

CONTENTS

Preface.....	xiii
Acknowledgment.....	xiv
General Information and Abbreviations.....	xv
Introduction.....	xix
New Statutory and Regulatory Law.....	xix
State Statutes.....	xix
State Statutory Changes Awaiting Action by the Governor.....	xxvi
The Board of Regents and State Regulations.....	xxvii
New Case Law.....	xxix
1. The Structure of the New York State School System.....	1
Legal Framework.....	1
The New York State Board of Regents.....	3
The New York State Education Department.....	4
The Commissioner of Education.....	4
Local School Districts.....	6
The Parent-Teacher Association.....	9
2. School Boards and School District Officers.....	11
Board Composition.....	11
School Board Member Qualifications.....	15
Incompatibility of Office.....	17
School Board Member Nominations.....	20
Election of School Board Members.....	24
School Board Organizational Meeting.....	26
Board Vacancies.....	28
Resignation and Removal of Board Members.....	29
School Board Powers and Duties.....	33
Ethics and Conflicts of Interest.....	38
School Board Policies.....	43
The School District's Officers.....	44
Shared Decision Making.....	48
3. School Board Meetings and School District Records.....	53
School Board Meetings.....	53
School District Records.....	61
4. School Budget Development and Adoption.....	69
The School District Budget.....	69
School Budget Components and Attachments.....	70
School Budget Hearing.....	74
Voter Approval of School Budget.....	76
Fund Balances, Appropriations and Transfers.....	78
Contingency Budgets.....	79
5. Annual and Special School District Meetings.....	87
The Annual Meeting and Election.....	87

Special School District Meetings.....	91
Voter Propositions.....	93
6. Voting at School District Meetings.....	97
Qualifications of Voters.....	97
Voter Registration.....	98
Challenges to Voter Qualifications.....	101
The Voting Process.....	103
Absentee Ballots.....	109
Improper Advocacy.....	112
Electioneering.....	118
7. Boards of Cooperative Educational Services (BOCES).....	121
BOCES Board Membership.....	122
Duties and Powers of a BOCES Board.....	124
BOCES Services.....	127
BOCES Annual Meeting.....	129
Adoption of the BOCES Budget.....	130
8. The District Superintendent.....	135
9. School Administrators.....	143
Superintendent of Schools.....	152
Principals.....	157
10. Teachers—Employment Qualifications, Certification, and Fingerprinting Requirements.....	159
Teacher Employment Qualifications.....	159
Certification Requirements.....	167
Certification Revocation and Suspension.....	183
Coaching and Athletic Trainer Certification Requirements.....	186
Fingerprinting Requirements.....	189
11. Teacher Rights and Responsibilities.....	197
Tenure Rights and Tenure Areas.....	197
Probationary Appointments and the Granting of Tenure.....	202
Seniority Rights.....	213
Abolition of Positions and Excessing.....	219
Professional Development.....	225
Performance Evaluation.....	231
Teachers' Compensation and Benefits.....	233
Other Teacher Rights and Responsibilities.....	241
12. Discipline and Termination of Tenured Teachers.....	249
Overview.....	249
The Filing of Charges.....	253
Hearing Officers.....	254
Conducting a 3020-a Hearing.....	255
Appeals.....	258
Suspensions While Charges are Pending.....	260
13. Noninstructional Employees.....	263
The Civil Service.....	263

The Classified Service.....	264
The Competitive Class.....	268
Compensation and Leave Entitlements.....	273
Termination and Discipline of Noninstructional Employees.....	274
Abolition of Noninstructional Positions.....	279
Security Guards.....	281
14. Employee Relations.....	283
Contracts of Employment.....	283
The Taylor Law.....	287
Employee Representation under the Taylor Law.....	290
Managerial and Confidential Employees.....	296
The Collective Bargaining Process.....	297
Improper Practices.....	308
Grievances.....	313
Family and Medical Leave Act.....	316
Other Leave Requirements.....	319
15. Retirement.....	323
Overview of Public Retirement Systems.....	324
Teachers' Retirement System.....	336
Employees' Retirement System.....	339
Social Security.....	341
16. Students — School Attendance.....	343
Compulsory Attendance Rules.....	343
Student Absences.....	348
School Assignments.....	353
Student Residency.....	355
Homeless Students.....	361
17. Students — Health and Welfare.....	367
School Health Services.....	367
Health Examinations.....	369
Immunizations.....	371
Communicable Diseases.....	375
Medication, Drug Testing, and Other Safety Precautions.....	377
Student Employment.....	379
School Food Service Programs.....	381
18. Students — Safety.....	387
Release of Students from School.....	387
Missing Children.....	387
Abused and Maltreated Children.....	389
Child Abuse in an Educational Setting.....	391
Sex Offender Registration Act ("Megan's Law").....	393
19. Student Constitutional Rights.....	397
Free Speech.....	397
Search and Seizure.....	406
Other.....	411

20. Student Discipline.....	415
Codes of Conduct.....	415
Disciplinary Penalties	418
Classroom Removals and School Suspensions.....	422
Classroom Removal Procedures	426
Short-Term Suspension Procedures	427
Long-Term Suspension Procedures	428
Student Disciplinary Hearings	431
Gun-Free Schools Act.....	434
21. Students with Disabilities	437
Applicable Laws and Basic Definitions.....	437
School District Responsibilities.....	441
The Committee on Special Education.....	448
Parental Consent	454
Parental Challenges.....	456
Tuition Reimbursement.....	462
Disciplining Students with Disabilities.....	464
Private School Children with Disabilities.....	470
Preschool Children with Disabilities	472
22. Instruction and Curricula	475
Instructional Time Requirements.....	475
Instructional Program Requirements Prekindergarten — Grade 8	477
Instructional Program/Diploma Requirements Grades 9–12.....	480
State Learning Standards and Academic Intervention Services	482
Curriculum	486
Required State Assessments.....	494
School Report Cards	498
Student Report Cards and Progress Reports	500
School and District Accountability	500
Contracts for Excellence.....	509
Instructional Materials and Resources	511
23. School District Reorganization.....	517
Reorganization Procedures	519
Impact of Reorganization.....	522
24. School Buildings and Grounds	525
Acquisition and Disposal of School Property.....	526
Construction and Renovation of Facilities.....	529
Closing of School Buildings	534
Use of Public School Buildings and Grounds.....	535
Display of Flag on School Grounds.....	541
Conduct on School Property	542
Parking and Traffic Rules.....	545
Commercialism in the Public Schools	546
25. School Building Safety	549
Emergency Management.....	549

Building Structure Safety.....	555
Workplace Safety	561
Hazardous Materials and Toxic Substances.....	564
Radon	570
Lead.....	570
Indoor Air Quality.....	571
Asbestos	573
Mercury.....	578
Deodorizers.....	579
Green Cleaning Products	580
26. School District Liability and School Insurance.....	581
Negligence	583
Section 1983 Liability.....	590
Employment Discrimination.....	594
Sexual Harassment.....	597
Defense and Indemnification	600
Insurance.....	603
Workers' Compensation and Unemployment Insurance.....	606
27. Fiscal Management.....	609
Overview of Legal Framework.....	609
Cash Management.....	615
Gifts.....	619
Reserve Funds.....	620
Purchasing of Materials and Services.....	628
Competitive Bidding.....	631
Borrowing.....	634
28. Assessment and Collection of Taxes	639
Assessment.....	640
Tax Certiorari Proceedings.....	643
Tax Exemptions — General.....	645
State School Tax Relief Program (STAR) Exemption.....	648
Determining the Tax Rate	652
Tax Collection.....	653
Industrial Development Agencies.....	657
29. State Aid.....	659
Calculation and Distribution of State Aid.....	669
30. Transportation.....	673
Bus Routes and Pick-up Points.....	679
School Buses.....	681
School Bus Safety.....	685
School Bus Drivers.....	690
School Bus Monitors and Attendants.....	697
Purchase and Lease of School Buses and Transportation Contracts.....	699
State Aid for Transportation.....	703
Transportation for Nonpublic School Students.....	704

31. Religion and Public Education	709
Prayer and Moments of Silence	710
Student Religious Groups	714
Teaching of Religion	715
Religious Observances	717
Religious Symbols	720
Vouchers	722
32. Nonpublic Schools and Home Instruction	723
Nonpublic Schools	723
Services for Nonpublic School Students	727
Home Instruction	730
Homebound Instruction	736
33. Charter Schools	739
Formation of Charter Schools	739
Operation of Charter Schools	743
Student Admissions and Enrollment	745
Academic Program and Services	746
Charter School Funding	747
Charter School Personnel	749
Index	751