

# **PEARL RIVER SCHOOL DISTRICT**

## **CODE OF CONDUCT**

**K-12**

***JULY 2017***

# **PEARL RIVER SCHOOL DISTRICT**

## **CODE OF CONDUCT**

**JULY 2017**

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**APPROVED**  
Pearl River Board of Education  
*July 5*, 20*17*  
*Mary L. Flanagan*  
District Clerk



## Pearl River School District

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**Marco F. Pochintesta**  
Superintendent of Schools

July 2017

Dear Parents, Students and Staff:

I am pleased to present the 2017-2018 Code of Conduct. As in the past, any new information is presented in ***bold italics***. It is important to note that the Code of Conduct applies to students and adults in or on school property and at school functions, as defined on page 2 of the Code.

Recognizing the value in the partnership between students, families and the school, we request that you carefully review the student responsibilities on page 6 with your children. In addition, please note the changes in the Infractions and Penalty References section of the code on pages 27 and 28.

I would like to wish everyone a successful, safe and productive school year. Pearl River is a special place and it is my privilege to serve as your superintendent.

Sincerely,

A handwritten signature in blue ink that reads "Marco Pochintesta".

Superintendent

# **DISTRICT CODE OF CONDUCT**

## **INTRODUCTION**

The Pearl River School District is committed to maintaining high standards of education for our students. Because the District believes that order and discipline are essential to being educated effectively, the District is also committed to creating and maintaining high behavioral standards and expectations. An orderly educational environment requires that everyone in the school community play a role in contributing to an effective environment. It also requires the development and implementation of a Code of Conduct that clearly defines individual responsibilities, describes unacceptable behavior, and provides for appropriate disciplinary options and responses.

The District believes that order and discipline must be a shared responsibility between school, home and community. This Code of Conduct was developed in collaboration with student, teacher, administrator and parent organizations, school safety personnel and other Board-approved school personnel. The Code of Conduct applies to students and adults in or on school property and at school functions, as defined on page 2 of the Code. Finally, it is our belief that, to be effective, such a code must:

- identify, recognize and emphasize acceptable behavior;
- identify, recognize and prevent unacceptable behavior;
- promote self-discipline;
- consider the welfare of the individual as well as that of the school community as a whole;
- promote a close working relationship between parents/guardians and the school staff,
- distinguish between minor and serious offenses, as well as between first time and repeated offenses;
- provide disciplinary responses that are appropriate to the misbehavior;
- outline procedures to ensure that it is administered in a way that is fair, firm, reasonable, and consistent;
- encourage a high regard for every person's right to reasonable hearing procedures and due process when accused of misconduct;
- comply with the provisions of federal, state and local laws, as well as the guidelines and directives of the New York State Department of Education and the Board of Regents.

A school's primary concern in establishing a Code of Conduct is to enable our young people to become responsible, respectful and caring citizens within the school and community settings. The Board of Education is responsible for ensuring that essential regulations are established and adequate discipline is maintained in the operation of the schools to effectively promote safety, as well as the social and educational growth of the students. Administrative regulations are developed and enforced by the school administration and staff.

The parent/guardian is expected to assume primary responsibility for control of his or her child. The parent/guardian may be called upon to actively cooperate with the school in providing the necessary structure to promote his or her child's social and educational growth. To this end, a high degree of parent-school communication will be fostered by the school.

Disciplinary measures available to the administration of each school building include conferences, detention, restricted study/alternative learning center (in-school suspension), out-of-school suspension and administrative hearings with the designated hearing officer. Administrative hearings can result in out-of-school suspensions of more than five days and, in particularly serious cases, a student may be permanently suspended from school.

## **DEFINITIONS**

For the purposes of this Code, the following definitions apply:

**Disruptive Student** - 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.

**Bullying (Harassment)** – 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; (b) reasonably causes or would reasonably expect to cause a student to fear for his/her physical safety; (c) reasonably causes or would reasonably expect to cause physical injury 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.

**Discrimination** – Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs.

**Parent** - the parent, guardian or person in parental relation to a student.

**Removal** - the act of a teacher in discontinuing the presence of the student in his/her classroom.

**School Day** – the hours of expected student attendance in the school building.

Elementary School – 9:00 am – 3:15 pm

Middle School – 7:45 am – 2:30 pm

High School – 7:34 am – 2:42 pm

**School Function** - any school sponsored extra-curricular, co-curricular or other event or activity.

**School Property** - 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 as defined in §142 of the New York State Vehicle and Traffic Law.

**Suspension** - the act of a Building Principal (or acting building principal), Superintendent of Schools, District Superintendent or Board of Education in discontinuing the presence of a student from his/her regular classes.

**Violent Student** - a student under the age of 21 who:

- commits an act of violence upon a school employee, or attempts to do so.
- 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.
- possesses, while on school property or at a school function, a weapon.
- displays, while on school property or at a school function, what appears to be a weapon.
- threatens, while on school property or at a school function, to use a weapon.
- 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.
- knowingly and intentionally damages or destroys school district property.

**Weapon** - a firearm as defined in the Gun-Free Schools Act (18 USC §921) [any firearm, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such firearm; any firearm muffler or silencer; or any destructive device], as well as 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 cutter, 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.

### **Student-Staff Communications via Email, Cell Phones and Text-Messaging**

Staff members and students shall not communicate with each other by e-mail and/or cell phones or any other electronic devices, except at student e-mail addresses and cell phone numbers on a list furnished to staff, by the District, setting forth information contained on a parent consent form. List information shall be shared with the student's current building administrators, teachers, activity supervisor(s) and coach(es). The list shall be issued at the beginning of the school year, updated for newly enrolled students and otherwise updated at the beginning of each semester. Employees shall not use information on the list except for that provided to them for their current students.

Text messaging or instant messaging between staff and students while not recommended shall be limited to curricular or school activity related communications. Such messages shall not be communicated between the hours of 11:00 p.m. and 6:00 a.m. However, teachers, activity advisors and coaches may post information such as homework and scheduling of activities at any time of the day. Policy # 5312.4

## **STUDENT BILL OF RIGHTS AND RESPONSIBILITIES**

The Pearl River School District believes in the right of each child, between the ages of five and 21 years or until the child receives a high school diploma, whichever comes first, to receive a free and appropriate education. All students in this state between the ages of six and the school year through which he or she becomes 16 are required by law to regularly attend school, either in the public schools, non-public schools that are approved for equivalency of instruction by the appropriate school authorities, or in the home in accordance with the Regulations of the Commissioner of Education.

The right to a free public school education extends to all students, including those with disabilities. However, this right is not unconditional. As long as due process of law requirements are met, a student may be removed from the classroom, suspended temporarily or suspended permanently from school. Only students within the compulsory education ages (age six through the school year in which the student turns 16) are entitled to alternative, equivalent instruction following suspension.

### **RIGHTS OF STUDENTS**

Education in a free society demands that students be aware of their rights and learn to exercise them responsibly. To this end, students have a right

- to be provided with an education that is intellectually challenging and relevant to demands of the 21st century;
- to learn in an environment free from interruption, harassment, discrimination, intimidation and fear;
- to participate in district activities on an equal basis regardless of race, color, creed, national origin, religion, gender, disability or sexual orientation.
- to be informed of all school rules;
- be guided by a discipline policy which is fairly and consistently implemented.

In addition, students in this District are afforded the following rights

1. **Student Expression** - Students shall be allowed the opportunity for the free expression of ideas consistent with rights established by the federal and state constitutions. However, a student's freedom is subject to limitation in that the constitutional protections will not extend to libelous, slanderous, vulgar, lewd, indecent or obscene words or images or to words or images which by their very use incite others to damage property or physically injure persons. Furthermore, speech which materially and substantially disrupts the work and discipline of the school may be subject to limitation.
2. **Symbolic Expression** - Students, in light of constitutionally protected free speech rights, may wear political buttons, arm bands or badges of symbolic expression so long as the same conform to the limits set forth herein the dress code.
3. **Student Activities** - All pupils shall enjoy equal access to the extent of their capabilities for participation in the various extra-curricular and co-curricular activities sponsored by the School District. The privilege of participating in such activities shall be conditioned upon appropriate conduct as established by the student Code of Conduct and any rules promulgated specifically for participation in extra and/or co-curricular activities.

4. **Student Government** - Students are encouraged to participate in the various student governmental bodies, which have been or may be established in our schools. It shall be the duty of the student governmental body to establish reasonable standards for qualification of candidates to serve in offices of the government. Elections for student government shall be conducted in accordance with the principles of our democracy and selected student representatives shall work with the faculty, administration and student body in identifying cooperatively those areas of appropriate student responsibility. All student governmental bodies shall have a faculty advisor and shall be organized pursuant to a specific written constitution, which the students shall participate in formulating.
5. **Student Clubs and Other Student Organizations** - The District encourages students to participate in curriculum related extra-curricular activity clubs and/or organizations. To the extent that the District authorizes meetings of non-curriculum related clubs or organizations, the same shall be subject to the constitution of the student government and shall be conducted in accordance with any applicable federal or state law, as well as Board of Education policy or regulations.
6. **Privacy Rights [Search and Seizure]** - Students in attendance in our public schools are protected against illegal or unreasonable personal searches or seizures of their property by both the federal and state constitutions. In light of these protections, no student's person or property shall be searched for illegal substances or materials unless the school authorities conducting the search have reasonable suspicion to do so. Lockers, desks, and school owned technology devices, assigned to students may be subject to inspection at any time by school officials since such places are not the property of the student, but rather are owned by the School District and shared with the student. Policy #5330
7. **Pregnant Students** - During pregnancy and the period of pregnancy related disability which follows childbirth, a student shall be entitled to home instruction, upon request. Pregnant students who desire to attend their regularly scheduled classes prior to the time of childbirth may do so to the extent that their physician approves of such attendance.
8. **Student Grievances and Complaints** - If a student has a grievance or a complaint about a school-related matter, a school employee or other school official, s/he may submit it, in writing, to the Principal of the school who shall respond within ten (10) school days with a written answer or proposed resolution. Grievances or complaints may be appealed in writing to the Superintendent of Schools if the Principal's answer or proposed resolution is not deemed satisfactory by the student. The Superintendent of Schools shall respond to all grievances and complaints within a reasonable period of time following receipt of the written appeal document.

## **RESPONSIBILITIES OF STUDENTS**

Students attend school so that they may develop to their fullest potential. With this in mind, each student is expected:

- to accept responsibility for his/her actions;
- to conduct his/her self with integrity in an ethical, moral, and respectful manner;
- to respect the rights of others, including his/her right to secure an education in an environment that is orderly and disciplined;
- to attend school on a regular and punctual basis;
- to complete class assignments and other school responsibilities by established deadlines;
- to show evidence of appropriate progress toward meeting course and/or diploma requirements;
- to respect school property, e.g. lockers, and help to keep it free from damage;
- to obey school regulations and rules made by school authorities and by the student governing body;
- to recognize that teachers assume the role of a surrogate parent in matters of behavior and discipline when at school, as well as during any school-sponsored activities;
- to contribute toward establishing and maintaining an atmosphere that generates mutual respect and dignity for all;
- to become familiar with this code and seek interpretation of parts not understood;
- to actively discourage inappropriate behavior of other students and report the incidents to the administration;
- to dress in an appropriate manner, so as not to disrupt the educational process.

## **THE ROLE OF PARENTS**

A cooperative relationship between home and school is essential to each student's successful development and achievements. To achieve this wholesome relationship, parents are urged:

- to show an enthusiastic and supportive attitude toward school and education;
- to build a good working relationship between themselves and their child;
- to teach their child self-respect, respect for the law, respect for others and for public property;
- to insist on prompt and regular attendance;
- to listen to the views and observations of all parties concerned;
- to recognize that teachers merit the same consideration and respect that parents expect from their child;
- to encourage their child to take pride in his/her appearance;
- to insist that their child promptly bring home all communications from school;
- to cooperate with the school in jointly resolving any school related problem;
- to set realistic standards of behavior for their child and resolve to remain firm and consistent;
- to help their child learn to deal effectively with negative peer pressure;
- to provide a place conducive for study and completion of homework assignments;
- to demonstrate desirable standards of behavior through personal example;
- to foster a feeling of pride in their child for their school;
- to provide support and positive reinforcement to their child.

Parents should be aware that they are responsible for any financial obligations incurred by their child in school. This includes lost books, damage to property, etc.

## **THE ROLE OF SCHOOL PERSONNEL**

School personnel play an important role in the education of students. In view of this responsibility, school personnel must:

- promote a climate of mutual respect and dignity which will strengthen each student's positive self-image;
- teach the common courtesies by precept and example;
- treat students in an ethical and responsible manner;
- help students to reach their maximum potential;
- demonstrate desirable standards of behavior through personal example;
- report violations of the Code of Conduct to the Building Principal or acting building principal;
- immediately report and refer violent students to the Principal or Superintendent of Schools.

## **THE ROLE OF TEACHERS**

Every teacher knows that s/he works every day with this nation's most precious commodity - the future generation. In view of this responsibility, the teacher must:

- promote a climate of mutual respect and dignity which will strengthen each student's positive self-image;
- plan and conduct a product of instruction that will make learning challenging and stimulating;
- recognize that some disciplinary problems are caused by a student's personal and academic frustrations;
- utilize classroom routines which contribute to the total instructional program and to the student's development of civic responsibility;
- seek to develop close cooperative relationships with parents for the educational benefit of the student;
- distinguish between minor student misconduct best handled by the teacher and major problems requiring the assistance of the administrator;
- teach the common courtesies by precept and example;
- handle individual infractions privately and avoid punishing the group for the misbehavior of one or two;
- help students cope with negative peer pressure;
- identify changing student behavior patterns and notify appropriate personnel;
- enable students to discuss their problems with them;
- send communications home promptly;
- report to the Principal any student who jeopardizes his/her own safety, the safety of others or of the teacher, or who seriously interferes with the instructional program of the classroom;
- treat students in an ethical and responsible manner;
- help students to reach their maximum potential;
- serve as a surrogate parent in matters of behavior and discipline in accordance with New York State School Law;
- explain and interpret the Code of Conduct to students;
- enforce the code in all areas of the school;
- demonstrate desirable standards of behavior through personal example;
- know the support services available to students and refer students who are in need of such services;
- comply with state educational law regarding corporal punishment and mandated reporting of suspected child abuse;

- in the event of removal from class, inform the student and the Principal of the reason for the removal;
- immediately report and refer violent students to the Principal or Superintendent of Schools.

## **THE ROLE OF BUILDING ADMINISTRATORS**

As the educational leaders of the school, the Principal and his/her assistant(s) set the disciplinary climate for the school, not only for students, but for staff as well. Therefore, they must:

- seek to develop a sound and healthful atmosphere of mutual respect;
- evaluate the program of instruction in their school to achieve a meaningful educational program;
- help their staff self-evaluate their procedures and attitudes in relation to the interaction within their classrooms;
- develop procedures which reduce the likelihood of student misconduct;
- provide the opportunity for students and staff to approach the Principal directly for redress of grievances;
- work with students and staff to formulate school regulations;
- assist staff members to resolve problems which may occur;
- work closely with parents to establish a wholesome relationship between home and school;
- utilize all appropriate support staff and community agencies to help parents and students identify problems and seek solutions;
- establish necessary building security;
- assume responsibility for the dissemination and enforcement of the Code of Conduct and ensure that all discipline cases referred are resolved promptly;
- insure that students are provided with fair, reasonable, and consistent discipline;
- comply with pertinent state laws governing hearings, suspensions, and student rights;
- develop behavior guidelines and appeals procedures specific to each assigned school in harmony with this Code of Conduct;
- demonstrate desirable standards of behavior through personal example.

## **THE ROLE OF DISTRICT ADMINISTRATORS**

As the educational leaders of the school system, the Superintendent of Schools and central administrators must:

- reinforce and extend the indicated responsibilities of the Principals and make them applicable to the school system for grades K-12;
- recommend to the Board of Education appropriate policy, regulations and actions to achieve optimum conditions for positive learning;
- develop and implement an effective Code of Conduct supportable by students, parents, staff and community;
- demonstrate desirable standards of behavior through personal example;
- provide each teacher with a copy of the Code of Conduct.

## **THE ROLE OF THE BOARD OF EDUCATION**

As the elected officials in charge of our schools, the Board of Education:

- adopts the policies governing the District, including this Code of Conduct;
- ensures that the Code of Conduct contains clear behavioral expectations and disciplinary consequences for students, staff and visitors;
- ensures that the Code of Conduct is clearly communicated to students, parents, staff and the school community;
- ensures that the Code of Conduct is implemented and enforced in a consistent, reasonable, fair and equitable manner;
- annually reviews the Code of Conduct and updates it as necessary

## **CONDUCT OF VISITORS**

In an effort to maintain a safe and healthy educational environment, all visitors to the District must sign-in at the Main Office of the building visited. Visitors are expected to comport themselves in a manner that does not disrupt the academic process and in accordance with the law and this Code of Conduct. Policy # 1240, #1520.

## **REPORTING CODE VIOLATIONS**

### **1. To School District Personnel**

Students, teachers and other District personnel must report any serious violation of this Code of Conduct of which they have firsthand knowledge to any building administrator where the violation occurred. A serious violation means any infraction where an asterisk (\*) appears beneath the infractions. The reporting individual will be given a written confirmation that the matter is being or has been investigated within two (2) weeks from the time when the report was made.

### **2. To Local Law Enforcement Agencies**

The District will report any acts of violence against persons that constitute a felony or misdemeanor and other violations of the Code of Conduct which constitute a felony to the appropriate local law enforcement agency when the actor is over the age of 16. When necessary, the District will file a complaint in criminal court against the actor.

### **3. To Human Services Agencies**

The District will report any violations of the Code of Conduct which constitute a crime when the actor is under the age of 16 to the appropriate human services agencies. When necessary, the District will file a juvenile delinquency petition or a person in need of supervision (PINS) petition in Family Court.

## REMOVAL OF A STUDENT FROM THE CLASSROOM

The School District has determined that certain acts of misconduct interfere with instruction and/or the safety and welfare of students and staff. Although some incidents of misconduct may require removal from the classroom or suspension from school, effort will be made to deal with misconduct without removal from the classroom or suspension from school. This is in keeping with the District goal of avoiding consequences that interrupt or interfere with learning. However, no child will be allowed to continue disrupting the instruction of the class or interfering with the safety of the school, its staff, students and visitors.

Teachers shall have the authority to remove a student from their classrooms whenever the student substantially disrupts the educational process or substantially interferes with the teacher's authority over the classroom. Substantially disruptive shall mean that the course of instruction has to be discontinued more than momentarily such that it breaks the continuity of the lesson, to address the disruptive conduct of the student. Substantially interferes with the teacher's authority over the classroom shall mean that the student has been insubordinate to the teacher in the presence of the class and has failed to obey the teacher's directives to cease and desist (e.g., at least two directives).

A teacher may remove a student for the remainder of the class upon the first event and for two days of class upon the second or third event. Upon the occurrence of a fourth event, a Principal's suspension shall occur.

Notwithstanding the above, in light of circumstances that warrant suspension, a Principal's suspension for substantially disruptive behavior may be implemented in addition to or in lieu of removal of the student from the classroom by the teacher.

Once the teacher determines that the student has been substantially disruptive or substantially interferes with the teacher's authority over the classroom:

- the teacher must confront the student in class (or within 24 hours of removal where the student is unmanageable at the time of initial removal) to inform the student of the reason(s) for the removal;
- prior to removal from the classroom (or within 24 hours of removal where the student presents an ongoing threat of disruption or a continuing danger at the time of removal), the teacher shall inform the student of the basis for the removal and allow the student to informally present his/her version of the relevant events;
- the Building Principal or designee must be notified immediately, in writing, by the teacher of the student's removal from the teacher's class;
- the Building Principal or designee must inform the student's parent of the removal and the reasons therefor within 24 hours of the student's removal;
- upon request, the student and his/her parent must be given an opportunity for an informal conference with the Principal or designee to discuss the reasons for removal. If the student denies the charge(s), the Principal or designee must provide an explanation of the basis for the removal and allow the student and/or his/her parent an opportunity to present the student's version of the relevant events within 48 hours of the student's removal.

- the Principal or designee may not set aside the removal unless s/he finds that the charges against the student are not supported by substantial evidence or the student's removal otherwise violates law or the conduct warrants suspension from school and a suspension will be imposed.
- the Principal/designee determination on whether or not to support the teacher's removal of the student shall be made by the close of business on the day succeeding the 48-hour period for the informal Principal's removal conference. The teacher who causes the removal may be required to attend the Principal's conference at the Principal's discretion.

The District shall provide continued educational programming and activities for students who are removed from their classrooms.

An appeal brought by the parent or student over the age of 18 of a Principal's removal decision must be presented to the Superintendent of Schools prior to any further appeal.

## **STUDENT SUSPENSION PROCESS**

The Board of Education, District Superintendent, Superintendent of Schools, a Building Principal or in his/her absence, an acting Building Principal, may suspend a student from school where it is determined that the student:

- is insubordinate or disorderly, or exhibits conduct which endangers the safety, morals, health or welfare of others; or
- exhibits a physical or mental condition(s) which endangers the health, safety or morals of himself/herself or of other students; or
- is removed from a classroom for substantially disrupting the educational process or substantially interfering with the teacher's authority in the classroom four or more times in one semester.

In addition to the statutory grounds for suspension from school for conduct or health condition, students shall also be subject to suspension based upon a violation of the specific disciplinary infractions listed below.

### **A. Pre-suspension Process**

Prior to being suspended from school, the student shall be confronted by a school official empowered to suspend, as referenced above, at which time the evidence upon which the decision to suspend is based shall be stated to the student and the student shall be given the opportunity to explain his/her version of the facts. The student shall also be afforded the right to present other persons to the suspending authority in support of his/her version of the facts. If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, such confrontation shall occur following suspension, as soon thereafter as is reasonably practicable. In all cases, except in cases of in-school suspension there shall be no suspension until after the informal Principal's conference, unless waived, as described in paragraph "B" below.

## **B. Short Term Suspension Process**

Prior to a proposed suspension from school for between one and five days by a Building Principal or an acting Principal in the absence of the Building Principal, the student and his/her parent shall be notified, in writing, by personal delivery, express mail or overnight service, and by telephone, if possible, within 24 hours of the decision to propose suspension.

Such written notice shall include a description of the incident(s) resulting in the suspension and shall inform the parent of their right to request an immediate informal conference with the Principal at which the student and/or his/her parent may present the student's version of the event and ask questions of complaining witnesses. Upon such request, an informal conference with the Principal and other parties involved shall be convened as soon as possible, [at which time the evidence, including the witness(es) relied upon by the Principal in making the suspension determination, may be questioned by the parent or guardian.] The right to an informal conference with the Principal shall also extend to a student if 18 years of age or older. The notice and informal conference shall be in the dominant language or mode of communication used by the parent. If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

Any appeal brought by the parent or student over the age of 18 of a Principal's suspension must be presented in writing within 30 days to the Board of Education prior to filing any further appeal.

## **C. The Long-term Suspension Process: Suspension for More than Five Days**

Any suspension from school in excess of five school days shall be considered a long-term suspension. Unless there is an agreement between the person requesting the suspension and the parent, a long-term suspension may be done only after the Superintendent of Schools or the Board of Education has conducted a hearing.

When a student is subject to a long-term suspension, a hearing shall be conducted by the Superintendent if the Building Principal, acting Building Principal or the Superintendent has made the original suspension, or before the Board where that body has made the original suspension. The Superintendent of Schools or Board of Education may designate a Hearing Officer to make findings of fact with respect to the charges of infractions under this Code of Conduct, as well as penalty recommendation pursuant to the penalty parameters described herein.

## **D. Hearing Procedures**

### **Notice of Hearing**

In the event of the suspension of a student under the age of 18 years, the notice of suspension will be mailed or delivered to the parent, who shall have a minimum of 48 hours notice of the time and place of the hearing, as well as the nature of the charge(s) and the facts, sufficiently stated so that a proper defense may be placed upon the record on behalf of the student.

In the event of the suspension of a student over the age of 18, the notice, as described above, shall be delivered or mailed to the student, as well as to the student's parent(s), if any. Emancipated minors shall be entitled to the same notice rights as a student beyond the age of 18 years.

All notices of long-term suspension hearings shall contain provisions indicating that the student has the right to be represented by an attorney or lay counsel, that a transcript of the hearing will be prepared (tape recording or stenographic record) and that the student has the right to subpoena witnesses or otherwise present witnesses in his/her defense. The time, date and location of the hearing shall also be prominently set forth in the notice. If the student is 18 years of age or older, the letter described above will be mailed to the student as well as his/her parent.

### **The Long-Term Suspension Hearing**

The hearing shall be conducted by the Superintendent or a designated Hearing Officer in the event of a suspension by a Building Principal, acting Building Principal; or the Superintendent. The hearing shall be conducted by the Board or its designated Hearing Officer in the event that the suspension originated by Board action.

At the beginning of the hearing, the Hearing Officer shall inform the student and the student's representative(s):

- that the District's and the student's representatives shall have the right to examine and cross-examine witnesses;
- that the student has the privilege against self-incrimination, but that if the student does testify, s/he shall be subject to cross-examination;
- that the District has the burden of proving the charges by a preponderance of the credible evidence;
- that a transcript of the proceedings shall be maintained and made available to the student's representative upon request; and
- that the hearing shall be private or open to the public, as determined by the student's representative.

The person conducting the hearing shall not have intimate knowledge of the details of the charges to assure an impartial, unbiased hearing of the case.

The Hearing Officer shall inform the parties:

- that the case will proceed by having the District present its evidence through witnesses and other evidence first;
- that the District's witnesses shall be subject to cross-examination by the student's representative; and
- that the student will then have the opportunity to present witnesses on his/her behalf, subject to cross-examination by the District's representative.

Following the conclusion of the testimony and the introduction of other evidence matters, the parties shall be afforded the opportunity to present oral arguments to the Hearing Officer indicating the reasons why the charges should be sustained or dismissed.

The Hearing Officer shall then reach findings of fact upon the charges.

In the event that one or more of the charges is sustained, the Hearing Officer shall then entertain statements from the parties regarding the appropriate penalty outcome. In the event that the parent and/or the student, in an appropriate case, have been served with a copy of the student's past disciplinary anecdotal record in a timely fashion (at least 48 hours before the hearing), for consideration at the hearing, such record may be considered by the Hearing Officer in determining an appropriate penalty. The incidents contained within the past anecdotal record shall be subject to proof to the extent that they are denied by the student, as expressed by the student's representative.

The Hearing Officer, upon the conclusion of the portion of the proceedings dealing with penalty determinations, shall make findings of fact and penalty recommendations, if any, to the person or body which designated him/her immediately upon the conclusion of the long-term suspension hearing.

The Superintendent or Board, whichever designated the Hearing Officer, shall make its own findings of fact and penalty decision, by adopting those of the designated Hearing Officer, where applicable, in whole or in part, or by reaching independent findings of fact and penalty determinations. This process shall be concluded within the five school day period from the time of the initial suspension if the student is to be continuously suspended. The decision may be communicated to the student's representative and/or student (where over the age of 18) beyond the five school day period in cases where the student has been reinstated to attendance in school pending the final determination on the charges and penalty by the Superintendent or the Board, in cases to be decided by them, respectively.

### **Alternative Instruction**

Pursuant to the Education Law, no student who is of compulsory school age shall be suspended from school in his/her regularly scheduled classes without being provided alternative equivalent instruction, either in the form of home instruction or instruction in an alternative setting. Such instruction shall be of an equivalent nature to that provided in the student's regularly scheduled classes. A good faith effort shall be made to provide such alternative instruction immediately.

In the event that a student within the compulsory education ages of six and the school year in which s/he becomes 16 is suspended from school in excess of five school days, alternative equivalent instruction shall be provided for the duration of the period of suspension.

## **Appeals Process**

The decision of the Superintendent with respect to the findings of fact sustaining charges in a long-term suspension hearing and/or penalty determination shall be subject to appeal [or may be appealed] in writing to the Board of Education within 30 calendar days of receiving the written decision of the Superintendent of Schools. The Board shall review the record of the proceedings before the Superintendent or his/her designated Hearing Officer, including a review of the transcript of the proceedings, documentary evidence and written arguments of the representatives of the respective parties, if any. The Board does not provide the representatives of the respective parties with the opportunity either to present evidence not previously in the record or to make arguments in person before the Board.

In the event that the initial long-term suspension hearing was conducted by the Board or its designated Hearing Officer, or where the Board has ruled on an appeal from a Superintendent's long-term suspension hearing, the matter may be further appealed.

### **E. Off-Campus Misconduct**

A student may be subject to discipline for conduct constituting a crime, or other misconduct, which is committed off of school premises or at non-school sponsored activities, to the extent that the Superintendent of Schools and/or Board of Education believes that the continued attendance in school of the student would constitute an endangerment to the health, safety, welfare or morals of the student and/or others in our schools.

### **F. Dress and Grooming**

Students are expected to dress and groom themselves in an appropriate manner. Students must be dressed in appropriate clothing and protective equipment as required for physical education classes, participation in athletics, science laboratories and home and careers skills classes.

The following are considered to be inappropriate dress, grooming and appearance and are prohibited in school or at school functions:

- any dress or appearance which constitutes a threat or danger to the health and safety of students (e.g., heavy jewelry or jewelry with spikes which can injure the student or others);
- any dress or appearance which is vulgar, lewd, obscene or indecent or profane or which exposes to sight the private parts of the body (e.g., t-shirts with a phallic symbol and messages consisting of sexual metaphors; see-through garments, extremely plunging necklines or waistlines);
- any dress or appearance which encourages or advocates the use of illegal drugs, alcohol and/or tobacco;
- any dress or appearance which advocates or encourages the other illegal or violent activities;
- any dress or appearance which advocates discrimination or denigrates others based upon race, color, creed, religion, national origin, gender, sexual orientation or disability;
- the wearing of hats in the classroom as they are a sign of disrespect (unless worn for religious or medical reasons);
- any dress or appearance which constitutes a disruption to the educational process.

## **G. Computer and Internet Use**

The following prohibited use of District-owned computer drives, network facilities and Internet links may give rise to disciplinary action against users of such equipment and/or facilities:

1. E-mail or other electronic communication originating from the school premises or received at the school premises that a student user creates, posts, and/or reposts that:
  - is lewd, vulgar, obscene, indecent or inappropriate for student recipients of certain ages;
  - conveys an imminent threat of violence, including sexual violence, to a specific individual or individuals;
  - constitutes a state and/or federal crime;
  - is the cause of or a substantial contributing factor to a substantial interference with the orderly functioning of the school(s);
  - attributes the text of e-mail to school officials or that the text is school endorsed, unless there is such official endorsement or consent from school officials;
2. Internet use that circumvents access restrictions placed upon the District's computer systems by the Board of Education or its administrative designee(s).
3. Computer and/or Internet use that is not school-related or is unauthorized.
4. Permitting the use of a student's computer access code by any other person. Such student shall assume responsibility for occurrences in violation of this code of conduct that occurs under the student's access code number.

## **H. Cell Phones, Cam-phones and Electronic Communications Devices**

Cell phones, cam-phones and any other electronic communications device must be kept out of sight and turned-off by students during the hours of the student instructional day, except when used with the teacher's prior permission for purposes of calendaring, calculating and noting assignments or otherwise in accordance with prior written administrative authorization. Devices in the nature of e-readers, i-Pads and Nooks may be used by students with the teacher's prior permission during student attendance hours for the purposes of reading textbook, content-related text and independent readings that are related to their curriculum of instruction. Electronic devices may be used for instructional purposes at teacher discretion, with supervision and during regular attendance hours.

## **I. Suspension from Transportation Service**

Students may be suspended from transportation services for an infraction or infractions listed herein upon the conducting of an informal hearing by the Superintendent of Schools or his/her designee, at which time the student's parent/guardian or other representative shall be allowed to confront the witnesses relied upon by the District in determining the appropriateness of such suspension of service. If such informal hearing is conducted before the Superintendent's designee, the designee shall make a recommendation to the Superintendent as to the action to be taken.

## **J. Suspension from Extra-Curricular and Co-Curricular Activities, and School Functions**

A student may be suspended from participating in extra-curricular or co-curricular activities (including a sports team) for an infraction of any of the provisions herein, for violating a code of conduct issued to participants in the activity by the activity supervisor or for fighting at games. Upon the request of the student's parent/guardian, the Building Principal shall allow the parent/guardian or other representative of the student the right to appear before him/her informally, to discuss the conduct which led to suspension from the activity.

If a student is suspended from school pursuant to §3214 of the Education Law, s/he shall not be permitted to participate in any extra-curricular or co-curricular activities, as well as any other school events or activities which take place on the days of suspension (including intervening weekends).

## **K. Suspension of Students with Disabilities**

In the event that a student has a known disability or when school officials can be deemed to know, in accordance with law, that a student has a disability, the District will first proceed to conduct a §3214 disciplinary proceeding for any suspension of more than five days. The §3214 disciplinary proceeding will be held in two parts, first to determine the student's guilt or innocence on the charges and the second to determine the penalty.

If guilt is determined, before a penalty may be imposed, the following rules shall apply:

### **Section 504/Title II ADA Disability**

Before discipline may be meted out for a student with a disability or suspected disability founded solely under §504 of the Rehabilitation Act of 1973 (hereinafter §504)/Title II of the Americans with Disabilities Act (hereinafter the ADA), the §504 multi-disciplinary committee (hereinafter the §504 Committee) must make a determination of whether the conduct underlying the charge(s) was a manifestation of the disability.

1. If a nexus is found between the disability and the conduct underlying the charges, the §3214 proceeding must be discontinued and the matter placed under the jurisdiction of the §504 Committee for any further consideration. The §504 Committee must register a referral and bring about an evaluation of a student with a suspected disability or, if the student is already eligible under §504, it must consider possible program modification and disposition on a non-disciplinary basis.

2. If no nexus is found, yet a disability is indicated or has been identified, discipline may be imposed upon remand to the §3214 Hearing Officer. Students whose sole disabilities are founded under §504 and for whom no nexus is found shall be disciplined in the same manner as their non-disabled peers.

Any penalty imposed may not be based on past behavior for which a nexus determination was not made.

The School District must continue to provide a free appropriate public education to students who have been suspended from school as required by the regulations implementing §504 (34 CFR §104 et. seq.) until the end of the school year in which the student reaches the age of 21.

### **IDEA Disability**

Before discipline may be meted out for a student classified or deemed to be known as having a disability under the Individuals with Disabilities Education Act (hereinafter IDEA) [a student with an educational disability], the Committee on Special Education (hereinafter the CSE) must make a determination of whether the conduct underlying the charges was a manifestation of the disability.

1. If a nexus is found between the disability and the conduct, the §3214 proceeding must be discontinued (except for weapons, drugs and dangerous behavior) and the matter placed under the jurisdiction of the CSE for any further consideration. The CSE must register a referral and bring about an evaluation in the case of a student who may be deemed to be known as having a disability or, if the student is already classified under IDEA, it must consider possible program modification and disposition on a non-disciplinary basis.
2. If no nexus is found, yet nonetheless a disability is indicated or has been identified, discipline may be imposed upon remand to the §3214 Hearing Officer. The relevant disciplinary procedures applicable to children without disabilities may be applied in the same manner in which they would be applied to children without disabilities, as long as the child continues to receive a free appropriate public education during any such term of suspension.
3. Where no nexus is found and no suspected disability is determined to exist, the matter shall be remanded to the §3214 Hearing Officer for a determination of penalty.

Any penalty imposed may not be based on past behavior for which a nexus determination was not made.

The School District must continue to provide a free appropriate public education to students who have been suspended from school.

### **Suspensions Beyond Ten (10) School Days**

A student with a disability or suspected disability founded solely under §504/Title II of the ADA may not be suspended for more than 10 school days unless the §504 Committee has conducted a nexus determination and found that the behavior underlying the disciplinary charges were not a manifestation of the student's disability.

A student classified or deemed to be known as having an educational disability under IDEA may not be suspended for more than 10 school days unless:

1. The CSE has made a determination that the student's misconduct was not related to the student's disability;
2. The School District obtains a court order authorizing the suspension;
3. The disciplinary charges involve the carrying of a weapon to school or a school function or the knowing possession, use or sale of illegal drugs at school or a school function;
4. The parent or student 18 years of age or older gives their consent, in writing.

In determining a disciplinary outcome, a §3214 Hearing Officer and/or decision making authority may not consider incidents in the past anecdotal record of a student with a disability under §504/Title II ADA and/or IDEA, or suspected of being disabled unless there has been a negative manifestation determination regarding such incident(s) by the §504 Team or CSE, respectively.

### **Suspensions for Misconduct Involving Weapons and/or Drugs**

A student classified or deemed to be known as having an educational disability under IDEA may be suspended and placed in an interim alternative educational setting for up to forty-five (45) days (less if the discipline is for a non-disabled student would be less), if the student carries a weapon to school or a school function, or knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school or a school function.

1. In accordance with law, the term weapon means 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 that such term does not include a pocket knife with a blade of less than 2-1/2 inches in length.
2. In accordance with law, the term illegal drugs means controlled substances but not those legally possessed or used under the supervision of a licensed health care professional or other permitted authority under the Federal Controlled Substances Act or under any other provision of Federal law. Controlled substances are drugs and other substances identified under schedules set forth in applicable Federal law provisions.

Before a student is suspended and placed in an interim alternative educational setting for up to 45 days for behavior involving weapons and/or drugs, the CSE must conduct a manifestation determination and a functional behavioral assessment, as well as implement a behavioral intervention plan that addresses the behavior underlying the disciplinary proceeding or review any such pre-existing plan for modification, if necessary.

1. Placement in an interim alternative educational setting as a result of conduct involving weapons and/or drugs is not contingent upon a CSE determination that the misconduct is not related to the student's disability.
2. It is up to the CSE to determine what would constitute an interim alternative educational setting that would meet the requirements of the student's IEP and enable the student to participate in the general curriculum (although in another setting).

The exception allowed for the suspension/removal of students with educational disabilities for up to 45 days for conduct involving weapons and/or drugs does not apply to students whose disabilities are founded solely upon §504/Title II ADA.

Such an interim alternative educational setting shall be deemed the student's stay put placement during the pendency of any due process proceedings contesting the interim alternative educational setting for the duration of the interim placement.

### **Dangerous Students**

To continue the suspension of a student classified or deemed to be known as having an educational disability under IDEA for more than 10 school days, the School District may initiate a hearing before a special education impartial hearing officer who can order the placement of the student in an interim alternative setting for up to 45 days.

1. The CSE must conduct a nexus determination within 10 school days of the initial disciplinary action. Placement in an interim alternative educational setting as a result of dangerous behavior is not contingent upon a CSE determination that the misconduct is not related to the student's disability.
2. It is up to the CSE to determine what would constitute an interim alternative educational setting.
3. The hearing officer may grant such if maintaining the student in the current placement is substantially likely to result in injury to the student and/or others, and the School District has made reasonable efforts to minimize the risk of harm in the current placement. The hearing officer must also consider the appropriateness of the student's current placement and whether the interim alternative educational setting meets all the requirements of the student's IEP, including continued participation in the general curriculum (although in another setting) with an appropriate behavioral component.

Such an interim alternative educational setting shall be deemed the student's stay put placement during the pendency of any due process proceedings contesting the interim alternative educational setting for the duration of the interim placement.

### **Declassified Students**

In accordance with law, the CSE must conduct a manifestation determination in the case of a student with an educational disability who has been declassified if the disciplinary matter involves behavioral problems.

### **L. Disciplinary Measures**

The following shall constitute appropriate disciplinary measures authorized by this Student Code of Conduct:

1. Warnings (oral or written).
2. Confiscation.
3. Detention.
4. Restricted study/Alternative learning center (In-school suspension).
5. Suspension from school for up to five (5) school days.
6. Suspension from school in excess of five (5) days.
7. Suspension from school for at least one (1) year for possession of a weapon pursuant to the Gun-Free Schools Act of 1994 (subject to the right of the Superintendent to modify such penalty) or, in the case of a student with a disability whose possession of a weapon is determined not to be related to his/her disability, placement in an interim alternative educational setting for a period of up to forty-five (45) days.
8. Placement in an interim alternative educational setting for a period of up to forty-five (45) days, in the case of a student with a disability whose knowing possession or use of illegal drugs, or sale or solicitation of the sale of a controlled substance at a school or a school function is determined not to be related to his/her disability.
9. Permanent suspension (Expulsion).

### **M. Serious Violations of Code of Conduct**

Students, teachers and other District personnel must immediately, or as soon as is reasonably practicable, report any serious violation of this Code of Conduct of which they have firsthand knowledge, or otherwise have reasonable suspicion to believe, to any building administrator where the violation occurred. A serious violation means any infraction where an asterisk (\*) appears beneath the infractions. The reporting individual will be given a written confirmation that the matter is being or has been investigated within two (2) weeks from the time when the report was made.

**N. Infractions with Penalty References** - Note: The penalty ranges that appear next to each infraction in the following section, need not be implemented sequentially but rather any discipline within the range for the infraction may be imposed within the discretion of the disciplinary authority. *Consequences will be applied at the discretion of the administrator and may vary in method and severity according to the nature of the behavior, the developmental age of the students, and the student's history of behavior problems.*

| INFRACTION   | RANGE OF CONSEQUENCES   |
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| Senior Driving off Campus without Authorization/Senior Passenger in Car              | Up to 30 school days lunch detention, parent contacted<br>Permanent lunch detention<br>Loss of parking privilege<br>Suspension from school up to (5) school days<br>Principal may deny participation in a class activity  |
| Underclassman leaving campus without authorization                                   | 3 hour detention (1-3 times), parent contacted<br>Restricted Study Hall/alternate learning center (in-school suspension)<br>Combination Restricted Study/alternate learning center and 3-hour detention<br>Suspension from school for up to (5) school days<br>Future loss of senior lunch privilege<br>Future loss of senior parking privilege |
| Underclassman Driving or Riding in a car without authorization during the school day | Combination restricted study/alternate learning center (in-school suspension) and 3-hour detention, parent contacted<br>Suspension from school for up to (5) school days<br>Future loss of senior lunch privilege<br>Future loss of senior parking privilege  |
| Lateness to Class  | Warning<br>Parent contact<br>Academic detention<br>3-hour detention<br>Restricted study/alternate learning center (in-school suspension)<br>Lunch detention   |
| Tardiness to school  | Warnings (oral or written)<br>Lunch detention<br>Detention<br>Restricted study/ alternate learning center (in-school suspension)  |
| Class, study hall, homeroom, teacher detention, administrative detention cuts        | Detention<br>Restricted study/alternate learning center (in-school suspension)  |

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| Unauthorized absence from school  | Warnings (oral or written)<br>Detention<br>Restricted study/alternate learning center (in-school suspension)  |
| Disturbances which disrupt instruction  | Warnings (oral or written)<br>Detention<br>Restricted study/alternate learning center (in-school suspension)<br>Suspension from school for up to five (5) school days   |
| Carelessness in failing to follow school rules and/or staff directions in a school building, on district property, on a school vehicle, or at a school event. Behaving in a manner which disrupts the educational process.                          | Warnings (oral or written)<br>Detention<br>Restricted study/alternate learning center (in-school suspension)<br>Suspension from school for up to five (5) school days<br>Suspension from school in excess of five (5) days subject to Superintendent's hearing  |
| Repeatedly disruptive and/or substantially interferes with the teacher's authority in class, giving rise to removal on four or more occasions per semester*   | Suspension from school for up to five (5) school days<br>Suspension from school in excess of five (5) days subject to Superintendent's hearing  |
| Cheating in any academic, extra-curricular or co-curricular activity  | Warnings (oral or written)<br>Detention<br>Restricted study/alternate learning center (in-school suspension)<br>Failing grade or grade of "0"<br>Removal from National Honor Society (See Addendum 1. P. 47)<br>Barred from holding leadership positions (See Addendum 1. P.47)<br>Suspension from school for up to five (5) school days<br>Suspension from school in excess of five (5) days subject to Superintendent's hearing |
| Willful failure to obey the reasonable directives of school staff (insubordination), including directives not to engage in conduct otherwise referenced as an infraction in this code and for failing to notify a parent of assignment to detention | Warnings (oral or written)<br>Detention<br>Restricted Study/Alternate learning center (in-school suspension)<br>Suspension from school for up to five (5) school days<br>Suspension from school in excess of five (5) days, subject to Superintendent's hearing   |
| Dress or grooming which is inappropriate as described in this code  | Warnings (oral or written)<br>Change of attire<br>Detention   |
| Possession or dissemination of obscene materials  | Warnings (oral or written)<br>Detention<br>Restricted study/alternative learning center (in-school suspension)<br>Suspension from school for up to five (5) days  |
| Use or possession of lighters, light or laser pointers or shock emitting toys of any kind.  | Confiscation<br>Detention, Restricted Study/Alternate learning center (in school suspension)  |

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| Use or possession of electronic gaming and music devices during <i>the school day</i> .                                  | Detention/Parent Notification<br>Confiscation<br>Restricted Study/Alternate learning center (in-school suspension)  |
| The unauthorized use of cell phones, cam-phones, cameras or electronic communications devices during the school day.     | Detention/Parent Notification<br>Confiscation<br>Restricted Study/Alternate Learning Center (in-school suspension)<br>Suspension from School for up to five (5) days                                      |
| Unauthorized staff-student communications via e-mail, cell phones and text messaging.                                    | Warning (oral or written)<br>Detention/Parental Notification<br>Restricted Study/Alternate Learning Center (in-school suspension)<br>Suspension from School for up to five (5) days                       |
| Public displays of affection beyond hand holding   | Warnings (oral or written)<br>Detention<br>Restricted Study/Alternative learning center (in-school suspension)  |
| Eating or drinking outside of lunch periods or where prohibited  | Warnings (oral or written)<br>Detention   |
| Parking in unauthorized areas  | Warnings (oral or written)<br>Detention<br>Restricted Study/Alternate learning center (in-school suspension)<br>Suspension of parking privileges  |
| Driving recklessly, speeding, failing to follow school crossing guard's or security guard's directives on school grounds | Suspension of driving privileges<br>Suspension from school for up to five (5) school days<br>Suspension from school in excess of five (5) days, subject to Superintendent's hearing.                      |
| Trespassing while suspended from school<br>*   | Suspension from school in excess of five (5) days, subject to Superintendent's hearing.<br>Referral to police   |
| Commission of conduct which constitutes a misdemeanor while on school property or at a school function<br>*              | Suspension from school for up to five (5) school days<br>Suspension from school in excess of five (5) days, subject to Superintendent's hearing.  |
| Commission of conduct which constitutes a felony while on school property or at a school function<br>*                   | Suspension from school for up to five (5) school days<br>Suspension from school in excess of five (5) days, subject to Superintendent's hearing<br>Permanent suspension (Expulsion)<br>Referral to police |
| Gambling- including card games and use of dice with or without the direct exchange of money or other consideration.      | Restricted study/Alternate learning center (in-school suspension)<br>Suspension from school for up to five (5) school days  |

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| Lewd behavior   | Restricted study/alternate learning center (in-school suspension)<br>Suspension from school for up to five (5) school days<br>Suspension from school in excess of five (5) days, subject to Superintendent's hearing.   |
| Theft of personal property<br>or -<br>Theft of school property  | Detention<br>Restricted Study/Alternative learning center (in-school suspension)<br>Suspension from school for up to five (5) school days<br>Suspension from school in excess of five (5) days, subject to Superintendent's hearing<br>Permanent suspension (Expulsion) |
| Forgery or fraud  | Restricted study/Alternate learning center (in-school suspension)<br>Suspension from school for up to five (5) school days<br>Suspension from school in excess of five (5) days, subject to Superintendent's hearing  |
| Arson<br>*  | Suspension from school for up to five (5) school days<br>Suspension from school in excess of five (5) days, subject to Superintendent's hearing<br>Permanent suspension (Expulsion)<br>Referral to police   |
| Intentional or reckless destruction of school property or property of others.<br>*  | Restricted study/Alternate learning center (in-school suspension)<br>Suspension from school for up to five (5) school days<br>Suspension from school in excess of five (5) days, subject to Superintendent's hearing<br>Permanent suspension (Expulsion)                |
| Harassment and bullying (race, color, weight, national origin, ethnicity, religion, religious practice, disability, sexual orientation, gender, or sex).<br>* | Warning<br>Detention<br>Restricted study/alternate learning center (in-school suspension)<br>Suspension from school for up to five (5) school days<br>Suspension from school in excess of five (5) days subject to Superintendent's hearing                             |

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| Intimidation or coercion<br>*  | Restricted Study/Alternate learning center (in-school suspension)<br>Suspension from school for up to five (5) school days<br>Suspension from school in excess of five (5) days, subject to Superintendent's hearing  |
| Abusive language and/or indecent gestures directed at staff, students or visitors on school grounds or at school functions. Engaging in verbally rude or disrespectful behavior. | Warnings (oral or written)<br>Detention<br>Restricted Study/Alternate learning center (in-school suspension)<br>Suspension from school for up to five (5) school days   |
| Abusive and/or indecent language and/or gestures directed at school employees or students on school grounds or at school functions which provoke a fight                         | Detention<br>Restricted Study/Alternate learning center (in-school suspension)<br>Suspension from school for up to five (5) school days   |
| Hazing<br>*  | Suspension from school for up to five (5) school days<br>Suspension from school in excess of five (5) days, subject to Superintendent's hearing   |
| Extortion<br>*   | Suspension from school for up to five (5) school days<br>Suspension from school in excess of five (5) days, subject to Superintendent's hearing<br>Permanent suspension (Expulsion)   |
| Shoving, pushing, or engaging in a minor altercation or similar physical confrontational behavior towards students or adults.  | Warnings (oral or written)<br>Detention<br>Restricted Study/Alternate learning center (in-school suspension)<br>Suspension from school for up to five (5) school days<br>Suspension from school in excess of five (5) days, subject to Superintendent's hearing |
| Fighting between students where no dangerous instruments are involved and no person is injured in the altercation  | Detention<br>Restricted Study/Alternate learning center (in-school suspension)<br>Suspension from school for up to five (5) school days   |
| Fighting between students or any physical contact where harm is caused to one or more of the students.<br>*  | Restricted study/Alternate learning center (in-school suspension)<br>Suspension from school for up to five (5) school days<br>Suspension from school in excess of five (5) days, subject to Superintendent's hearing<br>Permanent suspension (Expulsion)        |

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| <p>A fight involving the use or threatened use of a dangerous or deadly weapon<br/>*</p>  | <p>Suspension from school for up to five (5) school days<br/> Suspension from school in excess of five (5) days, subject to Superintendent's hearing<br/> Suspension from school for at least one (1) year for possession of a weapon pursuant to the Gun-Free Schools Act of 1994 (subject to the right of the Superintendent to modify such penalty) or, in the case of a student with a disability whose possession of a weapon is determined not to be related to his/her disability, placement in an interim alternative educational setting for a period of up to forty-five (45) days<br/> Permanent suspension (Expulsion)</p> |
| <p>Any violent act against a teacher or other staff member, as described in this code.<br/>*</p>  | <p>Suspension from school in excess of five (5) days, subject to Superintendent's hearing<br/> Permanent suspension (Expulsion)</p>  |
| <p>Any violent act against another student or person in the schools or at a school function, as described in this code.<br/>*</p>                         | <p>Suspension from school in excess of five (5) days, subject to Superintendent's hearing<br/> Permanent suspension (Expulsion)</p>  |
| <p>Smoking or other tobacco use or possession on campus or at school functions, including electronic cigarettes <i>and vaping devices/substances</i>.</p> | <p>Detention<br/> Restricted study/Alternate learning center (in-school suspension)<br/> Suspension from school for up to five (5) school days</p>   |
| <p>Mental or physical condition which endangers the health, safety and/or welfare of the student or others.<br/>*</p>                                     | <p>Restricted study/Alternate learning center (in-school suspension)<br/> Suspension from school for up to five (5) school days<br/> Suspension from school in excess of five (5) days, subject to Superintendent's hearing<br/> Permanent suspension (Expulsion)</p>  |
| <p>Willfully making false or inaccurate statements.</p>   | <p>Warnings (oral or written)<br/> Detention<br/> Restricted Study/Alternate learning center (in-school suspension)<br/> Suspension from school for up to five (5) school days<br/> Suspension from school in excess of five (5) days, subject to Superintendent's hearing</p>   |
| <p>Failing to be in one's assigned place on school premises.</p>  | <p>Warnings (oral or written)<br/> Detention<br/> Restricted Study/Alternate learning center (in-school suspension)<br/> Suspension from school for up to five (5) school days</p>   |

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| <p>Conduct that endangers the safety and/or well-being of <i>self and/or</i> others on school premises, at school events, or while on a school vehicle.</p>  | <p>Warnings (oral or written)<br/>         Detention<br/>         Restricted Study/Alternate learning center (in-school suspension)<br/>         Suspension from school for up to five (5) school days<br/>         Suspension from school in excess of five (5) days, subject to Superintendent’s hearing<br/>         Permanent suspension (Expulsion)</p>  |
| <p>Possession of illegal drugs, dangerous drugs, counterfeit drugs, synthetic marijuana, alcohol, <i>vaping devices and substances</i>, or a substance which the individual believes or represents to be such drugs or alcohol, at school or at school functions<br/>         *</p>  | <p>Suspension from school for up to five (5) school days<br/>         Suspension from school in excess of five (5) days, subject to Superintendent’s hearing<br/>         Placement in an interim alternative educational setting for a period of up to forty-five (45) days, in the case of a student with a disability whose knowing possession or use of illegal drugs, or sale or solicitation of the sale of a controlled substance at a school or a school function is determined not to be related to his/her disability<br/>         Permanent suspension (Expulsion)</p> |
| <p>Use or being under the influence of illegal drugs, dangerous drugs, counterfeit drugs, <i>synthetic marijuana</i>, or alcohol, <i>vaping substances</i>, or a substance which the individual believes or represents to be such drugs or alcohol, at school or while attending school functions<br/>         *</p>                     | <p>Suspension from school for up to five (5) school days<br/>         Suspension from school in excess of five (5) days, subject to Superintendent’s hearing<br/>         Placement in an interim alternative educational setting for a period of up to forty-five (45) days, in the case of a student with a disability whose knowing possession or use of illegal drugs, or sale or solicitation of the sale of a controlled substance at a school or a school function is determined not to be related to his/her disability<br/>         Permanent suspension (Expulsion)</p> |
| <p>Sale or other distribution of illegal drugs, dangerous drugs, alcohol, drug related paraphernalia, or counterfeit drugs, <i>synthetic marijuana, vaping devices and substances</i>, or a substance which the individual believes or represents to be such drugs or alcohol, at school or while at school functions<br/>         *</p> | <p>Suspension from school in excess of five (5) days, subject to Superintendent’s hearing<br/>         Placement in an interim alternative educational setting for a period of up to forty-five (45) days, in the case of a student with a disability whose knowing possession or use of illegal drugs, or sale or solicitation of the sale of a controlled substance at a school or a school function is determined not to be related to his/her disability<br/>         Permanent suspension (Expulsion)</p>  |
| <p>Sale of services and/or goods, including food and candy on school property or at school events is prohibited except for school sanctioned fund raising activities.</p>  | <p>Warnings (oral or written)<br/>         Detention<br/>         Restricted Study/Alternate learning center (in-school suspension)<br/>         Suspension from school for up to five (5) school days</p>  |
| <p>Possession of fireworks on school property or at school functions<br/>         *</p>  | <p>Suspension from school for up to five (5) school days<br/>         Suspension from school in excess of five (5) days, subject to Superintendent’s hearing</p>  |

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|---|---|
| <p>Use of fireworks while on school property or at school functions<br/>*</p>   | <p>Suspension from school for up to five (5) school days<br/>Suspension from school in excess of five (5) days, subject to Superintendent's hearing<br/>Suspension from school for at least one (1) year for possession of a weapon pursuant to the Gun-Free Schools Act of 1994 (subject to the right of the Superintendent to modify such penalty) or, in the case of a student with a disability whose possession of a weapon is determined not to be related to his/her disability, placement in an interim alternative educational setting for a period of up to forty-five (45) days<br/>Permanent suspension (Expulsion)</p> |
| <p>Activation of a false alarm, bomb threat or other disaster alarm<br/>*</p>   | <p>Suspension from school for up to five (5) school days<br/>Suspension from school in excess of five (5) days, subject to Superintendent's hearing</p>   |
| <p>Possession of dangerous or deadly weapons on school property<br/>*</p>   | <p>Suspension from school for at least one (1) year for possession of a weapon pursuant to the Gun-Free schools Act of 1994 (subject to the right of the Superintendent to modify such penalty) or, in the case of a student with a disability whose possession of a weapon is determined not to be related to his/her disability, placement in an interim alternative educational setting for a period of up to forty-five (45) days<br/>Permanent suspension (Expulsion)</p>  |
| <p>Possession of a knife, dagger, stiletto, razor, paint ball gun, BB gun, stun gun and gun facsimile or other dangerous weapon not defined as a firearm under the <i>Gun Free Schools Act</i>.<br/>*</p>                       | <p>Suspension from school for up to five (5) days<br/>Suspension from school in excess of five (5) days, subject to a Superintendent's Hearing</p>  |
| <p>Bomb, fire or chemical threats regarding school property that are e-mailed, posted on a bulletin board or otherwise communicated whether on campus or off-campus.<br/>*</p>  | <p>Suspension from school for up to five (5) days<br/>Suspension from school in excess of five (5) days, subject to a Superintendent's Hearing</p>  |
| <p>Directed threats of serious bodily injury regarding other students, officers or employees of the District that are e-mailed, posted on bulletin boards or otherwise communicated, whether on campus or off campus.<br/>*</p> | <p>Suspension from school for up to five (5) days<br/>Loss of computer privilege<br/>Suspension from school in excess of five (5) days, subject to a Superintendent's Hearing.</p>  |

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| Commission of a crime off-campus, whether or not school related, that constitutes a danger to the health, safety, welfare or morals of those within our schools.<br>*   | Suspension from school for up to five (5) days<br>Suspension from school in excess of five (5) days, subject to a Superintendent's Hearing<br>Permanent Suspension (Expulsion)   |
| Misconduct that occurs off campus, whether or not school related, that constitutes a danger to the health, safety, welfare or morals within our schools, or a potential material disruption to the educational process in our school.<br>*  | Suspension from school for up to five (5) days<br>Suspension from school in excess of five (5) days, subject to a Superintendent's Hearing<br>Permanent Suspension (Expulsion)   |
| Unauthorized use of any device to record or transmit video, audio, or pictures during instructional, non-instructional or practice time in school buildings, on school premises, or on a school bus. (For purposes of this provision "unauthorized" shall mean taking such action without prior written administrative authorization.)<br>* | Restricted study/alternate learning center (in-school suspension) and confiscation<br>Suspension from school for up to five (5) days<br>Suspension from school in excess of five (5) days, subject to a Superintendent's Hearing                         |
| Unauthorized use of any device to record or transmit video, audio, or pictures in violation of privacy rights of others in school or at school activities. (For purposes of this provision "unauthorized" shall mean taking such action without prior written administrative authorization.)<br>*   | Suspension from school for up to five (5) days<br>Suspension from school in excess of (5) five days subject to Superintendent's Hearing.   |
| Trespassing on school property, including buildings, in violation of postings.<br>*   | Suspension from school for up to five (5) days<br>Suspension from school in excess of (5) five days subject to Superintendent's Hearing.<br><br>Referral to police.  |
| Misusing or knowingly possessing property belonging to another, including the misuse of school district equipment and/or property without permission.   | Warnings (oral or written)<br>Detention<br>Restricted Study/Alternate learning center (in-school suspension)<br>Suspension from school for up to five (5) days<br>Suspension from school in excess of (5) five days subject to Superintendent's Hearing. |

Consult the Guidelines for Athletic participation, the Constitution of the Student Government and the rules governing acceptance and participation in Honor Societies for possible additional consequences.

**THE REPEATING OF AN INFRACTION MAY LEAD TO THE IMPOSITION OF ADDITIONAL MEASURES OF DISCIPLINE. SCHOOL AUTHORITIES HAVE THE RIGHT TO ADJUST THE PENALTIES FOR INFRACTIONS BASED ON THE CIRCUMSTANCES INVOLVED IN AN INDIVIDUAL CASE.**

## **PUBLIC CONDUCT ON SCHOOL PROPERTY -**

The Board of Education recognizes that the primary purpose of the School District is to provide a superior atmosphere for learning and education. Any action by an individual or group(s) aimed at disrupting, interfering with or delaying the education process or having such effect, is prohibited. The Board also recognizes its responsibility to protect school property and declares its intent to take any and all legal action to prevent its damage or destruction. The Board will also seek restitution from, and prosecution of, any person or persons who willfully damage school property.

These rules govern the conduct of students, parents, faculty and other staff, other visitors, licensees, invitees, and all other persons, whether or not their presence is authorized, upon district property, and also upon or with respect to any other premises or property (including school buses) under the control of the District and used in its instructional programs, administrative, cultural, recreational, athletic, and other programs and activities, whether or not conducted on school premises. Policy #1520, #1520-R.

### **PROHIBITED CONDUCT**

No person, either singly or in concert with others, shall:

- willfully cause physical injury to any other person, or threaten to do so, for the purpose of compelling or inducing such other person to refrain from any act which s/he has a lawful right to do, or to do any act which s/he has a lawful right not to do;
- intimidate, harass or discriminate against any person on the basis of race, creed, color, national origin, religion, gender, age, marital status, sexual orientation or disability;
- physically restrain or detain any other person, or remove such person from any place where s/he is authorized to remain;
- willfully damage or destroy property of the District or under its jurisdiction, or remove or use such property without authorization;
- without permission, expressed or implied, enter into any private office of an administrative officer, member of the faculty or staff member;
- enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others;
- without authorization, remain in any building or facility after it is normally closed;
- refuse to leave any building or facility after being required to do so by an authorized administrative officer, member of the faculty or staff member, or member of the Board of Education;
- obstruct the free movement of persons and vehicles in any place to which these rules apply;
- violate posted speed limits on school property;
- deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings or deliberately interfere with the freedom of any person to express his/her views, including invited speakers;
- knowingly have in his/her possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm or weapon without written authorization of the Superintendent of Schools or his/her designee, whether or not licensed to possess the same has been issued to such person; and/or

- have in his/her possession or use of alcohol, drugs and tobacco;
- use a skateboard, all-terrain vehicles (ATV), or off-road vehicles on school property;
- have a pet of any kind on school property without prior authorization;
- willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so.
- engage in conduct prohibited by Commissioner's Regulations at 8 NYCRR § 100.2 (gg) {See Addendum 2, Pages 51-56} {Also available on our School District Web page, Under "District Publications" or on school building Web pages under "For Parents-Flyers, Forms and Documents"}

## **PENALTIES AND PROCEDURES**

A person who shall violate any of the provisions of these rules shall be subject to the following penalties and procedures:

- If a licensee or invitee, his/her authorization to remain upon the grounds or other property shall be withdrawn and s/he shall be directed to leave the premises. In the event of failure to do so, s/he shall be subject to ejection. Further, said person may be subject to suspension of the privilege to be present at school activities, in school buildings, on school grounds and at school facilities for up to one year, as determined upon inquest proceedings conducted by the Superintendent of Schools.
- If trespasser or visitor without specific license or invitation, s/he shall be subject to ejection and/or arrest. Further, said person may be subject to suspension of the privilege to be present at school activities, in school buildings, on school grounds and at school facilities for up to one year, as determined upon inquest proceedings conducted by the Superintendent of Schools.
- If s/he is a student, s/he shall be subject to disciplinary action as the facts of the case may warrant, as prescribed by §3214 of the Education Law and the Student Code of Conduct. In the case of a graduating senior, the penalties and procedures applicable to trespassers shall apply.
- If a faculty member, s/he shall be subject to disciplinary action as prescribed by and in accordance with procedures of the Education Law and the collectively negotiated agreement.
- If a staff member in the classified service of the Civil Service, described in §75 of the Civil Service Law, s/he shall be guilty of misconduct and subject to the penalties and procedures prescribed in said section and be subject to ejection.
- If a staff member other than one described above, s/he shall be subject to discipline in accordance with law and any applicable collectively negotiated agreement.

## **ENFORCEMENT PROGRAM**

1. The Superintendent of Schools shall be responsible for the enforcement of these rules, and s/he shall designate the other personnel who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect.
2. In the case of any apparent violation of these rules by such persons, which, in the judgment of the Superintendent or his/her designee, does not pose any immediate threat of injury to person or property, such officer may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for resolution of any issues which may be presented. In doing so such officer shall warn such persons of the consequences or persistence in the prohibited conduct, including their ejection from any district properties where their continued presence and conduct is in violation of these rules.
3. In any case where violation of these rules does not cease after such warning and in other cases of willful violation of such rules, the Superintendent or his/her designee shall cause the ejection of the violator from any premises which s/he occupies in such violation and shall initiate disciplinary action hereinbefore provided.
4. The Superintendent or his/her designee may apply to the public authorities for any aid which s/he deems necessary in causing the ejection of any violator of these rules and s/he may request the Board's Counsel to apply to any court of appropriate jurisdiction for any injunction to restrain the violation or threatened violation of such rules.

**THIS CODE AND THE PENALTIES SET FORTH HEREIN ARE NOT CONSIDERED TO BE INCLUSIVE OR TO PRECLUDE IN ANY WAY THE PROSECUTION AND CONVICTION OF ANY PERSON FOR THE VIOLATION OF ANY FEDERAL OR STATE LAW OR LOCAL ORDINANCE AND THE IMPOSITION OF A FINE OR PENALTY PROVIDED FOR THEREIN.**

## APPENDIX

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## ACADEMIC INTEGRITY

It is Pearl River High School's goal to establish for each student an ethic of academic integrity. Because we strive to reinforce ethical values and practices, the PRHS faculty will have a zero tolerance policy for cheating.

1. Students must not copy from another student's test, quiz paper, or work, including homework. During a test or quiz students must avoid even the appearance of cheating by putting away all notes, cell phones and other electronic devices, keeping their eyes on their own papers, working in silence, and refraining from leaving their seats. Discussing homework with other students is encouraged, but copying homework from another student or from your textbook is unacceptable. Homework must be written in the students' own words.
2. In any course submitting another student's paper and representing it as your own is forbidden.
3. We encourage students to collaborate and deepen their knowledge of their subjects by fully discussing academic topics. Students may collaborate with others on assignments. If a student is unsure about the appropriateness of collaboration for a specific assignment, he/she should consult with the teacher. When collaboration takes place, the work should clearly bear the names of all the students who participated. However, students need to practice their critical thinking and writing skills by independently structuring their responses to assignments and writing with their own words. By merely copying the form and paraphrasing another's ideas, students demonstrate an "inability to develop and express their own thoughts" (MLA Handbook 66).
4. Offering or receiving specific or general information about the content of tests or quizzes is not permitted. Knowingly using, buying, selling, transporting, or soliciting the contents of a quiz, test or exam is forbidden.
5. Student's may not substitute for another student or permit another student to substitute for you in an examination.
6. Altering a test paper or grade in any manner is forbidden.

Academic integrity, like all values, is primarily learned at home; the Pearl River School District is committed to reinforcing academic honesty. The health of the school community depends upon each student's commitment to this ethic.

### What is Plagiarism?

In its brochure "Academic Honesty Misconduct - Stop and Think," Ohio University defines plagiarism as "the presentation of the ideas or writing of someone else as one's own work." It includes the following:

- Reproducing another person's work, whether published or unpublished, including using materials from companies that sell research papers.
- Submitting as your own any academic exercise prepared totally or in part by another.
- Allowing another person to alter or revise your work substantially and submitting it as your own.
- Using another's written ideas or words without properly acknowledging the source. If a student uses the words of someone else, he or she must put quotation marks around the passage and add indication of its origin. Simply changing a word or two while leaving the organization and content substantially intact and failing to cite the source is plagiarism. Students should also note that failure to acknowledge study aids such as Cliff Notes, Spark Notes, or other common reference sources constitutes plagiarism.
- All sources, including the sources of ideas, must be acknowledged and cited in ways appropriate to one's discipline. Sources include, but are not limited to, Internet pages, books, magazines, lyrics, photos, publicly printed matter, government documents, etc.
- Failure to acknowledge sources is plagiarism, regardless of intention.

If a student is unsure about a question of plagiarism or cheating, he or she is encouraged to consult his or her teacher on the matter before submitting the material.

### Procedures

1. Students will be made aware of all expectations regarding their own work and the consequences of plagiarism.
2. Teachers will first confer with the student about his or her infraction and notify both parents and administrators.

## Range of Possible Consequences

In addition to the range of consequences in the Code of Conduct under “Cheating in any academic, extra-curricular or co-curricular activity”, the following steps shall be taken where a violation of this regulation is determined to have occurred:

- If an offense occurs, involving a midterm exam, final examination or a Regents exam, a zero will be recorded and will count for 10% of the final grade for the course.
- A conference will be held by the administrator. In addition to the administrator, the student, and parent(s)/guardian(s) should attend. Following the meeting, both student and parent will be asked to sign a statement that they fully understand that additional violations will result in further consequences as listed in the Code of Conduct and in this addendum.
- If a member of the National Honor Society, the student may be removed from membership, pursuant to the procedures outlined in the constitution of the National Honor Society.
- A conference may be held by the principal for subsequent violations. Any or all of the following may be invited to participate at the conference: the student, the parent(s)/guardian(s), the teacher and the counselor.
- The student could be removed or barred from holding or being a candidate for any leadership position where character, honesty, or integrity are stated or implied qualifications, including athletic teams and clubs. Additionally, the student could be denied membership in the National Honor Society.

## Appeals Procedure

1. Appeal of the decision resulting from the first conference is made to the principal.
2. Appeal of the decision of the principal is made to the superintendent.
3. Appeal of the decision of the superintendent is made to the Board of Education via the Secretary of the Board.

Grateful acknowledgement is made for the preceding material in the Academic Integrity section adapted from:

Academic Honesty: Misconduct- Stop and Think:

Ohio University, Office of Dean of Students/Office of Legal Affairs/Dept. of English

Northern Highlands Regional High School

Blind Brook High School

Montclair Kimberly Academy

University of Pennsylvania

Randolph High School

Glen Ridge High School

MLA Handbook for Writers of Research Papers. 6<sup>th</sup> edition. Ed. Joseph Gibaldi. New York:

The Modern Language Association of America, 2003.

## VADIR – Violence and Disruptive Incident Reporting - Part 100.2 (gg)

(gg) *Uniform violent or disruptive incident reporting system.* School districts, boards of cooperative educational services, charter schools and county vocational education and extension boards shall submit to the commissioner annual reports of violent or disruptive incidents that occurred in the prior school year, commencing with the 2001-2002 school year, in accordance with Education Law, section 2802 and this subdivision.

(1) Definitions. For the purposes of this subdivision:

(i) *School function* means a school-sponsored or school-authorized extracurricular event or activity, regardless of where such event or activity takes place, including any event or activity that may take place in another state.

(ii) *School property* shall mean 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, as defined in section 142 of the Vehicle and Traffic Law; or at a school function.

(iii) *Physical injury* means impairment of physical condition or substantial pain.

(iv) *Serious physical injury* means physical injury which creates a substantial risk of death or which causes death or serious and protracted disfigurement or protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

(v) *Weapon* means one or more of the following dangerous instruments:

(a) a firearm, including but not limited to a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, airgun or spring gun;

(b) a switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife or other dangerous knife;

(c) a billy club, blackjack, bludgeon, chukka stick, or metal knuckles;

(d) a sandbag or sandclub;

(e) a sling shot or slungshot;

(f) a martial arts instrument, including but not limited to a kung fu star, ninja star, nin chuck, or shirken;

(g) an explosive, including but not limited to a firecracker or other fireworks;

(h) a deadly or dangerous chemical, including but not limited to a strong acid or base, mace, or pepper spray;

(i) an imitation gun;

(j) loaded or blank cartridges or other ammunition; or

(k) any other dangerous or deadly instrument possessed with intent to use the same unlawfully against another.

(vi) *Violent or disruptive incident* shall mean one of the following categories of incidents that occurs on school property of the school district, board of cooperative educational services, charter school or county vocational education and extension board, committed with or without a weapon (except in the case of weapons possession):

(a) *Homicide.* Any conduct which results in the death of another person.

(b) *Sex offenses.*

(1) *Forcible sex offenses.* Forcible sex offenses involving forcible compulsion. Incidents involving forcible compulsion and completed or attempted sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact with or without a weapon, including, but not limited to, rape and sodomy.

(2) *Other sex offenses.* Other sex offenses involving inappropriate sexual contact but no forcible compulsion, including, but not limited to, conduct that may be consensual or involve a child who is incapable of consent by reason of disability or because he or she is under 17 years of age, provided that such term shall not include consensual sexual conduct involving only students, and/or non-students 18 years of age or under, unless at least one of the individuals participating in the conduct is at least four years older than the youngest individual participating in the conduct.

(c) *Robbery.* Forcible stealing of property from a person by using or threatening the immediate use of physical force upon that person, with or without the use of a weapon.

(d) *Assault involving serious physical injury.* Intentionally or recklessly causing serious physical injury to another person, with or without a weapon, in violation of the school district code of conduct.

(e) *Arson.* Deliberately starting a fire with intent to damage or destroy property.

(f) *Kidnapping.* To abduct, as defined in section 135.00 of the Penal Law, a person, so as to restrain such person with intent to prevent his or her liberation, by either:

(1) secreting or holding him or her in a place where he or she is not likely to be found; or

(2) using or threatening to use deadly physical force.

(g) *Other assaults involving physical injury.* Intentionally or recklessly causing physical injury to another person, with or without a weapon, in violation of the school district code of conduct.

(h) *Reckless endangerment.* Subjecting individuals to danger by recklessly engaging in conduct that creates a grave risk of death or serious physical injury, but no actual physical injury.

(i) *Minor altercations involving physical contact and no physical injury.* Striking, shoving or kicking another person or subjecting another person to unwanted physical contact with intent to harass, alarm or seriously annoy another person, but no physical injury results.

(j) *Intimidation, harassment, menacing or bullying behavior and no physical contact.* Threatening, stalking or seeking to coerce or compel a person to do something; intentionally placing or attempting to place another person in fear of imminent physical injury; or engaging in verbal or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs involving race, ethnicity, national origin, religion, religious practices, gender, sexual orientation, age or disability that substantially disrupts the educational process.

(k) *Burglary*. Entering or remaining unlawfully on school property with intent to commit a crime.

(l) *Criminal mischief*. Intentional or reckless damaging of the property of the school or of another person, including but not limited to vandalism and the defacing of property with graffiti.

(m) *Larceny and other theft offenses*. Unlawful taking and carrying away of personal property with intent to deprive the rightful owner of property permanently or unlawfully withholding property from another.

(n) *Bomb threat*. A telephoned, written or electronic message that a bomb, explosive, chemical or biological weapon has been or will be placed on school property.

(o) *False alarm*. Falsely activating a fire alarm or other disaster alarm.

(p) *Riot*. Simultaneously with four or more persons engages in tumultuous and violent conduct and thereby intentionally or recklessly causes or creates a grave risk of physical injury or substantial property damage or causes public alarm.

(q) *Weapons possession*. Possession of a weapon, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of a teacher or other school personnel as authorized by school officials.

(r) *Drug use, possession or sale*. Illegally using or possessing a controlled substance or marijuana, on school property, including having such substance on a person in a locker, vehicle, or other personal space; selling or distributing a controlled substance or marijuana, on school property; finding a controlled substance or marijuana, on school property that is not in the possession of any person; provided that nothing herein shall be construed to apply to the lawful administration of a prescription drug on school property.

(s) *Alcohol use, possession or sale*. Illegally using or possessing alcohol on school property, including having such substance on a person or in a locker, vehicle, or other personal space; illegally selling or distributing alcohol on school property; finding alcohol on school property that is not in the possession of any person.

(t) *Other disruptive incidents*. Other incidents involving disruption of the educational process.

## (2) Recording of offenses.

(i) For purposes of reporting pursuant to this subdivision, each incident shall be reported once in the highest ranking category of offense that applies, except that incidents involving a weapon and one of the offenses listed in clauses (1)(vi)(a) through (p) of this subdivision shall be reported in the highest ranking category of offense that applies as an offense committed with a weapon, and not in weapons possession; and incidents involving drug use, possession or sale and/or alcohol use, possession or sale and another offense shall be reported in the highest ranking category in clauses (1)(vi)(a) through (q) of this subdivision that applies. If the offense involves only the use, possession or sale of drugs or alcohol, it shall be recorded in the applicable category of drug or alcohol use, possession or sale as an

incident involving drug or alcohol use, possession or sale only. For purposes of determining the highest ranking offense pursuant to this subparagraph, offenses shall be ranked in the order that they appear in clauses (1)(vi)(a) through (p) of this subdivision, followed by weapons possession, drug use, possession or sale and alcohol use, possession or sale, and other disruptive incidents.

(ii) The offenses described in clauses (1)(vi)(i), (k), (l), (m), (p) and (t) of this subdivision shall only be reported where such behavior, under the district's code of conduct, is of sufficient seriousness to warrant the suspension or removal of a student or the referral of a student to a counseling or treatment program or transfer of a student to an alternative education program, or the referral of a student to the juvenile justice system, or disciplinary action against or dismissal of a school employee, or notification of law enforcement of the commission of a crime, whether or not the perpetrators are identified. All incidents involving bomb threats or false alarms as defined in clauses (1)(vi)(n) and (o) of this subdivision shall be reported. All incidents involving intimidation, harassment, menacing or bullying behavior as defined in clause (1)(vi)(j) of this subdivision that are the subject of a written or oral complaint to the school principal or other school administrator responsible for school discipline, or are otherwise directly observed by such principal or administrator, shall be reported.

(3) Submission of report. Each school district, board of cooperative educational services, charter school and county vocational education and extension board shall annually submit its report on violent or disruptive incidents, in the manner prescribed by the commissioner, on or before the basic educational data system (BEDS) reporting deadline or such other date as determined by the commissioner.

(4) Content of report. Each individual violent or disruptive incident report shall be in a form prescribed by the commissioner and shall contain the following information concerning each violent or disruptive incident that occurred in the prior school year:

- (i) the number and types of offenders, identified as student, teacher, school safety officer, other school staff, student intruder, visitor, unknown or other;
- (ii) if any offender is a student, the age and grade of the student;
- (iii) the location at which the incident occurred, including:
  - (a) the school building in which the incident occurred or whose real property boundary line includes the athletic playing field, playground, parking lot or land on which the incident occurred, and whether the incident occurred in a classroom, laboratory, hall, staircase, gymnasium, locker room or pool, cafeteria, bathroom, auditorium, playground or athletic field or otherwise on school grounds; or
  - (b) where applicable, that the incident occurred on a school bus; or
  - (c) where applicable, that the incident occurred at a school function conducted off school grounds.
- (iv) the types of incident, identified by category listed in clauses (1)(vi)(a) through (t) of this subdivision;
- (v) whether the incident occurred during or outside of regular school hours;
- (vi) where the incident involves a weapon, whether the weapon was a firearm, knife or other weapon;
- (vii) whether the incident was bias-related, drug-related, or gang or group-related;

- (viii) the actions taken by the school in response to the incident, including when the incident was reported to police or other law enforcement officials and whether disciplinary action was taken against the offenders;
- (ix) any student discipline or referral action taken against a student/offender, including but not limited to an out-of-school suspension, a teacher removal, an involuntary transfer to an alternative placement, an in-school suspension, a referral for community service, a referral for counseling, or a referral to the juvenile justice system or the criminal justice system, and the duration of such action; and
- (x) the number and nature of the victims, identified as a student, teacher, school safety officer, other school staff or other and the victim's age and grade where the victim is a student.

(5) Preparation of report. Each annual violent or disruptive incident report shall be in a form prescribed by the commissioner and shall contain such information as the commissioner shall prescribe, including but not limited to information on the frequency and types of incidents, offenders, victims and student discipline or referral actions taken, as is available on the date the annual report is submitted.

(6) Local procedures. The governing body of each school district, board of cooperative educational services, charter school and county vocational education and extension board shall establish local procedures for the reporting of violent or disruptive incidents by each building and/or program under its jurisdiction. Such procedures shall assure that copies of each violent or disruptive incident report at the building or program level are retained for period prescribed by the commissioner in the applicable records retention schedule, and are available for inspection by the department upon request; provided that a district or board that adopts an electronic reporting system may fulfill such requirement by retaining an electronic record of the information reported at the building or program level.

(7) Confidentiality. Pursuant to subdivision 6 of section 2802 of the Education Law, all personally identifiable information included in a violent or disruptive incident report shall be confidential, and shall not be disclosed to any person for use by any person for purposes other than the purposes of section 2802 of the Education Law, except as otherwise authorized by law.

(8) School violence index. Each school year, commencing with the 2005-2006 school year, the department shall establish a school violence index as a comparative measure of the level of school violence in a school. The school violence index will be computed in accordance with a formula established by the commissioner that takes into account the enrollment of the school and is weighted to reflect the most serious violent incidents, which shall include but need not be limited to the following categories of incidents: homicide, forcible sexual offense, robbery, assault resulting in serious physical injury, arson, kidnapping, and incidents involving the possession, use or threatened use of a weapon.

## Pearl River Code of Conduct – Dignity for All Students Act (DASA) Summary

The Pearl River School District is committed to maintaining high standards of education for our students. In addition, the District and Board of Education is committed to providing an educational environment that promotes respect, dignity and equality in accordance with the *Dignity for All Students Act (DASA)*, and creates and maintains high behavioral standards and expectations.

All students have the right and responsibility to attend and participate in school regularly, be respectful and considerate of others and follow the Code of Conduct in school buildings, on school grounds, on school buses, field trips, and at all other school functions and events. Students are expected to treat others as they would like to be treated. All students have the right to feel safe at school, to grow and learn without worry or fear of physical or emotional harm.

To that end, the administrators, faculty, staff and students will participate in activities designed to support school climates of caring and respect, and to proactively prevent discrimination, harassment, and bullying, including cyberbullying. These developmentally appropriate activities are designed to foster an acceptance and understanding of differences, provide alternative behaviors and responses, and build the capacity to prevent and reduce bullying.

All students have the responsibility to treat each other with caring and respect. No student shall be treated differently or unfairly because of actual and/or perceived differences. This includes saying hurtful words and/or doing hurtful things either in person, on a computer, or in any other way. Students who feel uncomfortable and/or unsafe because of the words or actions of others should immediately speak with a teacher, administrator, coach, or other adult.

The Pearl River School District Code of Conduct, in accordance with DASA, specifically prohibits, discrimination, harassment, bullying, taunting, hurtful teasing, and cyberbullying, that negatively impacts the ability of a student to focus on school work and participate in school activities based on the following characteristics:

| Dignity for All Students       |  |
|--------------------------------|--|
| Race                           | White, Black or African American, Hispanic/Latino, American Indian or Alaskan Native, Asian, Native Hawaiian or Other Pacific Islander; Two or more races. |
| Color                          | Color of a person's skin.  |
| Weight                         | The size of a person.  |
| National Origin                | Where your relatives were born.  |
| Ethnic Group                   | Being a part of a group of people who are connected by a shared language, culture, and/or common religion.   |
| Religion                       | Religious or spiritual belief.   |
| Religious Practice             | The expression of your religious belief, customs, traditions, etc.   |
| Disability                     | A person's body or mind that does not look or work the same as others.   |
| Sex                            | Are a boy or girl.   |
| Sexual Orientation             | A person liking a boy or girl.   |
| Gender Identity and Expression | How a person feels about and expresses being a boy or girl.  |
| Socio-Economic Status          | How much money a family earns or has.  |

## **0100 - EQUAL OPPORTUNITY**

### **TITLE VI, VII, IX and SECTION 504 NONDISCRIMINATION POLICY**

The Pearl River Union Free School District does not discriminate on the basis of race, color, national origin, sex, disability, age, creed, sexual orientation, genetic predisposition or carrier status, marital status or military status in employment or its educational programs in accordance with the requirements of Title VI of the Civil Rights Act of 1964 (Title VI); Title VII of the Civil Rights Act of 1964 (Title VII); Title IX of the Education Amendments of 1973 (Title IX); Section 504 of the Rehabilitation Act (Section 504); the Americans with Disabilities Act of 1990 (the ADA); the Age Discrimination In Employment Act of 1967 (the A.D.E.A.) or Section 291 of the New York State Executive Law, which prohibit discrimination on the basis of race, color, national origin, sex, disability, age, creed, sexual orientation, genetic predisposition or carrier status, marital status or military status.

The Director of Special Services\* is the responsible individual designated as Compliance Coordinator to facilitate the District's efforts to comply with Titles VI, VII, IX, §504/ADA, the A.D.E.A. and §291 NYS Executive Law, to answer questions regarding the District's responsibilities under these laws and regulations, facilitate the making of a complaint pursuant to any of these laws and regulations and to address service requests related to a disability pursuant to Section 504 and the ADA. The Director of Special Services may be reached at (845) 620-3939, 275 East Central Avenue, Pearl River, New York 10965.

This policy shall be annually published in employee and student handbooks, the Student Code of Conduct, recruitment materials and publications and issued as part of the school calendar.

Adoption Date: April 27, 2004

Re-adoption Date: October 11, 2011

#### **District Compliance Coordinator**

Carolyn Moffa  
Director of Special Services  
Pearl River School District  
135 West Crooked Hill Road  
Pearl River, NY 10965  
Tel: (845) 620-3939

**0101 - TITLE VI CIVIL RIGHTS ACT  
NON-DISCRIMINATION AND  
ANTI-HARASSMENT IN THE SCHOOLS**

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide an environment that is free of harassment and intimidation as required by Federal and state law. Harassment is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of discrimination and harassment on the basis of race, color, creed, religion, national origin by employees, school volunteers, students, and non-employees such as contractors and vendors as well as any third parties who are participating in, observing, or otherwise engaging in activities subject to the supervision and control of the District.

The Board also prohibits harassment based on an individual's opposition to discrimination or participation in a related investigation or complaint proceeding pursuant to Title VI of the Civil Rights Act, 42 U.S.C. Section 2000d, et seq. and 34 C.F.R. Part 100. This policy of nondiscrimination and anti-harassment will be enforced on School District premises, vehicles, in school buildings and at all school-sponsored events, programs and activities, including those that take place at locations off school premises and in another state.

It is intended that this policy apply to the dealings between or among employees with employees; employees with students; students with students; employees/students with vendors/contractors and others who do business with the School District, as well as school volunteers, visitors, and guests. All of these persons are hereinafter referred to collectively as "the named group."

For purposes of this policy, harassment shall mean communication (verbal, written or graphic) and/or physical conduct based on an individual's actual or perceived race, color, creed, religion and national origin, that:

- a) Has the purpose or effect of substantially or unreasonably interfering with an individual's work performance or is used as a basis for employment decisions (including terms and conditions of employment) affecting such individual; and/or creates an intimidating, hostile or offensive work environment;
- b) Has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity, or creates an intimidating, hostile or offensive learning environment; and/or effectively bars the students access to an educational opportunity or benefit;
- c) Otherwise adversely affects the employment and/or educational opportunities and benefits provided by the District.

District staff who observe any such harassment should intervene to stop the harassment and thereafter report the matter to a District Compliance Officer.

### **Complaints and Grievances by Employees**

In accordance with the provisions of General Municipal Law and the collective bargaining agreements, all District personnel shall have the opportunity to present their complaints or grievances free from interference, coercion, restraint, discrimination or reprisal.

Complaints or grievances not covered under employee contracts shall be handled and resolved, whenever possible, as close to their origin as possible. The Superintendent is responsible for implementing regulations for the redress of complaints or grievances through proper administrative channels.

### **Complaints and Grievances by Students and Other Third Parties**

While students have the responsibility to abide by the policies and regulations of the District, they shall also be afforded opportunity to present complaints and grievances free from interference, coercion, restraint, discrimination or reprisal.

Administration shall be responsible for establishing rules and regulations for the redress of complaints or grievances through proper administration channels. In addition, the District shall develop an appeals process, ensuring that students, employees, volunteers, vendors/contractors, visitors and guests have full understanding and access to these regulations and procedure, and providing prompt, thorough and equitable consideration and determination of student complaints and grievances.

### **Investigation of Complaints and Grievances**

The School District will act to promptly investigate all complaints, either verbal or written, formal or informal, of allegations of harassment based on any of the characteristics described above; and will promptly take appropriate action to protect individuals from further harassment. The District will designate, at a minimum, two (2) Compliance Officers.

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any employee, student, or other member of the above named group who believes he/she has been a victim of harassment in the school environment and/or at programs, activities and events under the control and supervision of the District, as well as any individual who is aware of and/or who has knowledge of, or witnesses any possible occurrence of harassment, immediately report such alleged harassment; such report shall be directed to or forwarded to a District designated Compliance Officer(s) through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged harassment will also be promptly investigated in accordance with the terms of this policy. In the event that a Compliance Officer is the alleged offender, the report will be directed to another Compliance Officer.

Upon receipt of an informal/formal complaint (even an anonymous complaint), the District will conduct a prompt, fair and thorough investigation of the charges. However, even in the absence of an informal/formal complaint, if the District has knowledge of any occurrence of harassment, the District will investigate such conduct promptly and thoroughly. To the extent possible, within legal constraints, all complaints will be treated as confidential and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges and/or to notify law enforcement officials as warranted, and any disclosure will be provided on a "need to know" basis. The Superintendent will inform the Board of Education of investigations involving findings of discrimination or harassment.

Based upon the results of this investigation, if the District determines that an employee, vendor/contractor, volunteer, guest, visitor or student has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken as warranted. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with applicable laws and/or regulations, District policy and regulation, and the District Code of Conduct. Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, District policy and regulation, and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors/contractors or guests) who are found to have violated this policy and/or accompanying regulations and/or the Code of Conduct, will be subject to appropriate sanctions as warranted and in compliance with law. The application of such disciplinary measures by the District does not preclude the filing of civil and/or criminal charges as may be warranted.

### **Prohibition of Retaliatory Behavior**

The Board, consistent with the prohibition set forth in Title VI of the Civil Rights Act, prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of harassment. Follow-up inquiries shall be made to ensure that harassment has not resumed and that all those involved in the investigation of the harassment complaint have not suffered retaliation.

### **Finding That Harassment Did Not Occur**

At any level/stage of investigation of alleged harassment, if a determination is made that harassment did not occur, the Compliance Officer will so notify the complainant, the alleged offender and the Superintendent of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to District regulation referenced in this policy.

However, even if a determination is made that harassment did not occur, the Superintendent/designee reserves the right to initiate student and/or staff awareness and training, as applicable, to help ensure that the school environment is not conducive to fostering harassment.

In all cases, the Superintendent will inform the Board of Education of his/her findings regarding an informal or formal complaint.

### **Knowingly Makes False Accusations**

Employees and/or students who *knowingly* make false accusations against another individual as to allegations of discrimination or harassment may also face appropriate disciplinary action.

### **Privacy Rights**

As part of any investigation, the District has the right to search all school property and equipment including District computers. Rooms, desks, cabinets, lockers, computers, etc. are provided by the District for the use of staff and students, but the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

## **Compliance Officer**

The District's Compliance Officers are the District's Deputy Superintendent of Curriculum and Instruction, the Director of Special Services and such other individuals as may be designated by the Board of Education in the event of the unavailability of the Compliance Officers. The Compliance Officers shall be appointed by the Board and shall be responsible for providing information, including complaint procedures, and for handling complaints relative to harassment for any student, parent, employee or third parties as described in this policy.

Prior to the beginning of each school year, the District shall issue an appropriate public announcement which advises students, parents/guardian, employees and the general public of this Policy and its grievance procedures for resolving complaints of harassment. Included in such announcement will be the name, address and telephone number of the Compliance Officers.

## **Development and Dissemination of Administrative Regulations**

Regulations will be developed for reporting, investigation, and remedying allegations of harassment based on the characteristics described above. An appeal procedure will also be provided therein to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable Compliance Officer(s). Such regulations will be developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

Training and/or "awareness" programs will be established for staff and students to help ensure knowledge of and familiarity with the issues pertaining to harassment in the schools as addressed in this Policy, and to disseminate information about preventative measures to help reduce such incidents of prohibited conduct. Training will be provided to all designated Compliance Officers regarding the investigation of said harassment complaints.

A copy of information about this Policy and its accompanying regulations will be available upon request and may be posted at various locations in each school building. The District's policy and regulations on anti-harassment will be published in appropriate school publications such as teacher/employee handbooks, student handbooks and on the District's website.

This policy should not be read to abrogate other District policies and/or regulations or the District Code of Conduct prohibiting other forms of unlawful discrimination and, inappropriate behaviors. It is the intent of the District that all such policies and/or regulations be read consistently to provide the highest level of protection from unlawful discrimination in the provision of employment/educational services and opportunities.

Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq.

Prohibits discrimination on the basis of race, color or national origin and 34 C.F.R. Part 100. Education Law Section 2801(1) Executive Law Section 290 et seq.

Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, marital status, use of a recognized guide dog, hearing dog or service dog, or domestic violence victim status.

Adoption Date: December 13, 2011

## **0101-R --TITLE VI CIVIL RIGHTS ACT NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE SCHOOLS (REGULATION)**

### **Grievance Procedure**

Any individual who believes that he or she has been subjected to harassment by an officer, employee, student or non-employee is encouraged to address the matter with any district Compliance Officer\*, who shall promptly conduct an intake interview and explain the following options for resolution:

- registering an informal complaint verbally or in writing; or
- registering a formal complaint verbally or in writing; or
- engaging in mediation to arrive at a resolution of the matter; or
- placing the district on notice of the objectionable conduct without seeking a resolution through the complaint process or mediation.

The Compliance Officer shall be authorized to proceed with a matter raised in paragraph 4 as if it had been filed as an informal complaint or a formal complaint at his/her discretion.

The Compliance Officer will also explain that the complaining individual shall not be subject to retaliation or retribution by reason of making the complaint and that confidentiality shall be maintained throughout the process, except as necessary to assure fair and due process.

### **Informal Complaints**

An informal complaint will be promptly reviewed by an intake Compliance Officer, who shall issue a written report to the Superintendent of Schools, within seven (7) school days. The Superintendent shall take such further action necessary to reasonably deter any further act prohibited by this policy. Such further action may include referring the matter to a compliance officer as if it had been filed as a formal complaint.

### **Formal Complaints**

All formal complaints shall be received in writing or reduced to writing by an intake Compliance Officer, who shall personally or by delegation to a designee conduct a full and fair investigation of the complaint, make written findings of fact and, where warranted, recommend a resolution to the Superintendent of Schools. The investigative steps shall include an opportunity for the parties to present witnesses and evidence. The initial investigation shall, in the absence of extenuating circumstances, be completed within ten (10) school days of receipt of the formal complaint. The Superintendent of Schools shall provide written advisement to the complainant and the subject of the complaint of the disposition of the complaint, that may include:

- a finding that this policy has not been violated, or
- a finding that this policy has been violated and a critical evaluative letter has been issued with a requirement of corrective training for the subject of the complaint if an employee; or
- that disciplinary action has been taken or where pre-disciplinary charges must be preferred, -
- that they have been preferred in order to convene a disciplinary hearing, or
- if there has been a finding that this policy has been violated, the action steps that the District intends to take to prevent the reoccurrence of the harassment and to correct its discriminatory effects, if appropriate, and
- that they have the right to appeal the finding to the Board of Education.

The Superintendent of Schools shall also ensure that the victims of harassment are aware of their rights and available resources, such as counseling.

### **Alternates**

The Board shall appoint at least two (2) Compliance Officers. A Complainant will have a choice of which Compliance Officer to approach regarding a complaint. If the complaint is about the Superintendent of Schools, the Board shall stand in the Superintendent's place for review activities.

### **Appeal of Formal Complaints**

If a formal complaint hasn't been processed to a satisfactory disposition by the Superintendent within ten (10) school days, unless extended with the written consent of the complainant, the complainant may appeal in writing to the Board of Education, who shall hear and consider the appeal in an impartial manner.

### **Confidentiality**

The district's Compliance Officer(s), the Superintendent of Schools and the Board of Education shall, to the maximum extent possible, maintain as confidential the transaction(s) underlying the proceedings or complaint, the outcome of a mediated agreement and action taken, other than formal discipline. The subject of the proceedings or complaint, however, shall be informed of the identity of the person who commenced the proceedings or complaint in order to provide fair and due process. Both the complainant and the subject of the complaint shall be given a copy of the findings in the matter of a formal complaint.

### **Consequences**

Any officer, supervisor, or employee who violates this policy shall be subject to corrective action up to and including termination of office or employment, with due process provided as necessary. Students who violate this policy shall be subject to disciplinary or other corrective action.

Any complaint that is determined to have been processed maliciously or in bad faith, shall be deemed to be in violation of this policy and may give rise to disciplinary consequences against the complainant.

**\*District Compliance Officers**

**Sue Wheeler**

Deputy Superintendent Pearl River  
135 West Crooked Hill Rd.  
Pearl River, NY 10965  
Tel: (845) 620-3913

**Carolyn Moffa**

Director of Special Services  
135 West Crooked Hill Rd.  
Pearl River, NY 10965  
Tel: (845) 620-3939

**Kathleenann Cool, Principal**

Lincoln Avenue Elementary School  
115 Lincoln Avenue  
Pearl River, NY 10965  
Tel: (845) 620-3850

**Kristin Talleyrand, Assistant Principal**

Pearl River Middle School  
520 Gilbert Avenue  
Pearl River, NY 10965  
Tel: (845) 620-3870

**Andrea Pompey, Assistant Principal**

Pearl River High School  
275 East Central Avenue  
Pearl River, NY 10965  
Tel: (845) 620-3800

Adoption Date: December 13, 2011

## **0115 - STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION**

The Board of Education is committed to providing an educational environment that promotes respect, dignity and equality in accordance with the Dignity for All Students Act (DASA). The Board recognizes that discrimination, such as harassment, hazing and bullying, are detrimental to student learning and achievement. These behaviors interfere with the mission of the district to educate its students and disrupt 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.

To this end, the Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events as described in this policy. Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds, including cyberbullying, which 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.

### **Definitions**

**Bullying** -- Bullying, under the amended Dignity for All Students Act, has the same meaning as harassment (see below).

**Cyberbullying** -- Cyberbullying is defined as harassment or bullying through any form of electronic communication. In order to be actionable under this Policy, cyberbullying that occurs off campus must create 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.

**Discrimination** -- Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs.

**Hazing** -- Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

**Harassment** -- 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; (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; (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.

Discrimination or harassment within the meaning of this policy shall include a single severe incident or multiple incidents that are pervasive in nature that creates a hostile environment or reasonably causes or would be reasonably expected to cause a student to fear for his or her physical safety.

The discriminating behavior or harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived:

- race,
- color,
- weight,
- national origin,
- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression)
- socio-economic status.

For the purpose of this definition the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

In order to streamline the wording of this policy and regulation the term bullying will be used throughout to encompass harassment, intimidation, cyberbullying and hazing behaviors.

### **Prevention**

In order to implement this program the Board will designate at its annual organizational meeting a Dignity for All Students (DASA) Coordinator for each school in the district. One of the DASA coordinators will be designated as the district-wide coordinator. The role of each DASA coordinator is to oversee and enforce this policy.

The school setting provides an opportunity to teach children, and emphasize among staff, that cooperation with and respect for others is a key district value. A program geared to prevention is designed to not only decrease incidents of bullying, but to help students build more supportive relationships with one another by integrating the bullying prevention program into classroom instruction. Staff members and students will be sensitized, through district-wide professional development and instruction, to the warning signs of bullying, as well as to their responsibility to become actively involved in the prevention of bullying before overt acts occur. The components of such an effort involve the following:

- Learning about and identifying the early warning signs and precursor behaviors that may lead to bullying.
- Gathering information about bullying at school directly from students.
- Establishing clear school wide and classroom rules about bullying.
- Training adults in the school to respond sensitively and consistently to bullying.
- Providing adequate adult supervision, particularly in less structured areas such as in the hallways, cafeteria and playground.
- Raising parental awareness and involvement in addressing problems.
- Providing instruction in civility, citizenship and character education that emphasizes tolerance and respect for others.

### **Intervention**

Intervention by adults and bystanders is an important step in preventing escalation and resolving issues at the earliest stages. Intervention will emphasize education and skill-building. In addition, intervention will focus upon the safety of the target. Staff is expected, when made aware of bullying, to either refer the student to designated resources for assistance, or to intervene in accordance with this policy.

## **Training**

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent, the District-wide DASA Coordinator and the District Professional Development Team will incorporate training to support this program in new teacher orientation and the annual professional development plan, as needed. 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. Vendor employees (e.g.: cafeteria, bus, etc.) shall be trained by the District or by the vendor in accordance with this policy. The DASA coordinators will be thoroughly trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, sex and gender (including gender identity and expression)

## **Incident Reporting and Investigation**

Students who have been bullied, parents whose children have been bullied or other students who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided. Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to make an oral report to the building principal within one school day and to fill out the district reporting form within two school days. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with his/her supervisor. A district employee may be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident, whether or not the target complains.

At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy. Where the nature of the bullying or harassment also warrants investigation under another District Policy that addresses wrongful discriminatory practices (e.g. Title VI CRA, Title IX ESEA, Section 504 RA/Title II ADA, Disability Discrimination), there shall be coordinated investigation. The building principal will prepare a quarterly report for the Superintendent based on complaints filed.

An equitable and thorough investigation will be carried out by the building principal or the building DASA coordinator. If either of the parties disagrees with the results of the investigation, they can appeal the findings to the Board of Education. Verified bullying incidents that meet the criteria established by the state will be included in the statewide reporting system when applicable, in accordance with law and regulation.

If the Building Principal or the Building DASA Coordinator who conducted the investigation believes that any harassment, bullying or discrimination constitutes a crime, he or she will immediately report the incident to the appropriate law enforcement agency, immediately notify the Superintendent of Schools, and submit a written report to him or her within one day.

The Board will receive the annual VADIR report, as well as any other state-required report relevant to bullying and/or school climate, for each building and for the district as whole. Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy and additional training.

## **Confidentiality**

It is district policy to respect the privacy of all parties and witnesses to complaints of bullying. To the extent possible, the district will not release the details of a complaint or the identity of the complainant or the individual(s) against whom the complaint is filed to any third parties who do not need to know such information. However, because an individual's need for confidentiality must be balanced with the district's legal obligation to provide due process to the accused, to conduct a thorough investigation, or to take necessary action to resolve the complaint, the district retains the right to disclose the identity of parties and

witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

If a complainant requests that his/her name not be revealed to the individual(s) against whom a complaint is filed, the staff member responsible for conducting the investigation shall inform the complainant that:

1. the request may limit the district's ability to respond to his/her complaint;
2. district policy and federal law prohibit retaliation against complainants and witnesses;
3. the district will attempt to prevent any retaliation; and
4. the district will take strong responsive action if retaliation occurs.

If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not preclude the district from responding effectively to the bullying and preventing the bullying of other students.

### **Disciplinary Consequences/Remediation**

While the focus of this policy is on prevention, acts of bullying may still occur. In these cases, offenders will be given the clear message that their actions are wrong and the behavior must improve. Student offenders will receive in-school guidance in making positive choices in their relationships with others. If appropriate, disciplinary action that is measured, balanced and age-appropriate will be taken by the administration in accordance with the district's Code of Conduct, as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted.

Consequences for a student who commits an act of bullying shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors, and must be consistent with the district's Code of Conduct. The District shall ensure the safety of the student or students against whom such harassment, bullying (including cyberbullying) was directed and take reasonable measures to prevent recurrence of the offending behavior.

### **Non-Retaliation**

All complainants and those who participate in the investigation of a complaint in conformity with state law and district policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

### **Dissemination, Monitoring and Review,**

This policy, or a plain language summary, shall be published in student registration materials, student, parent and employee handbooks, and posted on the district's website. The district will ensure that the process of reporting bullying is clearly explained to students, staff and parents on an annual basis.

Each year, as part of the annual review of the Code of Conduct, this policy will be reviewed to assess its effectiveness and compliance with state and federal law. If changes are needed, revisions will be recommended to the Board for its consideration.

The district will ensure that reporting of information to the public in conjunction with this policy will be in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).

Cross-ref: 0100, Equal Opportunity and Nondiscrimination  
0110, Sexual Harassment  
4321, Programs for Students with Disabilities  
5300, Code of Conduct  
5710, Violent and Disruptive Incident Reporting  
9700, Staff Development

Ref:Dignity for All Students Act, Education Law, §10 – 18  
Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.*  
Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.*  
Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*; 34 CFR §100 *et seq.*  
Title IX, Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*  
§504, Rehabilitation Act of 1973, 29 U.S.C. §794  
Individuals with Disabilities Education Law, 20 U.S.C §§1400 *et seq.*  
Executive Law §290 *et seq.* (New York State Human Rights Law)  
Education Law §§313(3), 3201, 3201-a  
8 NYCRR 100.2(c), (l), (jj), (kk); 119.6  
*Tinker v. Des Moines Independent Community School Dist.*, 393 US 503, (1969)  
*Doninger v. Niehoff*, 527 F.3d 41 (2d. Cir. 2008)  
*Pollnow v. Glennon*, 594 F.Sup. 220, 224 *aff'd* 757 F.2d. 496  
*Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999)  
*Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998)  
*Faragher v. City of Boca Raton*, 524 U.S. 775 (1998)  
*Burlington Industries v. Ellerth*, 524 U.S. 742 (1998)  
*Oncala v. Sundowner Offshore Services, Inc.*, 523 U.S. 75 (1998)  
*Franklin v. Gwinnett County Public Schools*, 503 U.S. 60 (1992)  
*Meritor Savings Bank, FSB v. Vinson*, 477 U.S. 57 (1986)  
*Appeal of K.S. 43 Ed. Dept. Rep. 492*  
*Appeal of Ravick 40 Ed. Dept. Rep. 262*  
*Appeal of Orman 39 Ed. Dept. Rep. 811*

Adoption date: June 18, 2013

**DIGNITY FOR ALL STUDENTS: PROHIBITING DISCRIMINATION,  
HARASSMENT, AND BULLYING OF STUDENTS**

The Board of Education (“Board”) is committed to providing a safe and productive learning environment within its schools. In accordance with New York State’s “Dignity for All Students Act” (“DASA”) the Board is committed to promptly addressing incidents of harassment and/or discrimination of students that impede students’ ability to learn. This includes bullying, taunting or intimidation in all their myriad forms.

District Coordinator  
Todd Santabarbara, Director of Physical Education and Athletics  
Pearl River School District  
275 E. Central Avenue  
Pearl River, NY 10965

Pearl River High School Building Level Coordinator  
Andrea Pompey, Assistant Principal  
275 E. Central Avenue  
Pearl River, NY 10965

Pearl River Middle School Building Level Coordinator  
Kristin Talleyrand, Assistant Principal  
520 Gilbert Avenue  
Pearl River, NY 10965

Evans Park Elementary School Building Level Coordinator  
Peggy Lynch, Principal  
40 Marion Place  
Pearl River, NY 10965

Franklin Avenue Elementary School Building Level Coordinator  
Maureen Alaimo, Principal  
48 Franklin Avenue  
Pearl River, NY 10965

Lincoln Avenue Elementary School Building Level Coordinator  
Kathleenann Cool, Principal  
115 Lincoln Avenue  
Pearl River, NY 10965

## PUBLIC CONDUCT ON SCHOOL PROPERTY

The Board of Education recognizes that the primary purpose of the district is to provide a superior atmosphere for learning and education. Any action by an individual or group aimed at disrupting, interfering or delaying the education process or having such effect, is hereby declared to be in violation of Board policy. The Board shall approve rules and regulations to effect this policy as required by Education Law §2801.

The Board also recognizes its responsibility to protect school property and declares intent to take any and all legal action to prevent its damage, destruction or the presence of unauthorized persons on such school property, including its buildings, grounds, other facilities and vehicles. When persons are present on school property without authorization and are asked to leave by a school district administrator, teacher, head building custodian or staff assigned to building supervisory duty and refuse to leave the premises, law enforcement personnel shall be contacted to remove such individual(s) for trespassing. The Board will also seek restitution from, and prosecution of, any person or persons who willfully damages school property and/or who trespasses or loiters on school property as defined above.

Those present at school premises, including buildings, grounds, other facilities and on school vehicles who are there as visitors shall further be subject to the provisions of Board Policy 1240 and violation of that visitation policy may subject them to prosecution as described therein.

Cross-ref: 5311.4, Care of School Property by Students

Ref: Education Law §2801

Adoption date: December 12, 1995

Revised: March 19, 2013

## PUBLIC CONDUCT ON SCHOOL PROPERTY REGULATION

These rules govern the conduct of students, faculty and other staff, licensees, invitees, and all other persons, whether or not their presence is authorized, upon district property, and also upon or with respect to any other premises or property under the control of the district and used in its teaching programs and activities, and in its administrative, cultural, recreational, athletic, and other programs and activities.

### Prohibited Conduct

No person, either singly or in concert with others, shall:

1. willfully cause physical injury to any other person nor threaten to do so, for the purpose of compelling or inducing such other person to refrain from any act which he/she has a lawful right to do, or to do any act which he/she has a lawful right not to do;
2. physically restrain or detain any other person, nor remove such person from any place where he/she is authorized to remain, except that students may be restrained as permitted under Policy 5314, Corporal Punishment Complaints;
3. willfully damage or destroy property of the district or property under its jurisdiction, nor remove or use such property without authorization;
4. without permission, expressed or implied, enter into any private office of an administrative officer, member of the faculty or staff member;
5. enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others;
6. without authorization, remain in any building or facility after it is normally closed;
7. refuse to leave any building or facility after being required to do so by an authorized administrative officer, member of the faculty or staff member;
8. obstruct the free movement of persons and vehicles in any place to which these rules apply;
9. violate posted speed limits on school property;
10. deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings or deliberately interfere with the freedom of any person to express his/her views, including invited speakers;
11. have in his/her possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm or weapon without the written authorization of the Superintendent of Schools or his/her designee, whether or not a license to possess the same has been issued to such person (peace officers are excluded from this prohibition); and/or
12. have in his/her possession or use of alcohol, drugs and tobacco;
13. use a skateboard, all terrain vehicles (ATV), or off-road vehicles on school property;
14. have a pet of any kind on school property without prior authorization;
15. willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so.
16. engage in conduct prohibited by Commissioner's Regulations at 8 NYCRR §100.2(gg) [see addendum 2, pgs. 51-56] [also available on the School District webpage, under "District Publications" or on School Building Web pages, under "For Parents-Flyers, Forms and Documents."]

### Penalties and Procedures

A person who shall violate any of the provisions of these rules shall be subject to the following penalties and procedures:

1. If a licensee or invitee, his/her authorization to remain upon the grounds or other property shall be withdrawn and he/she shall be directed to leave the premises. In the event of failure to do so, he/she shall be subject to ejection.
2. If a trespasser or visitor without specific license or invitation, he/she shall be subject to ejection.
3. If a licensee, invitee, trespasser or visitor violates a posted speed limit at a school school activities, and school buildings on school grounds and at school facilities for the period of time as determined by the Superintendent of Schools.
4. If he/she is a student, he/she shall be subject to disciplinary action as the facts of the case may warrant, including suspension, probation, loss of privileges, reprimand or warning as prescribed by section 3214 of the Education Law and he/she shall be subject to ejection.
5. If a tenured faculty member, he/she shall be subject to ejection, warning, reprimand, suspension and/or other disciplinary action as prescribed by and in accordance with section 3020-a of the Education Law.
6. If a staff member in the classified service of the civil service, he/she shall be subject to the penalties and procedures prescribed in section 75 of the Civil Service Law and be subject to ejection.
7. If a staff member other than one described in subdivisions 4 and 5, he/she shall be subject to dismissal, suspension without pay or censure and be subject to ejection.

#### Enforcement Program

1. The Superintendent of Schools shall be responsible for the enforcement of these rules, and he/she shall designate the other personnel who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect.
2. In the case of any apparent violation of these rules by such persons, which, in the judgment of the Superintendent or his/her designee, does not pose any immediate threat of injury to person or property, such school official may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for the resolution of any issues which may be presented. In doing so such school official shall warn such persons of the consequences of persistence in the prohibited conduct, including their ejection from any district properties where their continued presence and conduct is in violation of these rules.
3. In any case where violation of these rules does not cease after such warning and in other cases of willful violation of such rules, the Superintendent or his/her designee shall cause the ejection of the violator from any premises which he/she occupies in such violation and/or, if appropriate, make recourse to police authorities. The school official may also initiate disciplinary action as hereinbefore provided.
4. The Superintendent or his/her designee may apply to the public authorities for any aid which he/she deems necessary in causing the ejection of any violator of these rules and he/she may request the Board's Counsel to apply to any court of appropriate jurisdiction for any injunction to restrain the violation or threatened violation of such rules.

#### Amendment

These rules and regulations may be amended or modified by the Board of Education. All future amendments shall be filed with the Regents and Commissioner of Education not later than ten days after adoption.

Adoption date: December 12, 1995  
 Revised date: March 19, 2013  
 Revised date: April 18, 2017

## **4526 - COMPUTER USE IN INSTRUCTION**

The Pearl River School District Board of Education is committed to optimizing student learning and teaching. The Board considers student access to a computer network, including the Internet, to be a powerful and valuable educational and research tool, and encourages the use of computers and computer-related technology in district classrooms solely for the purpose of advancing and promoting learning and teaching.

The computer network can provide a forum for learning various software applications and through online databases, bulletin boards and electronic mail, can significantly enhance educational experiences and provide statewide, national and global communication opportunities for staff and students.

All users of the district's computer network and the Internet must understand that use is a privilege, not a right, and that use entails responsibility.

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

The Superintendent shall be responsible for designating a computer network coordinator to oversee the use of district computer resources. The computer coordinator will prepare in-service programs for the training and development of district staff in computer skills, and for the incorporation of computer use in appropriate subject areas.

The Superintendent, working in conjunction with the Assistant Superintendent for Curriculum and Instruction, the designated purchasing agent for the district, the computer network coordinator and the Curriculum Advisory Council, will be responsible for the purchase and distribution of computer software and hardware throughout district schools. They shall prepare and submit for the Board's approval a comprehensive multi-year technology plan which shall be revised as necessary to reflect changing technology and/or district needs.

Adoption date: December 12, 1995

Revised: May 4, 2010 (replacing prior policy 4526, Computer Assisted Instruction) April 28, 2011,  
December 11, 2012

## 4516-R -- COMPUTER USE IN INSTRUCTION REGULATION

The following rules and regulations govern the use of the district's computer network system and access to the Internet.

### **I. Administration**

Coordination and management of the PRSD technology program is a collaborative effort of administrators and teachers. The Assistant Superintendent for Curriculum and Instruction, the Director of Technology, and the Information Systems Manager. The Assistant Superintendent for Curriculum and Instruction supports and guides the instructional integration of technology through the Curriculum Advisory Council. The Director of Operations provides financial oversight. The Administrative Council provides on-going support to planning, implementation, and evaluation of technology resources.

The Superintendent of Schools shall designate a computer network coordinator to oversee the district's computer network.

The computer network coordinator shall monitor and examine all network activities, as appropriate, to ensure proper use of the system.

The computer network coordinator shall be responsible for disseminating and interpreting district policy and regulations governing use of the district's network at the building level with all network users.

The computer network coordinator shall provide employee training for proper use of the network and will ensure that staff supervising students using the district's network provide similar training to their students, including providing copies of district policy and regulations governing use of the district's network.

The computer network coordinator shall ensure that all disks and software loaded onto the computer network have been scanned for computer viruses.

All student agreements to abide by district policy and regulations and parental consent forms shall be kept on file in the district office.

### **II. Internet Access**

- In compliance with the Children's Internet Protection Act (CIPA), the district filters Internet resources at all access points.
- Students will be provided access during the instructional day.
- Students will be provided with individual district network accounts, with signed parent/guardian permission.
- Students may access the Internet for information and related resources.
- Students may participate in online learning activities under the supervision of the classroom teacher or other adult supervisor.
- A staff member will be required to monitor these activities.

### **III. Acceptable Use and Conduct**

- Access to the district's computer network is provided solely for educational purposes and research consistent with the district's mission and goals.
- Use of the district's computer network is a privilege, not a right. Inappropriate use may result in the suspension or revocation of that privilege as per the Code of Conduct.
- Each individual in whose name an access account is issued is responsible at all times for its proper use.
- All network users will be issued a login name and password. Passwords must be changed periodically.
- Only those network users with written permission from the principal or computer network coordinator may access the district's system from off-site (e.g., from home).
- All network users are expected to abide by the generally accepted rules of network etiquette. This includes being polite and using only appropriate language. Abusive or sexual language or images, vulgarities and swear words are all inappropriate.
- Network users identifying a security problem on the district's network must notify the appropriate teacher, administrator or computer network coordinator. Under no circumstance should the user demonstrate the problem to anyone other than to the district official or employee being notified.
- Any network user identified as a security risk or having a history of violations of district computer use guidelines may be denied access to the district's network.

### **IV. Prohibited Activity and Uses**

The following is a list of prohibited activity concerning use of the district's computer network. Violation of any of these prohibitions may result in discipline or other appropriate penalty, including suspension or revocation of a user's access to the network.

- Using the network for commercial activity, including advertising.
- Infringing on any copyrights or other intellectual property rights, including copying, installing, receiving, transmitting or making available any copyrighted software on the district computer network (plagiarism).
- Using the network to receive, transmit or make available to others obscene, offensive, or sexually explicit material.
- Using the network to receive, transmit or make available to others messages that are racist, sexist, abusive or harassing to others.
- Using another user's account or password.
- Attempting to read, delete, copy or modify the electronic mail (e-mail) of other system users and deliberately interfering with the ability of other system users to send and/or receive e-mail.

- Forging or attempting to forge e-mail messages.
- Engaging in vandalism. Vandalism is defined as any malicious attempt to harm or destroy district equipment or materials, data of another user of the district's network or of any of the entities or other networks that are connected to the Internet. This includes, but is not limited to, creating and/or placing a computer virus on the network.
- Using the network to send anonymous messages or files.
- Using the network to receive, transmit or make available to others a message that is inconsistent with the district's Code of Conduct.
- Revealing the personal address, telephone number or other personal information of oneself or another person.
- Using the network for sending and/or receiving personal messages.
- Intentionally disrupting network traffic or crashing the network and connected systems.
- Installing personal software or using personal disks on the district's computers and/or network without the permission of the appropriate district official or employee.
- Using district computing resources for commercial or financial gain or fraud.
- Stealing data, equipment or intellectual property.
- Gaining or seeking to gain unauthorized access to any files, resources, or computer or phone systems, or vandalize the data of another user.
- Using the network while access privileges are suspended or revoked.
- Using the network in a fashion inconsistent with directions from teachers and other staff and generally accepted network etiquette.

## **V. No Privacy Guarantee**

Students using the district's computer network should not expect, nor does the district assure privacy for any use of the district's computer network. The district reserves the right, without notice to individuals, to access and view any material stored on district equipment or any material used in conjunction with the district's computer network.

## **VI. Sanctions**

All users of the district's computer network and equipment are required to comply with the district's policy and regulations governing the district's computer network. Failure to comply with the policy or regulation may result in disciplinary action as well as suspension and/or revocation of computer access privileges.

In addition, illegal activities are strictly prohibited. Any information pertaining to or implicating illegal activity will be reported to the proper authorities. Transmission of any material in violation of any federal, state and/or local law or regulation is prohibited. This includes, but is not limited to materials protected by copyright, threatening or obscene material or material protected by trade secret. Users must respect all intellectual and property rights and laws.

**VII. District Responsibilities**

The district makes no warranties of any kind, either expressed or implied, for the access being provided. Further, the district assumes no responsibility for the quality, availability, accuracy, nature or reliability of the service and/or information provided. Users of the district's computer network and the Internet use information at their own risk. Each user is responsible for verifying the integrity and authenticity of the information that is used and provided.

The district will not be responsible for any damages suffered by any user, including, but not limited to, loss of data resulting from delays, non-deliveries, misdeliveries, or service interruptions caused by its own negligence or the errors or omissions of any user. The district also will not be responsible for unauthorized financial obligations resulting from the use of or access to the district's computer network or the Internet.

Further, even though the district may use technical or manual means to regulate access and information as required by the Children's Internet Protection Act (CIPA), these methods do not provide a foolproof means of enforcing the provisions of the district policy and regulation.

Adoption date: May 4, 2010 Revised: December 11, 2012

## PEARL RIVER SD TECHNOLOGY ACCEPTABLE USE AGREEMENT

The Pearl River School District provides network technology access, including Internet, to all faculty staff and students to enhance the educational mission and instructional goals of the District. In accordance with the NYS Learning Standards for Mathematics, Science, and Technology, students will use technology as a resource to access, generate, process, and transfer information.

The following information serves to describe the District technology services and student responsibilities regarding the use of those services. A signed user agreement must be on file with the Building Principal, in order to initiate and maintain student use of the District technology network. A breach of this agreement may be considered an act of insubordination, which may result in discipline under the student code of conduct and pursuant to law.

**NETWORK COMPUTER USE-** I understand that my access/use of District technology networks is subject to inspection by school district administrators and personnel without prior notice and that I have no expectation of privacy with respect to such review and inspection of computer files used by me.

**RESPECT FOR PROPERTY-**

- I will use the computers, printers, hardware, and software in a responsible manner.
- I will not tamper with, illegally enter, steal, or willfully vandalize equipment.
- I will not make changes to the network systems or attempt to disarm security systems.

**RESPECT FOR OTHERS-**

- I will access, change, or delete only those files belonging to me.
- I will keep my password confidential.
- I will not use profane, obscene, disrespectful, or threatening words or pictures.
- I will not publish any information which violates or infringes upon the rights of others or which can be considered abusive, profane or sexually offensive.
- I will respect the rights and ideas of others, giving credit to the source (copyright law & citation).

**INTERNET USE**

Internet and telecommunications access is provided through the District network. The use of this Internet service is solely in support of school based research, instruction, and curricula. The District Internet, in compliance with federal law, is filtered at all access points. Any attempt to disable this filtering is a violation of the agreement.

- I will only access telecommunications and/or the Internet under the supervision of an adult.
- I will only use telecommunications and/or the Internet for school related research and/or communication.
- I will use the appropriate language and etiquette in electronic transmissions and information searches.
- I will not provide personal information and/or email addresses via the Internet.
- I will not download or upload computer programs or files without permission from a supervising adult.

### Pearl River SD Technology Acceptable Use Agreement

I, the undersigned, have read and agree to the terms and conditions set forth in the Pearl River SD Technology Acceptable Use Agreement and Policy Regulations outlined in the district Code of Conduct. I understand that any violation of these regulations may cause my access privileges to be revoked, and school disciplinary action and /or appropriate legal action be taken. A student and parent/legal guardian must sign this agreement.

\_\_\_\_\_  
STUDENT USER (Print)

\_\_\_\_\_  
STUDENT USER (Signature)

Building \_\_\_\_\_ Grade \_\_\_\_\_ Date \_\_\_\_\_

I, the parent/legal guardian of the above named student, have read the contents of this agreement, understand it, and agree to be bound by its terms and conditions. I also understand that although the district is providing supervision and guidance during student use of network resources, including the Internet, complete blockage of all unauthorized material is not guaranteed and I will not hold the district responsible for my student's access to unauthorized material. I further agree to indemnify and hold harmless the Pearl River SD for any liability that it may incur as a result of my child's unauthorized use of the network and Internet resources. My signature below grants permission for my child's access to PRSD network resources.

Parent/Legal Guardian (Signature) \_\_\_\_\_

## **Personal Computer and Mobile Device Policy**

The Board of Education recognizes that there are personal electronic devices that have educational applications including, but not limited to, tablets, e-readers, calculators, voice recorders, digital cameras and music listening devices. In some instances a “smart phone” may include applications that permit these functions.

The Pearl River School District provides students and teachers with the computing resources needed to complete technology-related projects. Students and teachers who choose to bring a computer or mobile device of their own to school to use in class or make it more convenient to work on a project both in school and outside of school must comply with the following policy.

### ***Staff and Student Responsibilities***

Students and staff agree to follow the District’s Acceptable Use Policy, a copy of which is attached to this Policy (hereinafter referred to as the “AUP”) when using their own computers and mobile devices in school buildings and on district property. Staff, students, and other users of their own computers and mobile devices agree to abide by all regulations and expectations for appropriate use applying to District technology including the following:

- Use of any device and the District computer network must be in support of education and research.
- Students are permitted to use their own computers and mobile devices only if a signed District AUP and related parental permissions are on record.
- Students are permitted to use personal devices only as instructed by and during times when supervised by District staff.
- Students must use the District’s filtered wireless network while working online in school.
- Students with devices having 3G or 4G access will be required to use only the school’s wireless network. This is to ensure required content protection (CIPA).
- Personal devices may not be used to record, transmit or publish images or video record at school, in classrooms where instruction takes place, without a teacher’s permission and the permission of all students’ parents, teachers and staff in the photo or video. Uses outside of the classroom must be authorized by a building administrator.
- School personnel will not provide technical support for student devices.
- Devices must be charged prior to being brought to school. The device is required to run on its own battery power while at school. Charging stations or access will not be available during the school day.
- Personal devices are brought to school at the students’ and parents’ own risk. The school assumes no responsibility for student devices. Students assume all responsibility for securing personal devices.
- Use of the network to engage in cyberbullying, as defined in New York State Education Law Section 11(8) and the District’s Code of Conduct, is prohibited.

### ***District Responsibility***

The District will use technology protection measures (Internet filters) to help prevent users from accessing inappropriate information on the Internet in accordance with the Children’s Internet Protection Act [Pub. L. No.106-554 and 47 USC 254(h)]. In accordance with the CIPA legislation, filtering may be disabled by staff for purposes of bona fide research.

The District reserves the right to log Internet and e-mail use and to monitor file server utilization by users of the District network.

The District reserves the right to inspect a personal device should there be reason to believe that a user has violated the District Acceptable Use Policy.

Violators of the acceptable use regulations described above risk losing computer privileges on a temporary or permanent basis, suffering disciplinary action, and facing possible prosecution for violation of local, state and federal laws.

### ***Cellular Telephones***

The Board acknowledges that cellular phones and 2-way communication systems can be a positive means to facilitate communication; however, the display and/or use of such devices can cause disruption to the educational process.

Therefore, to prevent such disruption, the display and/or use by students of cellular phones (including “smart phones”) and 2-way communication systems and/or other electronic devices shall be prohibited from the time students arrive at school until the end of the regular school day, unless specifically permitted to be used by a teacher or administrator. Such devices must be turned off and stored out of sight during this time period. The district is not responsible for stolen, lost or damaged personal electronic devices.

In emergency situations, exceptions to the prohibition of the use of cellular phones and 2-way communication systems may be granted by teachers or administrators.

Misuse of any of these electronic devices will result in its confiscation until the end of the school day, as outlined in the code of conduct. Some uses of personal electronic devices may constitute a violation of the school district code of conduct and in some instances, the law. The school district will cooperate with law enforcement officials as appropriate.

### ***Cellular Telephones and Testing***

In order to ensure the integrity of testing, in accordance with state guidelines, students are not allowed to bring cell phones or other electronic devices into classrooms or other exam locations during testing.

Test proctors, monitors and school officials shall have the right to collect cell phones and other prohibited electronic devices prior to the start of the test and to hold them for the duration of the test taking time. Admission to the test will be prohibited to any student who has a cell phone or other electronic device in their possession and does not relinquish it.

Students with individualized education plans (IEPs), 504 Plans, or documentation from a medical practitioner that specifically requires the use of an electronic device may do so as specified.

The Superintendent or his/her designee will work collaboratively with district and building administrators to plan for the implementation of this policy at the elementary, middle school and high school levels

**Adopted: May 14, 2014**

**PRSD – Permission to Use Personal Device in the Classroom**

Please complete the attached form to register a personal computer or mobile device before bringing the device to school. Please note, use of a personal device without school authorization and parent permission is subject to a Code of Conduct violation and related consequences. After completing the form, the attached permission slip should be signed and returned by the students’ parent or guardian.

-----

I have read, understand, and agree to the terms of both the District’s Internet Safety and Network Use Policy (AUP) and the Personal Computer and Mobile Device Policy. My child has my permission to use the following device in the Pearl River Schools:

Student Name: \_\_\_\_\_ Grade: \_\_\_\_\_

\_\_\_\_\_  
Device: Manufacturer and Model

\_\_\_\_\_  
Device: Manufacturer and Model

\_\_\_\_\_  
Device: Manufacturer and Model

Signature of Parent or Guardian: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Student: \_\_\_\_\_ Date: \_\_\_\_\_

Adopted: May 20, 2014

## **5400 - SEXUAL HARASSMENT POLICY FOR STUDENTS**

It is the policy of this school district to prohibit sexual harassment and student gender discrimination in the schools, at school activities and at events sponsored by the school district. To that end, all officers, supervisory personnel, employees and students of the school district shall be given a copy of this policy and training regarding its terms, procedures, protections and penalties.

### Definitions

Sexual Harassment is defined as discrimination against a person of a different or the same sex because of their sex, which creates a sexually hostile learning or school environment.

Sexual harassment that creates a hostile learning or school environment is either pervasive and/or severe conduct that involves unwelcome: sexual advances; sexual conduct that constitutes a crime; sexual touching; indecent exposure of a sexual nature; pervasive sexual remarks, comments, displayed materials, printed materials, electronic media or jokes. The determination of a hostile learning or school environment shall be objective, based upon the viewpoint of a reasonable person and subjectively perceived to be so by the complainant.

Gender discrimination is defined as pervasive and/or severe conduct intended to intimidate or demean a person or persons of the other gender or that which treats a person of the other gender differently in the work place because of his or her gender.

### Procedure

Any student who believes that he or she has been subjected to sexual harassment or gender discrimination by an officer, employee, student or business invitee is encouraged to address the matter with any district Title IX Officer\*, who shall promptly conduct an intake interview and explain the following options for resolution:

1. registering an informal complaint verbally or in writing; or
2. registering a formal complaint verbally or in writing; or
3. engaging in mediation to arrive at a resolution of the matter; or
4. placing the district on notice of the objectionable conduct without seeking a resolution through the complaint process or mediation.

The Title IX Officer shall be authorized to proceed with a matter raised in paragraph 4 as if it had been filed as an informal complaint or a formal complaint at his/her discretion.

The intake Title IX Officer will also explain that the complaining student shall not be subject to retaliation or retribution by reason of making the complaint and that confidentiality shall be maintained throughout the process, except as necessary to assure fair and due process.

### Informal Complaints

An informal complaint will be promptly reviewed by an intake Title IX Officer, who shall issue a written report to the Superintendent of Schools, within seven (7) days. The Superintendent shall take such further action necessary to reasonably deter any further act prohibited by this policy. Such further action may include referring the matter to a Title IX investigator as if it had been filed as a formal complaint.

## Formal Complaints

All formal complaints shall be received in writing or reduced to writing by an intake Title IX Officer, who shall personally or by reference to a designee on the Board's approval list conduct a full and fair investigation of the complaint, make written findings of fact and, where warranted, recommend a resolution to the Superintendent of Schools. The Superintendent of Schools shall advise the complainant and the subject of the complaint of the disposition of the complaint, that may include:

1. a finding that this policy has not been violated; or
2. a finding that this policy has been violated and a critical evaluative letter has been issued with a requirement of corrective training for the subject of the complaint if an employee; or
3. that disciplinary action has been taken or where pre-disciplinary charges must be preferred, that they have been preferred in order to convene a disciplinary hearing.

## Alternates

The Board shall appoint more than one Title IX Officer and several designated Title IX formal complaint investigators. Complainant will have a choice of which Title IX Officer to approach regarding a Title IX complaint. If the complaint is about the Superintendent of Schools, the Board shall stand in the Superintendent's place for review activities.

## Appeal of Formal Complaints

If a formal complaint hasn't been processed to a satisfactory disposition by the Superintendent within thirty (30) calendar days, unless extended with the written consent of the complainant, the complainant may appeal in writing to the Board for disciplinary action to be taken or disciplinary proceedings to be commenced, where necessary.

## Confidentiality

The district's Title IX Officer(s), the Superintendent of Schools and the Board of Education shall, to the maximum extent possible, maintain as confidential the transaction(s) underlying the proceedings or complaint, the outcome of a mediated agreement and action taken, other than formal discipline. The subject of the proceedings or complaint, however, shall be informed of the identity of the person who commenced the proceedings or complaint in order to provide fair and due process. Both the complainant and the subject of the complaint shall be given a copy of the findings in the matter of a formal complaint.

## Consequences

Any officer, supervisor, or employee who violates this policy shall be subject to corrective action up to and including termination of office or employment, with due process provided as necessary. Students who violate this policy shall be subject to disciplinary or other corrective action

Any complaint that is determined to have been processed maliciously or in bad faith, shall be deemed to be in violation of this policy and may give rise to disciplinary consequences against the complainant.

Adoption Date: December 11, 2002

Revised Date: January 13, 2009

Reviewed: April 23, 2013

**\*District Title IX Officers**

**Kathleenann Cool, Principal**

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**Kristin Talleyrand**

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**Suzanne Horton, Assistant Principal**

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**Sue Wheeler, Deputy Superintendent for Curriculum and Instruction**

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## **5410 -- DISABILITY DISCRIMINATION POLICY FOR STUDENTS**

It is the policy of this school district to prohibit discrimination and harassment of students with disabilities as defined in Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990. This policy covers school programs, activities, and events sponsored by the school district. To that end, all officers, supervisory personnel, employees and students of the school district shall be given a copy of this policy and training regarding its terms, procedures, protections and penalties.

### Definitions

Disability discrimination is defined as discrimination against a student with a disability recognized under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 whereby such student is not afforded equal educational opportunities, access to educational programs, and/or access to extra- and co-curricular activities for which the student is otherwise qualified in accordance with law.

Disability Harassment is defined as conduct that creates a hostile learning or school environment that is either pervasive and/or severe conduct in the nature of: remarks, jokes, gestures, displayed materials or printed materials about the student's disability status or disabled individuals in general. The determination of a hostile learning or school environment shall be objective, based upon the viewpoint of a reasonable person and subjectively perceived to be so by the complainant.

### Procedure

Any student who believes that he or she has been subjected to disability discrimination by an officer, employee, student or business invitee is encouraged to address the matter with the District's Compliance Coordinator\*, or alternate as designated by the board, who shall promptly conduct an intake interview and explain the following options for resolution:

1. registering an informal complaint verbally or in writing; or
2. registering a formal complaint verbally or in writing; or
3. engaging in mediation to arrive at a resolution of the matter; or
4. placing the district on notice of the objectionable conduct without seeking a resolution through the complaint process or mediation.

The district's Compliance Coordinator or alternate shall be authorized to proceed with a matter raised under paragraph 4 as if it had been filed as an informal complaint or a formal complaint at his/her discretion.

The district's Compliance Coordinator or alternate will also explain that the complaining student shall not be subject to retaliation or retribution by reason of making the complaint and that confidentiality shall be maintained throughout the process, except as necessary to assure fair and due process.

### Informal Complaints

An informal complaint will be promptly reviewed by the district's Compliance Coordinator or alternate, who shall issue a written report to the Superintendent of Schools, within seven (7) days. The Superintendent of Schools shall take such further action necessary to reasonably deter any further act

prohibited by this policy. Such further action may include referring the matter to a complaint investigator as if it had been filed as a formal complaint.

### Formal Complaints

All formal complaints shall be received in writing or reduced to writing by the Compliance Coordinator or alternate, who shall personally or by reference to a designee on the board's approval list conduct a full and fair investigation of the complaint, make written findings of fact and, where warranted, recommend a resolution to the Superintendent of Schools. The Superintendent of Schools shall advise the complainant and the subject of the complaint of the disposition of the complaint that may include:

1. a finding that this policy has not been violated; or
2. a finding that this policy has been violated and appropriate corrective, disciplinary and/or other action has been taken.

### Alternates

The board shall appoint an alternative Compliance Officer and several designated formal complaint investigators. Complainant will have a choice between the Compliance Officer and alternates to approach regarding a complaint. If the complaint is about the Superintendent of Schools, the board shall stand in the Superintendent's place for review activities.

### Appeal of Formal Complaints

If a formal complaint has not been processed to a satisfactory disposition by the Superintendent of Schools within thirty (30) calendar days, unless extended with the written consent of the complainant, the complainant may appeal in writing to the board for disciplinary action to be taken or disciplinary proceedings to be commenced, where necessary.

### Confidentiality

The district's Compliance Officer and alternates, complaint investigators, the Superintendent of Schools and the Board of Education shall, to the maximum extent possible, maintain as confidential the transactions(s) underlying the proceedings or complaint, the outcome of a mediated agreement and action taken, other than formal discipline. The subject of the proceedings or complaint, however, shall be informed of the identity of the person who commenced the proceedings or complaint in order to provide fair and due process.

Both the complainant and the subject of the complaint shall be given a copy of the findings in the matter of a formal complaint.

## Consequences

Any officer, supervisor or employee who violates this policy shall be subject to corrective action up to and including termination of office or employment, with due process provided as necessary. Students who violate this policy shall be subject to disciplinary or other corrective action.

Any complaint that is determined to have been processed maliciously or in bad faith shall be deemed to be in violation of this policy and may give rise to disciplinary consequences against the complainant.

## Training

The district shall provide appropriate training to students regarding awareness of and sensitivity to issues involving disability discrimination, including condemnation of such conduct, the sanctions for disability discrimination and harassment and preventive measures to help reduce incidents of disability discrimination and harassment.

## Distribution of Policy

A copy of this policy and its accompanying regulations shall be distributed annually to all personnel, students and parents/guardians and posted in appropriate places within the district.

Adoption Date: April 27, 2004

Revised Date: March 10, 2009

Reviewed Date: April 23, 2013

## **\*District Compliance Coordinator**

### **Carolyn Moffa, Director of Special Services**

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## **Alternate Compliance Coordinators**

### **Sue Wheeler, Deputy Superintendent for Curriculum and Instruction**

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### **Maria Paese, Middle School Principal**

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## **5465--CHILD ABUSE IN AN EDUCATIONAL SETTING**

The Board of Education recognizes that children have the right to an educational setting that does not threaten their physical and emotional health and development. Child abuse by school personnel and school volunteers violates this right and therefore is strictly prohibited.

Allegations of child abuse by school personnel and school volunteers shall be reported in accordance with the requirements of Article 23-B of the Education Law.

### Required Reporters

Any person holding any of the following positions shall be required to promptly report written and oral allegations of child abuse in an educational setting:

- school board member
- teacher
- school nurse
- school guidance counselor
- school psychologist
- school social worker
- school administrator
- other school personnel required to hold a teaching or administrative license or certificate.

For purposes of this policy, persons holding these positions shall be referred to as “required reporters.”

Other district employees may, of course, report allegations of child abuse allegedly committed by district staff and volunteers and are encouraged to do so.

### Definitions

For purposes of this policy, “educational setting” means the buildings and grounds of the district, the vehicles provided by the district to transport students to and from school buildings, field trips, co-curricular and extra-curricular activities both on and off school district grounds, all co-curricular and extra-curricular activity sites, and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

“Child” means a person under the age of 21 enrolled in a New York State school district, other than New York City.

“Child abuse” generally refers to any intentional or reckless act by an employee or a volunteer against a child which injures or kills a child or creates a risk of injury or death, or constitutes child sexual abuse, or involves the actual or attempted dissemination of indecent materials to minors. If a required reporter or any other district employee has a question as to whether alleged conduct constitutes “child abuse,” he or she shall promptly raise the question to the Principal of the building where the abuse is alleged to have occurred. The Principal shall consult Article 23-B of the Education Law or the school attorney, if necessary, to determine whether the allegations constitute child abuse.

## Reporting Requirements

Required reporters and any other district employee deciding to report an allegation of child abuse by district staff or volunteers shall complete a written report as soon as practical after receiving the allegation, but in no event shall a required reporter wait more than one workday to file a report.

The required reporter shall personally file the report with the Principal of the school in which the child abuse allegedly occurred. If the alleged abuse did not occur in a school building, the report shall be filed with the Principal of the school attended by the alleged victim.

If the alleged abuser is an employee or volunteer of another district, the report shall be sent to the Superintendent of the district where the alleged child victim attends school and to the Superintendent of the district where the abuse allegedly occurred (if different). The report shall be prepared on a standard form supplied by the district. Each Building Principal shall keep a supply of the forms available in his or her office.

Upon receiving a written report, the Principal shall determine whether there is reasonable suspicion to believe that an act of child abuse has occurred. If the person making the allegation of abuse is someone other than the child or the child's parent, the Principal shall contact the person making the report to learn the source and basis for the allegation.

If the Principal determines there is reasonable suspicion, he or she shall promptly notify the parent of the alleged child victim (assuming that the parent is not the person who originally reported the alleged abuse). The notice shall be given by telephone (if possible) and in writing, sent via overnight mail to the parent.

The notice shall inform the parent of his or her rights and responsibilities related to the allegations of abuse.

The Principal shall also promptly provide a copy of the written report to the Superintendent and send a copy to the appropriate law enforcement authorities. In no event shall the Principal delay in sending the report to law enforcement because of an inability to contact the Superintendent.

The Superintendent shall send to the Commissioner of Education any written report forwarded to the local law enforcement authorities where the employee or volunteer alleged to have committed an act of child abuse holds a certificate or license issued by the department.

## Rights of Employees and Volunteers

Employees. Pending resolution of the allegations, no employee against whom an allegation of child abuse has been made shall be permitted to have unsupervised contact with any district student. Any employee against whom an allegation of child abuse has been made and against whom the district intends to take adverse action shall be entitled to receive a copy of the report and to respond to the allegations.

Volunteers. Pending resolution of the allegations, no volunteer against whom an allegation of child abuse shall be permitted to render volunteer services to the district. Any volunteer against whom an allegation of child abuse has been made and against whom the district decides to take adverse action shall be entitled to receive a copy of the report and to respond to the allegations.

## Confidentiality

All reports and other written material submitted pursuant to this policy and Article 23-B of the Education Law shall be confidential and may not be re-disclosed except to law enforcement authorities involved in investigating the alleged abuse or except as expressly authorized by law or pursuant to a court-ordered subpoena. The Principal and Superintendent shall exercise reasonable care to prevent unauthorized disclosure.

## Penalties

Required Reporters. Any required reporter who willfully fails to make a written report of alleged child abuse required by Article 23-B of the Education Law shall be subject to criminal penalties provided for in law, as well as disciplinary sanctions imposed in accordance with law and any applicable collective bargaining agreement.

Administrators. Any administrator who (1) willfully fails to submit a written report of alleged child abuse to an appropriate law enforcement authority as required by Article 23-B of the Education Law, or (2) makes any agreement to withhold from law enforcement authorities, the Superintendent or the Commissioner, the fact that an allegation of child abuse in an educational setting on the part of any employee or volunteer has been made in return for the employee's or volunteer's resignation or voluntary suspension from his or her position, or (3) willfully discloses a confidential record shall be subject to criminal penalties provided for in law, as well as disciplinary sanctions imposed in accordance with law and any applicable collective bargaining agreement. In addition, the Commissioner of Education may, following an administrative determination, impose a civil penalty of up to five thousand dollars on any administrator who fails to submit a report of child abuse to an appropriate law enforcement authority.

## Record Retention

Any report of child abuse by an employee or volunteer that does not result in a criminal conviction shall be expunged from the records kept by the district with respect to the subject of the report after five years from the date the report was made.

## Training

The Superintendent shall be responsible for establishing and implementing on an ongoing basis a training program for all required reporters on the procedures required under Article 23-B. The program shall include at a minimum all the elements specified in Commissioner's regulations.

Adoption Date: December 23, 2001

Reviewed: April 23, 2013

## **9010.2 --SEXUAL HARASSMENT POLICY FOR EMPLOYEES**

It is the policy of this school district to prohibit sexual harassment and gender discrimination in the workplace. To that end, all officers, supervisory personnel and employees of the school district shall be given a copy of this policy and training regarding its terms, procedures, protections and penalties.

### Definitions

Sexual Harassment is defined as discrimination against a person of a different or the same sex because of their sex, in the nature of quid pro quo sexual harassment or that which creates a sexually hostile work environment.

Quid pro quo sexual harassment is that which threatens the loss of employment or a change in working conditions, including promotion, demotion, work assignment, extra-earnings opportunities and extra assignments based upon submission to demands for sexual favors.

Sexual harassment that creates a hostile work environment is either pervasive and/or severe conduct that involves unwelcome: sexual advances; sexual conduct that constitutes a crime; sexual touching; indecent exposure of a sexual nature; pervasive sexual remarks, comments, displayed materials, printed materials, electronic media or jokes. The determination of a hostile work environment shall be objective, based upon the viewpoint of a reasonable person and subjectively perceived to be so by the complainant.

Gender discrimination is defined as pervasive and/or severe conduct intended to intimidate or demean a person or persons of the other gender or that which treats a person of the other gender differently in the work place because of his or her gender.

### Procedure

Any employee who believes that he or she has been subjected to sexual harassment or gender discrimination by an officer, supervisor, business invitee, student or by another employee is encouraged to address the matter with any district Title VII Officer\*, who shall promptly conduct an intake interview and explain the following options for resolution:

1. registering an informal complaint verbally or in writing; or
2. registering a formal complaint verbally or in writing; or
3. engaging in mediation to arrive at a resolution of the matter; or
4. placing the district on notice of the objectionable conduct without seeking a resolution through the complaint process or mediation.

The Title VII Officer shall be authorized to proceed with a matter raised in paragraph 4 as if it had been filed as an informal complaint or a formal complaint at his/her discretion.

The intake Title VII Officer will also explain that the complaining employee shall not be subject to retaliation or retribution by reason of making the complaint and that confidentiality shall be maintained throughout the process, except as necessary to assure fair and due process.

### Informal Complaints

An informal complaint will be promptly reviewed by an intake Title VII Officer, who shall issue a written report to the Superintendent of Schools within seven (7) calendar days. The Superintendent shall take such further action necessary to reasonably deter any further act prohibited by this policy. Such further action may include referring the matter to a Title VII investigator as if it had been filed as a formal complaint.

## Formal Complaints

All formal complaints shall be received in writing or reduced to writing by an intake Title VII Officer, who shall personally or by reference to a designee on the Board's approval list conduct a full and fair investigation of the complaint, make written findings of fact and, where warranted, recommend a resolution to the Superintendent of Schools. The Superintendent of Schools shall advise the complainant and the subject of the complaint of the disposition of the complaint, that may include:

1. a finding that this policy has not been violated; or
2. a finding that this policy has been violated and a critical evaluative letter has been issued with a requirement of corrective training for the subject of the complaint; or
3. that disciplinary action has been taken or where pre-disciplinary charges must be preferred, that they have been preferred in order to convene a disciplinary hearing.

## Alternates

The Board shall appoint more than one Title VII Officer and several designated Title VII formal complaint investigators. Complainant will have a choice of which Title VII Officer to approach regarding a Title VII complaint. If the complaint is about the Superintendent of Schools, the Board shall stand in the Superintendent's place for review activities.

## Appeal of Formal Complaints

If a formal complaint hasn't been processed to a satisfactory disposition by the Superintendent within thirty (30) calendar days, unless extended with the written consent of the complainant, the complainant may appeal in writing to the Board for disciplinary action to be taken or disciplinary proceedings to be commenced, where necessary.

## Confidentiality

The district's Title VII Officer(s), the Superintendent of Schools and the Board of Education shall, to the maximum extent possible, maintain as confidential the transaction(s) underlying the proceedings or complaint, the outcome of a mediated agreement and action taken, other than formal discipline. The subject of the proceedings or complaint, however, shall be informed of the identity of the person who commenced the proceedings or complaint in order to provide fair and due process. Both the complainant and the subject of the complaint shall be given a copy of the findings in the matter of a formal complaint. Consequences

Any officer, supervisor, or employee who violates this policy shall be subject to corrective action up to and including termination of office or employment, with due process provided as necessary.

Any complaint that is determined to have been processed maliciously or in bad faith, shall be deemed to be in violation of this policy and may give rise to disciplinary consequences against the complainant.

Adoption Date: December 12, 1995

Revised Date: December 11, 2002

**\*District Title VII Officers**

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