

**Policy # 26**

**ALTERNATIVE FORMAT OF INSTRUCTIONAL MATERIALS**

The Administration shall develop practices and procedures to ensure that all instructional materials to be used in the schools of the district are available in a usable alternative format for each student with a disability, as defined by Education Law and the Rehabilitation Act of 1973, in accordance with the student's educational needs and course selection, at the same time as such instructional materials are available to non-disabled students.

The Board of Education will give a preference in the purchase of instructional materials to vendors who agree to provide materials in alternative formats.

Reference: New York Education Law § 1709 (4 a), 2503 (7 a)

First Reading: February 15, 2017  
Second Reading: March 1, 2017  
BOE Adoption:

**Policy # 27**

**DISABLED STUDENT RECORDS POLICIES AND PROCEDURES**

Personally identifiable data, information or records pertaining to a student or a preschool child shall not be disclosed to any person other than the parent of such student or preschool child except as allowed under IDEA, Part 200 of the Commissioner's Regulations, the Family Educational Rights and Privacy Act (FERPA), and the District's FERPA policy. Notice of the policy will be given in the same manner as the District's FERPA policy.

Ref: 8 NYCRR 200.2(b)(6)

First Reading: February 15, 2017  
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BOE Adoption:

**Policy # 28**

**SIGNIFICANT DISPROPORTIONATE SERVICES POLICY**

The Board of Education hereby designates the Superintendent to establish practices and procedures consistent with IDEA, New York Education Law and their implementing regulations to ensure proportionate representation of racial and ethnic groups in the District's special education programs and services, and/or with respect to the suspension of students with disabilities. However, the Board of Education recognizes its responsibility to ensure that the District publicly reports on revisions of its policies, procedures and practices upon a finding that the District has inappropriate policies, procedures or policies resulting in a significant disproportionality by race/ethnicity in the suspension, identification, classification and/or placement of student with disabilities.

Reference: 8 NYCRR § 200.2(b)(15)  
IDEA §§1412(a)(24); 1418(d)  
34 CFR §§ 300.173; 300.646

First Reading: February 15, 2017  
Second Reading: March 1, 2017  
BOE Adoption:

**Policy # 29**

**COMMITTEE ON PRESCHOOL EDUCATION**

The Board of Education shall provide all preschool children with disabling conditions the opportunity to participate in special education programs and services for which they may be eligible. The Board authorizes the Superintendent of Schools to establish administrative practices and procedures to carry out this responsibility. Included within the administrative practices and procedures are the following:

1. Procedures for locating and identifying all preschool children with disabling conditions who reside in the District and are eligible to attend a preschool program in accordance with the relevant provisions of the Education Law. The register of children eligible to attend a preschool program is to be maintained and revised annually by the Committee on Preschool Special Education (CPSE);
2. Procedures to ensure that parents of preschool children with disabling conditions have received and understand the request for consent for evaluation of their child;
3. Procedures for developing an individualized education program (IEP) for each eligible preschool age child with a disabling condition;
4. Appointing and training appropriately qualified personnel including the members of the CPSE;
5. Maintaining lists of State Education Department approved preschool programs within the county and adjoining counties in which the District is located; and
6. Procedures for reporting to the State Education Department the number of preschool children with disabling conditions that are being served as well as those not served.

Ref: 8 NYCRR 200.2(b) and (e)

9 NYCRR 200.3

Education Law § 4402

First Reading: February 15, 2017

Second Reading: March 1, 2017

BOE Adoption:

**Policy # 30**

**DECLASSIFICATION OF DISABLED STUDENTS**

The Board of Education directs the Superintendent or the Superintendent's designee to establish appropriate administrative procedures for declassification of students with disabilities who no longer require special education services. Those procedures must include: factors for declassifying students where appropriate, process for reevaluating the student prior to declassification, and procedures for provision of educational and support services to the student upon declassification.

Reference: 8 NYCRR 100.1(q)  
8 NYCRR 200.2(b)(8)  
8 NYCRR 200.4(b) and (c)

First Reading: February 15, 2017  
Second Reading: March 1, 2017  
BOE Adoption:

**Policy # 31**

**IMPARTIAL HEARING OFFICER**

In the event of a hearing called pursuant to Part 200 and 201 of the Commissioner’s Regulations pertaining to a disabled child, an Impartial Hearing Officer shall be appointed by the Board of Education in a manner consistent with Commissioner’s Regulations § 200.5 (i) and (j).

The Impartial Hearing Officer may not be a person who is an employee of this District or who may have a personal or professional interest which would conflict with his or her objectivity in the hearing.

Ref: 8 NYCRR §200.2(b)(9)  
8 NYCRR §200.5(i) and (j)  
New York Education Law § 4404(1)

First Reading: February 15, 2017  
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BOE Adoption:

**Policy # 32****DISTRIBUTION OF IEPs**

The Administration shall develop practices and procedures to ensure that each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for the implementation of a student's individualized education program (IEP) shall be provided a paper or electronic copy of the student's IEP prior to the implementation of such program, and that the contents of the IEP shall remain confidential and shall not be re-disclosed to any other person. For an electronic copy of the IEP, the individuals responsible for the implementation of a student's IEP shall be notified and trained on how to access such IEPs electronically, prior to its implementation. Such practices and procedures shall require the **Director of Special Programs** to designate, prior to the implementation of the IEP, a professional employee of the BOCES with knowledge of the student's disability and education program to inform each teacher, related service provider and other individual with IEP implementation responsibility who would not be provided a copy of the student's IEP, including but not limited to a teacher assistant, a teacher aide, and a school bus driver when special transportation is specified on the IEP, of their responsibility relating to the implementation of the IEP and the specific accommodations, modifications, and supports that must be provided to the student in accordance with the IEP.

First Reading: February 15, 2017  
Second Reading: March 1, 2017  
BOE Adoption:

**Policy # 33****DISTRICT-WIDE ASSESSMENT POLICY**

It is the policy of the Board of Education that students with disabilities receive appropriate accommodations necessary to measure the academic achievement and functional performance of the disabled student in the administration of District-wide assessments. To the extent feasible, the universal design principles will be utilized in developing and administering any District-wide assessment programs.

In designing and administering District-wide assessment programs, it is the responsibility of the Superintendent or his designee to:

1. appropriately train all staff participating in developing District-wide assessments in the principles of universal design. Those principles include, but are not limited to:
  - (a) development of instructional and assessment materials that are varied and diverse;
  - (b) development of tests that do more than accommodate physical, sensory, or cognitive disabilities;
  - (c) development of tests that are flexible and promote alternatives;
  - (d) development of tests that are inclusive.
2. ensure that the Committee on Special Education routinely considers each individual student with disabilities particular access issues in developing an individualized education plan;
3. create a classroom environment that respects and values diversity;
4. employ a variety of curriculum delivery methods;
5. make information accessible by all students so as to allow each student to fully participate in the District's curriculum;
6. encourage different methods of communication from students to teachers and students to students so each student may fully participate in the District's curriculum;
7. provide multiple ways for students to demonstrate learned knowledge by fully including disabled students in the District-wide assessment program in respect to both access and scoring.

The Board of Education directs the Superintendent or his designee to provide an annual report to the Board of Education regarding the success in implementing universal design principles in the District's District-wide assessment program.



Ref: 8 NYCRR § 200.2(b)(13-14)  
8 NYCRR § 200.4(d)(2)(vi-vii)  
New York Education Law §§ 1604(29-a); 1709 (4-a); 2503(7-a); 2504(7-a)  
34 CRF § 300.44  
20 USC § 401(35)  
20 USC § 1412(a)(16)(E)

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BOE Adoption:

**Policy # 34**

**SECTION 504 ANNUAL NOTICE**

In accordance with the Rehabilitation Act of 1973, commonly known as Section 504, the School District hereby notifies disabled children and their parents of the School District duty under the Regulations to Section 504.

The School District shall provide a free appropriate public education to each qualified disabled child who resides in the School District regardless of the nature or severity of the disability. The School District shall educate each qualified disabled child with children who are not disabled to the maximum extent appropriate to the needs of the disabled child, and shall also ensure that disabled children participate with non-disabled children in nonacademic and extra-curricular activities to the maximum extent appropriate. A disabled child shall be afforded an equal opportunity for participation in such services and activities.

The School District shall provide disabled children an equal opportunity for participation in physical education courses, interscholastic, club or intramural athletics.

The School District shall conduct preplacement evaluations, and shall establish standards and procedures consistent with Section 104.35 for the evaluation and placement of children who need or are believed to need special education or related services. Periodic reevaluation shall be conducted of children who have been provided special education or related services.

Placement decisions shall draw upon information from a variety of sources and shall be made by a group of persons knowledgeable about the child, the meaning of the evaluation data, and the placement options. The School District shall establish and implement a system of procedural safeguards that includes notice, an opportunity for the parent to examine relevant records, an impartial hearing with the opportunity for participation by the parent and representation by counsel, and a review procedure.

Ref: 34 CFR 104.36-37

## PROCEDURES FOR HEARING AND APPEAL

The Board of Education shall arrange for a hearing to be conducted in accordance with the following rules:

(1) The Board of Education shall appoint an impartial hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in connection with the administrative proceedings.

(2) A written or electronic verbatim record of the proceedings before the hearing officer shall be maintained and made available to the parties.

(3) At all stages of the proceeding, where required, interpreters of the deaf, or interpreters fluent in the dominant language of the student's parent, shall be provided at district expense.

(4) The hearing officer shall preside at the hearing and shall provide all parties an opportunity to present evidence and testimony.

(5) The parties to the proceeding may be represented by legal counsel or individuals with special knowledge or training with respect to the problems of children with disabilities, and may be accompanied by other persons of their choice.

(6) In the event the hearing officer requests an independent evaluation as part of a hearing, the cost of the evaluation must be at public expense.

(7) In the event the impartial hearing officer determines that the interest of the parent are opposed to or inconsistent with those of the student, or that for any other reason the interests of the student would best be protected by appointment of a guardian *ad litem*, the impartial hearing officer shall appoint a guardian *ad litem* to protect the interests of such student, unless a surrogate parent shall have previously been assigned. The impartial hearing officer shall ensure that the procedural due process rights afforded to the student's parent pursuant to this section are preserved throughout the hearing whenever a guardian *ad litem* is appointed.

(8) The hearing shall be conducted at a time and place which is reasonably convenient to the parent and student involved and shall be closed to the public unless the parent requests an open hearing.

(9) The parents, school authorities and their respective counsel or representative, shall have an opportunity to present evidence and to confront and question all witnesses at the hearing. Each party shall have the right to prohibit the

introduction of any evidence the substance of which has not been disclosed to such party at least five days before the hearing.

(10) The parent shall have the right to determine whether the student shall attend the hearing.

(11) The impartial hearing officer shall render a decision, and mail a copy of the decision to the parents, to the Board of Education, not later than 45 calendar days after the receipt by the Board of Education of a request for a hearing or after the initiation of such a hearing by the Board. The decision of the impartial hearing officer shall be based solely upon the record of the proceeding, and shall set forth the reasons and the factual basis for the determination. The decision shall also include a statement advising the parents and the Board of Education of the right to obtain a review of such decision by a court of competent jurisdiction. The decision of the impartial hearing officer shall be binding upon both parties unless appealed.

(12) If the parent or the Board of Education is not satisfied by the decision of the hearing officer, review of the decision may be sought in a court of competent jurisdiction, generally federal court.

(13) The parent may file a complaint with the Office for Civil Rights (OCR) if the parent believes that the District has violated ' 504.

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Second Reading: March 1, 2017  
BOE Adoption:

**Policy #35**

**INTERNET PROTECTION POLICY and ACCEPTABLE USE POLICY**

**General Information**

Internet access will be provided to students in accordance with the terms of this policy. Internet access from school computers is reserved solely for educational purposes. Use by outside groups is prohibited. Use by student clubs and organizations is limited to those times when the Internet access points are not in use for instruction, and shall be limited to educational purposes and governed by this policy. Access to the Internet will be under the direction and supervision of the staff assigned to the particular Internet access area or computer.

The School District reserves the right to monitor all Internet activity including transmission and receipt of e-mail. Use of e-mail is limited to School District purposes.

Every computer in the district having Internet access shall not be operated by a student unless Internet access from the computer is subject to filtering software. Such filtering software shall be designed and it shall operate so that images which are obscene, pornographic or harmful to minors shall not be displayed. Such filtering software shall also be designed and it shall operate so that images or language which advocate or promote violence or hatred against particular individuals or groups of individuals or promotes the superiority of one racial, ethnic or religious group over another shall not displayed. For purposes of this policy, the phrase harmful to minors means any picture, image, graphic image file, or other visual depiction that, taken as a whole, and with respect to minors, appeals to prurient interest in nudity, sex or excretion; depicts, describes or represents in a patently offensive way with respect to what is suitable for minors an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals and, taken as a whole, lacks serious literary, artistic, political or scientific value as to minors.

**PROHIBITED CONDUCT**

No student shall while using a computer or other device connected to the Internet:

1. Access, transmit or retransmit material which promotes violence or advocates destruction of property, including information concerning the manufacture of destructive devices, such as explosives, fireworks, smoke bombs, incendiary devices or the like;
2. Access, transmit or retransmit any information which is harmful to minors as that phrase is defined in this policy.

3. Access, transmit or retransmit material which advocates or promotes violence or hatred against particular individuals or groups of individuals or advocates or promotes the superiority of one racial, ethnic or religious group over another.
4. Access, transmit or retransmission of digital images of a sexual or pornographic nature.
5. Use or possesses bootleg software or applications (*Apps*). Bootleg software means any software which has been downloaded or is otherwise in the user's possession without the appropriate registration of the software, including the payment of any fees owing to the owner of the software. Applications or *Apps* includes software specifically written for phones or tablets.
6. Use encryption software from any access point within the School District.
7. Transmit credit card or other personal identification information, including home addresses or telephone numbers from any School District computer.
8. Transmit e-mail through an anonymous remailer.
9. Access the Internet from a School District computer using a non-School District Internet account.
10. Use an instant messenger service or program, Internet Relay Chat, Facebook, Twitter, or other social media site or other forms of direct electronic communication, or enter a chat room without the express permission of the staff member supervising the computer resource.
11. Commit or attempt to commit any willful act involving the use of the network which disrupts the operation of the network within the School District or any network connected to the Internet, including the use or attempted use or possession of computer viruses or so-called hacking or other unlawful activities on line.
12. Disable or attempt to disable filtering software. However, such filtering software may be disabled for bona fide research or other lawful purposes, when the building principal of the building in which such research or other lawful activity will be conducted has given written permission to disable the filtering software.

In addition to those penalties set forth in the student discipline code, a violation of this Internet policy may also result in loss of Internet privileges.

Opinions, advice, services, and all other information expressed on line are those of the on-line authors and not of the district. The Internet contains information pertaining to a variety of subjects. Not all of this information is accurate or reliable, particularly where the advice of medical, legal, accounting, or other professionals would be appropriate. Users are advised not to rely on advice found on the Internet. The School District is not responsible for such advice.

The School District does not guarantee or imply that access to the Internet will always be available when students want access or that the software provided by the district will always work as

intended. The School District is not responsible for failures in the operation or technical functioning of the Internet or the computers or software used to access the Internet.

First Reading: February 15, 2017  
Second Reading: March 1, 2017  
BOE Adoption:



**Policy # 36**

**COMPREHENSIVE ATTENDANCE POLICY  
And Plain Language Summary**

**A. Objectives**

The objectives of the Comprehensive Attendance Policy are:

1. to accurately track the attendance, absence, tardiness and early departure of students to and from the school;
2. to ensure sufficient pupil attendance of classes so that pupils may achieve State mandated education standards;
3. to track student location for safety reasons and to account to parents regarding the location of children during school hours.

**B. Definitions**

Whenever used within the Comprehensive Attendance Policy, the following terms shall mean:

1. **Scheduled instruction**: Every period that a pupil is scheduled to attend instructional or supervised study activities during the course of a school day during the school year.
2. **Absent**: The pupil is not present for the entire period of the pupil's scheduled instruction.
3. **Tardy**: The pupil arrives later than the starting time of the pupil's scheduled instruction.
4. **Early departure**: The pupil leaves prior to the end of the pupil's scheduled instruction.
5. **Excused**: Any absence, tardiness, or early departure for which the pupil has a valid school approved excuse. Such excused non appearance shall include: personal illness, illness or death in the family, religious observance, quarantine, required court appearances, attendance at health clinics or other medical visits, approved college visits, military obligations, absences approved in advance by the Principal, and other reasons as may be approved by the Commissioner of Education.
6. **Unexcused**: Any absence, tardiness or early departure for which the pupil has no valid school approved excuse. Such unexcused non-appearance shall include shopping trips to the local mall, family vacation, oversleeping, skipping class, and any other absence that is not excused.



**C. Coding System**

The following coding system shall be used to indicate the nature and reason for a pupil's missing all or part of scheduled instruction.

E = Excused

U = Unexcused



A - Absent  
D - Early Departure  
S - Suspended  
T = Tardy



I - Illness  
F - Family Illness  
M - Medical Appointment  
T - Travel  
O - Other

The time that the pupil arrived or departed will be recorded next to the entry code describing the nature and reason for the student missing all or part of scheduled instruction.

For example, if a student left at 11:30 a.m. for a doctor's appointment, the code would read:  
E/D/M: 11:30 a.m.

**D. In order to encourage student attendance, the following strategies and incentives shall apply:**

**1. Minimum Attendance for Course Credit**

a. A K-12 Student must be noted as present at 89% of a course's scheduled classes in order to earn credit for the course. Any excused absence, for which the student has completed assigned make-up work, will not be counted as an absence for the purposes of determining whether the student has attended sufficient classes to receive course credit under this provision.

- i. For purposes of minimum attendance requirements, a student shall not be counted as present for a class if the student misses more than 10 minutes of class, whether through tardiness or early departure.
- ii. The following is the maximum number of absences allowed before credit is lost for the different length courses taught at GCS.
  - a. full year  $180 \times 11\% = 19$  days
  - b. alternate days or single semester courses  $90 \times 11\% = 9$  days

- iii. Students *of* compulsory attendance age suspended from school instruction may not be marked as absent unless they fail to attend scheduled alternative education on that day.
  - iv. Students *over* the compulsory attendance age suspended from school instruction will be marked absent unless they have been assigned alternative education. If alternative education has been assigned, only failure to attend scheduled alternative education shall count as an absence.
- b. In order to prevent loss of credit for failure to attend, the district will take the following steps:
- i. When a student has been marked as absent for 5% of a course's classes, the district shall notify the student and his parent(s) or person(s) in parental relation that the student is approaching the limit of absences for losing course credit for failure to attend class. The notice will include the school's attendance for credit policy, the actual number of classes the student may miss before forfeiting the right to earn credit, and the actual number of classes missed to date;
  - ii. A student and his parent(s) or person(s) in parental relation will be advised one month before the completion of the course if the student is in jeopardy of losing credit for failure to attend. The notice will include the school's attendance for credit policy, the actual number of classes the student may miss before forfeiting the right to earn credit, and the actual number of classes missed to date;
  - iii. Teachers will provide makeup work upon request so that students who are in jeopardy of forfeiting class credits due to excused absences have the opportunity to earn credit for the course;
  - iv. Where a student is in jeopardy of losing credit for excessive absences, the Building Principal shall be responsible for reviewing attendance records, determining eligibility for makeup work for excused absences, and arranging student makeup opportunities with teachers, including deadlines.
- c. Tardiness
- i. All pupils are required to attend school on time as reflected in their student handbook and to attend classes on time. **AN UNEXCUSED TARDINESS WILL RESULT IN DISCIPLINARY ACTION.**
    - A student who is tardy to school must report to the principal's office to secure a class admission. The student is not to be admitted to class without one.

- The time of arrival will be recorded on an admission slip for the teacher's information.
  - All class work will be made up.
  - Oversleeping is not an excused tardiness.
- ii. Excessive unexcused tardies:  
Five (5) tardies equal one (1) day of absence; ten (10) tardies equal two (2) days of absence, and so on.

## **2. Notice of Absences**

The pupil's parent(s) or person(s) in parental relation shall be notified of a pupil's unexcused absence, tardiness or early departure according to the following:

- a. Where a pupil has not been marked as present for the first period of scheduled instruction and the school has not been previously notified of the absence, the district shall attempt to contact the pupil's parent(s) or person(s) in parental relation to learn the nature of the pupil's absence and notify the parent that the pupil has not arrived at school;
- b. For every 3 unexcused absences, tardies, early departures, or any combination thereof, the pupil's parent(s) or person(s) in parental relation shall receive a notice containing the dates, times, and the nature of the pupil's unexcused nonpresence.

## **3. Disciplinary Procedures**

The pupil may be subject to disciplinary procedures for unexcused absence, tardiness, or early departure, including verbal and written warnings, detentions, in-school suspensions, and loss of extra-curricular privileges, as described in the Code of Conduct.

## **4. Incentives**

District teachers shall work with the Building Principal and Attendance Supervision Officer to create and implement classroom-based incentive programs for excellent attendance, including but not limited to extra credit and additional privileges.

## **5. Intervention Strategy Development**

The Building Principal shall meet each marking period with the Attendance Supervision Officer and other administrators and teachers as the Principal determines necessary to review student attendance records, address identified patterns of unexcused pupil absence, tardiness and early departure, and review current intervention methods. Where the Principal determines that existing intervention policies or practices are insufficient, the Principal shall notify the Board of Education prior to its annual review of the building's attendance records, of both insufficient practices and any proposed changes needing Board approval to implement.

**6. Counseling**

The District shall provide consistent counseling to students with chronic attendance problems.

**E. Attendance Supervision Officer**

The Board shall designate a person as the Attendance Supervision Officer. The Attendance Supervision Officer is responsible for reviewing pupil attendance records and initiating appropriate action to address unexcused pupil absence, tardiness and early departure consistent with the Comprehensive Attendance Policy, (#7211 Attendance and Academic Credit Policy).

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Second Reading:	September 8, 2003
Board of Education Adoption:	September 8, 2003
Reviewed by Board of Education:	February 15, 2017

**Policy # 37**

**BYLAW PERTAINING TO STUDENT RECORDS:  
POLICIES AND PROCEDURES  
(FERPA)**

**Definitions**

For the purpose of this policy, the school district has used the following definitions of terms:

Student - Any person who attends or has attended a program of instruction sponsored by the school district.

Eligible Student - A student or former student who has reached age 18 or is attending a post-secondary school.

Parent - Either natural parent of a student unless his or her rights under the FERPA (Family Educational Rights and Privacy Act) has been removed by a court order, state statute or legally binding document relating to such matters as divorce, separation or custody that specifically revokes these rights, a guardian, or an individual acting as a parent or guardian in the absence of the student's parent or guardian.

Education Records - Any records (in handwriting, print, tape, film, microfilm, microfiche or other medium) maintained by the school district, an employee of the district or an agent of the district which is related to a student except:

- Any personal records kept by a school staff member which meet the following tests:
  - (a) It was made as a personal memory aid;
  - (b) It is in the personal possession of the individual who made it;
  - (c) Information contained in it has never been revealed or made available to any other person except the maker's temporary substitute.
- Employment records which are used only in relation to a student's employment by the school district. (Employment for this purpose does not include activities for which a student receives a grade or credit in a course).
- Alumni records which relate to the student after he or she no longer attends classes provided by the school district and the records do not relate to the person as a student.

Personal Identifiable Information - Any data or information that makes the subject of the records known. This includes the student's name, the student's parents' or other family member's name, the student's address, the student's social security number, a student number, a list of personal characteristics or any other information which would make the student's identity known.

### Annual Notification

Within the first three weeks of each school year, the school district will publish in the legal section of a newspaper having general circulation in the district, a notice to parents and eligible students of their rights under the FERPA in the form shown bellows.

### Model Notification of Rights under FERPA for Elementary and Secondary Schools

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the day the [Name of school ("School")] receives a request for access.

Parents or eligible students should submit to the school principal [or appropriate school official] a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the [School] to amend a record should write the school principal [or appropriate school official], clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official also may include a volunteer or contractor outside of the school who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct



control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the school discloses education records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer. [NOTE: FERPA requires a school district to make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request.]

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the [School] to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office  
 U.S. Department of Education  
 400 Maryland Avenue, SW  
 Washington, DC 20202

See the list below of the disclosures that elementary and secondary schools may make without consent.

FERPA permits the disclosure of PII from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, §99.32 of the FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A school may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student –

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) are met. (§99.31(a)(1))
- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2))

- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency in the parent or eligible student’s State (SEA). Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4))
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system’s ability to effectively serve, prior to adjudication, the student whose records were released, subject to §99.38. (§99.31(a)(5))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))
- Information the school has designated as “directory information” under §99.37. (§99.31(a)(11))



**Statement of Rights**

Parents and eligible students have the following rights under the Family Educational Rights and Privacy Act and this policy:

- (1) The right to inspect and review the student's education records;
- (2) The right to exercise a limited control over other people's access to the student's education records;
- (3) The right to seek to correct the student's education records in a hearing if necessary;
- (4) The right to report violations of the FERPA to the Department of Education; and
- (5) The right to be informed about FERPA rights.

All rights and protections given parents under the FERPA and this policy transfer to the student when the student reaches age 18 or enrolls in a post-secondary school. The student then becomes an eligible student.

Under the No Child Left Behind Act of 2001, schools receiving Title I money must release names, addresses and telephone listings to military recruiters upon request. Parents have the right to request that information not be released to military recruiters without prior written consent.

**LOCATION OF EDUCATION RECORDS**

Types	Location	Custodian
Cumulative school records	Office of School Principal	School Principal (list the names of schools)
Cumulative School Records (former student)	Office of Superintendent	Superintendent (address of the superintendent's office)
Health Records	Office of School Principal	(See Location Above)
Speech Therapy Records Psychological Records	Office of Education for Disabled Students	District Office (list location)
School Transportation	School Bus Garage	Director of Pupil Transportation (list address)
Special Test Records	Office of School Principal	(See Location Above)
Occasional Records (student education records not identified about such as those in the superintendent's office, in the school attorney's office, in the personal possession of a teacher	Student's School (principal will collect and make available)	School Principal

**Procedure to Inspect Education Records**

Parents of students and eligible students may inspect and review the student's education records

upon request. In some circumstances, it may be mutually more convenient for the record custodian to provide copies of records. See the schedule of fees for copies.

Since a student's records may be maintained in several locations, the school principals will offer to collect copies of records or the records themselves from locations other than a student's school, so that these records may be inspected at one site. However, if parents and eligible students wish to inspect records where they are maintained, school principals will accommodate their wishes.

Parents or eligible students should submit to the student's school principal a written request which identifies as precisely as possible the record or records he or she wishes to inspect.

The principal (or other custodian) will contact the parent of the student or the eligible student to discuss how access will be best arranged (copies, at the exact location, or records brought to a single site).

The principal (or other custodian) will make the needed arrangements as promptly as possible and notify a parent or an eligible student of the time and place where the records may be inspected. This procedure must be completed in 45 days or less from the receipt of the request for access.

If, for any valid reason such as working hours, distance between records location sites or health, a parent or an eligible student cannot personally inspect and review a student's education records, the school district will arrange for a parent or an eligible student to obtain copies of the records. See below for information regarding fees for copies of records.

When the records contain information about students other than the child or the eligible student involved, a parent or an eligible student may not inspect and review the records of other students.

### **Fees for Copies of Records**

The school district will not deny parents or eligible students any rights to copies of records because of the following published fees. Where the fee represents an unusual hardship, it may be waived in part or entirely by the record custodian. However, the district reserves the right to make a charge for copies such as transcripts it forwards to potential employers or to colleges and universities for employment or admissions purposes.

The FERPA requires a school district to provide copies of records:

- (1) When the refusal to provide copies effectively denies access to the records by a parent or an eligible student;

- (2) At the request of a parent or an eligible student when the school district has provided the records to third parties by the prior consent of the parent or an eligible student; or
- (3) At the request of a parent or an eligible student when the school district has forwarded the records to another school where the student seeks or intends to enroll.

The fee for copies provided under the FERPA may not include the costs for search and retrieval. This fee will be from no cost to 25 cents per page.

The fee for all other copies such as copies of records forwarded to third parties with prior consent or those provided to parents as a convenience will be 25 cents per page plus postage if mailing is involved.

### **Directory Information**

The school district proposes to designate the following personally identifiable information contained in a student's education records as directory information, and it will disclose that information without prior written consent:

- (1) The student's name;
- (2) The student's address;
- (3) The student's telephone listing;
- (4) The student's date and place of birth;
- (5) The student's class designation and major field of study (e.g., first grade, tenth grade, and the like);
- (6) The student's participation in officially recognized activities and sports;
- (7) The student's degrees, achievement awards or honors;
- (8) The student's weight and height if a member of an athletic team;
- (9) Dates of attendance;
- (10) The student's photograph;
- (11) The most recent educational institution attended before the student enrolled in the school district; and
- (12) Electronic mail address.

Within the first three weeks of each school year, the school district will publish in the legal section of a newspaper having general circulation in the district the above list, or a revised list, of the items of directory information it proposes to designate as directory information. For students enrolling after the notice is published, the list will be given to the student's parent or the eligible student at the time and place of enrollment.

After the parents or the eligible students have been notified, they will have two weeks to advise the school district in writing (a letter to the school superintendent's office) of any or all of the items they refuse to permit the district to designate as directory information about that student.

At the end of the two-week period, each student's records will be appropriately marked by the records custodians to indicate the items the district will designate as directory information about that student. This designation will remain in effect until it is modified by written direction of a student's parents or an eligible student.

The district may disclose directory information about former students without following the procedures specified in this paragraph.

### **Use of Student Education Records**

To carry out their responsibilities, school officials will have access to student education records for legitimate educational purposes. The school district will use the following criteria to determine school officials. An official is:

- (1) A person duly elected to the school Board;
- (2) A person certified by the State and appointed by the school Board to an administrative or supervisory position;
- (3) A person certified by the State and under appointment to the school Board as an instructor;
- (4) A person employed by the school Board as a temporary substitute for administrative, supervisory or instructional personnel for the period of his or her performance as a substitute; or
- (5) A person employed by or under appointment to the school Board to perform a special task such as a secretary, a clerk, the school Board attorney or auditor for the period of that person's performance as an employee or contractor.

School officials who meet the criteria listed above will have access to student's records if they have a legitimate educational interest in doing so. A legitimate educational interest is the person's need to know in order to:

- (1) Perform an administrative task required in the school officials position

description approved by the school Board;

- (2) Perform a supervisory or instructional task directly related to the student's education; or
- (3) Perform a service or benefit for the student or the student's family such as health care, counseling, student job placement or student financial aid.

The school district only will release information from or permit access to student's education records with a parent or an eligible student's prior written consent except that the school superintendent or a person designated in writing by the superintendent may permit disclosure:

- (1) When a student seeks or intends to enroll in another school district or in a post-secondary school. The district will not further notify parents or eligible students prior to such a transfer of records. Parents and students have a right to obtain copies of records transferred under this provision.
- (2) When certain Federal and State officials need information in order to audit or enforce legal conditions related to federally supported education programs in the district.
- (3) To parties who provide or may provide financial aid to a student to:
  - (a) Establish the student's eligibility for the aid;
  - (b) Determine the amount of financial aid;
  - (c) Establish the conditions for the receipt of the financial aid;
  - (d) Enforce the agreement between the provider and the receiver of financial aid.
- (4) If a State law adopted before November 19, 1974 required certain specific items of information to be disclosed in personally identifiable form from student records to State or local officials.
- (5) When the school district has entered into a written agreement or contract for an organization to conduct studies on the school district's behalf to develop tests, administer student aid or improve instruction. Such study may not permit personal identifiable information of parents or students by individuals other than representatives of the organization. Such information must be destroyed when no longer needed.
- (6) To accrediting organizations to carry out their accrediting functions.
- (7) To parents of eligible students if the parents claim the student as a dependent

as defined by the Internal Revenue Code.

(8) To comply with a judicial order or lawfully issued subpoena. The district will make a reasonable effort to notify the student's parents or the eligible student before making a disclosure under this provision.

(9) In connection with a health or safety emergency under conditions described below.

(10) If the disclosure is an item of directory information and the student's parents or an eligible student has not refused to allow the district to designate that item as directory information for that student.

(11) Disclosure to a parent of a student who is not an eligible student or the student.

The school district will permit any of its officials to make the needed disclosure from student education records in a health or safety emergency if:

- (1) The official deems it is warranted by the seriousness of the threat to the health or safety of the student or other persons;
- (2) The information is necessary and needed to protect the health and safety of the student or other individuals;
- (3) The persons to whom the information is to be disclosed are qualified and in a position to deal with the emergency; and
- (4) Time is an important and limiting factor in dealing with the emergency. (The health or safety exception shall be strictly construed)

School district officials may release information from student's education records if the student's parents or the eligible student gives his prior written consent for the disclosure. The written consent must include at least:

- (1) A specification of the records to be released;
- (2) The reasons for the disclosure;
- (3) The person or the organization or the class of persons or organizations to whom the disclosure is to be made;
- (4) A parent or an eligible student's signature; and
- (5) The date of the consent and, if appropriate, a date when the consent is to be terminated.



The student's parents or the eligible student may obtain a copy of any records disclosed under this provision.

The school district will not release information contained in student's education records, except directory information, to any third parties except its own officials, unless those parties agree that the information will not be re-disclosed without the parents or eligible student's prior written consent.

### **Records of Requests for Access and Disclosure Made From Education Records**

The school district will maintain an accurate record of all requests for it to disclose information from or to permit access to a student's education records and of information it discloses and access it permits with some exceptions listed below. These records will be kept with, but will not be a part of, each student's Cumulative School Records. It will be available only to the record custodian, the eligible student, the parents of the student or to Federal, State or local officials for the purpose of auditing or enforcing federally supported educational programs.

The records will include at least:

- (1) The name of the person or agency that made the request;
- (2) The interest the person or agency had in the information;
- (3) The date the person or agency made the request; and
- (4) Whether the request was granted and, if it was, the date access was permitted or the disclosure was made.

The district will maintain these records as long as it maintains the student's education records. Such records may be inspected by the parent or eligible student or the school official or that person's assistant responsible for the custody of the records.

These records will not include requests for access or access granted to parents of the student or to an eligible student, requests for access or access granted to officials of the school district who have a legitimate educational interest in the student, requests for, or disclosure of, information contained in the student's education records if the request is accompanied by the prior written consent of a parent of the student or an eligible student or the disclosure is authorized by such prior consent, or for requests for, or disclosures of, directory information designated for that student.

### **Procedures to Seek to Correct Education Records**

Parents of students and eligible students have a right to seek to change any part of the student's records they believe is inaccurate, misleading or in violation of the student's rights. (NOTE: Under

the FERPA, the district may decline to consider a request to change the grade a teacher assigns for a course).

For the purpose of outlining the procedures to seek to correct education records, the term incorrect will be used to describe records that are inaccurate, misleading or in violation of the student's rights. The term correct will be used to describe records that are accurate, not misleading and not in violation of the student's rights. Also, in this section, the term requester will be used to describe a parent of a student or an eligible student who is asking the school district to correct the records.

To establish an orderly process to review and correct education records for a requester, the district may make a decision to comply with the request for change at several levels in the procedure.

First Level Decision - When a parent of a student or an eligible student finds an item in the student's education records which he or she believes is inaccurate, misleading or in violation of student rights, the parent immediately should ask the record custodian to correct it. If the records are incorrect because of an obvious error and it is a simple matter to make the record change at this level, the record custodian will make the correction. However, if the records are changed at this level, the method and result must satisfy the requester.

If the custodian cannot change the records to the requester's satisfaction or the records do not appear to be obviously incorrect, the custodian will:

- (1) Provide the requester a copy of the questioned records at no cost;
- (2) Ask the requester to initiate a written request for the change; and
- (3) Follow the procedure for a second level decision.

Second Level Decision - The written request to correct a student's education records through the procedure at this level should specify the correction the requester wishes the district to make. It should at least identify the item the requester believes is incorrect and state whether the requestor believes the item:

- (1) Is inaccurate and why;
- (2) Is misleading and why; or
- (3) Violates the student's rights and why.

The request will be dated and signed by the requester.

Within two weeks after the record custodian receives a written request, the custodian will:

- (1) Study the request;
- (2) Discuss it with other school officials (the person who made the records or those who may



have a professional concern about the district's response to the request);

- (3) Make a decision to comply or decline to comply with the request; and
- (4) Complete the appropriate steps to notify the requester or move the request to the next level for a decision.

If, as a result of this review and discussion, the record custodian decides the records should be corrected, the custodian will effect the change and notify the requester in writing that the change has been made. Each such notice will include an invitation for the requester to inspect and review the student's education records to make certain the records are in order and the correction is satisfactory.

If the custodian decides the records are correct, the custodian will make a written summary of any discussions with other officials and of the custodian's findings in the matter. The custodian will transmit this summary and a copy of the written request to the school superintendent.

Third Level Decision - The school superintendent will review the material provided by the record custodian and, if necessary, discuss the matter with other officials such as the school attorney or the school Board (in executive session). The superintendent will then make a decision concerning the request and complete the steps at this decision level. Ordinarily, this level of the procedure should be completed within two weeks. If it will take longer, the superintendent will notify the requester in writing of the reasons for the delay and a date when the decision will be made.

If the superintendent decides the records are incorrect and should be changed, the superintendent will advise the record custodian to make the change. The record custodian will advise the requester of the change as the custodian would if the change had been made at the second level.

If the superintendent decides the records are correct, the superintendent will prepare a letter to the requester which will include:

- (1) The school district's decision that the records are correct and the basis for the decision.
- (2) A notice to the requester that the requestor has a right to ask for a hearing to present evidence that the records are incorrect and that the district will grant such a hearing.
- (3) Instructions for the requester to contact the superintendent, or an official designated by the superintendent, to discuss acceptable hearing officers, convenient times and a satisfactory site for the hearing. (The district will not be bound by the requester's positions on these items but will, so far as possible, arrange the hearing as the requester wishes).
- (4) That the requester may be represented or assisted in the hearing by other parties, including an attorney at the requester's expense.

Fourth Level Decision - After the requester has submitted (orally or in writing) that person's wishes concerning the hearing officer and the time and place for the hearing, the superintendent will, within a week, notify the requester when and where the district will hold the hearing and whom the superintendent has designated as the hearing officer.

At the hearing, the hearing officer will provide the requester a full and reasonable opportunity to present material evidence and testimony to demonstrate that the questioned part of the student's education records are incorrect as shown in the requester's written request for a change in the records (second level).

Within two weeks after the close of the hearing, the hearing officer will submit to the school superintendent a written summary of the evidence submitted at the hearing. Along with the summary, the hearing officer will submit recommendations, based solely on the evidence presented at the hearing, that the records should be changed or remain unchanged.

The school superintendent will prepare the district's decision within three weeks of the hearing. That decision will be based on the summary of the evidence presented at the hearing and the hearing officer's recommendation. The district's decision will be based solely on the evidence presented at the hearing. The superintendent may overrule the hearing officer if the superintendent believes the hearing officer's recommendation is not consistent with the evidence presented. As a result of the district's decision, the superintendent will take one of the following actions:

- (1) If the decision is that the district will change the records, the superintendent will instruct the record custodian to correct the records. The record custodian will correct the records and notify the requester as at the second level decision.
  - (a) If the decision is that the district will not change the records, the superintendent will prepare a written notice to the requester which will include:
    - (b) The school district's decision that the records are correct and will not be changed.
    - (c) A copy of the summary of the evidence presented at the hearing and a written statement of the reasons for the district's decision.
    - (d) A statement advising the requester that the requestor may place an explanatory statement which states the reasons the requestor disagrees with the school district's decision or the reasons the requestor believes the records are incorrect in the student's education records.

Final Administrative Step in the Procedure - When the school district receives an explanatory statement from a requester after a hearing, it will maintain that statement as part of the student's education records as long as it maintains the questioned part of the records. The statement will be attached to the questioned part of the records and, whenever the questioned part of the records are disclosed, the explanatory statement also will be disclosed.

**Adoption**

The Board of Education of the school district adopted this student policy at its \_\_\_\_\_, 20\_\_ meeting and thereby directs and authorizes the appropriate school officials to establish and put in effect the procedures to implement the bylaw as of the date of the adoption.

Any other bylaw pertaining to this subject is hereby superseded.

Copies of the policy will be available for parents and eligible students to review in the principal's office of each school building and at the superintendent's office.

Education Law 2-d requires Districts and BOCES to adopt a Parental Bill of Rights relating to student data. The SED Model Form is attached. The FERPA policy, PPRA policy and Parents Bill of Rights must be published on the District's website

First Reading: February 15, 2017  
Second Reading: March 1, 2017  
BOE Adoption:

**Policy # 38**

**PROTECTION OF PUPIL RIGHTS POLICY**

The Board of Education recognizes that student surveys are a valuable tool in determining student's needs for educational services. Parents have the right to inspect all instructional materials that will be used for a survey analysis or evaluation as part of a US Department of Education - funded program. In addition, no minor student may, without parental consent, take part in a survey analysis or evaluation funded in whole or in part by the United States Department of Education that reveals information concerning:

1. Political affiliations or beliefs of the student or the student's parents;
2. Mental or psychological problems of the student or the student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating or demeaning behavior;
5. Critical appraisals of other individuals with whom respondents have close family relationships;
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers;
7. Religious practices, affiliations or belief of the student or the student's parents;
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Parents have the right to inspect upon their request any instructional material which is used as part of the educational curriculum. Instructional material is defined by the Board of Education as instructional content that is provided to a student regardless of format including printed or representational materials, audiovisual materials, materials in electronic or digital formats (such as materials accessible through the internet). It does not include tests or academic assessments.

A parent who wishes to inspect and review instructional material shall submit a request in writing to the building principal. Upon receipt of such request, arrangements will be made by the building principal to provide the parent access to instructional materials requested within 30 calendar days after the request has been received by the principal.

It is the policy of the Board of Education not to permit the collection, disclosure or use of personal information collected from students for the purpose of marketing or selling that information or providing it to others for that purpose. This does not apply to collection, disclosure or use of personal information collected from students for the exclusive purpose of developing, evaluating or providing educational products or services.

Parents shall also have the option upon provision of written notice to the district to opt the student out of any non-emergency, invasive physical examination or screening of their student which is required as a condition of attendance administered by the school or school personnel. The term invasive physical examination mean any medical examination that involves exposure of private body parts or any act during such examination that includes incision, insertion or injecting into the body but does not include a hearing, vision or scoliosis screening. Further, it does not include any examination necessary to protect the immediate health or safety of the student or other students.

Parents and eligible students shall be notified of the policy at least annually at the beginning of the school year and when enrolling students for the first time in school.

(Model Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA) 6 pages)

Reference: 8 NYCRR § 200.2(b)(15)  
IDEA §§1412(a)(24); 1418(d)  
34 CFR §§ 300.173; 300.646

First Reading: February 15, 2017  
Second Reading: March 1, 2017  
BOE Adoption:

**Policy # 39****CODE OF CONDUCT****I. Introduction**

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

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

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

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

**II. Definitions**

For purposes of this code, the following definitions apply.

**“Bullying”** is when someone repeatedly and purposely says or does mean and hurtful things to another person who has a hard time defending him or herself.

**“Cyber-bullying”** refers to any harassment/bullying, on or off school property, which occurs via the internet, cell phones or other electronic devices.

**“Disability”** means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law §11[4] and Executive Law §292[21]).



***“Disruptive student”*** means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom or interferes with a bus driver’s ability to safely operate a school bus.

***“Employee”*** means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such persons involve direct student contact (Education Law §§11[4] and 1125[3]).

***“Gender”*** means actual or perceived sex and shall include a person’s gender identity or expression (Education Law §11[6]).

***“Harassment”*** means the creation of a hostile environment by conduct, with or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; the harassing behavior may be based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation or gender (identity or expression) (Education Law §11[7]).

***“Hazing”*** is a form of harassment which involves committing an act against a student or coercing a student into committing an act that creates a risk of or causes emotional, physical, psychological harm to a person, in order for the student to be initiated or affiliated with a student or other organization, or for any other purpose. Consent or acquiescence is no defense to hazing; i.e., the implied or expressed consent of a person or persons to hazing shall not be a defense to discipline under this policy.

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

***“School Bus”*** means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law §11[1] and Vehicle and Traffic Law §142).

***“School function”*** means any school-sponsored extra-curricular event or activity.

**“School property”** means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus (Education Law § 11[1]).

**“Sexting”** refers to an act of sending sexually explicit photos, images, text messages, or e-mails by using a cell phone or other electronic device.

**“Sexual orientation”** means actual or perceived heterosexuality, homosexuality or bisexuality (Education Law §11[5]).

**“Violent student”** means a student under the age of 21 who:

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

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

### **III. Student Rights and Responsibilities**

#### **A. Student Rights**



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

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

### **B. Student Responsibilities**

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show 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 extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

12. Report infractions of the Code of Conduct, including but not limited to instances of discrimination or harassment.

## **IV. Essential Partners**

### **A. Parents**

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and the district.
9. Build good relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Report infractions of the Code of Conduct, including but not limited to instances of discrimination or harassment.

## **B. Teachers**

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' confidence and promote learning.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline plan.
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.
7. Report infractions of the Code of Conduct, including but not limited to instances of discrimination or harassment.

## **C. Guidance Counselors**

All Guidance Counselors are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' confidence and promote learning.
2. Assist students in coping with peer pressure and emerging personal, social and emotional problems.

3. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
4. Regularly review with students their educational progress and career plans.
5. Provide information to assist students with career planning.
6. Encourage students to benefit from the curriculum and extracurricular programs.
7. Report infractions of the Code of Conduct, including but not limited to instances of discrimination or harassment.

#### **D. Administrators**

All Administrators are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' confidence and promote learning.
2. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
3. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
4. Evaluate on a regular basis all instructional programs.
5. Support the development of and student participation in appropriate extracurricular activities.
6. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

#### **F. Staff (Cafeteria, Coaching, Custodial, Transportation and Support)**

All District Staff are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice,

disability, sexual orientation, gender or sex, which will strengthen students' confidence and promote learning.

2. Promote a safe, orderly and stimulating school environment.
3. Report infractions of the Code of Conduct, including but not limited to instances of discrimination or harassment.

### **G. Superintendent**

The Superintendent of Schools is expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' confidence and promote learning.
2. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
3. Review with district administrators the policies of the board of education and state and federal laws relating to school operations and management.
4. Inform the board about educational trends relating to student discipline.
5. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
6. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

### **F. Board of Education**

The Board of Education 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.
2. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.

3. Lead by example by conducting board meetings in a professional, respectful, courteous manner.

## **V. Dignity for All Students Act**

### **A. Dignity Act Coordinators**

At least one employee in every school shall be designated as a Dignity Act Coordinator and instructed in the provisions of this subdivision and thoroughly trained in methods to respond to human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex.

1. The designation of each Dignity Act Coordinator shall be approved by the Greene Central School District Board of Education.
2. The name(s) and contact information for the Dignity Act Coordinator(s) shall be shared with all school personnel, students, and persons in parental relation, which shall include, but is not limited to, providing the name, designated school and contact information of each Dignity Act Coordinator by:
  - a. Listing such information in the code of conduct and updates posted on the Greene Central Schools District website.
  - b. Including such information in the plain language summary of the code of conduct provided to all persons in parental relation to students before the beginning of each school year, pursuant to 8 NYCRR 100.2(I)(2)(iii)(b)(3);
  - c. Include such information in at least one district or school mailing per school year to parents and persons of parental relation and, if such information changes, in at least one subsequent district or school mailing as soon as practicable thereafter;
  - d. Posting such information in highly-visible areas of school buildings; and
  - e. Making such information available at the district and school-level administrative offices.
3. In the event a Dignity Act Coordinator vacates his or her position, another school employee shall be immediately designated for an interim appointment as Coordinator, pending approval of a successor Coordinator by the applicable governing body as set forth in subparagraph (i) of this paragraph within 30 days of the date the position was vacated. In the event a Coordinator is unable to perform the duties of his or her position for an extended period of time, another school employee shall be immediately designated for an interim appointment as Coordinator, pending return of the previous Coordinator to his or her duties as Coordinator.

### **B. Dignity for All Training**

Commencing in the 2012-13 school year and continuing in each school year thereafter, the following Dignity for All school employee training program regulations are to be implement in effort to promote a positive school environment that is free from discrimination and harassment

and to discourage and respond to incidents of discrimination and/or harassment on school property or at a school function.

1. Training is to be conducted for all instructional and non-instructional employees of the Greene Central School District.
2. Training is to raise awareness and sensitivity to potential acts of discrimination or harassment directed at students by students or school employees on school property or at school functions; including by not limited to, discrimination or harassment based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender or sex.
3. Training is to raise awareness and sensitivity to potential acts of discrimination and harassment through cyberbullying/texting.
4. Training is to enable employees to prevent and respond to incidents of discrimination and harassment
5. Training is to include guidelines relating to the development of nondiscriminatory instructional and counseling methods.
6. Training is to be conducted as needed and may be implemented and conducted in conjunction with existing professional development.

## V. Student Dress Code

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

A student's dress, grooming and appearance shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments are not appropriate.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not include the wearing of hats in the classroom except as a part of a work uniform or for a medical, religious, or approved educational purpose. Hats worn to school must be removed and put in locker during regular school hours.
6. Not include items that are vulgar, obscene, libelous or denigrate others on account of race, color, religion, ethnic group, national origin, gender, sexual orientation, disability or weight.
7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

### Long Pants:



The student may wear long pants that:

1. Are composed of intact and opaque fabric.
2. Fit at the waist, with or without a belt.
3. Fit appropriately.
4. Meet the safety requirements set forth by specific student activities (i.e., shop, laboratories).

The student may not wear long pants that:

1. Extend longer than the bottom of the heel of the shoe; however, pants may be folded over or under, pinned, or otherwise fastened with tape, stapled, or sewn to meet the appropriate length.
2. Are oversized or excessively bagging (only a maximum of five inches of fabric pulled from thigh).
3. Are tight or snug.
4. Are cargo pants or otherwise have large, deep pockets.

Rationale: Long pants must fit appropriately to avoid injury (i.e., falls, circulatory compromise), to prevent distractions which impede the educational process, and to deter student violence through use of concealed weapons.

**Shorts/Skirts:**

The student may wear shorts/skirts that:

1. Are constructed of intact and opaque fabric.
2. Fit at the waist, with or without the use of a belt.
3. Fit appropriately.
4. Meet the requirements set forth by specific student activities (i.e., shop, laboratories)

The student may not wear shorts or skirts that:

1. Are oversized or excessively baggy.
2. Are snug or tight.
3. Have large, deep pockets.
4. Have a slit(s) or length that extends further up than approximately mid-thigh.

Rationale: To allow for range of motion for daily activities without causing distractions in the school environment, to decrease the possibility of concealed weapons in large, deep pockets or concealed under oversized clothing. Skirts must fit appropriately to avoid injury (i.e., falls, circulatory compromise).

**Shirts/Sweaters/Sweatshirts:**

The student shall wear a shirt that:

1. Is intact and constructed of opaque fabric.
2. Fits appropriately.
3. Is a T-shirt, button-front or polo-style shirt.
4. Is long enough to be tucked in.
5. Meets the requirements of specific student activities (i.e., shop, laboratories)

The student shall not wear a shirt that:

1. Is snug or tight.
2. Is oversized or bagging.
3. Is an undershirt, halter top or a muscle shirt.
4. Exposes the midriff.

Rationale: To provide protection of shoulders, arms and upper torso during daily activities, to avoid distractions in the educational environment and to preclude student violence through use of concealed weapons.

**Dresses:**

Students may wear dresses that meet the descriptions of shirts and skirts listed above (same rationale).

**Miscellaneous:**

The following are prohibited:

1. wallet chains.
2. sunglasses or tinted eye wear are not to be worn inside school buildings.
3. spiked collars, choke chains or other dangerous jewelry.

Each building principal or his or her designee shall be responsible for informing all students and their parents of the school dress code at the beginning of the school year and any revision to the dress code made during the school year.

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

This dress code, while directed specifically at students, will be in force for all members of the school community. This includes visitors, parents or anyone conducting business at the school.

## **VI. Prohibited Student Conduct**

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

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who

interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

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

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

**A. Engage in conduct that is disorderly.** 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.
5. Engaging in any willful act which disrupts the normal operation of the school community.
6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
7. Computer/electronic communications misuse, including any unauthorized use of computers, cell phones, two way radios, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.

**B. Engage in conduct that is insubordinate.** Examples of insubordinate conduct include:

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

**C. Engage in conduct that is disruptive.** Examples of disruptive conduct include:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.

**D. Engage in conduct that is violent.** Examples of violent conduct include:

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
4. Displaying what appears to be a weapon.
5. Threatening to use any weapon.
6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
7. Intentionally damaging or destroying school district property.

**.E. Engage 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 lawfully 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 the person or the 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 another in a negative manner.
5. Harassment or illegal discrimination, which includes the use of race, color, weight, creed, national origin, ethnic group, religion, religious practice, sex, gender, sexual orientation or disability as a basis for treating another in a negative manner.
6. Bullying
7. Cyber-bullying

8. Sexting

9. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.

10. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.

11. Selling, using or possessing obscene material.

12. Using vulgar or abusive language, cursing or swearing.

13. Smoking or possession of a cigarette, cigar, pipe or using chewing or smokeless tobacco on school property.

14. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. “Illegal substances” include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, drug paraphernalia, synthetic cannabinoid products and any substances commonly referred to as “designer drugs.”

15. Inappropriately using or sharing prescription and over-the-counter drugs.

16. Gambling.

17. Indecent exposure that is a voluntary exposure to sight of the private parts of the body.

18. Initiating a report warning of fire, bomb threat, or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

**F. Engage in misconduct while on a school bus.** It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.

**G. Engage in any form of academic misconduct.** Examples of academic misconduct include:

1. Plagiarism.

2. Cheating.

3. Copying.

4. Altering records.
5. Assisting another student in any of the above actions.

**H. Off campus & non-school day misconduct-** Students may be disciplined for violations of school district policies and the Code of Conduct when there is a connection to or impact, effect on school students, personnel, activities, functions or property.

Examples of misconduct include but are not limited to: cyber-bullying, sexting, threatening or harassing students or school personnel through the use of electronic devices.

## VII. Reporting Violations

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

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

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

All students are expected to promptly report instances of bullying (verbal, physical, cyber-bullying), harassment, discrimination or hazing on school property or at a school function immediately to proper school personnel.

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



## **VIII. Disciplinary Penalties, Procedures and Referrals**

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

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

1. The student's age.
2. The nature of the offense and the circumstances which led to the offense.
3. The student's prior disciplinary record.
4. The effectiveness of other forms of discipline.
5. Information from parents, teachers and/or others, as appropriate
6. Other extenuating circumstances.

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

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

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior caused by or had a direct and substantial relationship to the disability or if the conduct was a direct result of the district's failure to implement the IEP.



### **A. Penalties**

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

1. Oral warning - any member of the district staff
2. Written warning - bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, principal, superintendent
3. Written notification to parent - bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, principal, superintendent
4. Detention - teachers, principal, superintendent
5. Suspension from transportation - director of transportation, principal, superintendent
6. Suspension from athletic participation - coaches, principal, superintendent
7. Suspension from social or extracurricular activities - activity director, principal, superintendent
8. Suspension of other privileges - principal, superintendent
9. In-school supervision - principal, superintendent
10. Removal from classroom by teacher - teachers, principal
11. Short-term (five days or less) suspension from school - principal, superintendent, board of education
12. Long-term (more than five days) suspension from school - principal, superintendent, board of education
13. Permanent suspension from school - superintendent, board of education.

### **B. Disciplinary and Remedial Options**

The district emphasizes the creation and maintenance of a positive learning environment for all students. Measured, balanced, and age-appropriate responses, remedies and procedures focusing on intervention and education are needed to maintain the desired learning climate. Remedial responses which may be utilized include:

1. Peer support groups; corrective instruction or other relevant learning or service experience;
2. Supportive intervention;
3. Behavioral assessment or evaluation;
4. Behavioral management plans, with benchmarks that are closely monitored;
5. Student counseling and parent conferences.

Beyond these individual-focused remedial responses, school-wide or environmental remediation also be an important tool to address behavioral concerns. Environmental remediation strategies may include:

1. Supervisory systems which empower school staff with prevention and intervention tools to address behavioral concerns;
2. School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
3. Adoption of research-based, systemic programs;
4. Modification of schedules;
5. Adjustment in hallway traffic and other student routes of travel;
6. Targeted use of monitors;
7. Staff professional development;
8. Parent conferences;
9. Involvement of parent-teacher organizations; and
10. Peer support groups.

### **C. Procedures**

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

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

#### **1. Detention**

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

#### **2. Suspension from transportation**

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.

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

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

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

### 4. In-school supervision

The board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes building 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 supervision." The in-school supervision staff member will be a certified or licensed employee.

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

### 5. Teacher disciplinary removal of disruptive students

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

or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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

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

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

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

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

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

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

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

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

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

1. The charges against the student are not supported by substantial evidence.
2. The student's removal is otherwise in violation of law, including the district's code of conduct.
3. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

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

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

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

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

#### 6. Suspension from school

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



The board retains its authority to suspend students, but places primary responsibility for the suspension of students with the superintendent and the building principals.

Any staff member may recommend to the superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the superintendent for a violation of the code of conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

The superintendent or principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

a. Short-term (5 days or less) suspension from school

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

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

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

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the superintendent's decision, they must

file a written appeal to the board of education with the district clerk within 10 business days of the date of the superintendents' decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

b. Long-term (more than 5 days) suspension from school

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

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

An appeal of the decision of the superintendent may be made to the board that will make its decision based solely upon the record before it. All appeals to the board must be in writing and submitted to the district clerk within 10 business days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The board may adopt in whole or in part the decision of the superintendent. Final decisions of the board may be appealed to the Commissioner within 30 days of the decision.

c. Permanent suspension

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function.

**D. Minimum Periods of Suspension**

1. Students who bring a weapon to school

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

1. The student's age.



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

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

2. Students who commit violent acts other than bringing a weapon to school

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

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

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days. For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

## **E. Referrals**

### 1. Counseling

The Guidance Office shall handle all referrals of students to counseling.

### 2. PINS Petitions

The district may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
- c. Knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

### 3. Juvenile Delinquents and Juvenile Offenders

The superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:

- a. Any student under the age of 16 who is found to have brought a weapon to school, or
- b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42).

The superintendent is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

## **IX. Alternative Instruction**

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

## **X. Corporal Punishment**

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

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

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

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

## **XI. Student Searches and Interrogations**

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

In addition, the board authorizes the superintendent, building principals, the school nurse and district security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct.

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

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

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

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

### **A. Student Lockers, Desks and other School Storage Places**

The District retains the right to conduct random locker searches to further the special needs of school security, to ensure the safety of students, faculty and staff and to prevent disruptions to the learning environment. Additionally, the district recognizes the deterrent effect that these searches have. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

### **B. Police Involvement in Searches and Interrogations of Students**

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

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

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

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

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.

### **C. Child Protective Services Investigations**

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will cooperate with local child

protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

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

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

## **XII. Visitors to the Schools**

The board encourages parents and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors must sign the visitors book at the front entrance. If no one is there, the visitor must report to the Main Office to sign in. Anyone visiting a secondary student must first secure permission from the Building Principal. All visitors must be issued and must wear a visitor's identification badge. All visitors must sign out and return the badge upon leaving the premises.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to visit a classroom while school is in session are required to arrange such visits in advance with the principal and classroom teacher(s), so that class disruption is kept to a minimum. Visitation requests are subject to the discretion of the building administrator.
5. Teachers are expected not to take class time to discuss individual matters with visitors.



6. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.

7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

### **XIII. Public Conduct on School Property**

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

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

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

#### **A. Prohibited Conduct**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including 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. Intimidate, harass or discriminate against any person on the basis of race, color, ethnic group, national origin, religion, age, gender, sexual orientation, disability or weight.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.

7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles;
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons 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 school district.
11. Loiter on or about school property.
12. Use profane or lewd language.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.
16. Bring any animal onto the property except as part of the educational process, for safety/security or a guide animal and with approval of an administrator.

### **B. Penalties**

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.
4. In the case of a faculty member not having tenure, the superintendent will attend to the violation as agreed upon within the terms of the collective bargaining agreement.
5. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75. They shall be subject to immediate ejection and to disciplinary



action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.

6. Staff members other than those described in subdivisions 4 and 5. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

### **C. Enforcement**

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

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

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

## **XIV. Dissemination and Review**

### **A. Dissemination of Code of Conduct**

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

1. Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
2. Making copies of the code available to all parents at the beginning of the school year.
3. Mailing a summary of the code of conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current code of conduct when they are first hired

6. Making copies of the code available for review by students, parents and other community members.

The board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the code of conduct. The superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in service programs pertaining to the management and discipline of students.

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

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

Before adopting any revisions to the code, the board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.

The code of conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.

Ref: 8 NYCRR 200.2(b) and (e)  
9 NYCRR 200.3  
Education Law § 4402

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**Policy # 40**

**CHILD ABUSE**

In accordance with Education Law § 3209-a, the Board of Education directs the Superintendent to develop a set of procedures detailing the District's responsibilities pursuant to Article Six of the Social Services Law pertaining to abused and maltreated children. Those procedures shall specify the procedures to be followed regarding:

1. Mandatory reporting requirements of suspected child abuse or neglect;
2. Procedures for reporting child abuse and neglect including which District personnel are required to report;
3. Provisions for taking a child into protective custody;
4. Mandatory reporting of deaths;
5. Immunity from liability and penalties for failure to report; and
6. Obligations for provision of services and procedures necessary to safeguard the life of a child.

The District shall establish and implement a training program for all District personnel regarding the policies and procedures for reporting child abuse and neglect.

First Reading: February 15, 2017  
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BOE Adoption: