate not in excess of the rate charged by the convention/event hotel, notwithstanding what the federal travel reimbursement rate is. When a Board of Education member, ~~or a~~ school official or employee staff member engages in overnight travel, that individual may also be reimbursed for meals, registration

SYOSSET CENTRAL SCHOOL DISTRICT

EXPENSE REIMBURSEMENT

Policy 6830

costs, and miscellaneous other expenses, as set forth below ~~defined below~~, but not for personal expenses.

Hotel accommodations that exceed the GSA rate where no convention/event hotel is available, or where the rate exceeds the lowest equivalent rate charged by the convention/event hotel(s), will be reimbursed only if approved by the Board President (for members of the Board of Education and the Superintendent of Schools) and the Superintendent of Schools (for all others) prior to the stay. Notwithstanding the foregoing, when the purpose of staff travel is to chaperone or accompany students to a school-sponsored or school-related event, the lodging rate of the hotel at which the student is staying will determine the lodging rate for the employee to be paid by the School District.

Method of Transportation

Travel shall be by the most economical and practical means as determined by the School District, whether by private automobile, school vehicle, rental vehicle or common carrier such as bus, train, or airplane. Additional factors, including the number of people traveling, luggage and materials to be transported, meeting schedules, Board of Education member, ~~or school official~~ or employee staff member health and safety, the cost of the Board of Education member's, school official's or ~~employee staff member's~~ time, and the impact on the Board of Education member's, ~~or school official's~~ or employee's staff member's ability to efficiently conduct School District-related business upon arrival, should also be considered when deciding on the most appropriate means of transportation.

Personal Vehicle

In certain instances, it may be appropriate for Board of Education members, school officials or employees to use their personal vehicles for School District-approved travel. Employees may be reimbursed for personal vehicle use at the prevailing IRS rate per mile. Toll and parking are also eligible for reimbursement. Repairs, maintenance and vehicle fluids (including, but not limited to, fuel and oil) are not reimbursable. Reimbursement for mileage is permitted only where the mileage exceeds the distance of the employee's typical commute to school.

Rental Vehicle

Although the use of rental vehicles may be necessary when travel is required out of the area for school-related purposes, rental vehicles are generally not permitted for local travel. In lieu of mileage, vehicle rental charges and fuel costs for travel out of the area incurred by Board of Education members, ~~or school officials~~ or employees staff members may be submitted for reimbursement, provided such expense is approved in advance, is necessary for conference attendance and is reasonable in cost.

SYOSSET CENTRAL SCHOOL DISTRICT

EXPENSE REIMBURSEMENT

Policy 6830

Airline and Railroad Travel (Long Distance or Overnight Travel)

Transportation by airline or railroad by Board of Education members, school officials or employees may be reimbursed for or paid for by the School District only in connection with long distance or overnight travel for a school-related purpose, meeting the conditions applicable to overnight lodging. The School District shall carefully consider alternatives to overnight travel prior to authorization. Other transportation costs such as taxi cabs are allowable only for essential transportation.

Meals

Board of Education members, school officials and employees shall be reimbursed ~~Reimbursement~~ for meal charges, excluding gratuities, ~~may be had for meals~~ when traveling, subject to the limits defined below. ~~Detailed bills must be submitted to justify reimbursement of meal expenses. A credit card receipt which does not show the individual items comprising the total will generally be insufficient to warrant reimbursement, unless the Business Office determines that a detailed check or bill was not available.~~ The cost of any alcohol shall not be reimbursed under any circumstances.

Reimbursable meal charges, ~~excluding gratuities~~ including tips/gratuities, for Board of Education members, school officials and employees ~~persons~~ traveling for School District-related business shall ~~be as follows:~~ not exceed the United States General Services Administration per diem rates for meals in the area in which the travel will occur.

(See <https://www.gsa.gov/travel/plan-book/per-diem-rates/mie-breakdown> Where a location is not indicated, the standard rate will apply.)

Breakfast	_____	\$ 16.00
Lunch	_____	\$ 18.00
Dinner	_____	\$ 40.00

Reimbursable Expenses

Conventions, Seminars, Conferences

Board of Education members, school officials and employees will be reimbursed for ~~R~~registration, workshop and other fees as itemized in the conference literature, ~~will be reimbursed~~ at actual cost, if not prepaid by the School District. Cost for non-essential activities unrelated to official business are considered personal expenses and will not be paid or reimbursed by the School District.

Tipping and Gratuities

~~Reimbursement for tips and gratuities such as at lodging establishments and restaurants is permitted to a maximum of 20%.~~ Notwithstanding the foregoing, when the tips and/or gratuities in connection with transportation services relate to field trips over multiple days or with multiple drivers on one

SYOSSET CENTRAL SCHOOL DISTRICT

EXPENSE REIMBURSEMENT

Policy 6830

day, the not to exceed limit of \$40 can be based on a per-day, per bus/driver amount. Documentation must be provided for all requests for reimbursement for tips and/or gratuities.

Miscellaneous Other Services

~~A~~ Board of Education members, ~~or~~ school officer or employees ~~staff member~~, when traveling for School District business or under other circumstances, may be required to use fax, express mail, photocopying, postage, modem connection or other incidental offices services. These expenses are reimbursable if for official School District purposes only. The Board of Education member, school official or employee ~~or staff member~~ must document the date, time and purpose and provide receipts.

Non-Reimbursable Expenses

Parking and Traffic Violations

Any fines and/or penalties associated with a motor vehicle violation which were incurred during School District-approved travel are not reimbursable.

Personal Expenses

The School District does not reimburse Board of Education members, school officials or employees ~~persons~~ traveling on School District-related business for personal expenses including, but not limited to, pay television, hotel health club facilities, alcoholic beverages, theater and show tickets, telephone calls, checking of bags which result in additional cost, laundry costs and/or transportation costs unrelated to School District business. Notwithstanding the foregoing, when the purpose of staff travel is to chaperone or accompany students to a school-sponsored or school-related event requiring an overnight stay, the School District will pay for the checking of bags for required equipment/materials for the event.

Cross Ref:

Ref: Education Law §§1709(30); 1804; 2118; 3023; 3028
General Municipal Law §77-b

Adoption date: November 14, 2016

POLICY 8130

SCHOOL SAFETY PLANS AND TEAMS

REVIEW REVISED POLICY

Reason for Revision	Update language of policy
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SYOSSET CENTRAL SCHOOL DISTRICT

SCHOOL SAFETY PLANS AND TEAMS

Policy 8130

Emergencies and violent incidents in schools are critical issues that must be addressed in an expeditious and effective manner. The Board of Education recognizes its responsibility to adopt and keep current a comprehensive District-wide school safety plan and building-level emergency response plan(s) which address violence prevention, crisis intervention, emergency response and management.

Taken together, the District-wide and building level plans shall provide a comprehensive approach to addressing school safety and violence prevention, and provide the structure where all individuals can fully understand their roles and responsibilities for promoting the safety of the entire school community. The plans shall be designed to endeavor to prevent or minimize the effects of serious violent incidents and emergencies and to facilitate the School District's coordination with local and county resources. The plans shall also address risk reduction/prevention, response and recovery with respect to a variety of types of emergencies and violent incidents in District schools.

In accordance with state law and regulation, the School District shall have the following school safety teams and plans to deal with violence prevention, crisis intervention and emergency response and management:

Comprehensive District-wide School Safety Team and Plan

The Board of Education shall annually appoint a District-wide school safety team that includes, but is not limited to, a representative(s) from the following constituencies: the Board of Education, teachers, administrators, and parent organizations, school safety personnel and other school personnel. All members of the School District-wide school safety team will be required to sign a confidentiality agreement. This team shall be responsible for the development and annual review of a comprehensive District-wide school safety plan. The plan shall cover all School District school buildings and shall address violence prevention (taking into consideration a range of programs and approaches that are designed to create a positive school climate and culture), crisis intervention, emergency response and management including communication protocols, at the School District level. It shall include all those elements required by law and regulation.

The Board of Education, in its discretion, may appoint a student representative to the District-wide school safety team. However, no confidential building-level emergency response plan(s) shall be shared with the student member, nor shall the student member be present during discussion of any confidential building-level emergency response plan(s), or confidential portions of the District-wide emergency response strategy.

The Superintendent of Schools or his/her designee shall be the School District's chief emergency officer and shall coordinate communication between School District staff, law enforcement and first responders.

SYOSSET CENTRAL SCHOOL DISTRICT

SCHOOL SAFETY PLANS AND TEAMS

Policy 8130

Any and all documents reviewed/received by members of the team shall be retained only by the central office administrator on the team and under no circumstances shall members of the team be permitted to retain any documents which are reviewed.

Building-level emergency response teams and plans

Each Building Principal shall be responsible for annually appointing an emergency response team that includes representation from teachers, administrators, parent organizations, school safety personnel, other school personnel, community members, law enforcement officials, local fire officials and other emergency response agencies, and other representatives the Board of Education deems appropriate. The emergency response team shall be responsible for the development and review of a building-level emergency response plan for each School District building. The plan(s) shall address communication, emergency response (including insuring that local responders have access to floor plans, blueprints, and other appropriate maps of school property and the immediate surrounding area), and evacuation at the building level and shall include all procedures required by law and regulation.

Within each building, the emergency response team shall designate:

- an emergency response team that includes appropriate school personnel, local law enforcement officials, fire officials and representatives from local, regional and/or state emergency response agencies to assist the school community in responding to a serious violent incident or emergency;
- other appropriate incident response teams; and
- a post-incident response team that includes appropriate school personnel, medical personnel, mental health counselors and other related personnel to assist the community in coping with the aftermath of a serious violent incident or emergency.

The Building Principal shall be responsible for conducting drills in accordance with the emergency response plan including procedures for sheltering, early dismissal, drills and other exercises to test the components of the plan.

To maintain security and in accordance with law, the building-level emergency response plan(s) shall be confidential and shall not be subject to disclosure under the Freedom of Information Law or any other law.

Annual Review and Report

Each safety plan shall be reviewed by the appropriate school safety team on at least an annual basis, and updated as needed. In conducting the review, the building-level teams shall consider any changes in personnel, local conditions and other factors including an evaluation of the results of the annual test of the emergency response procedures which may necessitate updating of plans. If the plan requires no changes, then it shall remain in effect. If either plan requires change,

SYOSSET CENTRAL SCHOOL DISTRICT

SCHOOL SAFETY PLANS AND TEAMS

Policy 8130

then the updated plan shall be submitted to the Board of Education for review and approval. In the case of the District-wide safety plan, the updated plan will be submitted to the Board of Education for review and approval in time to allow for thirty (30) days of public comment and to hold a public hearing which provides for the participation of school personnel, students and other interested parties prior to Board of Education adoption. ~~provided however that only a summary of each building level plan shall be made available for public comment.~~ All plans must be adopted by the Board of Education by ~~July 1~~ September 1.

The Superintendent of Schools or his/her designee shall be responsible for filing the District-level school safety plan and any amendments to the plan with the Commissioner within thirty (30) days after their adoption. The ~~Coordinator of Educational Services~~ Superintendent of Schools or his/her designee shall be responsible for filing the building-level safety plan for each building and any amendments to the plan with the appropriate local law enforcement agency and the state police within thirty (30) days after their adoption.

Ref: Education Law §2801-a
Executive Law §2B
8 NYCRR Part 155

Adoption date: April 20, 2017

POLICY 8414

ALCOHOL TESTING OF BUS DRIVERS

AND OTHER SAFETY SENSITIVE

EMPLOYEES

REVIEW REVISED POLICY

Reason for Revision	Update language of policy
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SYOSSET CENTRAL SCHOOL DISTRICT

**ALCOHOL AND DRUG TESTING OF
BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES**

Policy 8414

The Board of Education recognizes the dangers inherent in alcohol and controlled substance use by employees especially those in safety-sensitive positions. To maintain the safety of its students and to comply with federal regulations, the Board requires alcohol and controlled substance testing of certain “drivers,” operators of “other school buses,” and any other employee who is subject to such testing in accordance with applicable federal and state law. ~~school bus drivers and other covered employees.~~

Definitions

1. “Driver” includes any person who operates a commercial motor vehicle. This includes, but is not limited to full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors.
2. “Other school buses” include those covered by applicable federal regulations and any other motor vehicle either owned by the School District or by a private company, operated to transport students, children of students, teachers, and other supervisory persons to or from school or school activities.

Consistent with federal regulations, ~~T~~he School District shall directly, by contract, or through a consortium, implement and conduct a program to provide alcohol and controlled substance testing of employees who operate a commercial motor vehicle, perform in a safety-sensitive position, and are required to hold a commercial driver’s license. ~~Such e~~Employees holding such positions include:

1. drivers of buses designed to transport sixteen (16) or more passengers, including the driver;
2. drivers of commercial motor vehicles whose manufacturer’s rating is 26,001 lbs. or more; or
3. any other employee who may drive or service a listed vehicle (e.g. a mechanic who performs test drives, repairs, inspects, or loads or unloads a vehicle listed in 1 or 2 above).

Controlled substance and alcohol tests will be conducted of drivers at the time of employment and randomly throughout the school year. In addition, testing will be conducted when a supervisor has a reasonable suspicion that a driver an employee has engaged in prohibited alcohol or controlled substance use; after certain accidents; prior to return to duty when the employee driver has been found to violate School District policy and federal regulations; and after the driver’s employee’s return to duty. Volunteers who drive a school bus with passengers for fewer than thirty (30) days per year are not considered operators of “other school buses.”

In accordance with federal and state law, a ~~bus~~ driver will not be permitted to drive if he or she:

SYOSSET CENTRAL SCHOOL DISTRICT

**ALCOHOL AND DRUG TESTING OF
BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES**

Policy 8414

1. possesses, consumes or is reasonably believed to possess or have consumed alcohol or a controlled substance, while on duty;
2. uses or is under the influence of alcohol or a controlled substance within ~~six (6)~~ eight (8) hours or less before duty;
3. has an alcohol concentration of 0.02 or higher, or tests positive for a controlled substance; or
4. refuses to take a required alcohol or controlled substance test.

Also, no driver shall use alcohol after being involved in an accident in which there was a fatality or in which the bus driver was cited for a moving violation and a vehicle was towed from the scene or an injury was treated away from the scene until he/she has been tested or eight (8) hours have passed, whichever occurs first.

Any employee who is tested and found to have an alcohol concentration of at least 0.02, but less than 0.04, shall be removed from the position until his or her next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the test. Any employee driver found to have violated this requirement may be disciplined in accordance with the provisions of the applicable collective bargaining agreement, School District policy, and/or law. Operators of "other school buses" subject to random testing pursuant to New York Law will be subject to the same consequences based upon an alcohol concentration of at least 0.02 but less than 0.04 as drivers listed above.

If a driver has an alcohol concentration of 0.04 or greater, or has engaged in prohibited alcohol or controlled substance use, he or she will be removed from driving duties, and referred to a substance abuse professional. The employee may be required to complete a treatment program and/or be disciplined pursuant to School District policy and/or collective bargaining agreement. No driver who has abused controlled substances and/or alcohol may return to duty unless he/she has successfully passed a required return to duty test. Thereafter, the driver will be subject to follow-up testing. Operators of "other school buses" subject to random testing pursuant to New York Law will be subject to the same consequences based upon an alcohol concentration of 0.04 or greater or a positive drug test as drivers listed above.

Should the School District receive a dilute test result in which the creatinine concentration is greater than 5mg/dL in the case of any pre-employment, return-to-duty, follow-up, reasonable suspicion, or random test, it is the policy of the School District that the individual shall be re-tested and that re-test will become the test of record.

Any employee who operates a commercial motor vehicle and is in a safety-sensitive function shall be subject to alcohol and controlled substance testing. An employee having any questions concerning the School District's policy or regulation, state law or the federal regulations shall contact the Superintendent of Schools.

SYOSSET CENTRAL SCHOOL DISTRICT

**ALCOHOL AND DRUG TESTING OF
BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES**

Policy 8414

Any treatment, rehabilitation program or discipline will be provided in accordance with School District policy and/or collective bargaining agreements.

I. Covered Employees

Covered employees include School District employees who operate a commercial motor vehicle, perform in a safety-sensitive position, and are required to obtain a commercial driver's license. Such employees include:

1. drivers of buses designed to transport sixteen (16) or more passengers;
2. drivers of commercial motor vehicles whose manufacturer's rating is 26,001 lbs. or more; or
3. any other employee who may drive a listed vehicle (e.g., a mechanic who performs test drives).

Such employees include, but are not limited to full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed or under lease to an employer or who operate a commercial motor vehicle at the direction or with the consent of the School District.

Drivers will be removed from their safety-sensitive functions if they violate the School District's policy or federal regulations pertaining to the possession or consumption of alcohol or controlled substances. A driver is performing a safety-sensitive function when:

1. waiting to be dispatched, unless the driver has been relieved from duty;
2. inspecting, servicing or conditioning any commercial motor vehicle;
3. driving a commercial motor vehicle;
4. attending a vehicle being loaded or unloaded;
5. performing the driver requirements of the federal regulations pertaining to accidents; and
6. attending to a disabled vehicle.

Covered employees are required to be in compliance with School District policy and regulation:

- when performing any on-duty safety-sensitive functions, including all time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility; and
- during all time spent providing a breath sample, saliva sample or urine specimen and travel time to and from the collection site in order to comply with random, reasonable suspicion, post-accident, return-to-duty or follow-up testing.

II. Prohibitions and Consequences

SYOSSET CENTRAL SCHOOL DISTRICT

**ALCOHOL AND DRUG TESTING OF
BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES**

Policy 8414

The Supervisor of Transportation or his/her designee shall prohibit an employee from driving a school bus or performing other safety-sensitive duty if the employee:

1. possesses, consumes or is reasonably believed to possess or have consumed alcohol or a controlled substance, while on duty;
2. has consumed or is under the influence of alcohol or a controlled substance within six hours before duty;
3. has an alcohol concentration of 0.02 or higher, or tests positive for controlled substances;
or
4. refuses to take a required alcohol or controlled substance test. Refusal to submit shall mean the failure to provide adequate breath or urine without a valid medical explanation or to engage in conduct that clearly obstructs the testing process, such as a failure to arrive for the drug testing or failure to sign the alcohol testing form prior to specimen collection.

An employee is prohibited from consuming alcohol within eight hours after being involved in an accident, or before undergoing a post-accident test, if such a test is required. Illegal drug use by drivers is prohibited on or off duty.

Any employee who tests 0.02 or greater but less than 0.04 will be removed from driving and other safety-sensitive duties until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

In the event that an employee has a breath alcohol concentration of 0.04 or greater, has tested positive for a controlled substance or has refused to take a test, he or she will, in addition to immediate removal from driving and any other safety-related duties, not be returned to duty until he or she:

1. has been evaluated by a substance abuse professional;
2. has complied with any treatment recommendations; and
3. has received a satisfactory result from a return to duty test.

Upon return to duty, the employee will be subject to follow-up testing.

[While New York law permits the use of medical marijuana, federal law prohibits its use. Any driver tested under the federal regulations, who tests positive for marijuana, even if such use is based upon a lawful certification under state law, will be found to have violated the federal regulations.](#)

III. Types of Testing

SYOSSET CENTRAL SCHOOL DISTRICT

**ALCOHOL AND DRUG TESTING OF
BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES**

Policy 8414

The Superintendent of Schools and the Director of Transportation shall implement the following alcohol and drug tests and will notify any employee who is required to take an alcohol or controlled substance test prior to the test that it is required pursuant to federal regulations or, in the case of pre-employment alcohol testing, School District policy.

1. Pre-employment: Controlled substance and alcohol tests will be conducted before applicants are hired or after an offer to hire, but before actually performing safety-sensitive functions for the first time. These tests will also be given when employees transfer to a safety-sensitive function.

2. Post-accident: Alcohol and controlled substance tests will be conducted if a driver is involved in an accident in which:
 - a. there has been a fatality; OR
 - b. the driver has received a citation for a moving violation in connection with the accident AND EITHER
 1. there is an injury treated away from the scene of the accident; or
 2. there is a disabled vehicle towed from the scene.

3. Reasonable Suspicion: Alcohol and controlled substance tests will be conducted if the Transportation Supervisor or other school official who has completed the minimum two hours of training has a reasonable suspicion that the driver has violated School District policy and regulation. A “reasonable suspicion” must be based on specific, contemporaneous, articulable observations concerning the driver’s behavior, appearance, speech or body odors that are characteristic of controlled substance or alcohol misuse. Alcohol tests can only be done just before, during or just after the employee drives a school bus or performs other safety-sensitive duties. The supervisor who makes the determination of reasonable suspicion cannot do the testing.

4. Random Testing: Random alcohol tests shall be conducted annually at a minimum rate of 25 percent of the average number of positions subject to such testing pursuant to federal regulation. Random alcohol tests must be conducted just before, during or just after the employee drives a bus or performs other safety-sensitive duties.

Random controlled substance tests shall be conducted annually at a minimum rate of 50 percent of the average number of positions subject to such testing pursuant to federal regulation. Random controlled substance tests may be conducted at any time.

Random alcohol and controlled substance tests must be unannounced and spread reasonably throughout the calendar year and shall be performed at a minimum rate established annually by the Federal Motor Carrier Safety Administration.

5. Return-to-Duty Testing: An employee who refused to take a test or has engaged in prohibited alcohol and controlled substance use, except for alcohol concentration of

SYOSSET CENTRAL SCHOOL DISTRICT

**ALCOHOL AND DRUG TESTING OF
BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES**

Policy 8414

between 0.02 and 0.04, shall be required to take an alcohol or controlled substance test and achieve a satisfactory result before returning to duty in the safety-sensitive position. If removal was due to alcohol use, a satisfactory result will be less than 0.02 alcohol concentration. If removal was due to controlled substance use, a satisfactory result will be one that it is verified as negative. The test will not be administered until the employee has been evaluated by a substance abuse professional and has complied with any treatment recommendations.

6. Follow-Up Testing: After an employee who was found to violate the School District's policy against alcohol and controlled substance use returns to duty, he or she will be subject to at least six unannounced tests in the first 12 months following the employee's return to duty. Follow-up testing may be extended for up to 60 months from the date of the employee's return to duty. Follow-up alcohol testing may only be conducted before, during or after the driver has performed his or her driving duties.

IV. Testing Procedures

A. Alcohol Testing Procedures

Alcohol testing will be conducted with evidential breath testing (EBT) devices approved by the National Highway Traffic Safety Administration. An approved non-evidential screening device may be used to perform screening tests but not for confirmation alcohol tests. The employee and the Breath Alcohol Technician conducting the test must complete the alcohol testing form so that the results are properly recorded.

1. Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test.
2. If the alcohol concentration is 0.02 or greater, a second or confirmation test must be conducted. The confirmation test must be conducted using an EBT that meets the requirements of federal regulations. ~~prints out the results, date and time, a sequential test number, and the name and serial number of the EBT to maintain the reliability of the results.~~
3. If the confirmation test results indicate an alcohol concentration from 0.02 to 0.03999, the employee will be restricted from duty for at least 24 hours from the time of the test.
4. If the confirmation test results indicate an alcohol concentration equal to or greater than 0.04, the employee will be removed from all safety-sensitive duties and no return to duty will be permitted until the employee has successfully passed required return-to-duty tests. The employee must also be reviewed by a Substance Abuse Professional and comply with his/her recommendations. Follow-up tests will also be required.

SYOSSET CENTRAL SCHOOL DISTRICT

ALCOHOL AND DRUG TESTING OF

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Policy 8414

5. For post-accident testing, the results of breath or blood tests conducted by law enforcement officials will be accepted as long as the testing conforms with federal and state requirements for alcohol testing and the results are made available to the School District.

All testing procedures will conform to the requirements outlined in federal regulations (49 CFR Part 40) concerning the accuracy, reliability and confidentiality of test results. These procedures include training and proficiency requirements for Breath Alcohol Technicians, quality assurance plans for the EBT devices including calibration, requirements for suitable test location, and protection of employee test records.

B. Drug Testing Procedures

The employee must provide a urine specimen [at a collection site that meets federal requirements](#) which will be analyzed at a laboratory certified and monitored by the U.S. Dept. of Health and Human Services.

1. Regulations require that each urine specimen be divided into one “primary” specimen and one “split” specimen.
2. All urine specimens are analyzed for the following drugs:
 - a. Marijuana (THC metabolite)
 - b. Cocaine
 - c. Amphetamines
 - d. Opiates (including heroin)
 - e. Phencyclidine (PCP)
3. If the primary specimen confirms the presence of one or more of these drugs, the employee has 72 hours to request that the split specimen be sent to another certified lab for analysis. [Note: The employee must be removed from driving duties at this time--pursuant to federal regulations, the driver’s removal cannot await the result of split sample.]
4. ~~If the screening test has a drug positive result, a confirmation test will then be performed for each identified drug using gas chromatography/mass spectrometry (GC/MS) analysis.~~
5. All drug test results will be reviewed and interpreted by a physician (also called a Medical Review Officer) before they are reported to the School District.
6. If the laboratory reports a positive result to the Medical Review Officer (MRO), the MRO shall interview the employee to determine if there is an alternative medical explanation for the drugs found in the employee’s urine specimen. If the employee provides appropriate documentation and the MRO determines that it is legitimate medical use of a prohibited drug, the drug test result is reported as negative.

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7. If the MRO reports a positive drug result, the employee must be evaluated by a substance abuse professional and follow his/her recommendations prior to taking a return-to-duty test. Follow-up testing is also required.
8. For post-accident testing, the results of urine tests conducted by law enforcement officials will be accepted as long as the testing conforms with federal and state requirements for controlled substance testing and the results are made available to the School District.

All controlled substance testing shall comply with the requirements of the federal regulations (49 CFR Part 40) including procedures for the proper identification, security and custody of the sample, use of certified laboratories, ~~gas chromatography/mass spectrometry analysis testing~~, assurance that all drug test results are reviewed and interpreted by a physician, and maintaining confidentiality of employee test records.

V. Dilute Specimen Testing

If the School District receives a drug test result which is negative but dilute and the creatinine concentration is greater than 5mg/dl, the School District shall require a re-test to be conducted in each of the following cases:

- Pre-employment tests
- Return-to-duty tests
- Follow-up tests
- Reasonable suspicion tests
- Random tests

The result of the re-test shall become the test of record. If the employee refuses to take the re-test it will be considered the same as a positive test result.

VI. Training

The Supervisor of Transportation and every other person designated to determine whether reasonable suspicion exists to require an employee to undergo reasonable suspicion testing must receive at least one hour of training on alcohol misuse and at least one additional hour of training on controlled substance use which they will use in making their determinations.

VII. Recordkeeping and Reporting

The Transportation Supervisor shall maintain alcohol and drug testing records [in accordance with applicable federal regulations](#) and make available, if requested, for submission to the federal government or any State or local officials with regulatory authority over the employer or any of its drivers.

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VIII. Required Notification

Every ~~affected~~ covered employee shall receive information about the signs, symptoms, and effects of alcohol misuse and controlled substance use as well as a copy of the School District's policy and procedures, the consequences of testing positive and who to contact within the School District to seek further information and/or assistance.

Each covered employee is required to sign a statement certifying that he/she has received this information. The School District shall maintain the original signed certification until the employee's employment is discontinued. The School District will provide a copy of the certification to the covered employee upon request.

IX. Penalties

Any employer or driver who violates the requirements of the federal regulations of the Omnibus Transportation Employee Testing Act of 1991 may be subject to civil penalties.

In addition, in accordance with New York State law, a bus driver convicted of driving a school bus with one or more student passengers while impaired by the use of drugs or alcohol will have his/her license revoked for one year and is subject to fines ranging from \$500 to \$5,000 and/or imprisonment. Any bus driver convicted more than once in 10 years for such crimes will have his/her license revoked for three years and is subject to a fine of \$1,000 to \$5,000 and/or imprisonment.

The Superintendent of Schools or his/her designee will provide a copy of this policy, the School District's policy on misuse of alcohol and use of controlled substances, information on alcohol and drug abuse and treatment resources and any other information prescribed by federal regulations to all school bus drivers and other appropriate personnel prior to the initiation of the testing program and to each driver subsequently hired or transferred to a position subject to testing.

Cross-ref:

Ref: Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§31136; 31306
49 U.S.C. §521(b); 49 CFR Part 391; 49 CFR Part 382; 49 CFR Part 40;
49 CFR §395.2
Vehicle and Traffic Law §§509-1; 1192; 1193; 6 NYCRR 17-3; 8 NYCRR 156.3(h)

Adoption date: May 11, 2015

SYOSSET CENTRAL SCHOOL DISTRICT

ALCOHOL AND DRUG TESTING OF BUS DRIVERS

Policy 8414 Exhibits

8414-Exhibit 1

ALCOHOL AND DRUG TESTING PROGRAM ACKNOWLEDGMENT FORM

I, _____, have received, read and understand the Alcohol and Drug Testing Program policy and regulation. I consent to submit to the alcohol and drug testing program as required by law and School District policy and regulation.

I understand that if I am being required to submit to a pre-employment alcohol test or a dilute specimen re-test, such test is required pursuant to School District policy for employment with the School District and not pursuant to federal regulations.

I understand that if I violate School District policy, regulation or the law, I may be subject to discipline up to and including termination or I may be required to successfully participate in a substance abuse evaluation and, if recommended, a substance abuse treatment program. If I am required to and fail to or refuse to successfully participate in a substance abuse evaluation or recommended substance abuse treatment program, I understand I may be subject to discipline up to and including termination.

Signature of Employee

Date