



# Pelham Public Schools

## **DISTRICT CODE OF CONDUCT**

Adopted: June 17, 2013

**Pelham Public Schools**  
**District Code of Conduct**

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## **Pelham Public Schools Office of the Superintendent**

The safety of your children continues to be a major priority of the Pelham Union Free School District. Under the Safe Schools Against Violence in Education Act, all school districts are required to develop a code of conduct for students and the public on school property and at school functions.

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 Vehicle and Traffic Law Section 142. A school function shall mean 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

This code is reviewed annually and approved by the Board of Education. By law, we are required to make copies of the District Code of Conduct available to all students, parents, guardians, and teachers. The entire Code of Conduct is posted on our website, [www.pelhamschools.org](http://www.pelhamschools.org), but an age-appropriate summary will also be provided to each student.

The District Code of Conduct not only includes the basic rules of behavior, but also incorporates a number of District policies related to conduct in the schools as well as the Co-curricular Agreement and the Code of Conduct for the Public on District Property.

I hope that you will familiarize yourself with the various aspects of the Code. We appreciate your understanding and supporting of this Code and all of our efforts to make schools a safer and better place.

The District is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of environment, it is necessary to regulate public conduct on school property and at school functions.

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

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner that allows all students to focus on educational growth and healthy interpersonal and intrapersonal development. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose for which they are on school property.

## **I. Prohibited Conduct**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so;
2. Intentionally damage or remove District property or the personal property of any person on school property, including by graffiti or arson;
3. Disrupt the orderly conduct of classes, school programs or other school activities;
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program;
5. Enter any portion of the school buildings or grounds without authorization or remain in any building or facility after it is normally closed, or enter any playing field at any time when a red flag is displayed or fence is locked;
6. Obstruct the free movement of any person in any place to which this code applies;
7. Violate traffic laws, parking regulations, or other restrictions on vehicles;
8. Possess, consume, sell, distribute, exchange or be under the influence of alcoholic beverages, controlled substances, drug paraphernalia, or illegal drugs on school property or at school functions;
9. Possess or use firearms or other weapons capable of inflicting bodily harm, including without limitation air guns, pistols, rifles, shotguns, ammunition, explosives, box cutters, knives, gas canisters, pepper spray or other noxious spray, in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the District;

10. Loiter on or about school property;
11. Gamble on school property or at school functions;
12. Smoke in school buildings or on school grounds;
13. Bring dogs onto school property, except for guide dogs employed by the disabled for the purpose of enhancing their ability to navigate on school property; or police dogs;
14. Refuse to comply with any lawful order of identifiable school District or Town of Pelham Recreation Department officials performing their duties;
15. Willfully incite others to commit any of the acts prohibited by this policy; or
16. Violate any federal or state statute, local ordinance or school board policy while on school property or at a school function.
17. Intimidate, harass, haze, bully, or discriminate against any person.

**Harassment** is making another person uncomfortable through verbal threats, intimidation or abuse that has or would have the effect of interfering with a person's educational, physical, and mental well-being. Such conduct includes, but is not limited to actions; verbal threats, intimidation or abuse based on a person's actual or perceived:

- Race
- Color
- Weight
- National Origin
- Ethnic Group
- Religion
- Physical/Mental Ability
- Religious practice
- Disability
- Sex
- Sexual Orientation
- Gender (which includes a person's actual or perceived sex, as well as gender identity and expression).

**Bullying** is any unwanted and/or aggressive behavior that involves a person holding power or trying to hold power over another person. The behavior is repeated, or has the potential to be repeated, over time. Bullying can occur before and after school hours, in a school building or places like a playground or bus, while a child is traveling to or from school or on the Internet.

**Hazing** is when a person intentionally or recklessly engages in conduct during the course of another person's entrance into or affiliation with any organization such as a co-curricular club or sports team.

18. Engage in Cyber-Bullying or Sexting. Cyber-bullying is "the repeated use of information technology, including e-mail, instant message, blogs, chat rooms, pagers, cell phones, and gaming systems, to deliberately harass, threaten or intimidate others." Cyber-bullying, unlike physical bullying, does not provide an option for its victims to walk away ([http://criminaljustice.state.ny.us/missing/i\\_safety/i\\_intro.htm](http://criminaljustice.state.ny.us/missing/i_safety/i_intro.htm)). The District

prohibits harassment, intimidation, and bullying that occurs in any manner, including but not limited to electronic mediums that could substantially interfere with a student's education, threaten the overall educational environment and/or substantially disrupt the operation of school.

## **II. Penalties**

For the violation of any part of this policy the Board of Education may seek such penalties as may be legally appropriate under the laws of the State of New York and school district policies, with proper regard for due process. Such penalties may include, but shall not be limited to, the following:

1. Visitors: Their authorization, if any, to remain on school grounds or at a school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to immediate ejection and possible police referral.
2. Students: They shall be subject to immediate ejection and to such disciplinary action as the facts may warrant, including any of the penalties listed in Board of Education Policy 7313.
3. Tenured faculty members: They shall be subject to immediate ejection and to such disciplinary action as the facts may warrant in accordance with Education Law Section 3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law Section 75: They shall be subject to immediate ejection and to such disciplinary action as the facts may warrant in accordance with Civil Service Law Section 75 or any other legal rights that they may have.
5. Staff members other than those described in paragraphs 3 and 4 above: They shall be subject to immediate ejection and to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

## **III. Enforcement**

The Superintendent, building principal, or his or her designee shall be responsible for enforcing the conduct required by this policy. The Superintendent may designate other District staff or Town of Pelham Recreation Department staff who are authorized to take action consistent with this policy.

When the Superintendent or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the designated official shall tell such individual that the conduct is prohibited and attempt to persuade the individual to stop. The official shall also warn such individual of the consequences for continuing to engage in such

conduct. If such individual refuses to cease the prohibited conduct, or if such conduct poses an immediate threat of injury to persons or property, the official shall have such individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing such individual.

The District shall initiate disciplinary action against any student or staff member, as appropriate, as provided in Section II of this policy. In addition, the District reserves its right to pursue a civil or criminal action against any person violating this policy.

The Board of Education is committed to providing a safe and orderly school environment where students may receive, and District personnel may deliver, quality educational service without disruption or interference. Each school must be a positive forum in which students can express and explore different points of view in a peaceful and constructive manner.

The District has a long-standing set of expectations for conduct by students based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity. This policy is intended to support and supplement the efforts of teachers to ensure effective instruction. Accordingly, the focus of the policy is on changing student behavior for the better, not merely punishing unacceptable or disruptive behavior.

The Board recognizes the need to clearly define expectations for acceptable behavior by students when on school property or attending a school activity. To that end, the Board adopts this Student Code of Conduct.

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

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

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

A student may be subject to disciplinary action as provided in the Board's Disciplinary Penalties and Procedures, up to and including suspension from school, when he or she, while on school property or engaging in a school activity:

- A. Engages in conduct that is disorderly, intentionally causing public inconvenience, annoyance, or alarm, or recklessly creating a risk to him- or herself or others.  
Examples of disorderly conduct include:
  - 1. Running in hallways;
  - 2. Making unreasonable noise;
  - 3. Using language or gestures that are profane, lewd, vulgar or abusive;
  - 4. Obstructing vehicular or pedestrian traffic or parking in prohibited areas;
  - 5. Engaging in any willful act that disrupts the normal operation of the school community;



6. Engaging in any conduct which is in violation of the Board's rules and regulations for the maintenance of public order on school property and
  7. Engaging in any conduct using the district's computer network or the Internet that is in violation of the district's acceptable use policy.
- B. Engages in conduct that is insubordinate. Examples of insubordinate conduct include:
1. Failing to comply with the lawful directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect to such employees;
  2. Skipping detention; and
  3. Lateness for, missing or leaving school without permission.
- C. Engages in conduct that is violent. Examples of violent conduct include:
1. Committing, attempting or threatening to commit an act of violence, such as hitting, kicking, punching, scratching or throwing any projectile, upon a teacher, administrator, other school employee, another student or any other person on school property;
  2. Possessing a weapon (including, but not limited to, any gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, 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 dangerous instrument that can cause physical injury or death) while on school property or at a school function;
  3. Displaying what appears to be a weapon;
  4. Threatening to use any weapon;
  5. Intentionally damaging or destroying the personal property of a teacher, administrator, other district employee, another student or any other person on school property, including by graffiti or arson; and
  6. Intentionally damaging or destroying school District property.
- D. Engages in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include:
1. Lying to school personnel;
  2. Stealing the property of other students, school personnel or any other person on school property or attending a school function;
  3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of such person or identifiable group by demeaning them;

4. Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating an individual in a negative manner;
  5. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an individual or identifiable group which are intended to be, or which a reasonable person would perceive as, ridiculing or demeaning; Intimidation or bullying;
  6. Intimidation or bullying;
  7. Hazing, which includes soliciting, encouraging, aiding or engaging in any intentional, knowing or reckless act directed against a student for the purpose of being initiated into, affiliating with, holding office in, or maintaining membership in any organization, club or athletic team whose members are, or include, other students;
  8. Selling, using or possessing obscene material;
  9. Using vulgar or abusive language, cursing or swearing;
  10. Smoking a cigarette, cigar or pipe, or using chewing or smokeless tobacco in school or on school property or while attending a school function;
  11. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or controlled substances (including, without limitation, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs"), or being under the influence of either;
  12. Inappropriately selling, purchasing, using or sharing prescription or over-the-counter drugs;
  13. Gambling;
  14. Indecent exposure, which includes exposure to sight of the private parts of the body in a lewd or indecent manner; and
  15. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
- E. Engages in any form of academic misconduct. Examples of academic misconduct include:
1. Cheating;
  2. Plagiarism;
  3. Copying;
  4. Altering records;
  5. Forging notes or excuses;
  6. Inappropriate or unapproved use of electronic devices; and
  7. Assisting another student in any of the above actions.
- F. Engages in misconduct, such as excessive noise, pushing, shoving or fighting, while on a school bus, or fails to comply with the lawful directions of the bus driver or otherwise demonstrates disrespect to the bus driver; provided that for

purposes of this paragraph a "student" shall include any student who is transported by the district to any educational setting, public or nonpublic, within or outside the district.

The Board of Education believes that the Board, teachers, administrators, other school staff, parents and students all share the responsibility for education in the District. In order to create an environment in which students can learn and teachers can teach in the most effective manner possible, the Board recognizes the following rights of students and encourages all members of the school community to accept the following responsibilities.

**I. Rights of Students**

The District is committed to safeguarding the rights given to all students under state and federal law. In addition to those rights, all district students have the right to:

1. A safe, healthy, orderly and civil school environment;
2. Take part in all district activities on an equal basis regardless of race, color, creed, national origin, religion, gender, sexual orientation or disability;
3. Voice their concerns in a forum in which they will be taken seriously and treated with respect;
4. Present their version of relevant events to school personnel authorized to impose a disciplinary penalty; and
5. Access school rules and, when necessary, receive an explanation of those rules from school personnel.

**II. Responsibilities of Students**

All district students have the responsibility to:

1. Contribute to maintaining a safe, orderly and civil school environment that is conducive to learning and to show respect to other persons and to property;
2. Be familiar with and abide by all District policies, rules and regulations dealing with student conduct;
3. Attend school every day unless they are legally excused, and be in class on time and prepared to learn;
4. Work to the best of their ability in all academic and co-curricular pursuits and strive toward their highest level of achievement possible;
5. Follow directions given by teachers, administrators and other school personnel in a respectful, positive manner;
6. Work to develop mechanisms to control their anger;
7. Ask questions when they do not understand;
8. Seek help in solving problems that might lead to discipline;

9. Share with a responsible adult concerns about potential danger to others;
10. Accept responsibility for their actions; and
11. Conduct themselves as representatives of the District when participating in or attending school-sponsored co-curricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

### **III. Responsibilities of Parents**

All parents of students in the district are expected to:

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

### **IV. Responsibilities of All District Staff**

All District staff members are expected to:

1. Promote a safe, orderly and civil school environment in which each member of the school community is treated fairly and with respect;
2. Promote a climate of mutual respect and dignity which will strengthen students' self-image and promote confidence to learn;

3. Know school policies and rules, and enforce them in a fair and consistent manner;
4. Maintain open communication among teachers, psychologists, guidance counselors, students and parents regarding the effective needs of students;
5. Assist students in coping with peer pressure and emerging personal, social and emotional problems; and
6. Arrive at school dressed and groomed in a professional manner appropriate to the staff member's position and responsibilities.

**V. Responsibilities of the Board of Education**

The Board is expected to:

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, District personnel and visitors on school property and at school functions; and
2. Adopt and review at least once a year the District's code of conduct to evaluate the code's effectiveness, its consistency with law and the regulations of the Commissioner of Education, and the fairness and consistency of its implementation.

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

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

- a. The student's age;
- b. The nature of the offense and the circumstances that led to the offense;
- c. The student's prior disciplinary record;
- d. The effectiveness of other forms of discipline;
- e. Information from parents, teachers and/or others, as appropriate; and
- f. Other extenuating circumstances.

As a general rule, discipline will be progressive (i.e., a student's first violation will usually merit a lighter penalty than subsequent violations). However, it is clear that certain serious acts of misbehavior (including, but not limited to, sale of drugs, possession or sale of a weapon) may warrant the maximum penalty for the first offense.

If the student in question has been classified as disabled or if the District has reason to believe such classification may be warranted, the student shall be referred to the Committee on Special Education to ascertain whether the misconduct is related to a disability, in accordance with the separate requirements of Policy 7314, Students Presumed to have a Disability for Discipline Purposes. Discipline, if warranted, shall be administered consistent with Policy 7314. A student identified as having a disability shall be disciplined for behavior related to his or her disability only to the extent permitted by law, and in accordance with the separate requirements of Policy 7314.

## **I. Reporting Violations of the Code of Conduct**

Any student who observes a student in possession of a weapon, alcohol or any illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal or the Superintendent. Such teacher, building principal or the Superintendent shall, if he or she can do so without danger to himself or herself or others, immediately confiscate the weapon, alcohol or illegal substance. Promptly thereafter the building principal or Superintendent shall notify the parents or guardians of the student involved and take appropriate disciplinary action, up to and including permanent suspension and referral for prosecution. Any member of the

Pelham school community may report any other violation of the Student Code of Conduct, to the building principal, who will then investigate the situation and take appropriate action, including disciplinary action and/or referral to the Committee on Special Education.

The building principal must notify the appropriate local law enforcement agency of any violations of the Student Code of Conduct that constitute crimes and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business on the day the principal learns of the violation. Such notification shall be made by telephone, followed by a letter mailed on the same day, and must identify the students involved and explain the conduct that violated the code of conduct and constituted a crime.

## **II. Penalties**

Students who are found to have violated the District's Code of Conduct may be subject to the following penalties, either alone or in combination with one another. The District personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

- A. Verbal warning—any member of the District staff;
- B. Written warning—bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, assistant principal, principal, Superintendent;
- C. Written notification to parent or guardian—bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, assistant principal, principal, Superintendent;
- D. Detention—teachers, assistant principal, principal, Superintendent;
- E. Suspension from transportation—assistant principal, principal, Superintendent;
- F. Suspension from interscholastic athletic participation—coaches, athletic director, assistant principal, principal, Superintendent;
- G. Suspension from social events or extracurricular activities—assistant principal, principal, Superintendent;
- H. Suspension of other privileges—assistant principal, principal, Superintendent;
- I. In-school suspension—assistant principal, principal, Superintendent;



- J. Removal from classroom by teacher—teachers, principal;
- K. Short-term (five days or less) suspension from school—principal, Superintendent, Board of Education;
- L. Long-term (more than five days) suspension from school—Superintendent, Board of Education; and
- M. Permanent suspension from school—Superintendent, Board of Education.

### **III. Procedures**

The amount of due process to which a student is entitled before a penalty is imposed will depend on the type of penalty being imposed. In all cases, regardless of the penalty imposed, the District personnel authorized to impose the penalty must let the student know what misconduct such student is alleged to have committed, and must investigate the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the District personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

Students who are given penalties other than a verbal warning, written warning or written notification to their parents or guardians are entitled to additional rights before the penalty is imposed. These additional rights are explained below:

#### **A. Detention**

Any teachers or building principal or his or her designee may use detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Parents will be notified of detention.

#### **B. Suspension from Transportation**

If a student (which term, for purposes of this Section III.B, shall include any student transported by the District to any educational setting, public or nonpublic, within or outside the District) does not conduct himself or herself properly on a bus, the bus driver is expected to bring such misconduct to the attention of the building principal or Superintendent. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or Superintendent. In such cases, the student's parent or guardian will become responsible for seeing that the student gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the District will make appropriate arrangements to provide for the student's education.

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

In the event that a suspension from transportation constitutes a change in placement for a student who has been classified as disabled, such suspension shall be applied consistently with and subject to all state and federal laws protecting children with disabilities.

C. Suspension from social events, athletic participation, co-curricular activities or other privileges

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

D. In-school suspension

The Board recognizes that the District must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. Accordingly, the Board authorizes building principals, assistant principals, and the Superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in "in-school suspension". "In-school suspension" is the temporary removal of students from the classroom and their placement in another area of the school building designated for such suspension where students will receive substantially equivalent, alternative education. The in-school suspension teacher will be a certified teacher.

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

E. Teacher removal of disruptive students

A disruptive student can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an

opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an administrator's office or other designated area; (2) sending a student to an administrator's office for the remainder of the class time only; or (3) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code of conduct.

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

A classroom teacher may request the removal of a disruptive student.

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

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

Within 24 hours after the student's removal, the building principal or removing teacher or administrator designated by the principal must notify the student's parent or guardian, in writing, that the student has been removed from class and the reason for the removal. The notice must also inform the parent or guardian that he or she has the right, upon request, to meet informally with the principal or the principal's designee and, if possible, the teacher, to discuss the reasons for the removal. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number for the purpose of contacting parents. The principal may require the teacher who ordered the removal to attend the informal conference if it is held during the teacher's normal working day.

The informal meeting, if requested, must be held within 48 hours of the student's removal (unless a later date is agreed upon by the parent or guardian and the principal). If at the informal meeting the student denies the charges, the building principal or the principal's designee must explain why the student was removed and give the student and

the student's parent or guardian an opportunity to present the student's version of the relevant events.

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

1. The charges against the student are not supported by substantial evidence.
2. The conduct warrants suspension from school pursuant to Education Law Section 3214 and a suspension will be imposed.

The principal or his or her designee must make a determination as to whether to overturn the removal before the close of business on the school day next following the 48-hour period during which the informal hearing, if requested, must be held. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the building principal makes a final determination, or the period of removal expires, whichever is less. At the teacher's discretion, he or she may rescind the removal prior to the expiration of the period of removal.

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

- F. Suspension from School - See Code of Conduct Section 9

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.

The District is authorized to seek restitution, through civil action when necessary, from the parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

- a) Has willfully, maliciously, or unlawfully damaged, defaced or destroyed real or personal property in the care, custody and/or ownership of the District; or
- b) Has knowingly entered or remained in a District building, and wrongfully taken, obtained or withheld personal property owned or maintained by the District.

In instances where the District has sought and obtained a judgment from a court of competent jurisdiction, parent/guardian liability for civil damages shall not exceed five thousand dollars (\$5,000). Under certain circumstances, prior to the entering of a judgment in the sum total of five hundred dollars (\$500) or more, a court may consider the parent's or guardian's financial inability to pay any portion or all of the amount of damages which are in excess of five hundred dollars (\$500), and enter a judgment in an amount within the financial capacity of the parent or guardian. However, no such judgment shall be entered for an amount which is less than five hundred dollars (\$500).

#### **False Reporting of an Incident and/or Placing a False Bomb**

The District is also authorized to seek restitution, as described in law, from a parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

- a) Has falsely reported an incident; or
- b) Has placed a false bomb as defined in the New York State Penal Law.

Damages for falsely reporting an incident or placing a false bomb shall mean the funds reasonably expended by the District in responding to such false report of an incident or false bomb, less the amount of any funds which have been or shall be recovered from any other source as enumerated in law.

In seeking restitution, the District shall file with the court, the County District Attorney and defense counsel an affidavit stating that the funds reasonably expended for which restitution is being sought have not been and shall not be recovered from any other source or in any other civil or criminal proceeding, except as provided for pursuant to General Obligations Law Section 3-112.

In order to create an atmosphere conducive to teaching and learning, all students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. A student's dress, grooming and appearance shall be safe, appropriate and not disrupt or interfere with the educational process. Without limiting the foregoing, and by way of example, each student shall at all times during the school day:

- a) Recognize that extremely brief or revealing garments such as very short shorts or skirts, tube tops, tank tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back), bare midriffs and sheer garments are not appropriate;
- b) Ensure that underwear is completely covered by outer clothing;
- c) Wear shirts and footwear at all times, provided that footwear that is a safety hazard shall not be allowed;
- d) Not wear sunglasses or, when determined to be inappropriate by faculty or administration, hats or other headgear inside school buildings except for a medical or religious purpose;
- e) Not wear items containing words or insignia that are vulgar, obscene, libelous, or denigrate others on account of race, color, religion, ancestry, national origin, sex, sexual orientation or disability; and
- f) Not wear items that promote and/or endorse the use of alcohol, tobacco or illegal drugs, and/or encourage other illegal or violent activities.

Each building principal shall be responsible for informing all staff, students and their parents of the dress code at the beginning of the school year and of any revisions to the dress code made during the school year.

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

The Superintendent and/or the principal may suspend the following students from required attendance upon instruction:

- a) A student who is insubordinate or disorderly; or
- b) A student who is violent or disruptive; or
- c) A student whose conduct otherwise endangers the safety, morals, health or welfare of others.

## Suspension

### Five (5) School Days or Less

The Superintendent and/or the principal of the school the student attends shall have the power to suspend a student for a period not to exceed five (5) school days. In the absence of the principal, the designated "acting principal" may then suspend a student for a period of five (5) school days or less.

When the Superintendent or the principal (the "suspending authority") proposes to suspend a student for five (5) school days or less, the suspending authority shall provide the student with **notice** of the charged misconduct. If the student denies the misconduct, the suspending authority shall provide an **explanation** of the basis for the suspension.

When suspension of a student for a period of five (5) school days or less is proposed, administration shall also immediately notify the parent or person in parental relation in writing that the student *may be* suspended from school.

Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of the decision to propose suspension at the last known address or addresses of the parents or persons in parental relation. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/persons in parental relation.

The notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the student and the parent or person in parental relation of their right to request an immediate informal conference with the principal in accordance with the provisions of Education Law Section 3214(3)(b). Both the notice and the informal conference shall be in the dominant language or mode of communication used by the parents/persons in parental relation. At the informal conference, the student and/or parent or person in parental relation shall be authorized to present the student's version of the event and to ask questions of the complaining witnesses.

The notice and opportunity for informal conference shall take place **prior to** suspension of the student unless 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, in which case the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practical.



Teachers shall immediately report or refer a violent student to the principal or Superintendent for a violation of the District's *Code of Conduct* and a minimum suspension period.

#### More Than Five (5) School Days

In situations where the Superintendent determines that a suspension in excess of five (5) school days may be warranted, the student and parent/person in parental relation, upon reasonable notice, shall have had an opportunity for a fair hearing. At the hearing, the student shall have the right of representation by counsel, with the right to question witnesses against him or her, and the right to present witnesses and other evidence on his or her behalf.

Where the basis for the suspension is, in whole or in part, the possession on school grounds or school property by the student of any firearm, rifle, shotgun, dagger, dangerous knife, dirk, razor, stiletto or any of the weapons, instruments or appliances specified in Penal Law Section 265.01, the hearing officer or Superintendent shall not be barred from considering the admissibility of such weapon, instrument or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of such weapon, instrument or appliance was the result of an unlawful search or seizure.

#### Minimum Periods of Suspension

Pursuant to law, Commissioner's Regulations and the District's *Code of Conduct*, minimum periods of suspension shall be provided for the following prohibited conduct, subject to the requirements of federal and state law and regulations:

- a) Consistent with the federal Gun-Free Schools Act, any student who is determined to have brought a firearm to school or possessed a firearm on school premises shall be suspended for a period of not less than one (1) calendar year. However, the Superintendent has the authority to modify this suspension requirement on a case-by-case basis.
- b) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law. The definition of "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority" shall be determined in accordance with Commissioner's Regulations.
- c) A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a), provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law.

#### **Suspension of Students with Disabilities**

Generally, should a student with a disability infringe upon the established rules of the schools, disciplinary action shall be in accordance with procedures set forth in the District's *Code*

*of Conduct* and in conjunction with applicable law and the determination of the Committee on Special Education.

For suspensions or removals up to ten (10) school days in a school year that do not constitute a disciplinary change in placement, students with disabilities shall be provided with alternative instruction or services on the same basis as non-disabled students of the same age.

If suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than ten (10) consecutive school days or constitutes a pattern because the suspensions or removals cumulate to more than ten school days in a school year, a manifestation determination shall be made.

### **Manifestation Determinations**

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

- a) By the Superintendent to change the placement to an interim alternative educational setting;
- b) By an impartial hearing officer to place the student in an interim alternative educational setting; or
- c) By the Board of Education, BOCES Superintendent, Superintendent or building principal to impose a suspension that constitutes a disciplinary change of placement.

The manifestation team shall include a representative of the District knowledgeable about the student and the interpretation of information about child behavior, the parent and relevant members of the Committee on Special Education as determined by the parent and the District. The parent shall receive written notice prior to the meeting to ensure that the parent has an opportunity to attend. This notice shall include the purpose of the meeting, the names of those expected to attend and notice of the parent's right to have relevant members of the Committee on Special Education participate at the parent's request.

The manifestation team shall review all relevant information in the student's file including the student's individualized education program, any teacher observations, and any relevant information provided by the parents to determine if: the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or the conduct in question was the direct result of the District's failure to implement the individualized education program.

### **Finding of Manifestation**

If it is determined, as a result of this review, that the student's behavior is a manifestation of his or her disability the Committee on Special Education shall conduct a functional behavioral assessment and implement or modify a behavioral intervention plan.

Functional behavioral assessment means the process of determining why the student engages in behaviors that impede learning and how the student's behavior relates to the environment. Functional behavioral assessment shall be developed consistent with the

requirements of Commissioner's Regulations Section 200.22(a) and shall include, but not be limited to, the identification of the problem behavior, the definition of the behavior in concrete terms, the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors) and the formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

Behavioral intervention plan means a plan that is based on the results of a functional behavioral assessment and, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs and intervention strategies that include positive behavioral supports and services to address the behavior.

Unless the change in placement was due to behavior involving serious bodily injury, weapons, illegal drugs or controlled substances, the student shall be returned to the placement from which the student was removed unless the parent and the District agree to a change of placement as part of the modification of the behavioral intervention plan.

#### No Finding of Manifestation

If it is determined that the student's behavior is not a manifestation of his or her disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner and for the same duration for which they would be applied to students without disabilities, subject to the right of the parent or person in parental relation to request a hearing objecting to the manifestation determination and the District's obligation to provide a free, appropriate public education to such student.

#### Provision of Services Regardless of the Manifestation Determination

Regardless of the manifestation determination, for subsequent suspensions or removals for ten (10) consecutive school days or less that in the aggregate total more than ten (10) school days in a school year but do not constitute a disciplinary change of placement, and for suspensions or other disciplinary removals in excess of ten (10) school days in a school year which do constitute a disciplinary change in placement for behavior, the Committee on Special Education shall determine the services to be provided to students with a disability necessary for them to continue to participate in the general education curriculum and progress toward meeting the goals set out in their individualized education program, and shall conduct or provide, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur.

#### **Interim Alternative Educational Setting (IAES)**

Students with disabilities who have been suspended or removed from their current placement for more than ten (10) school days may, as determined by the Committee on Special Education, be placed in an interim alternative educational setting which is a temporary educational setting other than the student's current placement at the time the behavior precipitating the interim alternative educational setting placement occurred.

Additionally, the District may seek an order from a hearing officer for a change in placement of a student with a disability to an appropriate interim alternative educational setting

for up to forty-five (45) school days if the District establishes, in accordance with law, that such student is substantially likely to injure himself or herself or others.

There are three (3) specific instances when a student with a disability may be placed in an interim alternative educational setting for up to forty-five (45) school days without regard to a manifestation determination:

- a) Where the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the District; or
- b) Where a student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the District; or
- c) Where a student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District. Serious bodily harm has been defined in law to refer to one of the following:
  1. Substantial risk of death;
  2. Extreme physical pain; or
  3. Protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

A school function shall mean 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.

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct.

In all cases, the student placed in an interim alternative educational setting shall:

- a) Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress towards the goals set out in the student's individualized education program, and
- b) Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

The period of suspension or removal may not exceed the amount of time a non-disabled student would be suspended for the same behavior.

### **Suspension from BOCES**

The BOCES principal may suspend District students from BOCES classes for a period not to exceed five (5) school days when student behavior warrants such action.

### **In-School Suspension**

In-school suspension shall be used as a lesser discipline to avoid an out-of-school suspension. The student shall be considered present for attendance purposes. The program is used to keep each student current with his or her class work while attempting to reinforce acceptable behavior, attitudes and personal interaction.

### **BOCES Activities**

BOCES activities, such as field trips and other activities outside the building itself, are considered an extension of the school program. Therefore, an infraction handled at BOCES is to be considered as an act within the District itself.

A student who is ineligible to attend a District school on a given day may also be ineligible to attend BOCES classes. The decision rests with the Superintendent or his or her designee.

### **Exhaustion of Administrative Remedies**

If a parent/person in parental relation wishes to appeal the decision of the building principal and/or Superintendent to suspend a student from school, regardless of the length of the student's suspension, the parent or person in parental relation shall appeal to the Board prior to commencing an appeal to the Commissioner of Education.

### **Procedure after Suspension**

When a student has been suspended and is of compulsory attendance age, immediate steps shall be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes.

When a student has been suspended, the suspension may be revoked by the Board whenever it appears to be for the best interest of the school and the student to do so. The Board may also condition a student's early return to school and suspension revocation on the student's voluntary participation in counseling or specialized classes, including anger management or dispute resolution, where applicable.

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

The parent of a student who has violated any rule or *Code of Conduct of the District* and who was not identified as a student with a disability at the time of such behavior may assert several protections provided for under the Individuals with Disabilities Education Act and State regulations *if the District is deemed to have had knowledge (as determined in accordance with law and/or regulations and referenced below) that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.*

### **Basis of Knowledge**

The District shall be deemed to have knowledge that the student had a disability if prior to the time the behavior occurred:

- a) The parent of the student has expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education and related services. However, expressions of concern may be oral if the parent does not know how to write or has a disability that prevents a written statement;
- b) The parent of the student has requested an evaluation of the student in writing; or
- c) A teacher of the student, or other District personnel, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Director of Special Education or to other supervisory personnel in accordance with the District's established child find or special education referral system.

### **Exception**

A student is not a student presumed to have a disability for discipline purposes if, as a result of receiving the information specified above (i.e., subheading "Basis of Knowledge"):

- a) The parent of the student has not allowed an evaluation of the student pursuant to law and/or regulations;
- b) The parent of the student has refused services under law and/or regulations; or
- c) The student has been evaluated and it was determined that the student is not a student with a disability.

This policy is intended to afford students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

### **Authorized Suspensions or Removals of Students with Disabilities**

For purposes of this policy, the following definitions shall apply:

- a) A "suspension" means a suspension pursuant to Education Law Section 3214.
- b) A "removal" means a removal for disciplinary reasons from the student's current educational placement, other than a suspension and change in placement to an interim alternative educational setting ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.
- c) An interim alternative educational setting means a temporary educational placement for a period of up to forty-five (45) days, other than the student's current placement at the time the behavior precipitating the interim alternative educational setting placement occurred, that (1) enables the student to continue to progress in the general curriculum, although in another setting, (2) continues to provide those services and modifications, including those described on the student's current individualized education program, that shall enable the student to meet the goals set out in such individualized education program, and (3) includes services and modifications to address the behavior which precipitated the interim alternative educational setting placement that are designed to prevent the behavior from recurring.
- d) School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
  1. The Board, the BOCES District Superintendent or a building principal delegated the authority to suspend students may order the placement of a student with a disability into an interim alternative educational setting, another setting or suspension for a period not to exceed five (5) consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
  2. The Superintendent may order the placement of a student with a disability into an interim alternative educational setting, another setting or suspension for up to ten (10) consecutive school days, inclusive of any period in which the student has been suspended or removed under paragraph A above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

3. The Superintendent may order additional suspensions of not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
4. The Superintendent may order the placement of a student with a disability in an interim alternative educational setting to be determined by the Committee on Special Education, for the same amount of time that a non-disabled student would be subject to discipline, but not more than forty-five (45) days, if the student carries or possesses a weapon at school or at a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or at a school function. For purposes of this paragraph D, the following definitions apply:
  - (a) "Weapon" means the same as "dangerous weapon" under 18 USC Section 930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2-1/2 inches in length."
  - (b) "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
  - (c) "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an interim alternative educational setting for up to forty-five (45) days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

### **Change of Placement Rule**

A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:

- a) For more than ten (10) consecutive school days; or
- b) For a period of ten (10) consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than ten (10) school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.



However, the District may impose a suspension or removal which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals, if the Committee on Special Education has determined that the behavior was not a manifestation of the student's disability, or if the student is placed in an interim alternative educational setting for behavior involving weapons, illegal drugs or controlled substances.

### **Special Rules Regarding the Suspension or Removal of Students with Disabilities**

#### Role of the Committee on Special Education

The Committee on Special Education shall conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans, whenever the district first suspends or removes a student with a disability for more than ten (10) school days in a school year or imposes a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an interim alternative educational setting for misconduct involving weapons, illegal drugs or controlled substances.

If, subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than ten (10) school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the Committee on Special Education shall review the behavioral intervention plan and its implementation to determine if modifications are necessary. If one or more members of the Committee on Special Education believe that modifications are needed,

The District shall convene a meeting of the Committee on Special Education to modify such plan and its implementation, to the extent the Committee on Special Education determines necessary.

The Committee on Special Education shall also conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an interim alternative educational setting either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his or her current educational setting poses a risk of harm to the student or to others, or when a decision is made to impose a suspension that constitutes a disciplinary change in placement.

#### Presumption of Disability

The parents or guardians of a student who is facing disciplinary action, but who has not been determined to be eligible for services under the Individuals with Disabilities Education Act ("IDEA") and Article 89 of the New York State Education Law at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the District is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the District is deemed to have had such

knowledge, the student shall be considered a student presumed to have a disability for discipline purposes.

The Superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether a student is a student presumed to have a disability. A student shall not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the District had knowledge that the student was a student with a disability, the District either (1) conducted an individual evaluation and determined that the student is not a student with a disability, or (2) determined that an evaluation was not necessary and provided notice to the parents or guardians of such determination in the manner required by applicable law and regulations.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the District, which may include suspension.

#### Notice of Removal

The District shall provide parents or guardians with notice of disciplinary removal no later than the date on which (1) a decision is made to change the placement of a student with a disability to an interim alternative educational setting either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his or her current educational setting poses a risk of harm to the student or others or (2) a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.

The procedural safeguards notice prescribed by the Commissioner of Education shall accompany the notice of disciplinary removal.

#### Short-term Suspensions

The parents or guardians of a student with disabilities subject to a suspension of five (5) consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law and Board Policy.

#### Long-term Suspensions

Superintendent's hearings on disciplinary charges against students with disabilities subject to a suspension of more than five (5) school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's Regulations.

### Other Removals

The removal of a student with disabilities other than a suspension or placement in an interim alternative educational setting shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than ten (10) consecutive days or for a period that would result in a disciplinary change in placement unless the Committee on Special Education has determined that the behavior is not a manifestation of the student's disability.

### Continuation of Services

During any period of suspension or removal, including placement in an interim alternative educational setting, students with disabilities shall be provided services as required by Commissioner's Regulations.

### **Expedited Due Process Hearings**

An expedited due process hearing shall be conducted in the manner specified in Commissioner's Regulations if:

- a) The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an interim alternative educational setting where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings; or
- b) The parent or guardian requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an interim alternative educational setting.

During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an interim alternative educational setting for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an interim alternative educational setting, such student shall remain in the interim alternative educational setting pending the decision of the impartial hearing officer or until expiration of the interim alternative educational setting placement, whichever occurs first, unless the parents or guardians and the District agree otherwise.

If school personnel propose to change a student's placement after expiration of an interim alternative educational setting placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the interim alternative educational setting, except where the student is again placed in an interim alternative educational setting.

An expedited due process hearing shall be completed within fifteen (15) business days after receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she shall mail a written decision to the District and the parents or guardians within five (5) business days after the last hearing date, and in no event later than forty-five (45) calendar days after receipt of the request for a hearing, without exceptions or extensions.

### **Referral to Law Enforcement and Judicial Authorities**

In accordance with the provisions of Individuals with Disabilities Education Act (IDEA) and its implementing regulations, the District may report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities, and such action shall not constitute a change of the student's placement. The Superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

### **Responsibility for Determining Whether a Student is a Student Presumed to Have a Disability**

If it is claimed by the parent of the student or by District personnel that the District had a basis for knowledge, in accordance with law and/or regulation, that the student was a student with a disability prior to the time the behavior subject to disciplinary action occurred, it shall be the responsibility of the Superintendent, building principal or other school official imposing the suspension or removal to determine whether the student is a student presumed to have a disability.

### **Conditions That Apply if There is No Basis of Knowledge**

If it is determined that there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other nondisabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made during the time period in which such nondisabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted in accordance with law and/or regulations. Pending the results of the evaluation, the student shall remain in the educational placement determined by school authorities.

If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the District shall provide special education and related services in accordance with law and/or regulations.

The District's computer network (the "Network") provides access to reference resources, production tools, instructional software, the Internet, and email. The use of the Network is a privilege, and not a right. All student use of the District's electronic resources shall be consistent with the District's goal of promoting educational excellence. Responsibility for appropriate conduct when using the Network rests solely with the individual student, who shall follow the provisions of this policy at all times.

The Board of Education shall provide access to various computerized information resources through the District's computer system consisting of software, hardware, computer networks and electronic communications systems. This may include access to electronic mail, so-called "on-line services" and the "Internet." It may include the opportunity for some students to have independent access to the District's computer system from their home or other remote locations. All use of the District's computer system, including independent use off school premises, shall be subject to this policy and accompanying regulations. Further, all such use shall be in support of education and/or research and consistent with the goals and purposes of the District.

### **Access to Inappropriate Content/Material and Use of Personal Technology or Electronic Devices**

This policy is intended to establish general guidelines for the acceptable student use of the District's computer system and also to give students and parents or guardians notice that student use of the District's computer system shall provide student access to external computer networks not controlled by the District. The District cannot screen or review all of the available content or materials on these external computer networks. Thus some of the available content or materials on these external networks may be deemed unsuitable by parents or guardians for student use or access by parents or guardians.

Despite the existence of District policy, regulations and guidelines, it is virtually impossible to completely prevent access to content or material that may be considered inappropriate for students. Students may have the ability to access such content or material from their home, other locations off school premises and/or with a student's own personal technology or electronic device on school grounds or at school events. Parents and guardians shall be willing to establish boundaries and standards for the appropriate and acceptable use of technology and communicate these boundaries and standards to their children. The appropriate/acceptable use standards outlined in this policy apply to student use of technology via the District's computer system or any other electronic media or communications, including by means of a student's own personal technology or electronic device on school grounds or at school events.

### **Use of the Network**

Access to the Network and the Internet shall be for the purpose of education, curriculum-related research and other school-related purposes.

### **Password and File Protection**

Network accounts are to be used only by the authorized user of the account for the purposes allowed herein. Using or sharing another user's login name and password is prohibited. Each student shall be responsible for any action performed under his or her login name, regardless of whether he or she performed the action.

### **Network Security**

In order to ensure that the Network is available to all users, students shall adhere to the following rules:

- a) Students shall not intentionally disrupt the use of the Network by others.
- b) Hardware, software, files, data or passwords shall not be destroyed, modified, copied, damaged or abused in any way.
- c) Students may not load or download software on any school computer.
- d) Malicious use of the Network or the Internet that harasses other users, infiltrates a computer or computer system and/or damages the software components of a computer or computer system (e.g., creates viruses) is prohibited.
- e) Any student who identifies a possible security problem shall immediately notify the supervising teacher or the Director of Technology.

### **Copyright Protection**

Students shall recognize that software and materials accessible via the Network or the Internet are protected by copyright and/or other intellectual property laws; therefore, students shall comply with all such laws and, without limitation of the foregoing:

- a) Shall give credit for all copyrighted materials obtained from the Network or the Internet;
- b) Shall not make copies of copyrighted software found on school computers, either by copying them onto storage devices or onto other computers through electronic mail;
- c) Shall not give, lend, or sell copies of software to others unless they have the written permission of the copyright owner or the original software is clearly identified as "shareware" or in the public domain;
- d) Shall not receive copyrighted software from outside sources through school computers; and
- e) Shall not download copyrighted material without permission from the copyright owner.

### **Standards of Acceptable Use**

Generally, the same standards of acceptable student conduct which apply to any school activity shall apply to use of the District's computer system. This policy does not attempt to articulate all required and/or acceptable uses of the District's computer system; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations shall further define general guidelines of appropriate student conduct and use as well as proscribed behavior.

District students shall also adhere to the laws, policies and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and student rights of privacy created by federal and state law.

Students who engage in unacceptable use may lose access to the District's computer system in accordance with applicable due process procedures, and may be subject to further discipline under the District's school conduct and discipline policy and the District *Code of Conduct*. The District reserves the right to pursue legal action against a student who willfully, maliciously or unlawfully damages or destroys property of the District. Further, the District may bring suit in civil court against the parents or guardians of any student who willfully, maliciously or unlawfully damages or destroys District property pursuant to General Obligations Law Section 3-112.

Student data files and other electronic storage areas shall be treated like school lockers. This means that such areas shall be considered to be District property subject to control and inspection. The Director of Technology or designee may access all such files and communications without prior notice to ensure system integrity and that users are complying with the requirements of this policy and accompanying regulations. Students should **NOT** expect that information stored on the District's computer system shall be private.

### **Prohibited Uses**

Students may not, while using District resources (including, without limitation, desktop computers, laptop computers, digital cameras, and other electronic devices, netbooks, handheld devices and any emerging technologies used in the instructional program and regardless of whether access to the Network or the Internet is gained directly or through any proxy servers, IP Relay or other technologies that bypass or circumvent any filtering or monitoring devices or software) either on or off school property:

- a) Engage in any conduct on the Network or the Internet that constitutes hate mail, harassment, profanity, obscenity, discriminatory remarks, misrepresentation, impersonation, and/or similar behaviors;
- b) Post chain letters or engage in sending "spam" (annoying or unnecessary messages sent to large numbers of people);
- c) Fail to exhibit appropriate behavior on "virtual" field trips in recognition of the fact that students represent the District when visiting locations on the Internet or through distance education;

- d) Access or participate in chat rooms, blogs, threaded discussions or podcasts unless directed to do so for a class project or for other educational purposes with teaching staff approval;
- e) Access or participate in social networking sites;
- f) Intentionally use the Network or the Internet to violate any provisions of Board policy regarding internet safety, or to access or process files dangerous to the integrity of the Network and its users;
- g) Use the Network or the Internet for personal purposes, including but not limited to purchases, commercial, activity, financial transactions, product advertisement, political lobbying, or any illegal activity;
- h) Use the Network or the Internet to access gambling or gaming sites;
- i) Use the Network or the Internet to access, or deliberately attempt to access, sexually explicit web sites (including, without limitation, any website that has posted a warning or disclaimer that access by persons under the age of 18 is inappropriate). If a student reaches such a site by accident, he or she shall immediately leave the site and advise the supervising teacher or the Director of Technology of the accidental access;
- j) Use the Network or the Internet to access file share programs; or
- k) Reveal his or her home address, phone numbers, social security number, photographs or any other personal information, or similar information about any other person, over the Internet.

### **Electronic Mail**

Each student, while using District resources:

- a) Shall access email only through the eChalk account (if any) assigned to such student, except to the extent access to personal email is for legitimate school-related purposes;
- b) Is encouraged to check email frequently and delete unwanted messages promptly;
- c) Shall not provide system email addresses to mailing lists;
- d) Shall not send anonymous messages or files through the Network, send messages using the accounts of other users, or send messages to all users; and
- e) Shall not communicate through instant messaging services.



### **Privacy Issues**

Students should not expect, nor does the District guarantee, privacy on the Network. The District owns all Network files and email and therefore reserves the right to take appropriate actions with respect thereto, including but not limited to the following: log Internet, email and Network use; monitor file server space utilization by students; remove a student account from the Network; restrict student access to the Internet; read the contents of files in the student's network storage drive; and restrict student access to email.

### **Web Pages**

Students may produce web pages through the Network only for specific classes or teacher assignments or for other school-related purposes. All student web pages shall conform to the published guidelines provided by the Director of Technology and to rules applicable to all other school publications, and are subject to approval by a building administrator or his or her designee. (See also Policy #3120 -- Web Page Guidelines.)

### **Penalties**

A student whose conduct on the Network violates this policy may have restricted access or be removed as a user on the Network. In addition, a violation of this policy constitutes a violation of the District's *Code of Conduct*, and students may be disciplined as provided in the *Code of Conduct*. A student whose conduct on the Network violates federal, state or local law may be prosecuted by law enforcement.

### **No Warranties or Responsibility**

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. Students who use the District's Network and the Internet use the information at their own risk. Each student is responsible for verifying the integrity and authenticity of the information that is used and provided. The District is not responsible for any damages suffered by any student, including, but not limited to, loss of data resulting from delays, non-deliveries, mis-deliveries, or service interruptions caused by its own negligence or the errors or omissions of any student. The District is not responsible for unauthorized financial obligations resulting from the use of or access to the District's Network or the Internet. Further, even though the District may use technical or manual means to regulate access and information, these methods do not provide a foolproof means of enforcing the provisions of this policy.

### **Notification/Authorization**

The District's Acceptable Use Policy and Regulations shall be disseminated to parents and students in order to provide notice of the school's requirements, expectations, and students' obligations when accessing the District's computer system.

Student use of the District's computer system is conditioned upon written agreement by all students (Grades K through 12) and their parents or guardians (grades K through 5) that student use of the District's computer system shall conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the District's computer system. All such agreements shall be kept on file in the District office.

Student access to the District's computer system shall be provided upon student signature in grades 6 through 12 unless the parent has submitted written notification to the District requesting that such access not be permitted. Procedures shall be established to define the process by which parents may submit a written request to deny or rescind student use of the District's computer system in accordance with law, Commissioner's Regulations and/or District policies and procedures.

The District's computer network (the "Network") provides access to reference resources, production tools, instructional material, the Internet, and email. All use of the District's electronic resources shall be consistent with the District's goal of promoting educational excellence and administrative efficiency. District staff members shall exercise professional judgment and follow the provisions of this policy when using District electronic resources.

### **Use of the Network**

Access to the Network shall be for the purpose of education or research consistent with the educational goals of the District or for other legitimate District use.

### **Password and File Protection**

Network accounts are to be used only by the authorized user of the account for the purposes allowed herein. Using or sharing another user's login name and password is prohibited. Each user shall be responsible for any action performed under his or her login name, regardless of whether he or she performed the action.

### **Network Security**

In order to ensure that the Network is available to all users, users shall adhere to the following rules:

- a) Users shall not intentionally disrupt the use of the Network by others.
- b) Hardware, software, files, data or passwords shall not be destroyed, modified, copied, damaged or abused in any way.
- c) Malicious use of the Network or the Internet that harasses other users, infiltrates a computer or computer system and/or damages the software components of a computer or computer system (e.g., creates viruses) is prohibited.
- d) Any user who identifies a possible security problem shall immediately notify the Director of Technology.

### **Copyright Protection**

Users shall recognize that software and materials accessible via the Network or the Internet are protected by copyright and/or other intellectual property laws; therefore, users shall comply with all such laws and, without limitation of the foregoing:

- a) Shall give credit for all copyrighted materials obtained from the Network or the Internet;
- b) Shall not make copies of copyrighted software found on school computers, either by copying them onto storage devices or by copying them onto other computers through electronic mail;

- c) Shall not give, lend, or sell copies of software to others unless they have the written permission of the copyright owner or the original software is clearly identified as "shareware" or in the public domain;
- d) Shall not receive copyrighted software from outside sources through school computers; and
- e) Shall not download copyrighted material without permission from the copyright owner.

### **Prohibited Uses**

No staff member shall, while using District resources (including, without limitation, desktop computers, laptop computers, and digital cameras, and regardless of whether access to the Network or the Internet is gained directly or through any proxy servers, IP Relay or other technologies that bypass or circumvent any filtering or monitoring devices or software) either on or off school property:

- a) Engage in any conduct on the Network or the Internet that constitutes hate mail, harassment, profanity, obscenity, discriminatory remarks, misrepresentation, impersonation, and/or similar behaviors;
- b) Post chain letters or engage in sending "spam" (annoying or unnecessary messages sent to large numbers of people);
- c) Access or participate in chat rooms, blogs, online discussion groups or social networking sites except for legitimate educational purposes;
- d) Intentionally use the Network or the Internet to violate the provisions of any Board Policy or to access or process files dangerous to the integrity of the Network and its users;
- e) Except to the extent permitted below, use the Network or the Internet for personal purposes, including but not limited to purchases, commercial activity, financial transactions, product advertisement, political lobbying, or any illegal activity;
- f) Use the Network or the Internet to access gambling or gaming sites;
- g) Use the Network or the Internet to access, or deliberately attempt to access, sexually explicit web sites (including, without limitation, any website that has posted a warning or disclaimer that access by persons under the age of 18 is inappropriate). If a user reaches such a site by accident, he or she shall immediately leave the site and advise his or her supervisor or the Director of Technology of the accidental access;
- h) Use the Network or the Internet to obtain access to file share programs; or
- i) Post on the Internet, without the express permission of the Superintendent or his or her designee, any personal or identifying information pertaining to District students

or staff members including, but not limited to, social security numbers, photographic images, home addresses, or telephone numbers.

### **Electronic Mail**

Each staff member, while using District resources:

- a) Shall check email frequently and respond appropriately and in a timely manner to work-related emails;
- b) Shall manage his or her email account in such a way that incoming messages can be promptly received under such user's designated storage quota;
- c) Shall not provide system email addresses to mailing lists for a commercial purpose;
- d) Shall not send anonymous messages or files through the Network; and
- e) Shall recognize that electronic communications systems should be used during the school day primarily in connection with the performance of his or her job. Notwithstanding the foregoing, staff members may use District resources to send and read personal email messages, provided that such usage does not interfere with the performance of the user's professional responsibilities. Failure to limit use to appropriate times or to comply with the provisions of this policy may result in loss of this privilege.

### **Privacy Issues**

Users should not expect, nor does the District guarantee, privacy on the Network. The District owns all Network files and email and therefore reserves the right to take appropriate actions with respect thereto, including but not limited to the following: log Internet, email and Network use; monitor file server space utilization by users; monitor personal use of the Network and Internet; and read the contents of files in the user's network storage drive.

### **Web Pages**

Every web page created by a staff member shall comply with published guidelines provided by the Director of Technology.

### **Penalties**

Failure of any staff member to follow this policy shall result in appropriate disciplinary action and/or legal action, consistent with the relevant collective bargaining agreement and federal, state and local law. A staff member whose conduct on the Network violates federal, state or local law may be prosecuted by law enforcement.

### **No Warranties or Responsibility**

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

Network and the Internet use the information obtained at their own risk. Each user is responsible for verifying the integrity and authenticity of the information that is used and provided. The District is not responsible for any damages suffered by any user, including, but not limited to, loss of data resulting from delays, non-deliveries, mis-deliveries, or service interruptions caused by its own negligence or the errors or omissions of any user. The District is not responsible for unauthorized financial obligations resulting from the use of or access to the District's Network or the Internet. Further, even though the District may use technical or manual means to regulate access and information, these methods do not provide a foolproof means of enforcing the provisions of this policy.

The Board of Education recognizes that the misuse of drugs, alcohol and/or tobacco is a serious problem with legal, physical, emotional and social implications for the entire community. Therefore, the consumption, sharing and/or selling, use and/or possession of alcoholic beverages, tobacco products, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs is prohibited at any school-sponsored function, on school grounds and on school buses at all times. The inappropriate use of prescription and over-the-counter drugs shall also be disallowed.

Persons shall be banned from entering school grounds or school-sponsored events when exhibiting behavioral, personal or physical characteristics indicative of having used or consumed alcohol or other substances. A school-sponsored function shall mean a school-sponsored or school-authorized co-curricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

Non-medical use of prescription drugs is a form of drug abuse that has become an increasing problem in the United States. Students found in possession of prescription drugs for which they do not have a valid prescription shall be disciplined in accordance with the *Code of Conduct*.

In accordance with Penal Law Section 220.00 for purposes of controlled substances offenses:

- a) "School grounds" means (a) in or on or within any building, structure, athletic playing field, playground or land contained within the real property boundary line of the District's schools, or (b) any area accessible to the public located within one thousand (1,000) feet of the real property boundary line comprising any such school or any parked automobile or other parked vehicle located within one thousand (1,000) feet of the real property boundary line comprising any District school. An "area accessible to the public" shall mean sidewalks, streets, parking lots, parks, playgrounds, stores and restaurants.
- b) "School bus" means every motor vehicle owned by the District and operated for the transportation of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities or privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

### **Prevention and Intervention**

Through the collaborative efforts of staff, students, parents or guardians and the community as a whole, a comprehensive program shall be developed addressing alcohol, tobacco, drugs, and other substances to include the following elements:

#### Primary Prevention

Preventing or delaying alcohol, tobacco, drugs, and other substance use/abuse by students shall be the major focus of a comprehensive K through 12 program in which proactive measures of prevention and early intervention are emphasized. This program shall include:

- a) The K through 12 health curriculum shall include lessons on alcohol, tobacco, drugs, and other substances use/abuse;
- b) Training school personnel to reinforce the components of the policy through in-service programs and supporting community education programs for parents with up-to-date factual information and materials;
- c) An effort to promote a drug/tobacco/alcohol-free environment including pledges, special events, service projects and co-curricular activities that shall develop and support a positive peer influence.

### Intervention

School-based intervention services shall be made available to all students, grades K through 12, and provided by prevention professionals who are appropriately trained in this area. The purpose of intervention is to eliminate any existing use/abuse of alcohol, tobacco, drugs, and other substances and to identify students considered to be at risk for use/abuse. Intervention programming may include:

- a) Counseling of students in groups and as individuals on alcohol, tobacco, drugs, and other substance use/abuse. Counselors shall be appropriately trained and skilled school staff assigned for this purpose;
- b) Referring students to community or other outside agencies when their use/abuse of alcohol, tobacco, drugs, and other substances requires additional counseling or treatment. Referral is a key link in school and community efforts and the process is basic to the dissemination of information regarding available counseling and health services;
- c) Providing a supportive school environment designed to continue the recovery process for students returning from treatment. A re-entry program may include continuing student and/or family counseling and emphasizing positive alternatives to alcohol, tobacco, drugs, and other substance use/abuse;
- d) Encouraging the community development of a parent network to serve as a support group and provide a vehicle of communication for parent education;
- e) Ensuring confidentiality as required by state and federal law.

### **Disciplinary Measures**

Disciplinary measures for students consuming, sharing and/or selling, using and/or possessing alcoholic beverages, tobacco products, illegal drugs, prescription drugs for non-medical use, counterfeit and designer drugs, or paraphernalia for the use of such drugs shall be outlined in the District's *Code of Conduct on School Property*. Participants in co-curricular and athletic activities shall be required to abide by an agreement to abstain from all substance use during the duration of their participation in the activity and shall be subject to the disciplinary measures in such agreement.



### **Staff Development**

There shall be ongoing training of District staff about the components of an effective alcohol, tobacco and other substances program. Training shall include, but not be limited to, District policies and regulations and the staff's role in implementing such policies and regulations. Teachers shall be trained to implement the District's K through 12 alcohol, tobacco, drugs and other substance prevention curricula; intervention staff shall be suitably trained to carry out appropriate services.

The Board of Education, recognizing that students are often influenced by teachers and other members of a school's staff, impresses upon staff members the importance of maintaining a high level of professionalism appropriate to their position, which, in turn, shall set a positive example for students.

The Board, therefore, prohibits the consumption, sharing and/or selling, use and/or possession of illegal drugs, counterfeit and designer drugs or alcoholic beverages in the workplace, or when the effects of such drugs and/or alcohol use may impair an employee's job performance.

Information about any drug and alcohol counseling and/or rehabilitation programs shall be made available to employees. Data shall also include the range of penalties (consistent with local, state and federal law) up to and including termination of employment and referral for prosecution that shall be imposed on employees who have transgressed the terms of this policy.

Additionally, confidentiality shall be ensured as required by state and federal law.

Students are protected by the Constitution from unreasonable searches and seizures. A student may be searched and contraband/prohibited items seized on school grounds or in a school building by an authorized District official (as designated below) only when the District official has reasonable suspicion to believe the student has engaged in or is engaging in proscribed activity which is in violation of the law and/or the rules of the school (i.e., the *District Code of Conduct*).

Factors to be considered in determining whether reasonable suspicion exists to search a student include:

- a) The age of the student;
- b) The student's school record and past history;
- c) The predominance and seriousness of the problem in the school where the search is directed;
- d) The probative value and reliability of the information used as a justification for the search;
- e) The school official's prior knowledge of and experience with the student; and
- f) The urgency to conduct the search without delay.

The Superintendent, building principals, assistant principals, and school nurse are authorized to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search shall produce evidence that the student has violated or is violating the law and/or the *Code of Conduct*.

If reasonable suspicion exists to believe that a student has violated or is violating the law and/or school rules, it is permissible for an authorized school official to conduct searches of that student's outer clothing, pockets, or property. The search may include, but is not limited to, the student's outer clothing such as a jacket or coat, pockets, backpack, and/or purse. Searches shall be conducted by a staff member of the same sex as the student. Whenever possible, another staff member, also of the same sex, shall be present as a witness.

### **Strip Searches**

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. Strip searches are intrusive in nature and are not permissible. If school authorities believe there is an emergency situation that could threaten the safety of others, the student shall, to the extent practicable, be isolated and secured. Police and parents shall be contacted immediately.

### **Searches and Seizure of School Property**

Student desks, lockers, textbooks, computers, and other materials, supplies or storage spaces loaned by the school to students remain the property of the school, and may be opened and inspected by school employees at any time. Students have no reasonable expectation of privacy with respect to school property; and school officials retain complete control over such

property. This means that student desks, lockers, textbooks, computers, and other materials, supplies or storage spaces may be subject to search and/or seizure of contraband/prohibited items at any time by school officials, without prior notice to students and without their consent.

### **Questioning of Students by School Officials**

District officials have the right to question students regarding any violations of District rules and/or illegal activity. In general, administration may conduct investigations concerning reports of misconduct which may include, but are not limited to, questioning students, staff, parents or guardians, or other individuals as may be appropriate and, when necessary, determining disciplinary action in accordance with applicable due process rights.

Should the questioning of students by school officials focus on the actions of one particular student, the student shall be questioned, if possible, in private by the appropriate school administrator. The student's parent or guardian may be contacted; the degree, if any, of parental or guardian involvement shall vary depending upon the nature and the reason for questioning, and the necessity for further action which may occur as a result.

The questioning of students by District officials does not preclude subsequent questioning/interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by District officials does not negate the right/responsibility of District officials to contact appropriate law enforcement agencies, as may be necessary, with regard to such statements given by students to District officials.

District officials acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials (at least until after the questioning of students by school authorities has been conducted) are not required to give the so-called "Miranda warnings" (i.e., advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent; that any statement made by the individual may be used as evidence against him or her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

If deemed appropriate and/or necessary, the Superintendent/designee may also review the circumstances with District legal counsel so as to address concerns and the course of action, if any, which may pertain to and/or result from the questioning of students by District officials.

### **Law Enforcement Officials**

It shall be the policy of the District that a cooperative effort shall be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on District premises or during a District-sponsored activity, or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property.

Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions.

### **Interrogation of Students by Law Enforcement Officials**

If police are involved in the questioning of students on District premises, whether or not at the request of District authorities, it shall be in accordance with applicable law and due process rights afforded students. Generally, police authorities may only interview students on District premises without the permission of the parent/guardian in situations where a warrant has been issued for the student's arrest (or removal). Police authorities may also question students for general investigations or general questions regarding crimes committed on District property. In all other situations, unless an immediate health or safety risk exists, if the police wish to speak to a student without a warrant they should take the matter up directly with the student's parent or guardian.

Whenever police wish to question a student on District premises, administration shall attempt to notify the student's parent/guardian.

If possible, questioning of a student by police should take place in private and in the presence of the building principal or his or her designee.

### **Child Protective Services' Investigations**

From time to time, Child Protective Services may desire to conduct interviews of students on school property. Such interviews generally pertain to allegations of suspected child abuse and/or neglect. The Board encourages cooperation with Child Protective Services in accordance with applicable Social Services Law.

The District furnishes transportation to those students whose disability or distance from the school make the service essential. Except as otherwise mandated in a student's individualized education program, riding these buses is a privilege and may be withdrawn if the student does not comply with the rules and regulations set forth in this District.

Bus drivers shall be held responsible for reasonable and acceptable behavior of students while riding the school bus. Students riding school buses are expected to conform to the rules of conduct in order to permit the bus driver to transport his or her passengers safely.

The Board of Education, the Superintendent and/or his or her designee have the authority to suspend the transportation privileges of children who are disorderly and insubordinate on buses. Generally, parent(s)/guardian(s) shall be required to make alternative transportation arrangements for their children who have been suspended from riding the bus. However, the effect of a suspension from transportation on the student's ability to attend school shall be considered. If a suspension from transportation effectively results in a suspension from attendance because of the distance between the home and the school and the absence of alternative public or private means of transportation, the District shall make appropriate arrangements to provide for the student's education.

If a student with a disability who receives transportation as a related service as part of his or her individualized education program is being considered for suspension from transportation, and that suspension would effectively result in a change in placement, the student shall be referred to the Committee on Special Education.

## **Corporal Punishment**

Corporal punishment as a means of discipline shall not be used against a student by any teacher, administrator, officer, employee or agent of this District.

Whenever a District employee uses physical force against a student, the school employee shall, within the same school day, make a report to the Superintendent describing in detail the circumstances and the nature of the action taken.

The Superintendent shall submit a written report semi-annually to the Commissioner of Education, with copies to the Board of Education, by January 15 and July 15 of each year, setting forth the substance of each written complaint about the use of corporal punishment received by the District authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

## **Emergency Interventions**

However, if alternative procedures and methods which would not involve physical force do not work, then the use of reasonable physical force is not prohibited for the following reasons:

- a) Self-protection;
- b) Protection of others;
- c) Protection of property; or
- d) Restraining/removing a disruptive student.

Such emergency interventions shall only be used in situations where alternative procedures and methods not involving the use of reasonable physical force cannot reasonably be employed. Emergency interventions shall not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior.

Staff who may be called upon to implement emergency interventions shall be provided appropriate training in safe and effective restraint procedures. The parent(s)/guardian(s) of the student shall be notified whenever an emergency intervention is utilized.

The District shall maintain documentation on the use of emergency interventions for each student including:

- a) Name and date of birth of student;
- b) Setting and location of the incident;
- c) Name of staff or other persons involved;
- d) Description of the incident and emergency intervention used, including duration;
- e) A statement as to whether the student has a current behavioral intervention plan; and

- f) Details of any injuries sustained by the student or others, including staff, as a result of the incident.

This documentation shall be reviewed by District supervisory personnel and, if necessary, by the school nurse or other medical personnel.



## **Weapons in School**

The possession of a weapon on school property, in District vehicles, in District buildings, or at District sponsored activities or settings under the control and supervision of the District regardless of location, is strictly prohibited, except by law enforcement personnel. Any person possessing a weapon for educational purposes in any District building shall have written authorization of the Superintendent or his or her designee.

Any and all determinations of what constitutes a "weapon" for the purposes of this policy shall be made in accordance with relevant provisions of the Penal Law of the State of New York.

## **Specific Penalties Imposed by the Gun-Free Schools Act**

No student shall bring or possess any "firearm" as defined in federal law on District premises (including school buildings and grounds, District vehicles, District settings and/or District sponsored activities under the control and supervision of the District regardless of location). For purposes of this policy, the term "firearm" includes any weapon (including a starter gun) which shall 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 weapon; any firearm muffler or silencer; or any "destructive device" (e.g., any explosive, incendiary, or poison gas, including bombs, grenades, rockets or other similar devices). The term does not include a rifle which the owner intends to use solely for sporting, recreational or cultural purposes; antique firearms; or Class C common fireworks.

In accordance with the Gun-Free Schools Act and Education Law Section 3214(3)(d), any student who brings or possesses a dangerous weapon or firearm, as defined in federal law, on District property, shall be referred by the Superintendent to the appropriate agency or authority for a juvenile delinquency proceeding in accordance with Family Court Act Article 3 when the student is under the age of sixteen (16) except for a student fourteen (14) or fifteen (15) years of age who qualifies for juvenile offender status under the Criminal Procedure Law, and shall be referred by the Superintendent to the appropriate law enforcement officials when the student is sixteen (16) years of age or older or when the student is fourteen (14) or fifteen (15) years of age and qualifies for juvenile offender status under the Criminal Procedure Law. For purposes of this policy, the term "dangerous 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 two and one-half inches (2 1/2") in length.

In addition, any student attending a District school who has been found guilty of bringing a firearm to or possessing a firearm on District property, after a hearing has been provided pursuant to Education Law Section 3214, shall be suspended for a period of not less than one (1) calendar year and any student attending a non-district school who participates in a program operated by the District using funds from the Elementary and Secondary Education Act of 1965 who is determined to have brought a firearm to or possessed a firearm at a District school or on other premises used by the District to provide such programs shall be suspended for a period of not less than one (1) calendar year from participation in such program. The procedures of Education Law Section 3214(3) shall apply to such a suspension of a student attending a non-district school. Further, after the imposition of the one (1) year penalty has been determined, the Superintendent has the authority to modify this suspension requirement for each student on a case-by-case basis. In reviewing the student's one (1) year suspension penalty, the

Superintendent may modify the penalty based on factors as set forth in Commissioner's Regulations Section 100.2 and in Commissioner's Decisions. The determination of the Superintendent shall be subject to review by the Board of Education in accordance with Education Law Section 3214(3)(c) and by the Commissioner of Education in accordance with Education Law Section 310.

Student with a Disability

Pursuant to Commissioner Regulations, a student with a disability who is determined to have brought a weapon (including a firearm) to school or possessed a weapon (including a firearm) at school may be placed in an interim alternative educational setting, in accordance with federal and state law, for not more than forty-five (45) calendar days. If the parent or guardian requests an impartial hearing, the student shall remain in the interim alternative placement until the completion of all proceedings, unless the parent or guardian and District can agree on a different placement. For more information regarding Interim Alternative Educational Settings (IAES), refer to Policy #7313 -- Suspension of Students.

However, a student with a disability may be given a long term suspension pursuant to the Gun-Free Schools Act only if a group of persons knowledgeable about the student, as defined in federal regulations implementing the Individuals with Disabilities Education Act (IDEA), determines that the bringing of a firearm to school or possessing a firearm at school was not a manifestation of the student's disability, subject to applicable procedural safeguards.

If it is determined that the student's bringing of a firearm to school or possessing a firearm at school was a manifestation of the student's disability, the Superintendent shall exercise his or her authority under the Gun-Free Schools Act to modify the long term suspension requirement, and determine that the student may not be given a long term suspension for the behavior. The Committee on Special Education may review the student's current educational placement and initiate change in placement proceedings, if appropriate, subject to applicable procedural safeguards.

The District may offer home instruction as an interim alternative educational setting (IAES) during the pendency of review proceedings only if the student's placement in a less restrictive alternative educational setting is substantially likely to result in injury either to the student or to others.

The District may also seek a court order to immediately remove a student with a disability from school if the District believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others.

Students with disabilities continue to be entitled to all rights enumerated in the Individuals with Disabilities Act and Education Law Article 89; and this policy shall not be deemed to authorize suspension of students with disabilities in violation of these laws.

This policy does not prohibit the District from utilizing other disciplinary measures including, but not limited to, out-of-school suspensions for a period of five days or less, or in-school suspensions, in responding to other types of student misconduct which infringe upon the established rules of the school. Additionally, this policy does not diminish the authority of the Board to offer courses in instruction in the safe use of firearms pursuant to Education Law Section 809-a.

The District shall continue to provide the suspended student who is of compulsory attendance age with appropriate alternative instruction during the period of the student's suspension.

The Board of Education considers co-curricular activities to be a valuable part of the program of the school and shall support these activities within the financial means of the District.

### **Eligibility for Attendance**

#### High School

If, at the end of a marking period, a student at Pelham Memorial High School receives a report card indicating failure in two (2) or more courses, he or she shall immediately become ineligible to participate in co-curricular activities until such time as he or she receives a report card indicating that he or she is failing no more than one (1) course. When a student becomes ineligible for participation in activities, the assistant principal shall inform such student, his or her parents or guardians and the coaches or advisors of activities in which such student participates of such ineligibility.

Any appeal by a student with respect to a determination of eligibility shall be heard by an Academic Eligibility Committee consisting of the principal, the assistant principal and the director of guidance. The student may be accompanied to the eligibility hearing by his or her parent or guardian and/or by a member of the faculty of remonstrance selected by such student. Any appeal with respect to a decision of the Academic Eligibility Committee shall be heard by the Superintendent.

- a) Students who are suspended from school on a day of an athletic game or practice session, rehearsal, club meeting or event, party, school dance, or other school affair scheduled after regular school hours are not eligible for participation or attendance at such events.
- b) A student who is absent from school shall not be eligible for school activities during or after school on that particular day. The only exception to this rule shall be when such absence is with prior consent of the school principal or designee for reason of special appointments beyond the control of the student. Any student absent from school on a day immediately preceding a weekend or holiday shall present a valid excuse from a parent or physician clearing him or her to participate on non-school days. Students shall be present for at least half the school day (50% of his or her classes) to be eligible to participate that day. Students may appeal this provision to the administration based upon evidence of appropriate legal, medical, religious or emergency situations.

#### Elementary and Middle Schools

Attendance in elementary and middle school co-curricular activities is not limited by academic status except on a case-by-case basis when it is determined by the building principal or his or her designee and classroom teacher that participation would be detrimental to the student. Elementary and middle school students who are not in school due to absence or suspension shall not be eligible for participation as described above.

**Source: Policy 7410**

Athletics are an integral part of a well-balanced educational program.

Eligibility for interscholastic athletic competition requires that the students:

- a) Provide written parental/guardian consent;
- b) Pass satisfactorily the medical examination administered by the school physician/nurse practitioner or the student's personal physician. The school physician/nurse practitioner retains final approval on all physicals performed by the student's personal physician;
- c) Meet the requirements for interscholastic competition as set forth by the Commissioner's Regulations and the New York State Public High School Athletic Association; and
- d) Are eligible according to the criteria listed in policy #7410, Co-curricular Activities.

### **Student Athletic Injuries**

A student shall not be allowed to practice or play in an athletic contest if he or she is suffering from an injury. The diagnosis of and prescription of treatment for injuries is strictly a medical matter and shall under no circumstances be considered within the province of the coach. A coach's responsibility is to see that injured players are given prompt and competent medical attention, and that all details of a doctor's instructions concerning the student's functioning as a team member are carried out. A student shall not be allowed to practice or compete if there is a question whether he or she is in adequate physical condition.

A physician's certificate may be required before an athlete is permitted to return to practice or competition. Special procedures for return to play after a significant head injury (concussion protocol) shall be followed.

### **Safety**

The District shall take reasonable steps to see that physical risks to students participating in the interscholastic athletic program shall be kept at a minimum by:

- a) Requiring medical examinations of participants;
- b) Obtaining appropriately certified and/or licensed officials to coach all varsity, junior varsity, and modified teams; and
- c) Ensuring that equipment is both safe and operative within approved guidelines.

**PELHAM MEMORIAL HIGH SCHOOL  
Pelham, New York**

**Student Agreement for Participation in Athletics & Co-Curricular Activities**

*Pelham Memorial High School encourages students to represent the school in a wide range of co-curricular activities and athletics, some involving the local community and some involving students and schools in other communities. Students who have the privilege of representing the school in these activities are expected to conduct themselves in a responsible manner consistent with the PMHS Student Handbook and Code of Conduct. They should also demonstrate good citizenship whether on or off school premises and whether or not engaged in school-related activities.*

*For this privilege, Pelham students are expected to assume responsibility for their actions by agreeing to the standard of conduct set forth below, and to accept the consequences should they fail to meet this standard.*

\*\*\*\*\*

I promise to refrain from the possession or use of alcoholic beverages or any illegal substances, on and off school premises, for the duration of my co-curricular and/or athletic activity.

If I break this promise, I will meet with the PMHS administrator and face the following consequences:

- **First incident in a school year:** Meeting with the administrator and my parent(s) within one week, and participation in a substance abuse awareness educational program OR suspension from the co-curricular and/or athletic activity for 3 consecutive separate event days (i.e. days of meetings, practices or games)
- **Second incident in a school year:** Parent meeting, suspension from the co-curricular and/or athletic activity for 5 consecutive separate event days and 3 meetings with the Student Assistance Counselor
- **Third incident in a school year:** Parent meeting, suspension from the co-curricular and/or athletic activity for the duration of the season or semester and 5 meetings with the Student Assistance Counselor
- **Fourth incident in a school year:** Suspension from the co-curricular and/or athletic activity for the duration of the school year and parent meeting

I have read and understood the Co-Curricular and Athletic Agreement and, as a member of

\_\_\_\_\_, promise to abide by it:

Name of Sport/Activity/Club

\_\_\_\_\_  
Student Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Coach/Advisor/Moderator

I acknowledge that my child has agreed to abide by this Agreement:

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

\*\*\*\*\*

*In addition to the above provisions, students participating in co-curricular and/or athletic activities are required to comply with the regulations of the PMHS Code of Conduct, as described in the PMHS Student Handbook and at the Pelham Schools website at [www.pelhamschools.org](http://www.pelhamschools.org). The PMHS administration has the authority to discipline students for conduct in school or at school sponsored events and, in addition to suspension from school and other measures, students may lose the privilege of participation in co-curricular and/or athletic activities.*

Adopted by the Board of Education: 6/21/10

The Board maintains a limited open forum where secondary students may meet for voluntary student-initiated activities unrelated directly to the instructional program, regardless of religious, political or philosophical content.

To provide "a fair opportunity" to students who wish to conduct a meeting, the Board, in accordance with the provisions of the Equal Access Act, shall ensure that:

- a) The meeting is voluntary and student initiated;
- b) There is no sponsorship of the meeting by the school, the government, or its agents or employees;
- c) Employees or agents of the school or government are present at meetings with religious, political or philosophical content.
- d) The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
- e) Non-school persons may not direct, conduct, control, or regularly attend activities of student groups (20 USC Section 4071[c]).

The Board prohibits student organizations whose activities may be unlawful or may cause disruption or interference with the orderly conduct of the educational process.



The Board believes it is necessary that students be made aware of the behavior that is expected of them, as outlined in District policies on school conduct and discipline.

Students shall also be afforded opportunity to present complaints and grievances free from interference, coercion, restraint, discrimination or reprisal. The Superintendent shall be responsible for:

- a) Establishing rules and regulations for the redress of complaints or grievances through proper administration channels;
- b) Developing an appeals process;
- c) Ensuring that students have full understanding and access to these regulations and procedure; and
- d) Providing prompt consideration and determination of student complaints and grievances.

A student filing a complaint or grievance alleging that there is an action affecting him or her that is prohibited by Title IX, Education Amendments of 1972 ("Title IX"), Section 504 of the Rehabilitation Act of 1973 ("Section 504") or the Americans with Disabilities Act ("ADA") shall be provided with information regarding the prompt and equitable resolution of the complaint or grievance. Furthermore, a student shall have the right to present complaints and grievances in accordance with the procedure free from coercion, interference, restraint, discrimination or reprisal.

Building principals are responsible for ensuring that complaint and appeal procedures for Title IX, Section 504 and the ADA are incorporated into discipline codes, explained to all students, and provided to all parents on an annual basis.

### **Annual Notification**

At the beginning of each school year, the District shall provide a notice of the established grievance procedures for resolving complaints of discrimination due to sex and/or disability to parents or guardians and students who have reached the age of eighteen (18). Such notice shall:

- a) Inform parents or guardians and students that vocational and educational programs are offered without regard to sex, race, color, national origin or disability; and
- b) Provide the name, address and telephone number of the person designated to coordinate activities concerning discrimination due to sex and/or disability.

### **Prohibition of Retaliatory Behavior**

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination. Follow-up inquiries shall be made to ensure that discrimination has not resumed and that all those involved in the investigation of the discrimination complaint have not suffered retaliation.

### **Complaints and Grievances Coordinator**

The Superintendent shall designate a District employee as the Title IX/Section 504/ADA Coordinator to resolve complaints of discrimination based on sex or disability.

Prior to the beginning of each school year, the District shall issue an appropriate public announcement which advises students, parents or guardians, employees and the general public of the District's established grievance procedures for resolving complaints of discrimination based on sex or disability. Included in such announcement shall be the name, address and telephone number of the Title IX/Section 504/ADA Coordinator.

The Title IX/Section 504/ADA Coordinator shall also be responsible for handling complaints and grievances regarding discrimination based on race, color, creed, religion, national origin, political affiliation, sexual orientation, age, military status, marital status, or use of a recognized guide dog, hearing dog or service dog.

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District students an environment that is free of sexual harassment, including sexual violence. Sexual harassment including sexual violence is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of sexual harassment by employees, school volunteers, students, and non-employees such as contractors and vendors which occur on school grounds and at all school-sponsored events, programs and activities including those that take place on a school bus at locations off school premises or those that take place in another state. Since sexual violence is a form of sexual harassment, the term "sexual harassment" in this policy shall implicitly include sexual violence even if it is not explicitly stated.

### **Sexual Harassment**

Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communication of a sexual nature when:

- a) Submission to or rejection of such sexually harassing conduct and/or communication by a student affects decisions regarding any aspect of the student's education, including participation in school-sponsored activities;
- b) Conditions exist within the school environment that allow or foster obscene pictures, lewd jokes, sexual advances, requests for sexual favors or other harassing activities of a sexual nature; and
- c) Such conduct and/or communication has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in an educational or co-curricular activity, or creating an intimidating, hostile or offensive learning environment; and/or effectively bars the student's access to an educational opportunity or benefit.

### **Sexual Violence**

Sexual violence is defined by New York Penal Law as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence includes but is not limited to acts such as:

- a) Rape;
- b) Sexual assault;
- c) Sexual battery;
- d) Sexual coercion.

A person may be unable to consent to a sexual act due to his or her age, use of drugs or alcohol or due to intellectual or other disability. In order to encourage victims of sexual violence to come forward, a District shall inform students that the District's primary concern is with their safety. The school should assure victims that any broken rules or violations made by them shall be addressed separately from the sexual harassment allegation. For example, victims need to know that their use of alcohol or drugs never makes them at fault for sexual violence.

The Board acknowledges that in determining whether sexual harassment has occurred the totality of the circumstances, expectations, and relationships should be evaluated including, but

not limited to, the ages of the offender and the victim; the number of individuals involved; and the type, frequency and duration of the conduct. A single incident of sexual harassment may be sufficiently severe to create a hostile environment in the school and a student may experience the continuing effects from off-campus sexual harassment when in the school setting. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from a third party such as a school visitor, volunteer, or vendor, or any other individual associated with the District. Sexual harassment may occur from student-to-student, from staff-to-student, from student-to-staff, as well as staff-to-staff. The District shall designate, at a minimum, two (2) Compliance Officers, one (1) of each gender.

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any student who believes he or she has been a victim of sexual harassment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, immediately report such alleged harassment. Such report shall be directed to or forwarded to the District's designated Compliance Officers 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 sexual harassment shall also be promptly investigated in accordance with the terms of this policy. In the event that the Compliance Officer is the alleged offender, the report shall be directed to the next level of supervisory authority.

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

Based upon the results of the investigation, if the District determines that an employee and/or student has violated the terms of this policy and/or accompanying regulations, immediate corrective action shall be taken as warranted. Should the offending individual be a student, appropriate disciplinary measures shall be applied, up to and including suspension, in accordance with District policy and regulation, the *Code of Conduct*, and applicable laws and/or regulations. Should the offending individual be a school employee, appropriate disciplinary measures shall be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, District policy and regulation, the *Code of Conduct* and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations shall be subject to appropriate sanctions as warranted and in compliance with law.

#### **Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)**

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

### **Finding That Sexual 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 shall 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 policy or regulation and/or pursuing other legal avenues of recourse.

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

In all cases, the Superintendent shall inform the Board of the results of each investigation involving a finding that sexual harassment did not occur.

### **Knowingly Makes False Accusations**

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

### **Privacy Rights**

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

The Board of Education is committed to providing a safe and productive learning environment within its schools. Bullying of a student by another student is strictly prohibited on school property, in school buildings, on school buses, and at school sponsored events and/or activities whether occurring on or off campus. The Board shall require the prohibition of bullying - along with the range of possible intervention activities and/or sanctions for such misconduct - to be included in the *District Code of Conduct* for all grade levels.

For purposes of this policy, the term "bullying" among children is defined, in general, as: "a variety of negative acts carried out repeatedly over time. It involves a real or perceived imbalance of power, with a more powerful child or group attacking those who are less powerful." Bullying can take three forms:

- a) Physical (including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings);
- b) Verbal (including, but not limited to, taunting, malicious teasing, name calling, making threats); and
- c) Psychological (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation).

Although this Policy focuses on the bullying of a student by another student, it should be noted that bullying against any individual is strictly prohibited. This includes bullying of staff members against students, students against staff members, staff members against other staff members, and bullying by or against any parents, persons in parental relation, volunteers, visitors or vendors who may be on school property or at school sponsored events as defined above.

### **Cyber-bullying**

Internet bullying also referred to as "cyber-bullying" is prohibited. As with other forms of bullying, cyber-bullying is an attempt to display power and control over someone perceived as weaker. Cyber-bullying involving District students may occur both on campus and off school grounds and may involve student use of the District network or student use of personal digital devices while at school, such as cell phones, digital cameras, and personal computers to engage in bullying.

Cyber-bullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory email messages, instant messages, text messages, digital pictures or images, or Web site postings (including blogs).

Cyber-bullying has the effect of:

- a) Physically, emotionally or mentally harming a student;
- b) Placing a student in reasonable fear of physical, emotional or mental harm;
- c) Placing a student in reasonable fear of damage to or loss of personal property; and
- d) Creating an intimidating or hostile environment that substantially interferes with a student's educational opportunities.

The District may apply the "***Tinker***" standard" in cases of cyber-bullying that occur off-campus, but cause or threaten to cause a material or substantial disruption in the school. Under the "***Tinker***" standard" a student's off-campus "speech" may be subject to formal discipline by school officials when it is determined that the off-campus speech did cause a substantial disruption or threat thereof within the school setting [*Tinker v. Des Moines Indep. Sch. Dist.* 393 U.S. 503 (1969)]. Such conduct could also be subject to appropriate disciplinary action in accordance with the *District Code of Conduct* and possible referral to local law enforcement authorities.

### **Reports of Allegations of Bullying/Cyber-bullying Behavior**

Any student who believes that he or she is being subjected to bullying/cyber-bullying behavior, as well as any other person who has knowledge of or witnesses any possible occurrence of bullying, shall report the bullying to any staff member or the building principal. The staff member or building principal to whom the report is made (or the staff member or building principal who witnesses bullying behavior) shall investigate the complaint and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of bullying. Investigation of allegations of bullying shall follow the procedures utilized for complaints of harassment within the District. Allegations of bullying shall be promptly investigated and shall be treated as confidential and private to the extent possible within legal constraints.

### **Prevention and Intervention**

Personnel at all levels are responsible for taking corrective action to prevent bullying behavior of which they have been made aware at District sites or activities and/or reporting such behavior to their immediate supervisor. Further, staff training shall be provided to raise awareness of the problem of bullying within the schools and to facilitate staff identification of and response to such bullying behavior among students.

Prevention and intervention techniques within the District to prevent bullying behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention shall be provided by appropriate staff members to bullies, victims and their parents to help ensure that the bullying stops.

Rules against bullying shall be publicized District-wide and shall be disseminated as appropriate to staff, students and parents.

### **Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)**

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of bullying. Follow-up inquiries and/or appropriate monitoring of the alleged bully and victim shall be made to ensure that bullying behavior has not resumed and that all those involved in the investigation of allegations of bullying have not suffered retaliation.

**Source: Policy 7552**

The Board of Education is committed to providing a safe, productive and positive learning environment within its schools. Hazing activities are demeaning, abusive and/or illegal behaviors that harm victims, and are inconsistent with the educational goals of the District by negatively impacting the school environment. Hazing of a student by another student or group of students is strictly prohibited on school property; in school buildings; on school buses; by school sponsored groups, clubs or teams; and at school sponsored events and/or activities whether occurring on or off-campus. Hazing of a student refers to soliciting, encouraging, aiding, or engaging in "hazing" behavior as defined pursuant to District policy, regulation and/or law. The Board shall require the prohibition of hazing - along with the range of possible intervention activities and/or sanctions for such misconduct - to be included in the *District Code of Conduct* for all grade levels.

For purposes of this policy, the term "*hazing*" among students is defined as any humiliating or dangerous activity expected of a student to join a group, regardless of his or her willingness to participate. Hazing behaviors include, but are not limited to, the following general categories:

- a) Humiliation: socially offensive, isolating or uncooperative behaviors.
- b) Substance abuse: abuse of tobacco, alcohol or illegal drugs.
- c) Dangerous hazing: hurtful, aggressive, destructive, and disruptive behaviors.

Incorporated within this definition are various forms of physical, emotional and/or sexual abuse which may range in severity from teasing/embarrassing activities to life threatening actions.

Even if the hazing victim participated "willingly" in the activity, or there was no "intent" by the hazer to harm or injure another individual, this activity is still considered hazing, is against District policy, and the *District Code of Conduct* and may be in violation of New York State Law. However, hazing of students does not need to rise to the level of criminal activity for such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions. Any hazing activity, whether by an individual or a group, shall be presumed a forced activity and in violation of Board policy, regardless of the "willingness" of the student to participate.

Any student who believes that he or she is being subjected to hazing behavior, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of hazing, shall report the incident to any staff member or the building principal. Anonymous student complaints of hazing behavior shall also be investigated by the District. The staff member/building principal to whom the report is made (or the staff member or building principal who witnesses hazing behavior) shall investigate the complaint/incident and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of hazing. Investigations of allegations of hazing shall follow the procedures utilized for complaints of harassment within the District. Allegations of hazing shall be promptly investigated and shall be treated as confidential and private to the extent possible within legal constraints.



**Prohibition of Retaliation (Commonly Known as "Whistle-Blower" Protection)**

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of hazing. Follow-up inquiries and/or appropriate monitoring of the alleged hazer(s) and victim(s) shall be made to ensure that hazing behavior has not resumed and that all those involved in the investigation of allegations of hazing have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

**Knowingly Makes False Accusations**

Students who *knowingly* make false accusations against another individual as to allegations of hazing may also face appropriate disciplinary action.

The Board of Education recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to bullying, taunting and intimidation. Therefore, in accordance with the Dignity for All Students Act, Education Law, Article 2, the District will strive to create an environment free of bullying, discrimination and harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission. Since cyberbullying is a form of bullying, the term "bullying" as used in this policy will implicitly include cyberbullying even if it is not explicitly stated.

The District condemns and prohibits all forms of bullying, discrimination, and harassment of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, physical or mental abilities, sexual orientation, gender, or sex by school employees or students on school property and at school-sponsored activities and events that take place at locations off school property. In addition, any act of bullying, discrimination, or harassment, outside of school sponsored events, which can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline.

### **Dignity Act Coordinator**

The District Dignity for All Students Act Coordinator, Mr. Chuck Odom, will oversee the six building-level Dignity for All Students Act Coordinators. These coordinators are:

<b>Building</b>	<b>Building DASA Coordinator Name</b>	<b>Phone Number</b>	<b>E-Mail Address</b>
Colonial School	Dr. Paul Farrell	738-2680 x 1606	pfarrell@pelhamschools.org
Hutchinson School	Mrs. Anna West	738-3640 x 1404	awest@pelhamschools.org
Prospect Hill School	Dr. Lauren Carner	738-6690 x 1404	lcarner@pelhamschools.org
Siwanoy School	Dr. Paul Farrell	738-7650 x 1606	pfarrell@pelhamschools.org
Pelham Middle School	Dr. Tricia Joseph	738-8190 x 1197	tjoseph@pelhamschools.org
Pelham Memorial High School	Dr. Jeanean Hergenrother	738-8110 x 1125	jhergenrother@pelhamschools.org

### **Reports and Investigations of Bullying, Discrimination and/or Harassment**

The District will investigate all complaints of bullying, discrimination and harassment, either formal or informal, and take prompt corrective measures, as necessary. District employees who witness or receive a report (oral or written) of harassment, bullying and/or discrimination must orally notify the Superintendent, Principal, or their designee *no later than one (1) school day* after witnessing or receiving a report of such incident. The employee must then file a written report *within two (2) school days* after making the oral report. If, after an appropriate investigation, the District finds that this policy has been violated, corrective action will be taken in accordance with District policies and regulations, the Code of Conduct, and all appropriate federal or state laws.

The Superintendent, Principal or their designee shall notify the appropriate local law enforcement agency when it is believed that any harassment, bullying and/or discrimination constitute criminal conduct.

The District will annually report material incidents of bullying, discrimination, and harassment which occurred during the school year to the State Education Department. This report shall be submitted in a 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.

The principal of each primary and secondary school shall provide a regular report (at least once during each school year) on data and trends related to harassment, bullying and/or discrimination to the Superintendent and in a manner prescribed by the District.

### **Prohibition of Retaliatory Behavior**

Any person who has reasonable cause to suspect that a student has been subjected to bullying, discrimination, or harassment by an employee or student, on school grounds or at a school function, who acts reasonably and in good faith and reports such information to school officials or law enforcement authorities, shall have immunity from any civil liability that may arise from making such report. The Board prohibits any retaliatory behavior directed at complainants, victims, witnesses and/or any other individuals who participated in the investigation of a complaint of bullying, discrimination, or harassment.

It shall be unlawful for any person to knowingly possess any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring, air, piston or CO2 cartridge upon District property or in any District building without the express written authorization of the Superintendent or his or her designee.

The possession of any weapon, as defined in the New York State Penal Code, on District property or in any District building is prohibited, except by law enforcement personnel or upon written authorization of the Superintendent or his or her designee.

Unlawful possession of a weapon upon District property or in District buildings may be a violation of the New York State Penal Law, and is a violation of District policy and the *Code of Conduct*.

The Board of Education affirms its commitment to nondiscrimination 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, political affiliation, sex, sexual orientation, age, marital status, military status, veteran status, disability, or use of a recognized guide dog, hearing dog or service dog, or domestic violence victim status 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.

Sexual orientation is defined as heterosexuality, homosexuality, bisexuality, transexuality or asexuality, whether actual or perceived.

The Board also prohibits harassment based on an individual's opposition to discrimination or participation in a related investigation or complaint proceeding under the anti-discrimination statutes. This policy of nondiscrimination and anti-harassment shall be enforced on District premises and 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 District, as well as school volunteers, visitors, guests and other third parties. 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, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, veteran status, disability, or use of a recognized guide dog, hearing dog or service dog or domestic violence victim status 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 student's access to an educational opportunity or benefit;
- c) Otherwise adversely affects the employment and/or educational opportunities and benefits provided by the District.

### **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. The District shall provide at least two (2) procedural stages and an appellate stage for the settlement of any grievance.

Complaints or grievances not covered under employee contracts shall be handled and resolved, whenever possible, as close to their origin as possible.

### **Complaints and Grievances by Students**

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.

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

The District shall 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 shall promptly take appropriate action to protect individuals from further harassment. The District shall designate, at a minimum, two (2) Compliance Officers, one of each gender.

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 or 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 the District's 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 shall also be promptly investigated in accordance with the terms of this policy. In the event that the Compliance Officer is the alleged offender, the report shall be directed to the next level of supervisory authority.

Upon receipt of an informal/formal complaint (even an anonymous complaint), the District shall conduct 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 shall investigate such conduct promptly and thoroughly. To the extent possible, within legal constraints, all complaints shall be treated as confidentially 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 shall be provided on a "need to know" basis. The Superintendent shall inform the Board of investigations involving findings of discrimination or harassment.

Based upon the results of this investigation, if the District determines that an employee and/or student has violated the terms of this policy and/or accompanying regulations, immediate corrective action shall be taken as warranted. Should the offending individual be a student, appropriate disciplinary measures shall 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 shall 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, etc.) who are found to have violated this policy and/or accompanying regulations and/or the *Code of Conduct*, shall 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 (Commonly Known as "Whistle-Blower" Protection)**

The Board 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 shall 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 policy or regulation and/or pursuing other legal avenues of recourse. However, even if a determination is made that harassment did not occur, the Superintendent or his or her designee reserves the right to initiate staff awareness and training, as applicable, to help ensure that the school community is not conducive to fostering harassment in the workplace.

In all cases, the Superintendent shall inform the Board of Education of the results of each investigation involving a finding that harassment did not occur.

### **Knowingly Makes False Accusations**

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

### **Privacy Rights**

As part of any investigation, the District has the right to search all District 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 shall be private.

### **Civil Rights Compliance Officer (Title IX/Section 504/ADA Compliance Officer)**

The Civil Rights Compliance Officer shall be responsible for handling complaints and grievances regarding discrimination based on race, color, creed, religion, national origin, political affiliation, sexual orientation, age, military status, veteran status, marital status, predisposing genetic characteristics, use of a recognized guide dog, hearing dog or service dog, or domestic violence victim status.

The District shall record each violent or disruptive incident that occurs on school property or at a District function as required by the Uniform Violent and Disruptive Incident System. District 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 Vehicle and Traffic Law Section 142. A District function shall mean a District-sponsored or District-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.

The District shall submit an annual report of violent and disruptive incidents (on the *Summary of Violent and Disruptive Incidents* form) from the previous school year to the Commissioner of Education. Summary data shall be used to determine the rate of violent and disruptive incidents in each school and to identify schools as persistently dangerous, as required by the No Child Left Behind Act.

All personally identifiable information included in a violent or disruptive incident report shall be confidential and shall not be disclosed to any person for any purpose other than that specified in Education Law Section 2802, except as otherwise authorized by law.



The Board of Education encourages parents and other District residents to visit the District's schools to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits shall be set for such visits. Each building principal is responsible for the safety and security of all persons in the building and on the school grounds. For these reasons, the following rules apply to visitors in the schools:

- a) Anyone who is not a regular staff member (or substitute on duty) or student of the school or a member of the Board acting in his or her capacity as Board member shall be considered a "visitor."
- b) All visitors to a school who arrive during school hours shall report to the office of the principal or the door monitor upon arrival at the school. There they shall be required to sign the visitors' register and shall be issued a visitor's identification badge, which shall be worn at all times while in the school or on school grounds. All visitors shall comply with regulations of the school regarding visitors.
- c) Visitors attending functions that are open to the public or are held outside of regular school hours are not required to register.
- d) Parents who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s) and building principal so that class disruption is kept to a minimum.
- e) Parents are encouraged to visit teachers, guidance counselors, school nurses, school psychologists and other support personnel by appointment in order to discuss any concerns the parents may have regarding their children. Teachers are expected not to take class time to discuss individual matters with parents or other visitors.
- f) Any unauthorized person on school property shall be reported to the building principal and asked to leave. If required, school personnel may request police assistance in removing unauthorized persons from school property.
- g) All visitors are expected to abide by the rules for public conduct on school property.

The use of motor-driven vehicles, including cars, snowmobiles, mini-bikes, motorcycles, all-terrain vehicles (ATV's) and other such vehicles is prohibited on any District property or areas except for authorized school functions or purposes or where otherwise permitted.

A school function shall mean 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.