

CODE OF CONDUCT

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CODE OF CONDUCT

5300.05 INTRODUCTION

The Board of Education is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents and other visitors is essential to achieving this goal.

The district has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly. To this end, the Board adopts this code of conduct ("code").

Unless otherwise indicated, this code applies to all students, school personnel, parents and other visitors when on school property or attending a school function.

5300.10 DEFINITIONS

For purposes of this code, the following definitions apply.

“Disability” means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.

“Disruptive student” means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

“Employee” means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of

article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.

“Gender” means actual or perceived sex and includes a person’s gender identity or expression.

“Harassment” and “bullying” shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property. Acts of harassment and bullying shall include, but not be limited to, those acts based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. For the purposes of this definition the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

Plain Language Version:

A person is bullied when he or she is exposed to negative actions on the part of one or more other persons. It is aggressive behavior that intends to hurt, threaten or frighten another person. An imbalance of power between the bully and the victim is involved. Bullying creates an intimidating, hostile educational environment for the student who is bullied.

Bullying includes but is not limited to the following components:

- Aggressive behavior that involves unwanted, negative actions.
- A pattern of behavior repeated over time.
- Physically or emotionally harming a student or damaging a student’s property or threatening to do so.
- Placing a student in reasonable fear of physical harm or damage to his or her property.
- Is so severe, persistent, or pervasive that it creates an intimidating, hostile educational environment for the student who is bullied.

“Parent” means parent, guardian or person in parental relation to a student.

“School property” means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus.

“School bus” means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

"School function" means any school-sponsored extra-curricular event or activity.

“Sexual orientation” means actual or perceived heterosexuality, homosexuality, or bisexuality.

"Violent student" means a student under the age of 21 who:

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Possess, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

"Weapon" means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

5300.15 STUDENT RIGHTS AND RESPONSIBILITIES**A. Student Rights**

The district is committed to safeguarding the rights given to all students under state and federal law. In addition, to promote a safe, healthy, orderly and civil school environment, all district students have the right to:

1. Take part in all district activities on an equal basis regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.

B. Student Responsibilities

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show mutual respect and dignity to other persons and to other persons' property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

5300.20 ESSENTIAL PARTNERS**A. Parents**

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and the district.
9. Build good relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.

B. Teachers

All district teachers and professional staff are expected to:

1. Maintain a climate of mutual respect and dignity, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines

- d. Expectations for students
 - e. Classroom discipline plan.
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.
 7. Employ non-discriminatory instructional strategies Maintain a classroom that is free from discrimination or harassment based upon actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, sex or gender.
 8. Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
 10. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
 11. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention in a timely manner.
- C. Pupil Personnel, Guidance Counselors, Social Workers and Psychologists
1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
 2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
 3. Regularly review with students their educational progress and career plans.
 4. Provide information to assist students with career planning.
 5. Encourage students to benefit from the curriculum and extracurricular programs.
 6. Utilize non-discriminatory counseling methods.
- D. Principals
1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
 2. Ensure that students and staff have the opportunity to communicate regularly with the Principal and approach the Principal for redress of grievances.
 3. Evaluate on a regular basis all instructional programs.
 4. Support the development of and student participation in appropriate extracurricular activities.
 5. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
- E. Superintendent

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Review with district administrators the policies of the Board of education and state and federal laws relating to school operations and management.
3. Inform the Board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

F. Board of Education

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
2. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
4. Adopt and review at least annually the School District's Dignity Act Policy.

5300.25 STUDENT DRESS CODE

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

A student's dress, grooming and appearance, including hair style/color, jewelry, make-up, and nails, shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments are not appropriate.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be

- allowed.
5. Not include the wearing of hats or other headwear in the school building except for a medical or religious purpose.
 6. Not include items that are vulgar, obscene, libelous, or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
 7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

Each Building Principal or his/her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item, and if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

5300.30 PROHIBITED STUDENT CONDUCT

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct.

Students may be subject to disciplinary action, up to and including suspension from school, and/or legal action when they:

- A. Engage in conduct that is disorderly, or aid and abet others to do so.

Examples of disorderly conduct include:

1. Running in hallways.
2. Making unreasonable noise.
3. Using language or gestures that is profane, lewd, vulgar or abusive.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act which disrupts the normal operation of the school community.
6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the School District's Acceptable Use Policy.
8. Cell phone use:
 - at Middle School High School, cell phones and other electronic devices are not to be used during class periods unless authorized to do so by a teacher.
 - at Pequenaconck Elementary School no cell phone is to be visible during the school day. Cell phone use is prohibited during the school day.

B. Engage in conduct that is insubordinate, or aide and abet others to do so. Examples of insubordinate conduct include:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
2. Lateness for, missing or leaving school without permission.
3. Skipping detention.

C. Engage in conduct that is disruptive or offensive, or aid and abet others to do so. Examples of disruptive conduct include:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
2. Inappropriate public sexual contact.
3. Intimidation, whether physical, oral, written or electronic, including, without limitation:
 - (a) Threatening to assault, injure or harm another person;
 - (b) Threatening to damage, destroy or misappropriate public or private property without authorization;
 - (c) Abusing any person through the use of "fighting words," profanity, or terms of abuse based upon race, ethnicity, religion, national origin, gender, gender orientation or

disability;

(d) Subjecting, or threatening to subject, any person to unwelcome sexual contact or engaging in other conduct of a sexual nature which creates a hostile environment for the target of such conduct;

(e) Words or conduct which, by their nature, create a reasonable possibility of leading to violence or disruption of school activities;

4. Harassment (including but not limited to bullying, cyber-bullying and sexual harassment), by the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex
5. False alarms or bomb threats; transmitting false fire or emergency calls; discharging fire extinguishers without cause; disabling, damaging or interfering with school security equipment.

D. Engage in conduct that is violent or destructive, , or aid and abet others to do so, including but not limited to:

1. Committing an act of violence (such as hitting, kicking, punching, cutting and scratching) upon a teacher, administrator or other school employee or attempting to do so.
2. Committing an act of violence (such as fighting with, hitting, kicking, punching, cutting and scratching) upon another student or any other person lawfully on school property, at a school function or attempting to do so.
3. Possessing, displaying, using, or threatening to use a weapon or what appears to be a weapon (including any instrument or device which is capable of causing physical injury, and which is not being used for a non-injurious purpose).
4. Sexual assault or other forcible and/or unwelcome sexual act.
5. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
6. Intentionally damaging or destroying School District property.

E. Engage in any conduct that endangers the safety, morals, health, dignity or welfare of others. Examples of such conduct include:

1. Subjecting other students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
 2. Stealing School District property, the property of other students, school personnel or any other person lawfully on school property or attending a school function. This offense includes knowingly receiving stolen property.
 3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
 4. Discrimination, which includes the use of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex as a basis for treating another
 5. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
 6. Selling, using or possessing obscene material.
 7. Using vulgar or abusive language, cursing or swearing.
 8. Smoking a cigarette, cigar, pipe or using chewing, smokeless tobacco or electronic cigarettes.
 9. Possessing, consuming, selling, distributing or exchanging, or offering to sell, distribute or exchange, alcoholic beverages, drugs, controlled substances or drug-related paraphernalia, or being under the influence of alcohol, drugs or controlled substances. This offense includes the possession, sale, distribution and exchange, and the offer to sell, distribute or exchange, substances believed or represented by the person doing so to be a drug or controlled substance, whether or not such is actually the case, including synthetic cannabinoids (marijuana).
 10. Inappropriately using or sharing prescription and over-the-counter drugs.
 11. Gambling.
 12. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
 13. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
 14. Lying to school personnel.
- F. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on district buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with

established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.

- G. Engage in any form of academic misconduct. Examples of academic misconduct include:
1. Plagiarism.
 2. Cheating.
 3. Copying.
 4. Altering records.
 5. Assisting another student in any of the above actions.
- H. Engage in off-campus misconduct that endangers the health and safety and dignity of students or staff within the school or adversely affects the educational process. Such misconduct specifically includes, but is not limited to threatening, harassing or demeaning conduct carried out via electronic communications of any sort.

5300.35 REPORTING VIOLATIONS

All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the Building Principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the Principal, the Principal's designee or the Superintendent of Schools.

All district staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the code of conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction, which may include permanent suspension and referral for prosecution.

The Principal or his/her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the Principal or his/her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted

a crime.

5300.40 DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS

DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

In addition to discipline for individual infractions of this Code of Conduct, the School District is committed to the development of measured, balanced, and age-appropriate responses to the discrimination and harassment of students by students and/or employees on school property, including school functions, with remedies and procedures focusing on intervention and education. Appropriate remedial measures may include, but are not limited to:

- peer support groups; corrective instruction or other relevant learning or service experience;
- supportive intervention;
- behavioral assessment or evaluation;
- behavioral management plans, with benchmarks that are closely monitored;
- student counseling and parent conferences.

Beyond these individual focused remedial responses, school-wide or environmental remediation can be an important tool to prevent discrimination and harassment. Environmental remediation strategies may include:

- and
- supervisory systems which empower school staff with prevention
- the
- intervention tools to address incidents of bullying and harassment;
 - school and community surveys or other strategies for determining
- programs;
- conditions contributing to the relevant behavior;
 - adoption of research based, systemic harassment prevention
 - modification of schedules;
 - adjustment in hallway traffic and other student routes of travel;
 - targeted use of monitors;
 - staff professional development;
 - parent conferences;
 - involvement of parent-teacher organizations; and
 - peer support groups.

Disciplinary action, when necessary, will be firm, fair and consistent so as to be most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

1. The student's age.
2. The nature of the offense and the circumstances which led to the offense.

3. The student's prior disciplinary record.
4. The effectiveness of other forms of discipline.
5. Information from parents, teachers and/or others, as appropriate.
6. Other extenuating circumstances.

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Chairperson of the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability, unless the discipline is consistent with the student's individualized education plan (IEP).

A. Penalties

Students who are found to have violated the district's code of conduct may be subject to the following penalties, either alone or in combination.

1. Oral warning
2. Written warning
3. Written notification to parent
4. Detention
5. Suspension from transportation
6. Suspension from athletic participation
7. Suspension from social or extracurricular activities
8. Suspension of other privileges
9. In-school suspension
10. Removal from classroom by teacher
11. Short-term (five days or less) suspension from school
12. Long-term (more than five days) suspension from school
13. Permanent suspension from school

B. Procedures

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, school personnel must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

Students who are to be given penalties other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

1. Detention

Teachers and Administrators may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention.

2. Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the Principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the Principal or the Superintendent or their designees.

In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the Principal or the Principal's designee to discuss the conduct and the penalty involved.

3. Suspension from athletic participation, extra-curricular activities and other privileges

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

4. In-school Suspension

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes Principals and the Superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension." The in-school suspension teacher will be a certified teacher.

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

5. Teacher Disciplinary Removal of Disruptive Students

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student into the hallway briefly; (3) sending a student to the Principal's office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

On occasion, a student's behavior may become disruptive. For purposes of this code of conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only.

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours.

The teacher must complete a district-established disciplinary removal form and meet with the Principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the Principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the Principal or designee prior to the beginning of classes on the next school day.

Within 24 hours after the student's removal, the Principal or another district administrator designated by the Principal must notify the student's parent, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the Principal or the Principal's designee to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parent. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

The Principal may require the teacher who ordered the removal to attend the informal conference.

If at the informal meeting the student denies the charges, the Principal or the Principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and Principal.

The Principal or the Principal's designee may overturn the removal of the student from class if the Principal finds any one of the following:

1. The charges against the student are not supported by substantial evidence.
2. The student's removal is otherwise in violation of law, including the district's code of conduct.

3. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The Principal or his/her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the Principal makes a final determination, or the period of removal expires, whichever is less.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.

Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from his/her class. The Principal must keep a log of all removals of students from class.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the Principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

6. Suspension from School

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent and the Principals.

Any staff member may recommend to the Superintendent or the Principal that a student be suspended. All staff members must immediately report and refer a violent student to the Principal or the Superintendent for a violation of the code of conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension. The Superintendent or Principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

a. Short term (five days or less) Suspension from School

When the Superintendent or Principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the Principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the Principal may establish.

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the Principal shall promptly advise the parents in writing of his or her decision. The Principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within **ten (10)** business days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of education with the District Clerk within 10 business days of the date of the Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

b. Long term (more than five days) Suspension from School

When the Superintendent determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.

The Superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof.

An appeal of the decision of the Superintendent may be made to the Board, which will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the district clerk within **thirty (30)** days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

c. Permanent suspension

Permanent suspension is reserved for extraordinary circumstances such as

where a student's conduct poses a life-threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function.

d. Procedure After Suspension

The Board may condition a student's early return from a suspension on the student's voluntary participation in counseling or specialized classes, such as anger management or dispute resolution. The Board retains discretion in offering this opportunity. If and when the student and/or parent/guardian agrees to this option, the terms and conditions shall be specified in writing.

C. Minimum Periods of Suspension

1. Students who bring or possess a weapon on school property

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The Superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the following:

1. The student's age.
2. The student's grade in school.
3. The student's prior disciplinary record.
4. The Superintendent's belief that other forms of discipline may be more effective.
5. Input from parents, teachers and/or others.
6. Other extenuating circumstances.

A student with a disability may be suspended in accordance with the requirements of state and federal law.

2. Students who commit violent acts other than bringing or possessing a weapon on school property

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interferes with the teacher's authority over the classroom

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days. For purposes of this code of conduct, "repeatedly is substantially

disruptive” means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law § 3214 (3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

5300.45 ALTERNATIVE INSTRUCTION

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take immediate steps to provide alternative means of instruction for the student.

5300.50 DISCIPLINE OF STUDENTS WITH DISABILITIES

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate the district's student code of conduct, and/or to temporarily remove a student with disabilities from his or her current placement because maintaining the student in that placement is substantially likely to result in injury to the student or to others. The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law enjoy certain procedural protections that school authorities must observe when they decide to suspend or remove them. Under certain conditions those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes.

Therefore, the Board is committed to ensuring that the district follows suspension and removal procedures that are consistent with those protections. The code of conduct for students is intended to afford students with disabilities and students presumed to have a disability for discipline purposes the express rights they enjoy under applicable law and regulations.

Definitions

For purposes of this portion of the code of conduct, and consistent with applicable law and regulations, the following definitions will apply:

1. *Behavioral intervention plan (BIP)* means a plan that is based on the results of a functional behavioral assessment and that, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to

- why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.
2. *Controlled substance* means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).
 3. *Disciplinary change in placement* means a suspension or removal from a student's current educational placement that is either:
 - a. For more than 10 consecutive school days; or
 - b. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.
 4. *Illegal drug* means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional, or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.
 5. *Interim alternative educational setting (IAES)* means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable him or her to continue to participate in the general curriculum and progress toward meeting the goals set out in the student's individualized education program; as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.
 6. *Manifestation review* means a review of the relationship between the student's disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.
 7. *Manifestation team* means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the committee on special education as determined by the parent and the district.
 8. *Removal* means a removal of a student with a disability for disciplinary reasons from his or her current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.
 9. *School day* means any day, including a partial day, that students are in attendance at school for instructional purposes.

10. *Serious bodily injury* means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
11. *Student presumed to have a disability for discipline purposes* means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.
12. *Suspension* means a suspension pursuant to §3214 of New York's Education Law.
13. *Weapon* means the same as the term "dangerous weapon" under 18 USC §930(g)(2) which includes a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except a pocket knife with a blade of less than two and one-half inches in length.

Authority of School Personnel to Suspend or Remove Students with Disabilities

The Board, District Superintendent, Superintendent of Schools or a Building Principal with authority to suspend students under the Education Law may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days.

The Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed ten consecutive school days inclusive of any period in which the student has been suspended or removed for the same behavior pursuant to the above paragraph, if the Superintendent determines that the student's behavior warrants the suspension. The Superintendent also may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misconduct, as long as the suspensions do not constitute a disciplinary change of placement.

In addition, the Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for a period in excess of ten consecutive school days if the manifestation team determines that the student's behavior was not a manifestation of the student's disability. In such an instance, the Superintendent may discipline the student in the same manner and for the same duration as a non-disabled student.

Furthermore, the Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability to an IAES to be determined by the committee on special education for a period of up to 45 school days if the student either:

1. Carries or possesses a weapon to or at school, on school premises or to a school function, or
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function under the district's jurisdiction, or
3. Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district's jurisdiction.

The Superintendent may order the placement of a student with a disability to an IAES under such circumstances, whether or not the student's behavior is a manifestation of the student's disability. However, the committee on special education will determine the IAES.

Procedures for the Suspension or Removal of Students with Disabilities by School Personnel

1. In cases involving the suspension or removal of a student with a disability for a period of five consecutive school days or less, the student's parents or persons in parental relation to the student will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short term suspensions of non-disabled students.
2. The suspension of students with disabilities for a period in excess of five school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the Superintendent or a designated hearing officer shall be bifurcated into a guilt phase and a penalty phase. Upon a finding of guilt, the Superintendent or the designated hearing officer will await notification of the determination by the manifestation team as to whether the student's behavior was a manifestation of his or her disability. The penalty phase of the hearing may proceed after receipt of that notification. If the manifestation team determined that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student, except that he or she will continue to receive services as set forth below. However, if the behavior was deemed a manifestation of the student's disability, the hearing will be dismissed, unless the behavior involved concerned weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, in which case the student may still be placed in an IAES.

Limitation on Authority of School Personnel to Suspend or Remove Students with Disabilities

The imposition of a suspension or removal by authorized school personnel may not result in a disciplinary change of placement of a student with a disability that is based on a pattern of suspensions or removals as set forth above in the *Definitions* section of this policy, unless:

1. The manifestation team determines that the student's behavior was not a manifestation of the student's disability, or
2. The student is removed to an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury as set forth above.

School personnel will consider any unique circumstances on a case-by-case basis when determining whether a disciplinary change in placement is appropriate for a student with a disability who violates the district's code of conduct.

In addition, school personnel may not suspend or remove a student with a disability in excess of the amount of time that a non-disabled student would be suspended for the same behavior.

Parental Notification of a Disciplinary Change of Placement

The district will provide the parents of a student with a disability notice of any decision to make a removal that constitutes a disciplinary change of placement because of a violation of the student code of conduct. Such notice will be accompanied by a copy of the procedural safeguards notice.

Authority of an Impartial Hearing Officer to Remove a Student with a Disability

An impartial hearing officer may order the placement of a student with a disability to an IAES for up to 45 school days at a time if he or she determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others. This authority applies whether or not the student's behavior is a manifestation of the student's disability.

Manifestation Review

A review of the relationship between a student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the student's disability will be made by the manifestation team immediately, if possible, but in no case later than 10 school days after a decision is made by:

1. The Superintendent to change the placement of a student to an IAES;
2. An impartial hearing officer to place a student in an IAES; or
3. The Board, the Superintendent, or Building Principal to impose a suspension that constitutes a disciplinary change in placement.

The manifestation team must determine that the student's conduct was a manifestation of the student's disability if it concludes that the conduct in question was either:

1. Caused by or had a direct or substantial relationship to the student's disability, or
2. The direct result of the district's failure to implement the student's individualized education program.

The manifestation team must base its determination on a review all relevant information in the student's file including the student's individualized education program, any teacher observations, and any relevant information provided by the parents.

If the manifestation team determines that the student's conduct is a manifestation of the student's disability, the district will:

1. Have the committee on special education conduct a functional behavioral assessment of the student and implement a behavioral intervention plan, unless the district had already done so prior to the behavior that resulted in the disciplinary change of placement occurred. However, if the student already has a behavioral intervention plan, the

CSE will review the plan and its implementation, and modify it as necessary to address the behavior.

2. Return the student to the placement from which he or she was removed, unless the change in placement was to an IAES for conduct involving weapons, illegal drugs or controlled substances or the infliction of serious bodily injury, or the parents and the district agree to a change in placement as part of the modification of the behavioral intervention plan.

If the manifestation team determines that the conduct in question was the direct result of the district's failure to implement the student's individualized education program, the district will take immediate steps to remedy those deficiencies.

Services for Students with Disabilities during Periods of Suspension or Removal

Students with disabilities who are suspended or removed from their current educational setting in accordance with the provisions of this policy and applicable law and regulation will continue to receive services as follows:

1. During suspensions or removals of up to 10 school days in a school year that do not constitute a disciplinary change in placement, the district will provide alternative instruction to students with disabilities of compulsory attendance age on the same basis as non-disabled students. Students with disabilities who are not of compulsory attendance age will receive services during such periods of suspension or removal only to the same extent as non-disabled students of the same age would if similarly suspended.

2. During subsequent suspensions or removals of up to 10 school days that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, the district will provide students with disabilities services necessary to enable them to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their respective individualized education program. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed to comply with this requirement.

In addition, during such periods of suspension or removal the district will also provide students with disabilities services necessary for them to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

3. During suspensions or removals in excess of 10 school days in a school year that constitute a disciplinary change in placement, including placement in an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, the district will provide students with disabilities services necessary to enable them to continue to participate in the general curriculum, to progress toward meeting the goals set out in their respective individualized education program, and to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so it does not recur.

In such an instance, the committee on special education will determine the appropriate services to be provided.

Students Presumed to Have a Disability for Discipline Purposes

The parent of a student who is facing disciplinary action but who was not identified as a student with a disability at the time of misconduct has the right to invoke any of the protections set forth in this policy in accordance with applicable law and regulations, if the district is deemed to have had knowledge that the student was a student with a disability before the behavior precipitating disciplinary action occurred and the student is therefore a student presumed to have a disability for discipline purposes.

If it is claimed that the district had such knowledge, it will be the responsibility of the Superintendent, Building Principal or other authorized school official imposing the suspension or removal in question for determining whether the student is a student presumed to have a disability for discipline purposes. The district will be deemed to have had such knowledge if:

1. The student's parent expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student that the student is in need of special education. Such expression may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. The student's parent has requested an evaluation of the student; or
3. A teacher of the student or other school personnel has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the district's director of special education or other supervisory personnel.

Nonetheless, a student will not be considered a student presumed to have a disability for discipline purposes if notwithstanding the district's receipt of information supporting a claim that it had knowledge the student has a disability,

1. The student's parent has not allowed an evaluation of the student; or
2. The student's parent has refused services; or
3. The District conducted an evaluation of the student and determined that the student is not a student with a disability.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if the district receives a request for an individual evaluation while the student is subjected to a disciplinary removal, the district will conduct an expedited evaluation of the student in accordance with applicable law and regulations. Until the expedited evaluation is completed, the student shall remain in the educational placement determined by the district which can include suspension.

Expedited Due Process Hearings

The district will arrange for an expedited due process hearing upon receipt of or filing of a due process complaint notice for such a hearing by:

1. The district to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement;
2. The district during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings;
3. The student's parent regarding a determination that the student's behavior was not a manifestation of the student's disability; or
4. The student's parent relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

The district will arrange for, and an impartial hearing officer will conduct,

an expedited due process hearing in accordance with the procedures established in Commissioner's regulations. Those procedures include but are not limited to convening a resolution meeting, and initiating and completing the hearing within the timelines specified in those regulations.

When an expedited due process hearing has been requested because of a disciplinary change in placement, a manifestation determination, or because the district believes that maintaining the student in the current placement is likely to result in injury to the student or others, the student will remain in the IAES pending the decision of the impartial hearing officer or until the expiration of the period of removal, whichever occurs first unless the student's parent and the district agree otherwise.

Referral to Law Enforcement and Judicial Authorities

Consistent with its authority under applicable law and regulations, the district will report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities. In such an instance, The Superintendent will ensure that copies of the special education and disciplinary records of the student are transmitted for consideration to the appropriate authorities to whom the crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

5300.55 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.

However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

1. Protect oneself, another student, teacher or any person from physical injury.
2. Protect the property of the school or others.
3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to refrain from further disruptive acts.

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

5300.60 STUDENT SEARCHES AND INTERROGATIONS

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district code of conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the Principal or Assistant Principal, Superintendent or School Nurse to conduct searches of students and their belongings if the search is appropriately limited in scope, related to the conduct being investigated, and based on a reasonable suspicion warranting a search. This will include the search of any automobile parked on school grounds.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant, or other credible information giving rise to a reasonable suspicion that a search may yield evidence of a violation of this Code of Conduct. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the district code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

A. Student Lockers, Desks and other School Storage Places

The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

B. Documentation of Searches

The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:

1. Name, age and grade of student searched.
2. Reasons for the search.
3. Name of any informant(s).
4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Person conducting search and his or her title and position.
7. Witnesses, if any, to the search.
8. Time and location of search.
9. Results of search (that is, what items(s) were found).
10. Disposition of items found.
11. Time, manner and results of parental notification.

The Principal or the Principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The Principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the item is turned over to the police. The Principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

C. Police Involvement in Searches and Interrogations of Students

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Been invited by school officials.

Before police officials are permitted to question or search any student, the Principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The Principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

Students who are questioned by police officials on school property or at a school function are afforded the same rights they have outside the school.

D. Child Protective Services Investigations

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to Principal or his or her designee. The Principal or designee shall set the time and place of the interview. The Principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if not he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

5300.65 VISITORS TO THE SCHOOLS

The Board encourages parents and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The Principal or his or her designee is responsible for all persons

in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must pass through the front door security system and allow identification to be scanned for security purposes. A photo visitors badge will be issued and must be worn at all times while visiting the school or on school grounds. Badges are to be returned to the security desk upon leaving.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or residents who wish to visit a classroom while school is in session are required to request such visits in advance with the school principal or his or her designee, so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the Principal or his or her designee. Unauthorized persons will be asked to leave. The police should be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

5300.70 PUBLIC CONDUCT ON SCHOOL PROPERTY AND SCHOOL SANCTIONED FUNCTIONS

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, “public” shall mean all persons when on school property or attending a school function including visitors, students, teachers and district personnel.

The restrictions on public conduct on school property and at school functions contained in this code are not intended to limit freedom of speech or peaceful assembly. The district recognizes that free inquiry and free expression are indispensable to the objectives of the district. The purpose of this code is to maintain public order and prevent abuse of the rights of others.

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property.

Prohibited Conduct

No person, either alone or with others, shall:

1. Use language or gestures that are profane, lewd, vulgar or abusive.
2. Obstruct vehicular or pedestrian traffic.
3. Engage in any willful act which disrupts the normal operation of the school community.
4. Commit an act or acts of trespass. Access to School District premises is limited to the instructional program; co-curricular, social and athletic activities for students; visitation and programs for parents; deliveries to and work at School District facilities; attendance at public programs; and authorized community use of facilities. Access to School District premises is a privilege and not a right, and may be limited or revoked as appropriate.
5. Misuse School District computer or electronic communications facilities, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the School District's Acceptable Use Policy.
6. Fail to comply with the reasonable directions of teachers, school administrators or other school employees.
7. Intimidate any person on School District premises, whether by physical, oral, written or electronic means, including, without limitation:
 - (a) Threatening to assault, injure or harm another person;
 - (b) Threatening to damage, destroy or misappropriate public or private property without authorization;
 - (c) Abusing any person through the use of "fighting words," profanity, or terms of abuse based upon race, ethnicity, religion, national origin, gender, gender orientation or disability;
 - (d) Subjecting, or threatening to subject, any person to unwelcome sexual contact or engaging in other conduct of a sexual nature which creates a hostile environment for the target of such conduct;
 - (e) Words or conduct which, by their nature, create a reasonable possibility of leading to violence or disruption of school activities;
8. Harass a student or staff member (including but not limited to bullying, cyber-bullying and sexual harassment), by the creation of a hostile environment by conduct or by verbal threats, intimidation

- or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex
9. Issue false alarms or bomb threats; transmit false fire or emergency calls; discharge fire extinguishers without cause; or disable, damage or interfere with school security equipment.
 10. Fight with, or commit an act of violence on, any person.
 11. Possess, display, use, or threaten to use a weapon or what appears to be a weapon (including any instrument or device which is capable of causing physical injury, and which is not being used for a non-injurious purpose).
 12. Commit an act of sexual assault, or engage in any other forcible and/or unwelcome sexual act, or other inappropriate sexual conduct.
 13. Intentionally damage or destroy the personal property of any person lawfully on school property, including graffiti or arson.
 14. Intentionally damage or destroy School District property.
 15. Subject any person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
 16. Steal School District property, or the property of any person lawfully on school property or attending a school function.
 17. Engage in an act or acts of hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
 18. Sell, use or possess obscene material.
 19. Smoke a cigarette, cigar, pipe or use chewing smokeless tobacco or electronic cigarette.
 20. Possess, consume, sell, or distribute or exchange, offer to sell, distribute or exchange, alcoholic beverages, drugs, controlled substances or drug-related paraphernalia, or being under the influence of alcohol, drugs or controlled substances. This offense includes the possession, sale, distribution and exchange, and the offer to sell, distribute or exchange, substances believed or represented by the person doing so to be a drug or controlled substance, whether or not such is actually the case.
 21. Gamble.
 22. Commit an act of indecent exposure, that is, to expose to sight of the private parts of the body in a lewd or indecent manner.
 23. Initiate a report warning of fire or other catastrophe without valid

cause, misuse of 911, or discharge a fire extinguisher.

B. Penalties

Persons who violate this code shall be subject to the following penalties:

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. Where appropriate, visitors may be barred from future access to school property or school functions.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. School District employees shall be subject to immediate ejection, and to further disciplinary action in accordance with applicable provisions of the Education Law, the Civil Service Law, and applicable collective bargaining agreements.

C. Enforcement

The Principal or his/her designee shall be responsible for enforcing the conduct required by this code.

When the Principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the Principal or designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal or designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the Principal or designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

The district shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

5300.75 DISSEMINATION AND REVIEW

A. Dissemination of Code of Conduct

The Board will work to ensure that the community is aware of this code of conduct by:

1. Providing copies of the code to all students at the beginning of each school year.
2. Making copies of the code available to all parents at the beginning of the school year.
3. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
4. Providing all new employees with a copy of the current code of conduct when they are first hired.
5. Making copies of the code available for review by students, parents and other community members.

The foregoing maybe presented either in print or electronic form.

The Board will provide training, when appropriate, for all district staff members to ensure the effective implementation of the code of conduct. The Superintendent or designee may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

B. Review of Code of Conduct

The Board will review this code of conduct every year and update it as necessary. In conducting the review, the Board will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.

The Board may appoint an advisory committee to assist in reviewing the code and the district's response to code of conduct violations. The committee may be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

Before adopting 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.

Adoption date: June 19, 2012
 Re-adopted: July 2, 2012
 Readings: June 19, 2013, July 1, 2013
 Re-adopted: July 1, 2013
 Readings: June 7 & June 18, 2014
 Re-adopted: June 18, 2014
 Re-adopted: July 1, 2015
 Re-adopted: July 1, 2016

Re-adopted: July 10, 2017

Re-adopted: July 3, 2018

APPENDIX A **SEXUAL AND OTHER HARASSMENT**

The Board of Education affirms its commitment to promoting an environment which is fair, humane and respectful, and which recognizes and rewards individual performance on the basis of relevant considerations such as ability and effort. The School District expects that the members of its community will treat each other equitably, without regard to an individual's membership in any group or category, and in compliance with applicable federal, state and local laws prohibiting discrimination and providing for civil rights. These standards encompass students, faculty, staff, applicants for employment, and all other members of the School District community and are to be observed in all aspects of the School District's operations, including advertising, publications, employment and personnel policies.

The Board of Education is committed to providing an educational and working environment that promotes respect, dignity and equality and that is free from all forms of sexual harassment. To this end, the Board condemns and strictly prohibits all forms of sexual harassment on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the district.

Any retaliation against an individual who has complained about harassment or unlawful discrimination, or retaliation against individuals for cooperating with an investigation of a complaint of harassment or unlawful discrimination, is similarly unlawful and will not be tolerated.

Persons who violate this policy will be subject to disciplinary action up to and including termination of employment, suspension or expulsion from school and/or termination of any contractual relationship.

DEFINITIONS

Harassment consists of unwelcome statements or actions based on an individual's age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status, domestic violence victim status, or any other protected status. Harassment also means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student or staff member's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student

or staff members to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex

Members of the School District community must understand that harassment can be a difficult form of discrimination to identify and define, but it is illegal and will not be tolerated by the School District. The definitions and principles applicable to sexual harassment are instructive as to all forms of harassment involving protected status.

Sexual harassment is a form of sex discrimination that is illegal under both federal and New York State law and is strictly prohibited by the School District. Unwelcome sexual advances, requests for sexual favors and other physical or verbal conduct of a sexual nature constitute sexual harassment when:

- Submission to such advances, requests or conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement or participation in School District programs or activities, or is used as a basis for employment or academic decisions affecting the individual; or
- Rejection of such advances, requests or conduct affects a term or condition of an individual's employment or academic advancement or participation in School District programs or activities, or is used as a basis for employment or academic decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work, academic performance, education, or participation in School District programs or activities, or of creating an intimidating, hostile, work or academic environment. The conduct must be sufficiently severe, persistent or pervasive to constitute harassment and limited, isolated remarks or actions generally will not be sufficient to create a hostile environment.

Principles Applicable to All Forms of Harassment

It is important to note that harassment refers to behavior that is not welcome, and occurs in a variety of situations which share a common element: the inappropriate introduction of activities or comments into the work or academic environment. Sexually harassing conduct need not be motivated by sexual desire in order to constitute unlawful sexual harassment. Similarly, other forms of harassment need not be motivated by personal discriminatory intent in order to be inappropriate and prohibited.

Harassment sometimes involves relationships of unequal power, as between a teacher and a student, or a supervisor and a subordinate. However, harassment may

also involve relationships among persons of equal authority or power, such as when repeated unwelcome advances, actions, or demeaning verbal comments by a student towards another student, or by a co-worker towards another co-worker unreasonably interferes with a person's ability to participate in educational, school-related or work activities. Any member of the school community may become a harasser or a victim of harassment.

Harassment can be verbal, nonverbal, visual or physical. It can be overt, as, for example, in the suggestion that an individual can secure an advantage or forestall negative treatment by submission to sexual advances or granting sexual favors. Such overt treatment can be implied from conduct or circumstances and need not be direct or explicit. Harassment can also consist of unwanted attempts to shift an educational or professional relationship to a personal one.

Depending upon the circumstances and how they impact the workplace or academic environment, examples of harassment include but are not limited to such conduct as the following:

- Verbal abuse, insults, jokes, comments or innuendo of a sexual nature that include lewd, obscene or sexually suggestive displays or remarks;
- Verbal abuse, insults, jokes, comments or innuendo based upon age, race, creed, color, religious practice national origin, sexual orientation, military status, gender, sex, disability, predisposing genetic characteristics, marital status, domestic violence victim status, or any other protected status;
- The display of objects or images which a reasonable person would consider to be offensive due to their connotations with respect to age, race, creed, color, religious practice national origin, sexual orientation, military status, gender, sex, disability, predisposing genetic characteristics, marital status, domestic violence victim status, or any other protected status;
- Physical contact, such as touching, hugging, kissing, patting, or pinching, that is uninvited and unwanted by the other person;
- Physical contact which does not respect the "personal space" of others, whether in class, in meetings, during extracurricular activities, on the playing field, or elsewhere;
- Requests or demands for sexual favors accompanied by implicit or explicit promised rewards or threats concerning an individual's employment status or educational status;
- Repeated unwelcome social invitations, sexual flirtations, advances, propositions or unwanted requests for sexual favors;
- Threatened, attempted, or completed physical sexual assault;

- Indecent exposure.

The School District recognizes that in determining whether harassment has occurred, the perspective of the victim as well as the offender's conduct and/or intention may be considered.

Other Conduct Which May Constitute Unlawful Discrimination

This policy does not limit the additional prohibitions on inappropriate interpersonal interactions which are set forth in the School District's Code of Conduct and Dignity for All Students policies.

Romantic Relationships

Romantic and/or sexual involvement between School District staff and students is absolutely forbidden. It will be presumed in all cases that a student cannot give consent to such a relationship, regardless of the student's age.

It is also essential to understand that consenting romantic and sexual relationships between employees, particularly between senior or supervisory individuals and less-senior or lower-level employees, (but also between co-workers), may lead to unforeseen complications. The respect and trust accorded a more senior/supervisory person by a staff member, as well as the power held by that person in evaluating or otherwise supervising the staff person may diminish the extent to which an employee really feels free to choose or decline involvement. Therefore, each member of the School District should be aware of the possible risk of even an apparently consensual sexual relationship. A supervisor or an employee who enters into a sexual relationship with another employee, where there exists a difference in seniority or power between the individuals involved, should be aware that, if a complaint of sexual harassment is subsequently made, it could be exceedingly difficult for the individual charged with sexual harassment to prove lack of wrongdoing on grounds of mutual consent. Allegations of unprofessional conduct and breach of professional ethics may also be raised regarding such relationships by the individuals involved or by the School District. With this in mind, the School District may decide, to the extent possible, to reassign or rearrange reporting functions or other roles of parties engaged in a consenting relationship to avoid potential problems in this regard. The School District will necessarily review claims of sexual harassment which arise from a relationship that at an earlier time was considered consensual.

Romantic relationships between students are a natural part of growing up. However, it is imperative that relationships between students be informed by mutual respect, and by forbearance from inappropriate or dangerous activities. No student should ever be made to feel that he or she is obligated to engage in or continue any relationship or activity, whether through threats of force, social

ostracism, or otherwise.

DEALING WITH SEXUAL HARASSMENT AND OTHER FORMS OF DISCRIMINATION

It is the responsibility of all members of the School District to conduct themselves in such a way as to contribute to an environment not compromised by harassment, and respectful of the individual qualities of others.

- Any student experiencing harassment or discriminatory treatment should promptly consult with a trusted teacher, guidance counselor, building administrator or one of the central administrators identified at the end of this policy.
- Any employee experiencing harassment or discriminatory treatment should promptly consult with a building administrator or one of the central administrators identified at the end of this policy.
- Anyone witnessing harassment or discriminatory treatment should encourage the person who is the object of the treatment to seek advice and should consider advising the appropriate administrator.

The responsibility to be sensitive to behavior that could be perceived as harassment or discrimination falls especially upon faculty, administrators and supervisors. The responsibility for them is twofold: it involves their stewardship of the school environment, and it also involves an awareness of their own conduct.

First, should an administrator, faculty member or supervisor have knowledge of conduct involving harassment or discrimination, or receive a complaint of such treatment from someone in the School District, immediate steps must be taken to deal with the matter appropriately, whether or not a formal charge or grievance is raised. At a minimum, consultation with one of the central administrators identified at the end of this policy should occur to determine what action is appropriate.

COMPLAINT RESOLUTION PROCEDURE

When the School District receives any complaint of harassment it will promptly investigate the allegation in a fair and expeditious manner. The School District will make every effort to proceed in such a way as to maintain confidentiality to the extent practicable under the circumstances; however, confidentiality cannot be assured in all circumstances. If it is determined that inappropriate conduct has occurred, the School District will act promptly to eliminate the offending conduct, and where appropriate the School District will also impose disciplinary action.

If an individual believes that s/he has been subjected to discrimination or sexual or other harassment prohibited by this policy, whether by a supervisor, a co-worker, a

faculty member, a student, a vendor, a contractor or any other person with whom s/he comes in contact in the School District, the individual should report the incident promptly.

As noted above, students are encouraged to bring concerns to a trusted teacher or guidance counselor; but students are also encouraged to bring concerns to a building administrator or one of the central administrators identified at the end of this policy.

In the case of employees, if the particular circumstances make a discussion with or a complaint to the employee's own supervisor inappropriate (for example, the complaint involves the employee's supervisor, or the employee fears retaliation by his/her supervisor), the employee should bring the matter immediately to a building administrator, to the Superintendent of Schools or one of the central administrators identified at the end of this policy.

Any person who receives a complaint of harassment or discrimination from an employee or student, or who otherwise knows or has reason to believe that an employee or student has been subjected to harassment or discrimination, is expected to report the incident promptly to a building administrator, to the Superintendent of Schools or one of the central administrators identified at the end of this policy for investigation.

The following is an outline of the procedure generally followed once a complaint has been brought to the attention of the School District:

- A prompt and impartial investigation of the complaint is conducted by the School District Investigator(s) or by their designee. This investigation will consist of (but will not necessarily be limited to) interviews of the individual who made the complaint, of the person or persons against whom the complaint was made and of other individuals who may have witnessed the reported incident or incidents.
- Upon completion of the investigation, the person who conducted the investigation will meet individually with the individual who made the complaint and the individual or individuals against whom the complaint was made, to report the results of the investigation and, where a remedy is determined to be appropriate, to inform the parties of the steps that will be taken to remedy the situation.

DISCIPLINARY ACTION

In the event that the investigation reveals that harassment, discrimination, or other inappropriate or unprofessional conduct (even if not unlawful) has occurred, further action will be taken, including disciplinary action, such as:

- For staff, penalties including, but not limited, to counseling, reprimand, change in work assignment, loss of privileges, mandatory training, suspension and termination. Penalties will be imposed in accordance with the terms

of applicable law, the School District's Code of Conduct, and collective bargaining agreements.

- For students, penalties including, but not limited, to suspension or expulsion from school. Penalties will be imposed in accordance with the terms of applicable law and the School District's Code of Conduct. The School District additionally reserves the right to refer students to counseling or training, as may be appropriate.

CONFIDENTIALITY

All actions taken to investigate and resolve complaints through this procedure shall be conducted with as much privacy, discretion and confidentiality as possible without compromising the thoroughness and fairness of the investigation. All persons involved are to treat the situation with respect. To conduct a thorough investigation, the Investigator(s) may discuss the complaint with witnesses and those persons involved in or affected by the complaint, and those persons necessary to assist in the investigation or to implement appropriate disciplinary actions.

Confidentiality requirements imposed by law with respect to student education records, medical records and other records will be respected at all times.

NO RETALIATION FOR FILING A COMPLAINT OF HARASSMENT OR UNLAWFUL DISCRIMINATION

Retaliation against any individual for making a complaint of harassment or of any unlawful discrimination or for assisting in the investigation of such a complaint is illegal and will not be tolerated. Any acts of retaliation will be subject to appropriate disciplinary action, such as but not limited to reprimand, change in work assignment, loss of privileges, mandatory training or suspension and/or immediate termination.

SCHOOL DISTRICT INVESTIGATORS OF COMPLAINTS OF HARASSMENT AND UNLAWFUL EMPLOYMENT DISCRIMINATION

The following Investigators are designated as those persons who are charged with investigating complaints of sexual harassment and unlawful discrimination for the School District, and may be contacted to initiate an investigation under the policy. The School District also reserves the right to retain an outside investigator to investigate complaints of sexual harassment and/or unlawful discrimination:

*Title: Director for Instruction & Human Resources
Address: 230 June Road, North Salem, NY 10560
Telephone: 914-669-5414 x 1065
E-mail: jvazquez@northsalemschools.org*

Title: Director for Pupil Personnel Services

Address: 230 June Road, North Salem, NY 10560
Telephone: 914-669-5414 x 1056
E-mail: avanderstuyf@northsalemschools.org

This policy is not intended to limit the options of any persons who feel that s/he has been subjected to harassing treatment. Such a person may also pursue his/her rights at any point with an outside agency, governmental entity or union.

APPENDIX B
Dignity for All Students Policy

Students are the focal point of all School District operations. The Board of Education is committed to providing an educational environment that promotes respect, dignity and equality. The Board recognizes that harassment and bullying are detrimental to student learning and achievement. They interfere with the mission of the District to educate its students and disrupts the operation of the schools. Such behavior affects not only the students who are its targets but also those individuals who participate and witness such acts.

The goals, objectives, aspirations and prohibitions of this policy are also incorporated in the School District's Code of Conduct, as amended to reflect the *Dignity for All Students Act*, and in its policy regarding sexual and other harassment.

The Board of Education and district staff will work together to achieve the following goals in compliance with the *Dignity for All Students Act*:

1. No student shall be subjected to the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

2. This policy shall apply to discrimination and harassment of students on school property, including at school functions, by any student and/or employee. However, harassment may include, among other things, the use, both on and off school property, of information technology, including, but not limited to, email, instant messaging, blogs, chat rooms, pagers, cell phones, gaming systems and social media websites, to deliberately harass or threaten others.

3. All school employees shall be made aware of the *Dignity for All Students Act* and its significance. Prompt intervention by peers and adults (specifically including parents as well as School District personnel) is an important step in preventing bullying and resolving issues at the earliest stages before bullying escalates. School District personnel should intervene promptly whenever they observe student conduct that has the purpose or effect of ridiculing, humiliating or demeaning another person. When made aware of bullying, staff should intervene

promptly to de-escalate the situation, and focus on the safety of all involved individuals. Incidents of bullying should promptly be reported to a building administrator.

4. Faculty shall be made aware of their role as essential partners, including the following responsibilities:

a. To maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' confidence and promote learning.

b. To confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.

c. To address personal biases that may prevent equal treatment of all students in the school or classroom setting.

d. To report incidents of discrimination and harassment that are witnessed or otherwise brought to a staff member's attention in a timely manner.

5. All students shall be made aware of the *Dignity for All Students Act* and its significance. Principals in each school shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures for filing a complaint and the impact of bullying on the target and bystanders.

6. All students shall be informed that they can, with a sense of safety and security, report instances that violate the *Dignity for All Students Act*.

7. The reporting and investigative procedures created pursuant to the Board of Education's existing policy with respect to sexual and other harassment shall be utilized for concerns raised under the *Dignity for All Students Act*.

8. Students who are believed to have been the victims of bullying should be referred to appropriate resources for counseling and other follow-up. Where it is concluded that a student has been the victim of bullying, parents/guardians should be advised of the conclusion, of the findings on which it is based, and of the actions taken or to be taken.

9. In-service training shall be provided for all staff on a regular periodic basis to help them understand the correct response to violations of the

Dignity for All Students Act. Topics shall include, but not be limited to, research-based activities and procedures for prevention and intervention; specific procedures in response to bullying/harassment/discrimination; required documentation and reporting of complaints and incidents. Training opportunities will be provided for all staff, including but not limited to bus drivers, cafeteria and hall monitors and all staff who have contact with students.

10. A *Dignity for All Students Act* Coordinator shall be named for each school building.

11. In addition to disciplinary consequences for violations of the *Dignity for All Students Act*, there shall be measured, balanced, and age appropriate responses to the discrimination and harassment of students by students and/or employees on school property, including school functions, with remedies and procedures focusing on intervention and education. Such remedial responses should place the focus of discipline on discerning and correcting the reasons why discrimination and harassment occurred. The remedial responses should also be designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. Appropriate remedial measures may include, but are not limited to:

- a. peer support groups; corrective instruction or other relevant learning or service experience;
- b. supportive intervention;
- c. behavioral assessment or evaluation;
- d. behavioral management plans, with benchmarks that are closely monitored; and
- e. student counseling and parent conferences.

12. Beyond individual focused remedial responses, school-wide or environmental remediation can be an important tool to prevent discrimination and harassment. Environmental remediation strategies may include:

- a. supervisory systems which empower school staff with prevention and intervention tools to address incidents of bullying and harassment;
- b. school and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- c. adoption of research based, systemic harassment prevention programs;

- d. modification of schedules;
- e. adjustment in hallway traffic and other student routes of travel;
- f. targeted use of monitors;
- g. staff professional development;
- h. parent conferences;
- i. involvement of parent-teacher organizations; and
- j. peer support groups.

13. Building and central administrators shall review and periodically implement anti-bullying programs in each school at classroom, grade-wide and school-wide levels. As individual reports of bullying are received and investigated, additional or follow-up programming shall be considered and, as appropriate, implemented.

14. This policy, or a plain language summary, shall be published in student handbooks and the School District's Code of Conduct, and posted on the District's website. This policy shall be reviewed as part of the periodic review of the School District's Code of Conduct. If changes are needed, revisions will be recommended to the Board for its consideration.

APPENDIX C**RULES AND CODE OF ETHICS AGREEMENT
FOR STUDENT NETWORK AND INTERNET USERS
NORTH SALEM CENTRAL SCHOOL DISTRICT**

The North Salem Central School District encourages all staff and students to make use of telecommunications to explore educational topics, conduct research, and contact others in the educational world. Communication over networks, however, should not be considered private and privacy is not guaranteed. Messages may sometimes be accidentally diverted to a destination other than the one intended. Network administration may require review and inspection of directories or messages, and the District reserves the right to access stored records. Courts have ruled that old messages may be subpoenaed, and network supervisors may examine communications in order to ascertain compliance with network guidelines for acceptable use.

As a technology user, I understand the importance of acceptable use and I agree to follow the Rules and Code of Ethics in all my work with computers in the North Salem Central School District.

- I. I understand and agree to abide by the following Rules and Code of Ethics regarding copyrighted material and intellectual property.
 - a. I recognize that the author or the person holding the copyright owns material received via a computer network, and I will give credit to all materials received electronically.
 - b. I recognize that copyright laws protect software. Therefore, I will not make copies of software found on school computers, either by copying them onto my own diskettes or onto other computers through electronic mail or bulletin boards; and I will not give, lend, or sell copies of software to others unless I have the written permission of the copyright owner or the original software is clearly identified as "shareware" or in the public domain. Attributions of authorship will follow the same copyright rules for material obtained via the network.
 - c. I recognize that all communication and information accessible via the Internet or the network shall be assumed to be private property of the author and must be documented as such.

- II. I understand and agree to abide by the following Rules and Code of Ethics of use:
- a. Education and curriculum-related research is the first priority of Internet and network use in the North Salem Central School District; all other use is secondary.
 - b. Network accounts are to be used only by the authorized owner of the account for authorized purposes; using or sharing another student's login name and/or password is prohibited.
 - c. Users shall not intentionally seek information on, obtain copies of, or modify files, other data, or passwords belonging to other users.
 - d. No use of the network and/or the Internet shall serve to disrupt the use of the network by others; hardware or software shall not be destroyed, modified, copied, damaged, or abused in any way.
 - e. Malicious use of the Internet or the network to develop programs that harass other users or infiltrate a computer or computer system and/or damage the software components of a computer or computer system (e. g., create viruses) is prohibited.
 - f. Hate mail, harassment, profanity, obscenity, discriminatory remarks, misrepresentation, libel, impersonation sexual harassment, sexting, pornographic photos and other antisocial behaviors are prohibited.
 - g. Intentional use of the Internet or the network to access or process pornographic material, inappropriate text files, illegal activities, or files dangerous to the integrity of the local area network and its users are prohibited.
 - h. Exemplary behavior is expected on "virtual" field trips, as the user is representing the North Salem Central School District when visiting locations on the Internet.
 - i. Users shall not reveal their home addresses or phone numbers nor those of others over the Internet. Care must be exercised before revealing a surname over the Internet. Similarly, users shall not reveal information about others over the Internet.
 - j. Students without signed parental permission to use the Internet are prohibited from teaming up with those who have permission to use the Internet.

- k. Any use of the Internet or the network for commercial, for-profit, or exploitative purposes is prohibited.
- l. E-mail is restricted to users with E-mail accounts authorized by the North Salem School District. The use of E-mail shall be governed by all sections of this policy.
- m. Users may not install additional application software or utilities on any school district hardware, or make any modifications to school district software, without prior, written permission.
- n. Students may use the school computer system only for legitimate educational purposes, which include class work and independent research that is similar to the subjects studied in school. Students shall not access entertainment sites, such as social networking sites or gaming sites.
- o. All student use of the District internet system or personal cell phones or other digital devices used by students while on campus is subject to the provisions of the Disciplinary Code. Students may not share or post personal information about or images of any other student or staff member without permission from that student or staff member. If a student is found to have used a personal cell phone or digital device in a manner that is not in accord with this Acceptable Use Policy, in addition to other disciplinary actions, the administrator may ban the student's use of any personal cell phone or digital device.
- p. Maintaining or posting material to a website or blog that threatens a likelihood of substantial disruption in school, including harming or interfering with the rights of other students to participate fully in school or extracurricular activities, is a violation of the student disciplinary code and subject to appropriate penalties herein.
- q. I understand that I have the responsibility for my own actions while using the internet or the network.

Section I: To be signed by student

I understand that North Salem Central School District reserves the right to:

- Log Internet use and monitor file server space utilization by users.
- Remove a user account on the network
- Access-stored materials.

I understand that violations of the Rules and Code of Ethics described above will be dealt with seriously. Violator's risk:

- Losing computer privileges on a temporary or permanent basis; and/or
- Disciplinary action; and/or
- Academic sanctions; and/or
- Prosecution for violation of local, state and federal laws.

I have read the North Salem Central School District Rules and Code of Ethics for Network and Internet Users and agree to abide by its terms. I further understand that violation of the regulations may lead to my access privileges being revoked, school disciplinary action, academic sanctions, and/or appropriate legal action.

Student's name (please print

Signature _____ Date

Section 2: to be signed by parents

We, parents of (please print your child's name)

have read and discussed with our son/daughter the above Rules and Code of Ethics for North Salem Central School District computer users. We recognize that it is impossible for the School District to restrict access to all controversial materials and we will not hold the District, its employees, or the Internet provider responsible for materials acquired on the network.

We hereby give permission for our child to have user access to the Internet and the network at his/her school. We realize that under law we may be held financially responsible for the willful, malicious, or unlawful damage of property by our child.

Parent/Guardian name (please print)

Parent/Guardian signature _____ Date

Parent/Guardian name (please print)

Parent/Guardian signature _____ Date

APPENDIX D HARASSMENT, HAZING, BULLYING AND CYBERBULLYING

The Board of Education is committed to providing an educational and working environment that promotes respect, dignity and equality. The Board recognizes that harassment; hazing, bullying and cyber bullying are detrimental to student learning and achievement. These actions interfere with the mission of the district, which is to educate its students, and also disrupts the operation of the schools. Such behavior affects not only the students or employees who are its targets but also those individuals who participate and witness such acts.

This Appendix should be read in conjunction with the Board of Education’s separate policies prohibiting sexual and other forms of harassment, and bullying.

To this end, the Board strictly prohibits all forms of harassment, hazing, bullying and cyberbullying on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the district.

For the purposes of this policy, the terms “harassment”, “hazing”, “bullying”, and “cyberbullying” collectively shall refer to any intentional written, verbal, or electronic communication or physical act which intimidates or threatens another on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, socio-economic status, class or club affiliation or other distinguishing characteristics.

Without limiting the foregoing, cyberbullying includes the use of information technology, including, but not limited to, e-mail, instant messaging, blogs, chat rooms, pagers, cell phones, gaming systems and social media websites, and other access devices to deliberately harass or threaten others.

Students should use technology and the Internet in an appropriate manner. Technology is an integral part of a student’s educational experience and must be used in support of education and research consistent with the educational objectives of the North Salem Central School District. Technology includes, but is not limited to, computers, other hardware, cell phones, PDA’s and other electronic devices, software, Internet, e-mail, all other networks, etc. Student use of technology is a privilege. Students are responsible for appropriate use of all technology, including, but not limited to, e-mail, instant messaging, web pages, and the use of hardware and/or software which disrupts or interferes with the safety and welfare of the school community, is prohibited, (i.e., home business, private property, etc.).

First Reading: February 6, 2008
Second Reading: April 29, 2008
Final Reading and Adoption: May 7, 2008
Re-adopted: July 5, 2011
Re-adopted: June 19, 2012
Readings: June 19, 2013, July 1, 2013
Re-adopted: July 1, 2013
Readings: June 7 & June 18, 2014
Re-adopted: June 18, 2014
Re-adopted: July 1, 2015
Re-adopted: July 1, 2016
Re-adopted: July 10, 2017
Re-adopted: July 3, 2018