

HOMEBOUND INSTRUCTION

Homebound instruction is a service provided to students who are unable to participate in their usual educational setting, at home or in a hospital or other institution for the treatment of children (other than a school), due to temporary or chronic illness or injury for physical, mental or emotional reasons. Homebound instruction is provided to students anticipated to be unable to attend school in person for at least ten days during a three-month period, as documented by the student's treating healthcare provider (who is licensed or authorized to provide diagnosis under Title 8 of the Education Law).

Parents/guardians must make a request for homebound instruction to the district's Medical Director or designee. Such request must include written medical verification from the student's treating healthcare provider (who is licensed or authorized by the state to provide diagnosis), and consent for the Medical Director or designee to contact the treating healthcare provider. The Medical Director will review the request and may contact the treating healthcare provider to obtain additional information. The Medical Director must notify the parent/guardian of the district's approval or denial within five school days after receiving the written medical verification. The parent may appeal denials to the Board of Education within ten school days of receiving the denial notification. If the request is approved, or if the request is denied and an appeal is pending before the Board, the district will provide instructional services within five school days after receiving notification of the student's medical condition or request for homebound instruction.

When approved for homebound instruction, secondary students receive instruction for at least ten hours per week, for at least three hours per day if possible. Elementary students receive at least ten hours per week, for at least one hour per day if possible. Students receive credit for their work while on homebound instruction.

The higher minimum hours of instruction listed above may be reduced upon parent/guardian request, supported by documentation by the treating healthcare provider, but may not be lower than the lower minimum hours listed above. In such cases, the district must:

- ensure that the student is unable to receive the minimum hours of instruction
- document the reason in the instruction delivery plan described below
- review the plan at least once a month to determine when the hours can be increased.

Once approved, the district makes provisions for homebound instruction for all students residing in the district attending public and nonpublic schools in grades Kindergarten to age 21. Homebound instruction may be provided by the district, or by a tutor, who must hold a New York State teaching certificate and who may be employed by a BOCES. Hospital or institutional instruction may be provided via

contract with a school connected with that hospital or institution, or the district where it is located. Homebound instruction may include remote instruction as defined in state regulations 8 NYCRR §100.1(u).

The district will establish a written instruction delivery plan, with input obtained and considered from the parent/guardian and, if appropriate, the student. The plan will include at least: the number of hours per week and per day of instruction, the method instruction will be delivered, the location of services, and an explanation of how the services will enable the student to maintain academic progress. The district will review the plan as needed based on the needs of the student, or if conditions have changed. The district will maintain a record of the dates, amount, and type of instructional services the student received, including the instructor's name, subjects taught, and location where services were provided.

Homebound instruction will strive to keep students on pace to rejoin their class and maintain academic progress. The Board recognizes that students who are out of school for extended periods of time are at risk of falling behind academically and/or losing connection to the school community. The Board directs the administration to evaluate periodically whether homebound instruction is effective in keeping students on track to graduate, and if not, to take steps to improve instruction and implement approaches and/or offer services that support the transition back to school.

Students with Disabilities

Students with disabilities may request home, hospital or institutional instruction as outlined above. In order for the district to provide a student with a disability with the programs and/or services outlined in their IEP in a home, hospital or institutional setting, the Committee on Special Education must meet and determine that the student's educational placement should be "home and hospital" as defined and described in 8 NYCRR sections 200.1 and 200.6.

Once the district has granted a request for home, hospital or institutional instruction for a student with a disability, the CSE will meet to make the determination of the special education programs and related services the student will receive in the home, hospital or institutional setting, and will indicate that in the student's IEP. Any related services so provided would be in addition to the minimum hours of instruction required by state regulations.

Students Instructed Out of School Due to Suspension

Students who have been suspended from school will be provided with alternative instruction, as described in the district's Code of Conduct. Such instruction may be provided in the student's home or other location, including remotely, as determined by the district, balancing the best interests of the student, the safety of district personnel, and the district's resources. The district's homebound instructors may be utilized, if available. Such instruction is not subject to the requirements of state regulations for homebound instruction (8 NYCRR §100.22) referenced in the rest of

this policy. However, students of compulsory education age must receive the same minimum hours of instruction required for homebound instruction outlined above. Any such instruction will be substantially equivalent to the instruction the student would have received in the regular education environment, to be determined by the district on a case-by-case basis.

Cross-ref. 5100, Student Attendance

Ref. Education Law §§1709(24); 4401 et seq. 8 NYCRR § 175.21
8 NYCRR §§100.1(u); 100.22; 175.21; 200.1; 200.6
Appeal of Camille S. 39 EDR 574 (Dec. No. 14,316) (2000)
Formal Opinion of Counsel No. 243, Office of Counsel, NYSED,
<https://www.counsel.nysed.gov/sites/counsel/files/243.pdf> (10/3/23)
Home, Hospital, or Institutional Instruction Frequently Asked Questions, NYSED (Jan. 2023),
<https://www.p12.nysed.gov/sss/ssae/AltEd/documents/home-hospital-or-institutional-instruction-faqs.pdf>

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AGENDA ITEM

**CODE OF CONDUCT
CORPORAL PUNISHMENT**

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any district employee is strictly forbidden.

Corporal punishment does not include the use of physical restraint to protect the student, another student, teacher or any other person from physical injury, when alternative procedures and methods not involving the use of physical restraint cannot reasonably be employed to achieve these purposes.

Physical restraint will not be used to prevent property damage, except in situations where there is imminent danger of serious physical harm to the student or others, and the student has not responded to positive, proactive intervention strategies.

The authorized use of timeout and physical restraint is addressed in policy 4321.12 and regulation 4321.12-R.

The district will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with commissioner's regulations.

**Before making any revisions to the code, the Board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate. The Code of Conduct and any amendments to it will be filed with the Commissioner of Education no later than 30 days after adoption.*

AGENDA ITEM

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- Adoption Date: June 28, 2005
- Adoption Date: November 2007
- Adoption Date: January 22, 2008
- Adoption Date: September 9, 2008
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- Adoption Date: September 22, 2009
- Adoption Date: August 24, 2010
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USE OF SURVEILLANCE CAMERAS ON SCHOOL PROPERTY

The Board of Education is responsible for maintaining and fostering student discipline, as well as safeguarding the facilities and property of the district. The Board further recognizes the importance of student, staff and visitor privacy. The Board supports the use of surveillance cameras on school grounds. Cameras are an important component of the district's overall approach to safety, in conjunction with the district's school safety plans. Surveillance cameras are intended to monitor student behavior, promote student and staff safety, and to deter vandalism and other criminal activity. However, this does not preclude other uses deemed appropriate by the Board of Education. Recordings may be used as evidence of misconduct in disciplinary proceedings.

District surveillance cameras will only be used in public areas where there is no "reasonable expectation of privacy." Audio recordings and/or surveillance will not be utilized by school district employees, however, such prohibition does not preclude the use of audio recordings by law enforcement officials in accordance with their duties and/or as otherwise authorized by law.

Any video recording used for surveillance purposes in school buildings and/or on school property will be the sole property of the district. The Superintendent or designee will be the custodian of such recordings. All video recordings will be stored in their original form and secured to avoid tampering and protect confidentiality. The district will comply with all applicable state and federal laws related to student records in retaining these recordings.

Requests to view a video recording must be made in writing to the Superintendent or designee. If the request is granted, viewing shall occur in the presence of an administrator. Under no circumstances will the video be duplicated and/or removed from district premises, unless in accordance with a court order and/or subpoena.

The district will post appropriate signage at entrances to the school notifying students, staff and the general public of the district's use of surveillance cameras. Students and staff will receive additional notification. Such notification may include publication in the district calendar, employee handbook and student handbook.

The Superintendent is authorized to develop such regulations and procedures as may be necessary to implement this policy.

DEER PARK

8210.1

Ref: 20 U.S.C. §1232g (Family Educational Rights & Privacy Act)
Arts & Cultural Affairs Law Art. 57-A
Public Officers Law §87
Records Retention & Disposition Schedules for Use by School Districts,
Schedule ED-1

AGENDA ITEM

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ARTIFICIAL INTELLIGENCE

The use of artificial intelligence (AI) has permeated aspects of everyday life, including school district operations, such as email spam filters, navigation apps, search engines, speech recorders, spelling and grammar checkers, and word processing auto-complete suggestions, often embedded into commonly used software. Generative artificial intelligence is a type of AI technology that can quickly generate large amounts of high-quality, convincingly authentic, human-like content, such as language, computer code, data analysis, images, video, and audio, in response to a prompt, based on data that it was trained on.

The widespread availability and use of generative artificial intelligence (GenAI) presents both challenges and opportunities for the district. Care must be taken to address and mitigate the challenges, and maximize the opportunities, to improve student learning and district operations.

Acknowledgements

The district acknowledges that many students are able to access GenAI outside of school, and may be able to use GenAI to complete school assignments. However, not all students are able or willing to do so, and should not be penalized for not using GenAI.

The district further acknowledges that the tools to detect the use of GenAI accurately, consistently and fairly may not be available, may quickly become obsolete, or may be biased against English Language Learners.

The district also acknowledges that the data used to train GenAI models is not usually made public, may be biased, and may violate copyright laws. The responses generated by GenAI may be biased, wrong, or violate copyright laws.

Guidelines

The district's existing policies on acceptable use of computers (4526 and 8630) and academic honesty (5300) apply to student use of GenAI. Additionally, the following guidelines are in place:

1. The Board supports including the principles of responsible and effective use of GenAI as it relates to the curriculum as well as life outside of or beyond school.
2. Students are responsible for their own work, and any errors it may contain, and must cite the sources they use as required by the classroom teacher.
3. The Board respects the professional capacity of the instructional staff to assign work that is less susceptible to student use of GenAI to circumvent

learning, and allow for multiple methods for students to demonstrate competence and understanding.

4. Instructional staff must be clear about their expectations for student use of GenAI in assignments. Staff who suspect a student has not done an assignment on their own can request that the student demonstrate their knowledge of the material in other ways, to the same extent they already do.

Any student use of GenAI in schools, on school networks/computers, or for school purposes must be compliant with Education Law 2-d and its regulations, particularly whenever student Personally Identifiable Information is disclosed, including third-party agreements where applicable. Staff must consult with the district's Data Protection Officer to determine compliance with Education Law 2-d. Staff must also be mindful that some GenAI tools are free and others are not, that some GenAI tools are not permitted to be used by those under certain ages, or require parent permission, and that some students and/or parents may not wish to use GenAI tools or input their work into them.

Employees may utilize GenAI tools, with approval from their supervisor, consistent with this policy and the district's Acceptable Use of Computers policy(ies), to complement and/or improve teaching or work output, while they remain responsible for all work they produce, and must always review any work generated by GenAI.

Requirements

Because any information used as input in a GenAI may be used by that system and potentially made available to other users of the system, district users must not input any sensitive, copyrighted, proprietary, or confidential district information, consistent with applicable state and federal laws and district policies, including but not limited to the following:

1. Student information: anything that would be protected by FERPA (see policy 5500) or Education Law 2-d (see policy 8365).
2. Staff information: anything that would be protected by Education Law 2-d (see policy 8365), or other confidential personnel information.
3. School district information: anything that would be withheld from a Freedom of Information Law (FOIL) request (see policy 1120).

Additionally, users of GenAI must exercise caution before inputting any work created by district students or employees. When using GenAI for school purposes, users must avoid violating copyright protections.

Cross-ref:

1120, School District Records
4526, Computer Use in Instruction
4526.1, Internet Safety
5300, Code of Conduct
5500, Student Records
8630, Computer Resources and Data Management

DEER PARK

8636

8635, Information and Data Privacy, Security, Breach and Notification
8650, School District Compliance with Copyright Law

Ref:

Family Educational Rights and Privacy Act, as amended, 20 USC 1232g; 34 CFR Part 99
Public Officers Law §84 et seq. (Freedom of Information Law)
Education Law §2-d
8 NYCRR Part 121

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CONDITIONAL APPOINTMENT & EMERGENCY CONDITIONAL APPOINTMENT STUDENT SAFETY POLICY

The Board of Education recognizes that there may be instances in which it is necessary, upon recommendation of the Superintendent of Schools, for the Board to make a conditional appointment or an emergency conditional appointment of a prospective employee. To provide for the safety of students who have contact with an employee holding a conditional appointment or an emergency conditional appointment, the Board adopts the following policy.

No district employee who holds a conditional or emergency conditional appointment will be in contact with students other than to provide the specific instruction or other services for which the employee was hired, except as deemed appropriate by the Building Principal.

No district employee who holds a conditional or emergency conditional appointment will teach a class or provide services to students with the classroom or office door closed unless the Building Principal has provided express prior permission to do otherwise. Such permission may be appropriate, for example, during music class, band practice or testing procedures.

The Building Principal or designee will at least twice per week, monitor the activities of such employees, while providing services to students during the period of their conditional or emergency conditional appointment.

In addition, the district will ensure that all conditional and emergency conditional appointed employees are aware of and receive training regarding the prohibition against child abuse in an educational setting and of their responsibility for reporting any such abuse at the commencement of their conditional or emergency conditional appointment.

Failure to comply with this policy will result in appropriate disciplinary action.

For purposes of this policy, the terms "conditional appointment" and "emergency conditional appointment" refers to any employee holding conditional or emergency conditional appointment, as defined in Section 1709 of the Education Law.

Prospective employees subject to these requirements are those seeking a compensated position with the district, who are not already employed by the district or a student enrolled at the school, to provide services which involve direct contact with students under the age of 21, either by in-person face-to-face communication or interaction, or any other form of direct communication or interaction, including but not limited to digital or audio-based technology.

The following individuals are exempted: (1) bus drivers and attendants cleared through the Vehicle and Traffic Law, (2) individuals who provided services to the district in the previous school year either in a compensated position, as an employee

of a contracted services provider, or placed pursuant to a public assistance employment program, or (3) individuals who are only expected to provide services for no more than five days in a school year, provided district employees provide in-person supervision during the services.

Ref: Education Law §§1125-1133, 1604, 1709, 1804, 2503, 2554, 3035
8 NYCRR §§100.2 (hh); Part 87

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POLICY ON THE RIGHTS OF EMPLOYEES TO EXPRESS BREAST MILK IN THE WORKPLACE

Section 206-c of the New York State Labor Law gives all employees in New York the right to express breast milk in the workplace. This law applies to all public and private employers in New York State, regardless of size or the nature of their business.

The New York State Department of Labor has developed the official policy on breast milk expression in the workplace as required by the law, ensuring that all employees know their rights and all employers understand their responsibilities. This policy is the minimum required standard, but employers are encouraged to include additional accommodations tailored to their workplace.

With the information provided below, employees will learn how much time they are allowed for breast milk expression, the kind of space employers are required to provide for breast milk expression, how to notify employers about the need to express breast milk in the workplace, and how to notify the Department of Labor if these rights are not honored.

Employers are required to provide this policy in writing to all employees when they are hired and again every year after. Employers are also required to provide the policy to employees as soon as they return to work following the birth of a child.

Using Break Time for Breast Milk Expression

Employers must provide reasonable unpaid break time for their employees to express breast milk. In addition, employees must also be permitted to use their paid break time or meal time to express breast milk. This time must be provided for up to three years following childbirth. Employers must provide unpaid break time at least every three hours if requested by the employee. However, the number of unpaid breaks an employee will need to express breast milk is unique to each employee and employers must provide reasonable break times based on the individual. Employers are prohibited from discriminating in any way against an employee who chooses to express breast milk in the workplace.

An employee must be permitted to work before or after their normal shift to make up any time used as unpaid break time to express breast milk, as long as this time falls within the employer's normal work hours. However, an employee is not required to make up their unpaid break time.

All employers must continue to follow existing federal and state laws, regulations, and guidance regarding paid and unpaid break time and meal times regardless of whether the employee uses such time to express breast milk. For additional

information regarding what constitutes a meal period or a break period under state and federal law, please see the following resources:

- NY Department of Labor Website on Day of Rest, Break Time, and Meal Periods: dol.ny.gov/day-rest-and-meal-periods
- NY Department of Labor FAQs on Meal and Rest Periods: dol.ny.gov/system/files/documents/2021/03/meal-and-rest-periods-frequently-asked-questions.pdf
- U.S. Department of Labor FLSA FAQ on Meal and Rest Periods: dol.gov/agencies/whd/fact-sheets/22-flsa-hours-worked
- U.S. Department of Labor FLSA Fact Sheet on Compensation for Break Time to Pump Breast Milk: dol.gov/agencies/whd/fact-sheets/73-flsa-break-time-nursing-mothers

While an employer cannot require that an employee works while expressing breast milk, nothing in Labor Law 206-c prevents an employee from voluntarily choosing to do so. Time working while expressing breast milk must be compensated. Unpaid breaks provided for the expression of breast milk must be at least twenty minutes. However, if the designated lactation room where such break will be taken is not close to an employee's work station, the provided break must be at least thirty minutes. An employee must be allowed to take a longer unpaid break if needed. Employees may also opt to take shorter unpaid breaks. Employees who work remotely have the same rights to unpaid time off for the purpose of expressing breast milk, as all other employees who perform their work in-person.

Making a Request to Express Breast Milk at Work

If an employee wants to express breast milk at work, they need to give employers reasonable advance notice, generally before returning to the workplace if the employee is on leave. This advance notice is to allow employers the time to find an appropriate location and adjust schedules if needed. Employees wishing to request a room or other location to express breast milk in the workplace should do so by submitting a written request to their direct supervisor or individual designated by their employer for processing requests. Employers must respond to this request for a room or other location to express breast milk in writing within five days. Employers must notify all employees in writing through email or printed memo when a room or other location has been designated for breast milk expression.

Lactation Room Requirements

In addition to providing the necessary time during the workday, employers must provide a private room or alternative location for the purpose of breast milk expression. The space provided for breast milk expression cannot be a restroom or toilet stall.

The room or other location must:

- Be close to an employee's work area
- Provide good natural or artificial light
- Be private – both shielded from view and free from intrusion
- Have accessible, clean running water nearby
- Have an electrical outlet (if the workplace is supplied with electricity)
- Include a chair
- Provide a desk, small table, desk, counter or other flat surface

There does not need to be a separate space for every nursing employee. An employer may dedicate a single room or other location for breast milk expression. Should there be more than one employee at a time needing access to a lactation room, an employer may dedicate a centralized location to be used by all employees.

Any space provided for breast milk expression must be close to the work area of the employee(s) using the space. The space must be in walking distance, and the distance to the location should not significantly extend an employee(s) needed break time.

Employers located in shared work areas, such as office buildings, malls and similar spaces may work together to establish and maintain a dedicated lactation room, as long as such space(s) are a reasonable distance from the employees using the room. Each employer utilizing this common space is individually responsible for making sure the room meets the needs of their employees.

If there is not a separate room or space available for lactation, an employer may use a vacant office or other available room on a temporary basis. This room must not be accessible to the public or other employees while an employee is using it for breast milk expression.

As a last resort, an available cubicle may be used for breast milk expression. A cubicle can only be used if it is fully enclosed with a partition and is not otherwise accessible to the public or other employees while being used for breast milk expression. The cubicle walls must be at least seven feet tall to insure the employee's privacy.

To ensure privacy, if the lactation room has a window, it must be covered with a curtain, blind or other covering. In addition, the lactation space should have a door equipped with a functional lock. If this is not possible (such as in the case of a fully enclosed cubicle), as a last resort, an employer must utilize a sign advising the space is in use and not accessible to other employees or the public.

If the workplace has a refrigerator, employers must allow employees to use it to store breast milk. However, employers are not responsible for ensuring the

safekeeping of expressed milk stored in any refrigerator in the workplace. Employees are required to store all expressed milk in closed containers and bring milk home each evening.

The space designated for expressing breast milk must be maintained and clean at all times.

If an employer can demonstrate undue hardship in providing a space with the above requirements, the employer must still provide a room or other location - other than a restroom or toilet stall - that is in close proximity to the work area where an employee can express breast milk in privacy, that meets as many of the requirements as possible. Undue hardship is defined in the statute as “causing significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer’s business.” However, an employer may not deny an employee the right to express breast milk in the workplace due to difficulty in finding a location.

New York State Department of Labor Resources

If an employee believes that they are experiencing retaliation for expressing breast milk in the workplace, or that their employer is in violation of this policy, should contact the New York State Department of Labor’s Division of Labor Standards. Call us at 1-888-52-LABOR, email us at LSAsk@labor.ny.gov, or visit the nearest Labor Standards office to personally file a complaint.

A list of our offices is available at dol.ny.gov/location/contact-division-labor-standards. Complaints are confidential.

Federal Resources

The federal PUMP Act went into effect in 2023, expanding protections for almost all employees expressing breast milk at work. Under the PUMP Act, any covered workers not provided with breaks and adequate space for up to a year after the birth of a child are able to file a complaint with the U.S. Department of Labor or file a lawsuit against their employers. For more information, please visit dol.gov/agencies/whd/pump-at-work.

Ref:
29 USC §218d (Breastfeeding Accommodations in the Workplace)
Labor Law §206-c

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