

**VALLEY STREAM UNION FREE SCHOOL DISTRICT THIRTEEN**

**EMPLOYEE  
HANDBOOK  
2017-2018**



[www.valleystream13.com](http://www.valleystream13.com)



**VALLEY STREAM UNION FREE SCHOOL DISTRICT THIRTEEN**  
**585 North Corona Avenue**  
**Valley Stream, New York 11580**  
**(516) 568-6100**

Constance Evelyn  
Superintendent of Schools

**Employee Handbook**

September 2017

Dear Faculty and Staff:

This handbook is intended to inform you of your rights and responsibilities as employees of Valley Stream Union Free School District Thirteen. You will find information about the district policies and procedures bulleted below. A complete listing of district policies is maintained in each school and on the district website. Please spend some time familiarizing yourself with this information.

The Employee Handbook also includes the policies that are aligned with the implementation of the Dignity for All Students Act. Ms. Sells-Asch is the District Dignity Act Coordinator. Your principal is the Dignity Act Coordinator for your school and a list of the Dignity Act Committee Members is posted in your building.

Please read the handbook carefully and sign the response form that you will receive from your building principal. The form should be returned to the building secretary by Wednesday, September 20, 2017.

Thank you and I wish you much success this year.

Sincerely,

*Constance D. Evelyn*

Constance D. Evelyn  
Superintendent of Schools

- Equal Opportunity
- Sexual Harassment
- Smoking on School Premises
- School District Officer & Employee Code of Ethics
- the recently updated Code of Conduct
- Student Attendance
- Student & Staff Internet Use and Safety
- Wellness Policy on Nutrition and Physical Activity
- Child Abuse in a Domestic Setting
- Staff Complaints and Grievances
- Student Harassment and Bullying Prevention and Intervention
- Right To Know
- Blood Borne Pathogens and Pesticide Notification
- Blood Donation Leave
- Leave of Absence for Cancer Screening
- Absences and Requests for Substitute Coverage (AESOP)



**VALLEY STREAM DISTRICT 13  
EMPLOYEE HANDBOOK**

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## EQUAL OPPORTUNITY

The Board of Education, its officers and employees, shall not discriminate against any student, employee or applicant on the basis of race, color, national origin, creed, religion, marital status, gender, sexual orientation, age or disability.

This policy of nondiscrimination includes access by students to educational programs, counseling services for students, course offerings, and student activities, as well as recruitment and appointment of employees and employment pay, benefits, advancement and/or terminations.

The Board authorizes the Superintendent of Schools to establish such rules, regulations and procedures necessary to implement and maintain this policy.

Cross-ref:        5311.3, Student Complaints and Grievances  
                          9110, Equal Employment Opportunity  
                          9140.1, Staff Complaints and Grievances

Ref:            Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.*  
                          Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.*  
                          Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*  
                          Title IX, Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*  
                          §504, Rehabilitation Act of 1973, 29 U.S.C. §794  
                          Individuals with Disabilities Education Law, §290 *et seq.*  
                          New York State Human Rights Law, Executive Law §290 *et seq.*  
                          Education Law §§3201, 3201-a

1<sup>st</sup> Reading 6/21/00

2<sup>nd</sup> Reading & Adoption 7/5/00

## SEXUAL HARASSMENT

The Board of Education recognizes that sexual harassment of students and staff is abusive and illegal behavior that harms victims and negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board further recognizes that preventing and remedying sexual harassment in schools is essential to ensure a healthy, nondiscriminatory environment in which students can learn and employees can work productively.

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

Because sexual harassment can occur staff to student, student to staff, staff to staff, student to student, male to female, female to male, male to male or female to female, it shall be a violation of this policy for any student, employee or third party (school visitor, vendor, etc.) to sexually harass any student, employee or person on school grounds.

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The district will promptly investigate all complaints of sexual harassment, formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation.

If, after appropriate investigation, the district finds that a student, an employee or a third party has violated this policy, prompt corrective action will be taken in accordance with the collective bargaining agreements, district policy and state law.

All complainants and those who participate in the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind.

The Superintendent of Schools is directed to implement regulations for reporting, investigating and remedying allegations of sexual harassment. These regulations are to be attached to this policy. In addition, training programs shall be established for students and employees to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment.

This policy shall be posted in a prominent place in each district facility and shall also be published in student, parent and employee handbooks, and other appropriate school publications.

1<sup>st</sup> Reading 5/28/02

2<sup>nd</sup> Reading & Adoption 6/24/02

## SEXUAL HARASSMENT REGULATION

This regulation is intended to create and preserve an educational and working environment free from unlawful sexual harassment in furtherance of the district's commitment to provide a healthy and productive environment for all students and employees that promotes respect, dignity and equality.

### *Sexual Harassment Defined*

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

1. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of an employee's employment or a student's education (including any aspect of the student's participation in school-sponsored activities, or any other aspect of the student's education); or
2. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting an employee's employment or a student's education; or
3. the conduct or communication has the purpose or effect of substantially or unreasonably interfering with an employee's work performance or a student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile or offensive working or educational environment.

### *Unacceptable Conduct*

School-related conduct that the district considers unacceptable and which may constitute sexual harassment includes, but is not limited to, the following:

1. rape, attempted rape, sexual assault, attempted sexual assault, forcible sexual abuse, hazing, and other sexual and gender-based activity of a criminal nature as defined under the State Penal Law;
2. unwelcome sexual invitations or requests for sexual activity in exchange for grades, promotions, preferences, favors, selection for extracurricular activities or job assignments, homework, etc.;
3. unwelcome and offensive public sexual display of affection, including kissing, making out, groping, fondling, petting, inappropriate touching of one's self or others, sexually suggestive dancing, and massages;
4. any unwelcome communication that is sexually suggestive, sexually degrading or implies sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance or activities; sexual jokes; sexual gestures; public conversations about sexual activities or exploits; sexual rumors and "ratings lists;" howling, catcalls, and whistles; sexually graphic computer files, messages or games, etc.;
5. unwelcome and offensive name calling or profanity that is sexually suggestive, sexually degrading, implies sexual intentions, or that is based on sexual stereotypes or sexual preference;
6. unwelcome physical contact or closeness that is sexually suggestive, sexually degrading, or sexually intimidating such as the unwelcome touching of another's body parts, cornering or blocking an individual, standing too close, spanking, pinching, following, stalking, frontal body hugs, etc.;
7. unwelcome and sexually offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking," "mooning," "snuggies" or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt "flip-ups," "spiking" (pulling down someone's pants or swimming suit); pinching; placing hands inside an individual's pants, shirt, blouse, or dress, etc.;
8. unwelcome leers, stares, gestures, or slang that are sexually suggestive; sexually degrading or imply sexual motives or intentions;
9. clothing with sexually obscene or sexually explicit slogans or messages;
10. unwelcome and offensive skits, assemblies, and productions that are sexually suggestive, sexually degrading, or that imply sexual motives or intentions, or that are based on sexual stereotypes;
11. unwelcome written or pictorial display or distribution of pornographic or other sexually explicit materials such as magazines, videos, films, Internet material, etc.; and
12. any other unwelcome gender-based behavior that is offensive, degrading, intimidating, demeaning, or that is based on sexual stereotypes and attitudes.

For purposes of this regulation, action or conduct shall be considered "unwelcome" if the student or employee did not request or invite it and regarded the conduct as undesirable or offensive.



### *Determining if Prohibited Conduct is Sexual Harassment*

Complaints of sexual harassment will be thoroughly investigated to determine whether the totality of the behavior and circumstances meet any of the elements of the above definition of sexual harassment and should therefore be treated as sexual harassment. Not all unacceptable conduct with sexual connotations may constitute sexual harassment. In many cases (other than quid pro quo situations where the alleged harasser offers academic or employment rewards or threatens punishment as an inducement for sexual favors), unacceptable behavior must be sufficiently severe, pervasive and objectively offensive to be considered sexual harassment.

In evaluating the totality of the circumstances and making a determination of whether conduct constitutes sexual harassment, the individual investigating the complaint should consider:

1. the degree to which the conduct affected the ability of the student to participate in or benefit from his or her education or altered the conditions of the student's learning environment or altered the conditions of the employee's working environment;
2. the type, frequency and duration of the conduct;
3. the identity of and relationship between the alleged harasser and the subject of the harassment (e.g., sexually based conduct by an authority figure is more likely to create a hostile environment than similar conduct by another student or a co-worker);
4. the number of individuals involved;
5. the age and sex of the alleged harasser and the subject of the harassment;
6. the location of the incidents and context in which they occurred;
7. other incidents at the school; and
8. incidents of gender-based, but non-sexual harassment.

### *Reporting Complaints*

Any person who believes he or she has been the victim of sexual harassment by a student, district employee or third party related to the school is required to report complaints as soon as possible after the incident in order to enable the district to effectively investigate and resolve the complaint. Victims are encouraged to submit the complaint in writing; however, complaints may be filed verbally.

Complaints should be filed with the Principal or the Title IX coordinator.

Any school employee who receives a complaint of sexual harassment from a student shall inform the student of the employee's obligation to report the complaint to the school administration, and then shall immediately notify the Principal and/or the Title IX coordinator.

In order to assist investigators, victims should document the harassment as soon as it occurs and with as much detail as possible including: the nature of the harassment; dates, times, places it has occurred; name of harasser(s); witnesses to the harassment; and the victim's response to the harassment.

### *Confidentiality*

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

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

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

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

*Investigation and Resolution Procedure*

A. Initial (Building-level) Procedure

The Principal or the Title IX coordinator shall conduct a preliminary review when they receive a verbal or written complaint of sexual harassment, or if they observe sexual harassment. Except in the case of severe or criminal conduct, the Principal or the Title IX coordinator should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal investigation and resolution procedures is to end the harassment and obtain a prompt and equitable resolution to a complaint.

As soon as possible but no later than three working days following receipt of a complaint, the Principal or Title IX coordinator should begin an investigation of the complaint according to the following steps:

1. Interview the victim and document the conversation. Instruct the victim to have no contact or communication regarding the complaint with the alleged harasser. Ask the victim specifically what action he/she wants taken in order to resolve the complaint. Refer the victim, as appropriate, to school social workers, school psychologists, crisis team managers, other school staff, or appropriate outside agencies for counseling services.
2. Review any written documentation of the harassment prepared by the victim. If the victim has not prepared written documentation, instruct the victim to do so, providing alternative formats for individuals with disabilities and young children, who have difficulty writing and need accommodation.
3. Interview the alleged harasser regarding the complaint and inform the alleged harasser that if the objectionable conduct has occurred, it must cease immediately. Document the conversation. Provide the alleged harasser an opportunity to respond to the charges in writing.
4. Instruct the alleged harasser to have no contact or communication regarding the complaint with the victim and to not retaliate against the victim. Warn the alleged harasser that if he/she makes contact with or retaliates against the victim, he/she will be subject to immediate disciplinary action.
5. Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and his/her statement confidential.
6. Review all documentation and information relevant to the complaint.
7. Where appropriate, suggest mediation as a potential means of resolving the complaint. In addition to mediation, use appropriate informal methods to resolve the complaint, including but not limited to:
  - a. discussion with the accused, informing him or her of the district's policies and indicating that the behavior must stop;
  - b. suggesting counseling and/or sensitivity training;
  - c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
  - d. requesting a letter of apology to the complainant;
  - e. writing letters of caution or reprimand; and/or
  - f. separating the parties.

- 8. Parent/Student/Employee Involvement and Notification
  - a. Parents of student victims and accused students shall be notified within one school day of allegations that are serious or involve repeated conduct.
  - b. The parents of students who file complaints are welcome to participate at each stage of both informal and formal investigation and resolution procedures.
  - c. If either the victim or the accused is a disabled student receiving special education services under an IEP or section 504/Americans with Disabilities Act accommodations, the committee on special education will be consulted to determine the degree to which the student's disability either caused or is affected by the discrimination or policy violation. In addition, due process procedures required for persons with disabilities under state and federal law shall be followed.
  - d. The Principal or Title IX Coordinator (i.e., the investigator) shall submit a copy of all investigation and interview documentation to the Superintendent.
  - e. The investigator shall report back to both the victim and the accused, notifying them in writing, and also in person as appropriate regarding the outcome of the investigation and the action taken to resolve the complaint. The investigator shall instruct the victim to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against him/her.
  - f. The investigator shall notify the victim that if he/she desires further investigation and action, he/she may request a district level investigation by contacting the Superintendent of Schools. The investigator shall also notify the victim of his/her right to contact the U.S. Department of Education's Office for Civil Rights and/or a private attorney. Employees may also contact the U.S. Equal Employment Opportunity Commission or the New York State Division of Human Rights.

If the initial investigation results in a determination that sexual harassment did occur, the investigator will promptly notify the Superintendent, who shall then take prompt disciplinary action in accordance with district policy, the applicable collective bargaining agreement or state law.

If a complaint received by the Principal or the Title IX Coordinator contains evidence or allegations of serious or extreme harassment, such as employee to student harassment, criminal touching, quid pro quo (e.g., offering an academic or employment reward or punishment as an inducement for sexual favors), or acts which shock the conscience of a reasonable person, the complaint shall be referred promptly to the Superintendent. In addition, where the Principal or the Title IX coordinator has a reasonable suspicion that the alleged harassment involves criminal activity, he/she should immediately notify the Superintendent, who shall then contact appropriate child protection and law enforcement authorities. Where criminal activity is alleged or suspected by a district employee, the accused employee shall be suspended pending the outcome of the investigation, consistent with all contractual or statutory requirements.

Any party who is not satisfied with the outcome of the initial investigation by the Principal or the Title IX coordinator may request a district-level investigation by submitting a written complaint to the Superintendent within 30 days.

**B. District-level Procedure**

The Superintendent shall promptly investigate and resolve all sexual harassment complaints that are referred to him/her by a Principal or Title IX coordinator, as well as those appealed to the Superintendent following an initial investigation by a Principal or Title IX coordinator. In the event the complaint of sexual harassment involves the Superintendent, the complaint shall be filed with or referred to the Board President, who shall refer the complaint to a trained investigator not employed by the district for investigation.

When allegations are received district personnel will conduct an investigation into such allegations and will determine whether conduct constitutes illegal behavior or child abuse. In the event that such allegations constitute illegal behavior or child abuse, it is the policy of the Board to notify agencies or authorities as required by law. In the event the Board learns of offensive behavior or misconduct, or has reason to believe such conduct has occurred, the Board will, on its own initiative, ensure that a thorough investigation is conducted by the appropriate individuals. The district level investigation should begin as soon as possible but not later than three working days following receipt of the complaint by the Superintendent or Board President.

In conducting the formal district level investigation, the district will use investigators who have received formal training in sexual harassment investigation or that have previous experience investigating sexual harassment complaints.

If a district investigation results in a determination that sexual harassment did occur, prompt corrective action will be taken to end the harassment. Where appropriate, district investigators may suggest mediation as a means of exploring options of corrective action and informally resolving the complaint.

No later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the victim and alleged harasser, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

The victim and the alleged harasser have the right to be represented by a person of their choice, at their own expense, during sexual harassment investigations and hearings. In addition, victims have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights.

Employee victims also have the right to register complaints with the federal Equal Employment Opportunity Commission and the New York State Division of Human Rights. Nothing in these regulations shall be construed to limit the right of the complainant to file a lawsuit in either state or federal court.

#### *Retaliation Prohibited*

Any act of retaliation against any person who opposes sexually harassing behavior, or who has filed a complaint, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a sexual harassment complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension or termination.

#### *Discipline/Penalties*

Any individual who violates the sexual harassment policy by engaging in prohibited sexual harassment will be subject to appropriate disciplinary action. Disciplinary measures available to school authorities include, but are not limited to the following:

Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the student conduct and discipline policy and applicable law.

Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.

Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.

Vendors: Penalties may range from a warning up to and including loss of district business.

Other individuals: Penalties may range from a warning up to and including denial of future access to school property.

#### *False Complaints*

False or malicious complaints of sexual harassment may result in corrective or disciplinary action taken against the complainant.

#### *Training*

All students and employees shall be informed of this policy in student and employee handbooks and student registration materials. A poster summarizing the policy shall also be posted in a prominent location at each school. All secondary school student body officers shall receive district training about the policy at the beginning of each school year.

All new employees shall receive information about this policy and regulation at new employee orientation. All other employees shall be provided information at least once a year regarding this policy and the district's commitment to a harassment-free learning and working environment. Principals, Title IX coordinators, and other administrative employees who have specific responsibilities for investigating and resolving complaints of sexual harassment shall receive yearly training on this policy, regulation and related legal developments.

Principals in each school and program directors shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures established for investigation and resolution of complaints, general issues surrounding sexual harassment, the rights and responsibilities of students and employees, and the impact of sexual harassment on the victim.

### SMOKING ON SCHOOL PREMISES

Due to the health hazards associated with smoking, and in accordance with federal and state law, the Board of Education prohibits smoking or other tobacco use in all school district buildings, on school property, at school-sponsored activities, and in any vehicle used to transport children or personnel. Smoking or tobacco use is also prohibited within 100 feet of all school entrances, exits and outdoor areas, except where that is a residence or residential property. The Board also prohibits e-cigarettes in these locations.

The district's smoking policy shall be prominently posted in each building. The Board designates the Superintendent of Schools or his/her designee as agent responsible for informing individuals smoking or using tobacco unlawfully in a non-smoking area that they are in violation of Article 13 of the Public Health Law, and Section 409 of the Education Law, and/or federal Pro-Children Acts of 1994 and 2001

Ref: Education Law §§409(2); 3020-a(4)  
 Goals 2000: Educate America Act §§1041 et seq. (The Pro-Children Act of 1994)  
 Public Health Law Article 13-E §§206; 340; 347  
 Pro-Children Act of 2001

1<sup>st</sup> Reading June 21, 2000

2<sup>nd</sup> Reading & Adoption July 5, 2000

1<sup>st</sup> Reading for Re-adoption March 25, 2014

2<sup>nd</sup> Reading & Re-adoption April 24, 2014

1<sup>st</sup> Reading for Re-adoption July 7, 2014

2<sup>nd</sup> Reading and Adoption August 18, 2014

## SCHOOL DISTRICT OFFICER AND EMPLOYEE CODE OF ETHICS

The Board of Education recognizes that sound, ethical standards of conduct serve to increase the effectiveness of school Board members and their staff, as educational leaders in their community. Actions based on an ethical code of conduct promote public confidence and the attainment of district goals. The Board also recognizes its obligation to set forth a code of ethics under the provisions of the General Municipal Law, to adopt a code of ethics setting forth the standards of conduct required of all district officers and employees. "Officer" or "Employee" means an officer or employee of the District whether paid or unpaid, including members of the Board of Education, and their professional or non-professional staff and appointees.

Therefore, every officer and employee of the district, whether paid or unpaid, including members of the Board of Education, shall adhere to the following code of conduct:

1. **Gifts:** An officer or employee shall not directly or indirectly solicit any gift or accept or receive any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her in the performance of his or her official duties or was intended as a reward for any official action on his or her part. However, the Board welcomes and encourages the writing of letters or notes expressing gratitude or appreciation to staff members. Gifts from children that are principally sentimental in nature and of insignificant financial value may be accepted in the spirit in which they are given.
2. **Confidential information:** An officer or employee shall not disclose confidential information acquired by him or her in the course of his or her official duties or use such information to further his or her personal interest. In addition, he/she shall not disclose information regarding any matters discussed in an executive session of the Board whether such information is deemed confidential or not.
3. **Representation before the Board:** An officer or employee shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the school district.
4. **Representation before the Board for a contingent fee:** An officer or employee shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the school district, whereby the compensation is to be dependent or contingent upon any action by the school district with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
5. **Disclosure of interest in matters before the Board:** A member of the Board of Education and any officer or employee of the district, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board on any matter before the Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he or she has in such matter. The term "interest" means a direct or indirect pecuniary or material benefit accruing to an officer or employee.
6. **Investments in conflict with official duties:** An officer or employee shall not invest or hold any investment directly in any financial, business, commercial or other private transaction that creates a conflict with his or her official duties.
7. **Private employment:** An officer or employee shall not engage in, solicit, negotiate for or promise to accept private interests when that employment or service creates a conflict with or impairs the proper discharge of his or her official duties.
8. **Future employment:** An officer or employee shall not, after the termination of service or employment with the Board, appear before the Board or any panel or committee of the Board, in relation to any case, proceeding, or application in which he or she personally participated during the period of his or her service or employment or that was under his or her active consideration. This shall not bar or prevent the timely filing by a present or former officer or employee of any claim, account, demand or suit against the district on his or her own behalf or on behalf of any member of his or her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

**DISTRIBUTION OF CODE OF ETHICS**

The Superintendent of Schools shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the school district. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his or her office or employment. In addition, the Superintendent shall ensure that a copy of Article 18 of the General Municipal Law shall be kept posted in each public building under the district's jurisdiction in a place conspicuous to the district's officers and employees.

Penalties

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of the Board's code of ethics and its accompanying regulation may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Cross-ref: 6700, Purchasing

Ref: General Municipal Law §§800-808

1<sup>st</sup> Reading 12/18/01  
2<sup>nd</sup> Reading & Adoption 1/29/02



**VALLEY STREAM UFSD THIRTEEN  
CODE OF CONDUCT**

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***NOTE: NYSSBA RE-NUMBERED THEIR CODE OF CONDUCT SUB-POLICIES. SINCE THE DISTRICT REFERS TO THE SUB-NUMBERS IN OTHER POLICIES, THE NYSSBA POLICIES ARE LISTED IN RED BELOW OUR POLICY NUMBER.***

***REVISED 8/26/13***

## CODE OF CONDUCT

### 5300.01 INTRODUCTION

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

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

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

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

Education Law 2801

1<sup>st</sup> Reading May 23, 2001

2<sup>nd</sup> Reading & Adoption June 20, 2001

CODE OF CONDUCT

5300.05 DEFINITIONS

For purposes of this code, the following definitions apply.

"Disruptive student" means a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

"Parent or guardian" means parent or guardian, guardian or person in parent or guardian relation to a student.

"School property" means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142.

"School function" means any school-sponsored extra-curricular event, activity or function approved by administration or the designee, whether on or off school property.

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

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

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

1<sup>st</sup> Reading May 23, 2001

2<sup>nd</sup> Reading & Adoption June 20, 2001

**CODE OF CONDUCT**

**5300.10 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, weight, color, creed, national origin, ethnic group religion, religious practice, gender, sexual orientation or disability.
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 policies, regulations, rules and, when necessary, receive an explanation of those rules from school personnel at the beginning of the year and reviewed throughout the year.

**B. Student Responsibilities**

All district students have the responsibility to:

1. Contribute to maintaining a safe, supportive 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. Develop mechanisms to manage their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems.
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 promptly any code violations concerning illegal substances, weapons, threats, or other conduct which may endanger others or disrupt the security of the building to a teacher, the Building Principal or his or her designee or appropriate school personnel.
13. To cooperate with school authorities in the investigation of Code of Conduct violations.

1<sup>st</sup> Reading May 23, 2001

2<sup>nd</sup> Reading & Adoption June 20, 2001

1<sup>st</sup> Reading for Re-adoption July 9, 2012

2<sup>nd</sup> Reading for Re-adoption August 21, 2012

CODE OF CONDUCT

5300.15 ESSENTIAL PARTNERS

A. Parent or guardians

All parent or guardians are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parent or guardians and the school community and collaborate with the district to optimize their child's educational opportunities.
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. Ensure 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 so that their children can help create a safe, supportive school environment
8. Convey to their children a supportive attitude toward education and the district.
9. Build respectful, positive, and constructive relationships with school personnel, other parents, their children's friends, and other community members.
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. Serve as role models for their children with respect to appropriate behavior.
14. Report promptly any code violations concerning illegal substances, weapons, threats, or other conduct which may endanger others or disrupt the security of the building to a teacher, the Building Principal or his or her designee or appropriate school personnel.
15. To cooperate with school authorities in their investigation of Code violations.

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, gender, sex, sexual orientation or disability, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner throughout the school.
5. Maintain confidentiality in conformity with federal and state law.
6. Communicate to students and parent or guardians:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline plan.
7. Communicate regularly with students, parents or guardians, other teachers, and staff members concerning growth and achievement.
8. Serve as role models for students and to model appropriate behavior.
9. Take appropriate action when they observe conduct which violates the Code of Conduct whether in or out of the classroom setting.
10. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.

11. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
12. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

**C. Support Personnel (Psychologists, Social Workers)**

All Support Personnel 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.
2. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
3. Initiate parent/school conferences, as necessary, as a way to resolve problems.
4. Encourage students to benefit from the curriculum and extracurricular programs.
5. Maintain confidentiality in accordance with federal and state law.
6. Make known to students and families the resources in the community that are available to meet their needs.
7. Participate in school-wide efforts to provide adequate supervision in all school spaces.
8. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
9. Address personal biases that may prevent equal treatment of all students.

**D. All Other School Personnel**

All Support Staff are expected to:

1. Promote a safe, orderly school environment in accordance with the Code of Conduct.
2. 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.
3. Maintain confidentiality in accordance with federal and state law.
4. Be familiar with the Code of Conduct.
5. Help children understand the district's expectations for maintaining a safe, orderly environment.
6. Participate in school-wide efforts to provide adequate supervision in all school spaces.
7. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students.

**E. Principals**

All Principals are expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, gender, sex, sexual orientation or disability
2. Ensure that students and staff have the opportunity to communicate regularly with the Principal and approach the Principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs.

4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
6. Be a role model for respectful behavior.
7. Maintain confidentiality in accordance with federal and state law.
8. Provide support in the development of the Code of Conduct, when called upon. Disseminate the Code of Conduct and anti-harassment policies.
9. Participate in school-wide efforts to provide adequate supervision in all school spaces.
10. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
11. Address personal biases that may prevent equal treatment of all students and staff.

F. The Dignity Act Coordinator(s)

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Oversee and coordinate the work of the district-wide and building-level Dignity Act prevention committees.
3. Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
4. Coordinate, with the Professional Development Committee, training in support of the bullying prevention committee.
5. Be responsible for monitoring and reporting on the effectiveness of the district's bullying prevention policy.
6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students and staff.

G. Superintendent

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Inform the Board about educational trends relating to student discipline
3. Review with district administrators the policies of the Board of education and state and federal laws relating to school operations and management.
4. Maintain confidentiality in accordance with federal and state law.
5. Work to create instructional programs that minimize incidence 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.
7. Participate in school-wide efforts to provide adequate supervision in all school spaces.
8. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
9. Address personal biases that may prevent equal treatment of all students and staff.

H. Board of Education

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the Code of Conduct.
3. 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.
4. 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.
5. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students and staff.

1<sup>st</sup> Reading May 23, 2001

2<sup>nd</sup> Reading & Adoption June 20, 2001

1<sup>st</sup> Reading for Re-adoption July 9, 2012

2<sup>nd</sup> Reading and Re-adoption August 21, 2012



## CODE OF CONDUCT

### 5300.20 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 parent or guardians 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), see-through garments, and tight or very short garments are not appropriate.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not include the wearing of hats or inappropriate head covering in school, except for a medical or religious purpose.
6. Not include items that are vulgar, obscene, libelous, or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

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

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

1<sup>st</sup> Reading May 23, 2001

2<sup>nd</sup> Reading & Adoption June 20, 2001

## CODE OF CONDUCT

### **5300.25 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 educating students so that they may 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 consequences 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 but are not limited to:
  - 1. Running in hallways.
  - 2. Making unreasonable noise.
  - 3. Using language or gestures that is profane, lewd, vulgar or abusive.
  - 4. Obstructing vehicular or pedestrian traffic.
  - 5. Chewing gum.
  - 6. Engaging in any willful act which disrupts the normal operation of the school community.
  - 7. 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.
  - 8. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.
  - 9. Use by students of cellular phones, pagers, and 2-way communication systems and/or other electronic devices shall be prohibited from the time students arrive at school until the end of the regular school day. Such devices must be turned off and stored out of sight during this time period. The district is not responsible for stolen, lost or damaged personal electronic devices.
  
- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include but are not limited to:
  - 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. (See Attendance Policy)
  
- C. Engage in conduct that is disruptive. Examples of disruptive conduct include but are not limited to:
  - 1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
  - 2. Display or use of personal electronic devices, such as, but not limited to, cell phones, I-pods, digital cameras, in a manner that is in violation of district policy.
  
- D. Engage in conduct that is violent. Examples of violent conduct include but are not limited to:
  - 1. Committing an act of violence (such as hitting, kicking, punching, scratching and biting) upon a teacher, administrator or other school employee or attempting to do so.
  - 2. Committing an act of violence (such as hitting, kicking, punching, scratching and biting) 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, physical or mental health or welfare of others. Examples of such conduct include, but are not limited to:
1. Lying to school personnel.
  2. Stealing the property of other students, school personnel, or any other person on school property or attending a school function.
  3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
  4. Discrimination, which includes using race, color, creed, national origin, ethnic group, religion, religious practice, sex, gender (identity and expression), sexual orientation, weight or disability to deny rights, equitable treatment or access to facilities available to others.
  5. Harassment, which includes a sufficiently severe action or persistent pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be, or which a reasonable person would perceive as ridiculing or demeaning. Harassment is also the creation of a hostile environment. (See policy 0115 - Student Harassment and Bullying Prevention and Intervention for a more complete definition.)
  6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
  7. Bullying, which may be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. (See policy 0115 for a more complete definition.)
  8. 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.
  9. Selling, using or possessing obscene material.
  10. Using vulgar or abusive language, cursing or swearing.
  11. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco or herbal cigarettes.
  12. Possessing, consuming, selling, offering, manufacturing, 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, and any synthetic version thereof, whether specifically illegal or not, commonly referred to as "designer drugs," which are substances designed and synthesized to mimic the intended effects and usages of, which are chemically substantially similar to, illegal drugs, which may or may not be labeled for human consumption.
  13. Inappropriately using or sharing prescription and over-the-counter drugs.
  14. Gambling.
  15. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
  16. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
  17. Subjecting other students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
- 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 and as set forth in the Code of Conduct. Excessive noise, pushing, shoving and fighting will not be tolerated.

- G. Engage in any form of academic misconduct. Examples of academic misconduct include but are not limited to:
1. Plagiarism.
  2. Cheating.
  3. Copying.
  4. Altering records.
  5. Assisting another student in any of the above actions.
- H. Engage in off-campus misconduct that interferes with, or can reasonably be expected to substantially disrupt the educational process in the school or at a school function. Examples of such misconduct include, but are not limited to:
1. Cyberbullying (i.e., inflicting willful and repeated harm through the use of electronic text).
  2. Threatening or harassing students or school personnel over the phone or other electronic medium.

1<sup>st</sup> Reading May 23, 2001

2<sup>nd</sup> Reading & Adoption: June 20, 2001

1<sup>st</sup> Reading for Re-adoption: January 25, 2011

2<sup>nd</sup> Reading and Re-adoption: February 15, 2011

1<sup>st</sup> Reading for Re-adoption July 9, 2012

2<sup>nd</sup> Reading for Re-adoption August 21, 2012

1<sup>st</sup> Reading for Re-adoption October 23, 2012

2<sup>nd</sup> Reading for Re-adoption November 27, 2012

1<sup>st</sup> Reading for Re-adoption July 8, 2013

2<sup>nd</sup> Reading for Re-adoption August 20, 2013

## CODE OF CONDUCT

### 5300.30 REPORTING VIOLATIONS

All students shall be required to report promptly any code violations concerning illegal substances, weapons, threats, or other conduct which may endanger others or disrupt the security of the building to a teacher, the Building Principal or his/her designee or appropriate school personnel. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the Principal, the Principal's designee or the Superintendent of Schools. In addition, students are required to cooperate with school authorities in their investigation of code violations.

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 or guardian of the student involved and the appropriate disciplinary sanction, which may include permanent suspension and referral for prosecution.

The Principal or his/her designee shall notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the Principal or his/her designee learns of the violation. The notification may be made by telephone, followed by an entry in an internal log, noting the time of the call, the person spoken to at the precinct, details given, and the person making the call, with a follow up contact to the precinct within a reasonable time following the initial contact. This shall also be noted in the internal log. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

1<sup>st</sup> Reading May 23, 2001

2<sup>nd</sup> Reading & Adoption June 20, 2001

## CODE OF CONDUCT

### 5300.35 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. Disciplinary procedures regarding students with disabilities and students who are suspected of having a disability under the Individuals with Disabilities in Education Act ("IDEA") are set forth in Section X of the Code of Conduct.

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 parent or guardians, teachers and/or others, as appropriate.
6. Other extenuating circumstances.

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

#### A. Penalties and/or Consequences

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.

- Oral warning – any member of the district staff
- Written warning – teachers, Principal, Directors, Assistant Superintendent, Superintendent
- Written notification to parent or guardian – teachers, Principal, Directors, Assistant Superintendent, Superintendent
- Loss of in-school privileges (ex. playtime, recess)– teachers, Principal (or those designated by the Principal), Superintendent
- Suspension from transportation – Assistant Superintendent for Business, Directors, Principal, Superintendent
- Suspension from social or extracurricular activities – teacher, Principal, Superintendent
- Suspension of other privileges – teacher, Principal, Superintendent
- Removal from classroom– teachers, Principal
- Short-term (1-5 days) suspension from school – Principal, Superintendent, Board of Education
- Long-term (more than five days) suspension from school –Superintendent, Board of Education
- Permanent suspension from school – Superintendent, Board of Education.

#### B. Procedures

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, 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 or the loss of in-school privileges to their parent or guardians are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

1. Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the Principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the school personnel indicated in (Sec, VIII A, #5).

In such cases, the student's parent or guardian 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

opportunity for an informal conference with the Principal or the Principal's designee to discuss the conduct and the penalty involved.

2. Suspension from extra-curricular activities and other privileges

A student subjected to a suspension from 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 or guardian will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

3. 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 to the Principal's office for a brief period of time; or (3) sending a student to a support staff teacher(s). 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 the 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 during the school day for such time period(s) which total less than that full day. 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 after the incident, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the Principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the Principal or designee prior to the beginning of classes on the next school day.

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

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parent or guardian. 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 parent or guardians.

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 parent or guardians 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 or guardian and Principal.

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

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

The Principal or his/her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, 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.

The educational programming will be provided by the teacher. This includes work for the student to complete which is related to the planned lessons for the day.

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, and the Director of Special Services, that the removal will not violate the student's rights under state or federal law or regulation (Education Law 3214 subd. 3-a).

4. Suspension from School

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



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

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

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

a. Short term (1-5 days) 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 parent or guardians 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 parent or guardians. 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 parent or guardians.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parent or guardians 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 parent or guardians. 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 parent or guardians in writing of his or her decision. The Principal shall advise the parent or guardians that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within ten 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 parent or guardians are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of Education with the District Clerk within 10 business days of the date of the Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

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

When the Superintendent or 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 parent or guardians 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 thirty business days of the date of the Superintendent's decision, unless the parent or guardians can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

c. Permanent suspension

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

C. Minimum Periods of Suspension

1. Students who bring to or possess a weapon in school

Any student, other than a student with a disability, found guilty of bringing or possessing a weapon on 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 parent or guardians, 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 to or possessing a weapon in 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 parent or guardian 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 or guardian 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 class room will be suspended from school for at least five days. For purposes of the 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. If the proposed penalty is the minimum five-day suspension, the student and the student's parent or guardian 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 or guardian 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.

D. Referrals

1. Counseling recommendations are usually made after consideration by building level Child Study Teams (CST), in consultation with the school psychologist and/or social worker.
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.

1<sup>st</sup> Reading May 23, 2001

2<sup>nd</sup> Reading & Adoption June 20, 2001

1<sup>st</sup> Reading for Re-adoption: April 28, 2009

2<sup>nd</sup> Reading for Re-adoption: May 26, 2009

1<sup>st</sup> Reading for Re-adoption July 9, 2012

2<sup>nd</sup> Reading for Re-adoption August 21, 2012

**CODE OF CONDUCT**

**5300.40 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.

Continued Educational programming is recommended according to the following:

1. Removal – The educational programming will be provided by the teacher. This includes work for the student to complete which is related to the planned lessons of the day.
2. Suspension – Home tutoring is provided according to state guidelines, and every effort is made to begin the home instruction as soon as reasonably practical.

1<sup>st</sup> Reading May 23, 2001

2<sup>nd</sup> Reading & Adoption June 20, 2001

## CODE OF CONDUCT

### 5300.45 DISCIPLINE OF STUDENTS WITH DISABILITIES

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

The Code of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

#### A. Authorized Suspensions or Removals of Students with Disabilities

1. For purposes of this section of the Code of Conduct, the following definitions apply.

A "suspension" means a suspension pursuant to Education Law § 3214.

A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself/herself or others.

An "IAES" means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
  - a. The Board, the district (BOCES) Superintendent of Schools or a Principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
  - b. The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
  - c. The Superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
  - d. The Superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

- (1) "Weapon" means the same as "dangerous weapon" under 18 U.S.C. § 930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury."

- (2) "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
  - (3) "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

**B. Change of Placement Rule**

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  - a. for more than 10 consecutive school days; or
  - a. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

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

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

1. The district's Committee on Special Education shall:
  - a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

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

If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.



5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

**D. Expedited Due Process Hearings**

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:
  - a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
  - b. The parent or guardian requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but are not limited to any decision to place the student in an IAES.
    - (1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parent or guardians and the district agree otherwise.
    - (2) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parent or guardians within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.



E. Referral to law enforcement and judicial authorities

In accordance with the provisions of IDEA and its implementing regulations:

1. The district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
2. The Superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

1<sup>st</sup> Reading May 23, 2001

2<sup>nd</sup> Reading & Adoption June 20, 2001

## CODE OF CONDUCT

### 5300.50 SEARCHES

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 or guardian before questioning the student. However, school officials will tell all students why they are being questioned.

Student lockers, desks and other such spaces at school are the property of the school district, and students should have no expectation of privacy with respect to these areas and school officials retain complete control over them.

1<sup>st</sup> Reading May 23, 2001

2<sup>nd</sup> Reading & Adoption June 20, 2001

**CODE OF CONDUCT**

**5300.55 VISITORS TO THE SCHOOLS**

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

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must enter through the designated single point of entry and report to the Courtesy Desk outside the main office upon arrival at the school. There they will be required to present and leave photo identification, sign the visitor's register, and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the Courtesy Desk before leaving the building and their photo ID will be returned to them.
3. Visitors attending school functions that are open to the public, such as parent or guardian-teacher organization meetings or public gatherings, are not required to register.
4. Teachers are expected not to take class time to discuss individual matters with visitors.
5. Teachers are not expected 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 the Code of Conduct.
8. A copy of this policy will be kept in sight at the courtesy desk.

1<sup>st</sup> Reading May 23, 2001

2<sup>nd</sup> Reading & Adoption June 20, 2001

1<sup>st</sup> Reading April 23, 2013

2<sup>nd</sup> Reading and Adoption May 28, 2013

## CODE OF CONDUCT

### 5300.60 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 actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).
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, offer, manufacture, distribute or exchange alcoholic beverages, controlled or illegal substances, or any synthetic versions (whether or not specifically illegal or labeled for human consumption), 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. Gamble on school property or at school functions.
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.

**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. If necessary, the police will be called to assist in the removal of said individual from school property.
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. 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.
5. 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 Principal or his/her designee shall be responsible for enforcing the conduct required by this code.

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

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

1<sup>st</sup> Reading May 23, 2001

2<sup>nd</sup> Reading & Adoption June 20, 2001

1<sup>st</sup> Reading for Re-adoption July 9, 2012

2<sup>nd</sup> Reading for Re-adoption August 21, 2012

1<sup>st</sup> Reading for Re-adoption October 23, 2012

2<sup>nd</sup> Reading & Re-adoption November 27, 2012

## CODE OF CONDUCT

### 5300.65 DISSEMINATION AND REVIEW

#### A. Dissemination of Code of Conduct

The Board will work to ensure that the community is aware of the Code of Conduct by:

1. Providing copies of an age-appropriate, written in plain language, summary of the code to all students at an assembly or a classroom lesson to be held at the beginning of each school year.
2. Providing a plain language summary to all parents at the beginning of the school year, and thereafter on request.
3. Posting the complete Code of Conduct on the district's website.
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 or guardians 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. On-going professional development will be included in the district's Professional Development Plan.

#### B. Review of the Code of Conduct

The Board will review the 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.

Before adopting any revisions to the Code, the Board will hold at least one public hearing at which school personnel, parent or guardians, students and any other interested party may participate.

The Code of Conduct and any amendments to it will be filed with the Commissioner of Education, in a manner prescribed by the Commissioner, no later than 30 days after adoption.

1<sup>st</sup> Reading May 23, 2001

2<sup>nd</sup> Reading & Adoption June 20, 2001

1<sup>st</sup> Reading for Re-adoption July 9, 2012

2<sup>nd</sup> Reading for Re-adoption August 21, 2012

## STUDENTS AND PERSONAL ELECTRONIC DEVICES

The Board of Education recognizes that there are personal electronic devices that have educational applications such as calculators, voice recorders, digital cameras and music listening devices. In some instances, a “smart phone” may include applications that permit these functions. These devices shall be allowed to be used in classrooms only when they are included as part of a lesson under the direction of a teacher.

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

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

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

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

### Cellular Telephones and Testing

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

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

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

Cross-ref: 5300, Code of Conduct (5300.25)

Ref: *Price v. New York City Board of Education*, 16 Misc.3d 543 (2007).

1<sup>st</sup> Reading: April 23, 2013

2<sup>nd</sup> Reading and Adoption: May 28, 2013

## ATTENDANCE POLICY

The Board of Education recognizes that regular school attendance is a major component of academic success. Through implementation of this policy, the Board expects to reduce and minimize the number of unexcused absences, tardiness, and early departures and encourage full attendance by all students, maintain an attendance record keeping system, identify patterns of student absences, tardiness and early departures and develop effective intervention strategies to improve school attendance.

### *Notice*

To be successful in this endeavor, it is imperative that all members of the school community are aware of this policy, its purpose, procedures, and the consequences of non-compliance. To ensure that students, parents, teachers, and administrators are notified of and understand this policy, the following procedures shall be implemented.

- The attendance policy will be included in student handbooks and will be reviewed with students, parents and guardians at the start of the school year.
- Parents will receive a plain language summary of this policy in the Parent Handbook distributed at the beginning of each school year.
- When a student is absent, tardy, or leaves early from class or school without excuse, designated staff member(s) will notify the student's parent(s), by phone and mail, of the specific absences, tardiness and early departures, remind them of the attendance policy, and review absences, tardiness and early departures intervention procedures with them.
- The district will provide a copy of the attendance policy and any amendments thereto to faculty and staff in the Employee's Handbook. New staff will receive a copy upon their employment.
- The District will share this policy with local Child Protective Services to ensure a common understanding of excused and unexcused absences and to work toward identifying and addressing cases of educational neglect.

All faculty and staff will meet at the beginning of each school year to review the attendance policy to clarify individual roles in its implementation.

- Copies of this policy will also be made available to any community member, upon request.

### *Excused and Unexcused Absences*

Excused absences, tardiness and early departures are defined as absences, tardiness, and early departures from class or school due to personal illness, illness or death in the family, impassable roads or weather, religious observance, quarantine, required court appearances, doctor appointments, or such other reasons as may be approved.



All other absences, tardiness and early departures are considered unexcused absences.

All absences, tardiness and early departures must be accounted for. It is the parent's or guardian's responsibility to notify the school office on the morning of the absence, tardiness or early departure and to provide a written excuse upon the student's return to school.

*General Procedures/Data Collection*

Every building principal, along with the designated individuals in charge of reviewing pupil attendance pursuant to §104.1(i)(2)(ix) of the Commissioner's Regulations, shall review pupil attendance records for the purpose of initiating appropriate action to address unexcused pupil absence, tardiness and early departure.

Effective beginning with the 2013-2014 school year:

1. Attendance will be taken at the start of each school day; attendance will also be taken at the start of each period unless otherwise directed by the superintendent, principal or designee.
2. By the conclusion of each school day, all attendance information shall be compiled and provided to the designated staff member(s) responsible for attendance.
3. The nature of an absence, tardiness and early departure shall be coded on a student's record. The coding system is consistent with regulations and based on a computerized student management system.
4. For students at any instructional level who arrive late for or depart early from scheduled instruction, tardiness or early departure shall be recorded as excused or unexcused in accordance with the individual district's comprehensive attendance policy.
5. Student absences, tardiness and early departures data shall be available to and should be reviewed by the designated school personnel in an expeditious manner.
6. Where additional information is received that requires corrections to be made to a student's attendance records, such correction will be made immediately. Notice of such a change will be sent to appropriate school personnel subject to applicable confidentiality rules.
7. Attendance data will be analyzed periodically to identify patterns or trends in student absences. If patterns emerge, district resources will be targeted to understand and eliminate barriers to attendance.
8. Students in the hallways who are absent from a class without excuse shall be referred to the Building Principal's office.
9. Continuous monitoring will be conducted to identify students who are absent, tardy, or leave class or school early.
10. A student will be considered chronically absent if they have ten percent or more unexcused absences, tardiness or early dismissals during a school year. Satisfactory attendance is missing five percent or less of a school year.

### *Register of Attendance*

“Register of attendance” is defined as any written or electronic record maintained for the purpose of recording the attendance, absence, tardiness or early departure of a student.

In addition to the child’s name, date of birth, full names of parent(s) or person(s) in parental relation, and address where the pupil resides, the register of attendance must now include the following:

1. Phone number(s) where the parent(s) in parental relation may be contacted;
2. Date of the student’s enrollment;
3. A record of the student’s attendance on each day of scheduled instruction;
4. A record of each scheduled day of instruction during which the school is closed for all or part of the day because of extraordinary circumstances including adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, destruction of or damage to a school building, or such other cause as may be found satisfactory to the Commissioner.
5. The date when pupil withdraws from enrollment or is dropped from enrollment in the school.

### *Attendance Incentives*

The District will plan and implement systems to acknowledge a student’s efforts to maintain or improve school attendance. For example, students with perfect attendance shall be identified and recognized with a certificate for their achievement.

### *Disciplinary Consequences*

Unexcused absences, tardiness and/or early departures will result in disciplinary action consistent with the District’s Code of Conduct. Penalties may include denying students the privilege of participating in or attending extracurricular events.

Designed staff member(s) will notify the student’s parents promptly of their child’s unexcused absence, tardiness and/or early departure. At the discretion of the principal, the school social worker or other appropriate personnel may also be notified. Such staff member(s) shall remind parents of the attendance policy, explain the ramifications of unexcused absences, tardiness and early departures, stress the importance of class attendance and discuss appropriate intervention strategies.

*Attendance/Grade Policy*

The Board of Education recognizes an important relationship between class attendance and student performance. Consequently, each marking period a student's final grade may be based on classroom participation as well as student's performance on homework, tests, papers, projects, etc.

Students are expected to attend all scheduled classes. Consistent with the importance of classroom participation, unexcused absences, tardiness and early departures will affect a student's class participation grade for the marking period.

In implementing the policy set forth above, students who are unable to attend school or a class on a given day due to their participation in a school-sponsored activity (i.e., music lessons, field trips), may arrange with their teachers to make up any work missed. This also applies to any student who is absent, tardy or leaves early from school or a class due to illness or any other excused reason.

All students with an excused absence, tardiness and/or early departure are expected upon their return to consult with their teacher(s) regarding missed work.

Students with excused absences, tardiness and early departures will be given the opportunity to make up a test or other missed work and/or turn in a late assignment for inclusion in their final grade. Make up opportunities must be completed by a date specified by the student's teacher.

Students with unexcused absences, tardiness and early departures will be given the opportunity to make up a test or other missed work and assignments, at the direction of the principal.

*Annual Review*

The Board shall annually review building-level student attendance records and, if such records show a decline in student attendance, the Board shall revise this comprehensive attendance policy and make any revisions to the plan it deems necessary to improve student attendance.

Ref: Education Law §§1709; 3024; 3025; 3202; 3205-3213; 3225  
8 NYCRR §§104.1; 175.6

1<sup>st</sup> Reading & Adoption June 24, 2002

1<sup>st</sup> Reading for Re-adoption: January 28, 2014

2<sup>nd</sup> Reading & Re-adoption: February 25, 2014

1<sup>st</sup> Reading for Re-adoption: April 28, 2015

2<sup>nd</sup> Reading for Re-adoption: May 26, 2015

## COMPUTER NETWORK AND INTERNET ACCEPTABLE USE POLICY

The Board of Education will actively pursue making advanced technology and increased access to learning opportunities available to district students and staff. In accordance with federal law, Internet access in our schools will be mediated through the use of blocking and/or filtering software. Internet access will allow district students and staff to access and use information available on distant computers, communicate and share information with individuals or groups of other students and staff, and significantly expand the users' knowledge base.

Students and staff must understand and practice proper and ethical use. The following are conditions and rules for use:

### A. Acceptable Use

1. Effective September 1, 2011, all district computer network users will be required to acknowledge that they have received and reviewed this policy upon logging on to the computer network.
2. Internet use facilitates communication in support of research and education by providing access to unique resources and the opportunity for collaborative work. In order to remain eligible as a user, all Internet access should support the educational objectives of the District.
3. Transmission of any material in violation of any United States or state regulation is prohibited. This includes, but is not limited to, copyrighted material, threatening or obscene material, or material protected by trade secret. Use for commercial activities by students is not acceptable. Use for product advertisement or political lobbying is also prohibited.

### B. Privilege

Use of and access to the Internet is a privilege, not a right. Inappropriate use, including any violation of these conditions and rules, may result in cancellation of the privilege. The Board has the authority to determine appropriate use and may deny, revoke, suspend or close any user account at any time based upon its determination of inappropriate use by any user. Each student who receives an account will be responsible for that account and its usage. Therefore, under no circumstances should an account be shared with anyone other than the Instructional Technology Specialist. Each student will also be required to attend an orientation session with a district faculty member pertaining to the proper use of the network.

### C. Monitoring

All users, staff and students alike, have no right to privacy or confidentiality when using the District's computer network and equipment. The District reserves the right to examine and archive all electronic correspondence, e-mail and records of internet activity for network management, compliance and/or records retention purposes. All e-mail and other electronically stored information may be subject to records retention requirements and/or disclosure, in accordance with applicable laws or as part of discovery proceedings in legal actions.

### D. No Warranties

The Board makes no warranties of any kind, whether express or implied, for the service it is providing. The Board and district staff will not be responsible for any damages a user suffers. This includes loss of data resulting from delays, no-deliveries, mis-deliveries, or service interruptions caused by the district's negligence or by the user's errors or omissions. Use of any information obtained via the Internet is at the user's own risk. The Board specifically denies any responsibility for the accuracy or quality of information obtained through its services. All users need to consider the source of any information they obtain, and consider how valid that information may be.

### E. Security

Security on any computer system is a high priority, especially when the system involves many users. Attempts to log-on to the Internet in the name of another individual will result in cancellation of user privileges. Any user identified as a security risk or having a history of problems with other computer systems may be denied access to the Internet.

- F. The Superintendent of Schools or his/her designee shall establish regulations governing the use and security of the District's computer network, and shall establish implementing procedures to enforce the regulations. The procedures shall provide for the safety and security of students using electronic correspondence such as e-mail, chat rooms and instant messages (IMs); monitoring the online activities of students using the District's computers and equipment; and restricting student access to materials that are harmful to minors. All users of the District's computer network and equipment shall comply with this policy, its regulations and implementing procedures. Failure to comply may result in disciplinary action; suspension and/or revocation of computer access privileges; and potential legal action.

1<sup>st</sup> Reading May 28, 2002

2<sup>nd</sup> Reading and Adoption March 24, 2009 June 24, 2002

1<sup>st</sup> Reading February 24, 2009

2<sup>nd</sup> Reading and Adoption March 24, 2009

1<sup>st</sup> Reading July 5, 2011

2<sup>nd</sup> Reading and Adoption August 16, 2011

## COMPUTER NETWORK AND INTERNET ACCEPTABLE USE REGULATION

### A. Internet Etiquette

All users are expected to abide by the generally accepted rules of network etiquette. These include, but are not limited to, the following:

1. Be polite. Do not be abusive in your messages to others.
2. Use appropriate language. Do not swear, use vulgarities or any other inappropriate language. Do not engage in activities which are prohibited under state or federal law.
3. Do not reveal your personal contact information as well as the address and telephone numbers of other students or colleagues.
4. Note that electronic mail (e-mail) is not guaranteed to be private. People who operate the system do have access to all mail. Messages relating to or in support of illegal activities will be reported to the authorities and may result in the loss of user privileges.
5. Do not use the network in such a way that you would disrupt the use of the network by other users.
6. All communications and information accessible via the network should be assumed to be public property.

### B. Prohibited Activity

Prohibited activities concerning use of the District's computer network include, but are not limited to, the following examples:

- Copying, installing, receiving, transmitting or making available any copyrighted software or material on the district computer network.
- Using the network to receive, transmit or make available to others any sexually explicit or obscene material.
- Using the network to receive, transmit or make available to others messages that are racist, sexist, hateful, threatening, offensive, bigoted, abusive or harassing to others.
- Transmitting any other material in violation of any federal, state and/or local law or regulation.
- Using another user's account or password.
- Attempting to read, delete, copy or modify the e-mail of other system users.
- Deliberately interfering with the ability of other systems users to send, receive or save e-mail.
- Forging or attempting to forge e-mail messages.
- Deleting or attempting to delete e-mail messages that the law requires districts to retain as district records.
- Engaging in vandalism. Vandalism is defined as any malicious attempt to harm or destroy district equipment or materials, data or another user of the District's network or of any of the entities or other networks that are connected to the Internet. This includes, but is not limited to, creating and/or intentionally permitting a computer virus to enter the network.
- Using the network to send anonymous messages or files.
- Using the network to receive, transmit or make available to others a message that is inconsistent with the District's Code of Conduct.
- Revealing the personal address, telephone number or other personal information of oneself or another person.
- Using the network for sending and/or receiving personal electronic correspondence, including e-mail or instant messages (IMs).
- Intentionally disrupting network traffic or crashing the network and connected systems.
- Installing personal software or using personal disks on the District's computers and/or network without the permission of the appropriate district official or employee.
- Using district computing resources for commercial activity, advertising, financial gain, fraud or political lobbying.
- Stealing data, equipment or intellectual property.
- Gaining or seeking to gain unauthorized access to any files, resources, or computer or phone systems, via hacking or any other unauthorized methods.
- Wastefully using finite district resources.
- Using the network while access privileges are suspended or revoked.
- Using the network in a fashion inconsistent with directions from teachers and/or other staff and generally accepted network etiquette.

### C. Procedures for Use

Student users must always get permission from their instructors before using the Internet and follow written and oral instructions from their instructors.

### D. Encounters with Controversial Material

Users may encounter material which is deemed controversial in nature and which users, parents, teachers or administrators may consider inappropriate or offensive. The district has installed protective filtering software to prevent access to vulgar, obscene and inappropriate material. However, on a global network it is impossible to ensure that such content will not be encountered and an industrious user may discover controversial material. It is the users' responsibility not to initiate access to such material. Further, it is the responsibility of users to notify teachers if and when such material is encountered so that further preventive steps can be taken to make such material inaccessible.

### E. Parental Approval

The Building Principal is responsible for receiving signed parental approval form before students may access the Internet. Parental approval stays in effect while student is enrolled in the district or until the parent withdraws permission in writing.

### F. Penalties for Improper Use

All users of the District's computer network and equipment are required to comply with the District's policy and regulations governing the District's computer network. Failure to comply with the policy or regulation may result in disciplinary action, including verbal or written warnings; suspension or revocation of a user's access to the network; detention; and/or expulsion from school.

In addition, violations may result in civil and/or criminal liability beyond the District's own disciplinary measures. Any information pertaining to or implicating illegal activity will be reported to the proper authorities for appropriate legal action. All network users should be aware that misuse of the District's computer network may lead to liability for, among other things, harassment, trespass, defamation and copyright infringement.

### G. District Records

E-mail and other electronically stored information that are created in the course of school district business and retained as evidence of official policies, decisions or actions are district records, subject to the records management and retention requirements under the Local Government Records Law, (e.g., Records Retention and Disposition Schedule, "Ed-1"), and subject to disclosure pursuant to the Freedom of Information Law (FOIL) unless they fall within a statutory exception. Examples of district records contained in electronically stored information include:

- Policies and directives;
- Correspondence or memoranda related to school district business;
- Work schedules and assignments;
- Agendas and minutes of meetings;
- Non-final drafts of documents that are circulated for comment or approval;
- Documents that initiate, authorize or complete a business transaction; and
- Final reports or recommendations.

By contrast, examples of e-mail and other electronically stored information that are not district records include:

- Extra copies of documents;
- Personal messages or telephone message notifications;
- Social event announcements; and
- Copies or summaries of documents distributed for convenience or reference.

#### H. Electronic Information Used by School Board Members

The Board discourages its members from using any electronic communications to deliberate in their capacities as board members. In addition, Board members must not engage in any series of electronic communications that results in a collective decision, (such as a vote taken by e-mail.)

Nonetheless, the Board recognizes that any electronic correspondence by and between school board members and/or administrators that is used to communicate with each other in their capacities as board members or administrators are district records; shall receive the same diligent record-keeping treatment as all other district records; and may be subject to disclosure.

#### I. Electronic Record-Keeping Information Used by School Board Members

All school personnel and board members are expected to file and retain any e-mail or electronically stored information that is a district record under the definition set forth above. After so filing, users shall dispose of superfluous copies of e-mail and other electronically stored information in a timely manner.

All school personnel and board members are expected to regard any e-mail or electronic record containing any information that is personally identifiable to any student as a confidential student record in accordance with the Family Education Rights and Privacy Act (FERPA).

All school personnel and board members are expected to regard any e-mail or electronically stored information that constitutes a public record as subject to disclosure under FOIL unless they fall within a statutory exception.

Cross-Ref: 4526.1, Internet Safety

Legal Ref:

FERPA, 20 U.S.C. Section 1232g et seq; 34 C.F.R. Part 99  
 Children's Internet Protection Act, 47 U.S.C. Section 254 and 20 U.S.C. Section 9134; 47 C.F.R. Part 54  
 Local Government Records Law., N.Y. Arts and Cultural Affairs Law, Article 57-A  
 FOIL, N.Y. Public Officers Law, Article 6  
 NY Education Law Section 814  
 Records Retention and Disposition Schedule, N.Y.C.R.R. Appendix I  
 United States vs. Am. Library Ass'n. 539 U.S. 194 (2003)

1<sup>st</sup> Reading May 28, 2002 2<sup>nd</sup> Reading & Adoption June 24, 2002

1<sup>st</sup> Reading for Re-Adoption: February 24, 2009

2<sup>nd</sup> Reading for Re-adoption: March 24, 2009



## INTERNET SAFETY POLICY

The Board of Education is committed to undertaking efforts that serve to make safe for children the use of district computers for access to the Internet and World Wide Web. To this end, although unable to guarantee that any selected filtering and blocking technology will work perfectly, the Board directs the Superintendent of Schools to procure and implement the use of technology protection measures that block or filter Internet access by:

- adults to visual depictions that are obscene or child pornography, and
- minors to visual depictions that are obscene, child pornography, or harmful to minors, as defined in the Children's Internet Protection Act.

Subject to staff supervision, however, any such measures may be disabled or relaxed for adults conducting bona fide research or other lawful purposes, in accordance with criteria established by the Superintendent or his or her designee.

The Superintendent or his or her designee also shall develop and implement procedures that provide for the safety and security of students using electronic mail, chat rooms, and other forms of direct electronic communications; monitoring the online activities of students using district computers; and restricting student access to materials that are harmful to minors.

In addition, the Board prohibits the unauthorized disclosure, use and dissemination of personal information regarding students; unauthorized online access by students, including hacking and other unlawful activities; and access by students to inappropriate matter on the Internet and World Wide Web. The Superintendent or his or her designee shall establish and implement procedures that enforce these restrictions.

The Instructional Technology Specialist designated under the district's Computer Network or Acceptable Use Policy, shall monitor and examine all district computer network activities to ensure compliance with this policy and accompanying regulation. He or she also shall be responsible for ensuring that staff and students receive training on their requirements.

All users of the district's computer network, including access to the Internet and World Wide Web, must understand that use is a privilege, not a right, and that any such use entails responsibility. They must comply with the requirements of this policy and accompanying regulation, in addition to generally accepted rules of network etiquette, and the district's Acceptable Use Policy. Failure to comply may result in disciplinary action including, but not limited to, the revocation of computer access privileges.

1<sup>st</sup> Reading May 28, 2002

2<sup>nd</sup> Reading & Adoption June 24, 2002

1<sup>st</sup> Reading for Re-Adoption February 24, 2009

2<sup>nd</sup> Reading for Re-Adoption March 24, 2009

## INTERNET SAFETY POLICY REGULATION

The following rules and regulations implement the Internet Safety Policy adopted by the Board of Education to make safe for children the use of district computers for access to the Internet and World Wide Web.

### I. *Definitions*

In accordance with the Children's Internet Protection Act,

- *Child pornography* refers to any visual depiction, including any photograph, film, video, picture or computer or computer generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct. It also includes any such visual depiction that (a) is, or appears to be, of a minor engaging in sexually explicit conduct; or (b) has been created, adapted or modified to appear that an identifiable minor is engaging in sexually explicit conduct; or (c) is advertised, promoted, presented, described, or distributed in such a manner that conveys the impression that the material is or contains a visual depiction of a minor engaging in sexually explicit conduct.
- *Harmful to minors* means any picture, image, graphic image file, or other visual depiction that (a) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; (b) 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 (c) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

### II. *Blocking and Filtering Measures*

- The Superintendent or his or her designee shall secure information about, and ensure the purchase or provision of, a technology protection measure that blocks access from all district computers to visual depictions on the Internet and World Wide Web that are obscene, child pornography or harmful to minors.
- The district's computer network coordinator shall be responsible for ensuring the installation and proper use of any Internet blocking and filtering technology protection measure obtained by the district.
- The computer network coordinator or his or her designee may disable or relax the district's Internet blocking and filtering technology measure only for adult staff members conducting research related to the discharge of their official responsibilities.
- The computer network coordinator shall monitor the online activities of adult staff members for whom the blocking and filtering technology measure has been disabled or relaxed to ensure there is not access to visual depictions that are obscene or child pornography.

### III. *Monitoring of Online Activities*

- The district's computer network coordinator shall be responsible for monitoring to ensure that the online activities of staff and students are consistent with the district's Internet Safety Policy and this regulation. He or she may inspect, copy, review, and store at any time, and without prior notice, any and all usage of the district's computer network for accessing the Internet and World Wide Web and direct electronic communications, as well as any and all information transmitted or received during such use. All users of the district's computer network shall have no expectation of privacy regarding any such materials.
- Except as otherwise authorized under the district's Computer Network or Acceptable Use Policy, students may use the district's computer network to access the Internet and World Wide Web only during supervised class time, study periods or at the school library, and exclusively for research related to their course work.
- Staff supervising students using district computers shall help to monitor student online activities to ensure students access the Internet and World Wide Web, and/or participate in authorized forms of direct electronic communications in accordance with the district's Internet Safety Policy and this regulation.
- The district's computer network coordinator shall monitor student online activities to ensure students are not engaging in hacking (gaining or attempting to gain unauthorized access to other computers or computer systems), and other unlawful activities.

IV. *Training*

- The district's Instructional Technology Specialist shall provide training to staff and students on the requirements of the Computer Network and Internet Safety Policy and regulations.
- The training of staff and students shall highlight the various activities prohibited by the Internet Safety Policy, and the responsibility of staff to monitor student online activities to ensure compliance therewith.
- Students shall be directed to consult with their classroom teacher if they are unsure whether their contemplated activities when accessing the Internet or Worldwide Web are directly related to their course work.
- Staff and students will be advised to not disclose, use and disseminate personal information about students when accessing the Internet or engaging in authorized forms of direct electronic communications.
- Staff and students will also be informed of the range of possible consequences attendant to a violation of the Internet Safety Policy and this regulation.

V. *Reporting of Violations*

- Violations of the Internet Safety Policy and this regulation by students and staff shall be reported to the Building Principal.
- The Principal shall take appropriate corrective action in accordance with authorized disciplinary procedures.
- Penalties may include, but are not limited to, the revocation of computer access privileges, as well as school suspension in the case of students and disciplinary charges in the case of teachers.

Adopted June 24, 2002

1<sup>st</sup> Reading for Re-Adoption February 24, 2009

2<sup>nd</sup> Reading for Re-Adoption March 24, 2009

## WELLNESS POLICY ON NUTRITION AND PHYSICAL ACTIVITY

Valley Stream School District Thirteen is committed to providing a school environment that promotes and protects children's health, wellbeing and the ability to learn by supporting healthy eating and physical activity. Pursuant to Section 204 of the Child Nutrition and Women, Infants and Children Reauthorization Act of 2004, the District establishes the following Wellness Policy to enhance the learning and development of lifelong wellness practices.

Children need access to an environment that encourages the intake of healthful foods and participation in lifelong physical activity in order to grow, learn and thrive. Healthy eating, and adequate physical activity and good health foster student attendance and education. Therefore, it is the policy of Valley Stream District Thirteen that:

- ✓ The school district engages students, parents, teachers, food service professionals, health professionals, and other interested community members in developing, implementing, monitoring, and reviewing district-wide nutrition and physical activity policies.
- ✓ All students in grades K-6 have opportunities, support, and encouragement to be physically active on a regular basis.
- ✓ Foods and beverages sold or provided at schools meet or exceed nutrient standards recommended by the Wellness Committee and reviewed on a regular basis by the Board of Education; these standards will be consistent with the U. S. Dietary Guidelines.
- ✓ Students are provided with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students; and will provide clean, safe and pleasant settings and adequate time for students to eat.
- ✓ All schools in our district participate in the National School Lunch Program.
- ✓ Schools provide nutrition education and physical education to foster lifelong habits of healthy eating and physical activity, and establish linkages between health education and school meal programs, and with related community services.

Parents, students, food service professionals, school health professionals, school administrators, the general public, and the school board shall participate in the development, implementation and periodic review and update of this wellness policy.

The district shall inform and update the public (including parents, students and others in the community) about the content and implementation of this wellness policy.

Ref: P.L. 111-296 (The Healthy, Hunger-Free Kids Act of 2010)  
 P.L. 108-265 (Child Nutrition and WIC Reauthorization Act of 2004)  
 42 USC §§1758(f)(1); 1766(a) (Richard B. Russell National School Lunch Act)  
 42 USC §1779 (Child Nutrition Act)  
 7 CFR §210.10; 210.11; 210.11a (National School Lunch Program participation requirements – standards for lunches, snacks, and competitive foods)  
 7 CFR §220.8 (School Breakfast Program participation requirements – nutrition standards)  
 8 NYCRR Part 135 (Health and Physical Education curricular requirements); §114.1 (School Breakfast Program Requirements)  
*Appeal of Phillips*, 37 EDR 204 (1997) (dec. no. 13,843)  
*Appeal of Williams*, 32 EDR 621 (1993) (dec. no. 12,934)

1<sup>st</sup> Reading May 23, 2006  
 2<sup>nd</sup> Reading & Adoption June 20, 2006

1<sup>st</sup> Reading for Re-adoption December 16, 2014  
 2<sup>nd</sup> Reading for Adoption January 27, 2015

## WELLNESS REGULATIONS

### 1. Nutrient Standards

All food sold to or provided to children in the Valley Stream Thirteen District meets the following nutrient standards:

#### Snacks

All snacks sold by Valley Stream Thirteen are regulated based upon the following criteria:

- Total fat equal to or less than 7 grams of fat per serving
- Saturated fat equal to or less than 2 grams per serving
- Sodium equal to or less than 360 milligrams per serving
- Sugar equal to or less than 15 grams per serving
- No artificial sweeteners
- All snacks must be provided in single serving packages
- No hydrogenated oils
- No high fructose corn syrup

#### Beverages

All beverages are regulated based upon the following criteria:

- Total fat equal to or less than 3 grams per 8 ounce serving
- Sweetened beverages must meet the following standards:
  - Sugar equal to or less than 18 grams per 8 ounce serving \*
  - Container size less than or equal to 12 ounces
  - Sodium equal to or less than 200 milligrams per serving
  - No artificial sweeteners

\*One hundred percent (100%) fruit juices are an exception to the sugar standard since they naturally provide 26-30 grams of sugar per 8 ounce serving. Fruit juice also provides many nutrients, and confers health benefits in moderate portions. Therefore, 100% fruit juice can be provided in containers that are 12 ounces or less.

#### Meals

- Reimbursable meals served in the cafeteria will meet USDA standards and be consistent with the US Dietary Guidelines

### 2. Use of Food in the Classroom / School Building

Beginning in the 2007-2008 school year, food for birthday celebrations will no longer be permitted. Birthdays will be celebrated with activities or non-food items. Teachers and parents will be given a list of suggestions for alternative classroom birthday celebration ideas. All other grade level celebrations taking place during the school day must be done with non-food items only. Celebrations occurring after school hours may include food items. The annual end of the year picnic will continue as planned and may include food items. Unless otherwise specified by an IEP, food will not be used for instructional purposes.

### 3. Fundraising

Food cannot be sold as a fundraiser on school grounds during the school day.

### 4. Physical Education

Physical education is a planned sequential program of curricula and instruction that helps students develop the knowledge, skills, and confidence necessary for an active lifestyle. Activities that students will participate in will be appealing and will focus on a wide variety of lifelong activities that students will learn.

### 5. Food/Physical Activity

Teachers and other school personnel will not withhold physical activity except in instances of health and safety or where alternative disciplinary measures have been exhausted.

**6. Health Education**

Health education is integrated into classroom instruction on all grade levels.

1<sup>st</sup> Reading and Adoption July 9, 2007

## **CHILD ABUSE, MALTREATMENT OR NEGLECT IN A DOMESTIC SETTING**

The Board of Education recognizes that because of their sustained contact with school-aged children, employees are in an excellent position to identify abused, maltreated or neglected children and refer them for treatment and protection. The Board further recognizes the specific dictates of law which require school officials to report suspected instances of child abuse, maltreatment (which includes neglect) in a domestic setting.

The purpose of mandatory reporting is to identify suspected abused and maltreated children as soon as possible, so that such children determined to be abused or maltreated can be protected from further harm and, where appropriate, can be offered services to assist him or her and his or her family.

School officials, who have reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment, must immediately report this to the New York State Central Register for Child Abuse and Maltreatment (Central Register), as required by law. No conditions may be imposed which limit their responsibility to report. A school official is defined as:

- Teacher
- Guidance counselor
- Psychologist
- Nurse
- Social Worker
- Full or part-time paid athletic coach
- Administrator
- Any school personnel required to hold a teaching or administrative license or certificate.

The school official will also report the matter to the Building Principal.

The report shall be made by telephone or by telephone facsimile machine on a form supplied by the Commissioner of Social Services. A written report shall be made within forty-eight hours to the appropriate local child protective service, and to the statewide Central Register.

School employees who are not school officials, as defined above, but who have reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment are encouraged to report to the Central Register. However, the school employee must report the matter to the Building Principal. If the matter has not yet been reported to the Central Register, the Building Principal shall make the report, in accordance with state law. In being required to file such report, the Building Principal does not have discretion.

School employees or officials may not contact the child's family or any other person to determine the cause of the suspected abuse or maltreatment. It is not the responsibility of the school official or employee to prove that the child has been abused or maltreated.

Any school official or employee who has cause to suspect that the death of any child is a result of child abuse or maltreatment must report that fact to the appropriate medical examiner or coroner.

In accordance with the law, any school official who fails to report an instance of suspected child abuse or maltreatment may be guilty of a Class A misdemeanor and may be held liable for the damages caused by the failure to report. The law grants immunity to persons who, in good faith, report instances of child abuse from any liability.

School employees will not be subject to retaliatory action, as defined in state law, as a result of making a report when they reasonably suspect that a child has been abused or maltreated.

The Board recognizes that knowingly reporting a false claim of child abuse is a violation of state law and this policy acknowledges that it is a crime to do so. The district will make every reasonable effort to ensure the integrity of the district's child abuse reporting process and procedure.

School District Relationship with Local Social Service District

The school district will cooperate to the extent possible with authorized child protective services workers in investigations of alleged child abuse. The Superintendent, or his or her designee, will represent the district when collaborating with local social service agencies to address instances of abuse or maltreatment, and in the development of policy and procedures regarding abuse or maltreatment (including educational neglect). In addition, the Superintendent will share a copy of the district's attendance policy, 5100, with the local social service district.

The school district shall maintain an ongoing training program which will address the identification and reporting of child abuse and maltreatment, including the legal implications of reporting and not reporting. Attendance at sessions of this training program shall be required of all school officials. Attendance records shall be kept, and notations will be made in personnel files as to the dates of attendance.

The Superintendent shall develop, with input from appropriate personnel, a plan for implementation of such a training program, to be approved by the Board. In addition, the policy and regulations will be included in all employee handbooks and distributed annually to all school officials who are not covered under existing handbooks. The Superintendent will prepare and implement all regulations as are necessary to accomplish the intent of this policy

Cross-ref: Attendance, 5100

Ref: Child Protective Services Act of 1973, Social Services Law §§411 et seq.  
 Social Services Law §34-a  
 Family Court Act §1012  
 Family Educational Rights and Privacy Act,  
 20 U.S.C. §1232g, 45 CFR §99.36  
 Education Law §§3209-a, 3036  
 Penal Law 240.50

1<sup>st</sup> Reading April 29, 2003

2<sup>nd</sup> Reading and Adoption May 27, 2003

1<sup>st</sup> Reading for Re-adoption January 27, 2015

2<sup>nd</sup> Reading and Re-adoption February 24, 2015



## CHILD ABUSE IN A DOMESTIC SETTING REGULATION

New York State Law (Child Protective Service Act of 1973, as amended) provides for reporting of suspected cases of child abuse by school personnel. These regulations are designed to implement this law within the district and to help protect students from the harmful effects of child abuse.

### *Definitions*

The definition of child abuse and maltreatment is established by law.

Abused Child, according to Social Services Law and the Family Court Act, is a child less than 18 years of age whose parent or other person legally responsible for his or her care:

- a. inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ; or
- b. creates or allows to be created a substantial risk of physical injury to such a child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ; or
- c. commits, or allows to be committed, a sex offense against such child, as defined in the penal law, provided, however, that the corroboration requirements contained therein shall not apply to proceedings under this article.

Neglected or maltreated child, according to the Family Court Act, is a child less than 18 years of age:

- a. whose physical, mental, or emotional condition has been impaired or is in danger of becoming impaired as a result of the failure of his or her parents or other person legally responsible for his care to exercise a minimum degree of care:
  - (1) in supplying the child with adequate food, clothing, shelter, or education in accordance with provisions of Part One, Article 65 of the Education Law, or medical, dental, optometrical or surgical care though financially able to do so or offered financial or other reasonable means to do so; or
  - (2) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment; or by using a drug or drugs; or by using alcoholic beverages to the extent that he/she loses self-control of his/her actions; or by any other acts of a similarly serious nature requiring the aid of the court; or
- b. who has been abandoned by his/her parent(s) or other person legally responsible for his/her care.

Person legally responsible includes the child's custodian, guardian, or any other person responsible for the child's care at the relevant time. Custodian may include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.

Impairment of emotional health and impairment of mental or emotional condition includes a state of substantially diminished psychological or intellectual functioning in relation to, but not limited to, such factors as failure to thrive, control of aggressive or self-destructive impulses, ability to think and reason, or acting out of misbehavior, including incorrigibility, un-governability, or habitual truancy; provided, however, that such impairment must be clearly attributable to the unwillingness or inability of the parent, guardian, or custodian to exercise a minimum degree of care toward the child.

*Reporting procedures and related information:*

1. All district employees (including building administrators, teachers, registered nurses, doctors, psychologists or social workers, and all other employees) who come in contact with students are required to report all cases of suspected child abuse or maltreatment to the Building Principal.
2. The Building Principal is required to:
  - a. inform the Superintendent of Schools of the information received; and
  - b. either:
    - (1) phone the New York State Child Abuse and Maltreatment Center (800-342-3720) and inform them verbally of the problem; or
    - (2) contact the above agency by telephone facsimile machine on a form supplied by the Commissioner of Social Services; and
  - c. file a written report with the local child protective services agency and the statewide central registry of child abuse and maltreatment within forty-eight hours after the above report.
3. The Building Principal may take photographs or cause photographs to be taken of the areas of visible trauma on the child, and/or, if medically indicated, cause an examination to be performed. Such actions may be performed at public expense if they will provide appropriate documentation when filing the report. A camera and film shall be kept at the school and be available for this purpose.
4. The written report that must be filed shall include all information which the Commissioner of Social Services may require. Copies of the report should not be filed. The Building Principal will retain in his/her office all information of the suspected case. No record will be filed with the student's records. The Principal will make oral reports to the Superintendent regarding developments in the matter.
5. School personnel are not authorized to take a child into protective custody. If a staff member believes that a child's life or health is in imminent danger if the child continues to live in his/her residence or with his/her current guardian, the Principal and his/her agent shall notify the appropriate police or hospital officials, or Child Protective Services. Those officials are authorized to take a child into protective custody. If there is a question as to whether or not a case should be referred to the Child Protective Services, the Principal and other school personnel are required to meet with the Superintendent for a case review. In any instance of doubt, the case shall be referred to the Child Protective Services for investigation.
6. If it should be necessary for Child Protective Services to interview a child at school to ascertain whether he/she has been abused or maltreated, or to obtain documentation of such acts, the interview shall be conducted in the presence of a school official. The school official shall examine and verify the credentials of Child Protective Services worker(s) before allowing such worker(s) to either interview the child or to examine the child's records. If sexual abuse is indicated, the presence of a same-sex staff member during the interview is appropriate.
7. The Superintendent can request a summary report of an investigation of a case referred to Child Protective Services. The adult subject of a case of suspected child abuse or maltreatment has a right to a copy of all information in the State Central register. Personnel have the right to request that information which would identify the individual making the report be withheld if furnishing such data might prove detrimental to the safety or interest of that individual.
8. All district employees who are required to report suspected child abuse shall be required to attend ongoing training sessions regarding identification and reporting of all cases of suspected child abuse.
9. All district employees who are required to report suspected child abuse shall be provided with a copy of these regulations and the related policy concerning child abuse and reporting requirements.
10. Only one report of any suspected abuse is required.
11. School personnel who, in good faith, make a report or take photographs of injuries and bruises have immunity from any liability, civil or criminal. The good faith of any person required to report cases of child abuse or maltreatment is presumed.
12. School personnel who have reasonable cause to suspect that a child has died as a result of child abuse or maltreatment shall report that fact to the appropriate medical examiner or coroner.

13. Any person required to report suspected cases of child abuse or maltreatment and who fails to do so may be found guilty of a Class A misdemeanor and may be held civilly liable for the damages caused by this failure.
14. If a report of child abuse or maltreatment has been determined to be unfounded, all records, both in the State Central Register and in school files, shall be expunged.

1<sup>st</sup> Reading April 29, 2003

2<sup>nd</sup> Reading & Adoption May 27, 2003

## STAFF COMPLAINTS AND GRIEVANCES

Grievance procedures are designed to resolve conflicts that may arise among various members of the staff. These procedures are defined in collective bargaining agreements. Staff members have the right to present complaints and grievances in accordance with the established procedures free from coercion, interference, restraint, discrimination or reprisal.

The district shall implement a multi-stage grievance procedure and an appellate stage for the settlement of grievances pursuant to the General Municipal Law. In addition, the district shall implement procedures and regulations and designate an employee to carry out the responsibilities under Title IX and Section 504 of the Rehabilitation Act or the Americans with Disabilities Act (ADA).

This policy and accompanying regulation (9140.1-R) provide grievance procedures for those employees not covered by collective bargaining agreements or whose negotiated agreements do not include grievance procedures. Staff complaints that are not covered under the General Municipal Law, or cannot be resolved under procedures of Title IX and Section 504 or the ADA shall be subject to the discretion of the Board of Education as to the method by which the complaint may be brought.

### *Annual Notification*

At the beginning of each school year, the district shall publish a notice of the established grievance procedures for resolving complaints of discrimination due to sex and/or disability to parents/guardians, employees, eligible students and the community. The public notice shall:

1. inform parents, employees, students and the community that education programs are offered without regard to sex, race, color, national origin, disability, or sexual orientation;
2. provide the name, address and telephone number of the person designated to coordinate activities concerning discrimination due to sex and/or disability; and
3. annual notification in staff or parent handbook.

Cross-ref: 0100, Equal Opportunity

Ref: Americans with Disabilities Act, 42 USC §12111-12117; 12210  
 General Municipal Law, Article 15-c  
 Title IX, Education Amendments of 1972, 20 USC Chapter 38; 45 CFR Part 86  
 Rehabilitation Act of 1973, §504; 29 USC §794  
 Civil Service Law, Article 14  
*Matter of Gatje*, 24 EDR 191 (1984)

1<sup>st</sup> Reading October 28, 2003

2<sup>nd</sup> Reading & Adoption November 25, 2003

## STAFF COMPLAINTS AND GRIEVANCES REGULATION

### *Definitions*

1. *Grievant* shall mean an employee who alleges that there has been a violation of Title IX, Section 504 or the Americans with Disabilities Act (ADA) statute or regulations which affect him/her.
2. *Grievance* shall mean any alleged violation of Title IX, Section 504 or ADA statute or regulations.
3. *Compliance Officer* shall mean the employee designated by the Board of Education to coordinate efforts to comply with and carry out responsibilities under Title IX, Section 504 and the ADA.

This regulation and accompanying policy (9140.1) provide grievance procedures for those employees not covered by collective bargaining agreements or whose negotiated agreements do not include grievance procedures. The resolution of staff complaints alleging any action prohibited by Title IX, Section 504 of the Rehabilitation Act or the ADA shall be dealt with in the following manner:

### *Stages*

#### *A. Stage I--Compliance Officer*

1. Within 30 days after the events giving rise to the grievance, the grievant shall file a grievance in writing with the Compliance Officer. The Compliance Officer may informally discuss the grievance with the grievant. He/She shall promptly investigate the complaint. All employees of the school district shall cooperate with the Compliance Officer in such investigation.
2. Within 15 days of the receipt of the grievance, the Compliance Officer shall make a finding in writing that there has or has not been a violation of Title IX, Section 504 of the Rehabilitation Act or the ADA. In the event the Compliance Officer finds that there has been a violation, he/she shall propose a resolution of the complaint.
3. If the grievant is not satisfied with the finding of the Compliance Officer, or with the proposed resolution of the grievance, the grievant may, within 15 days after he/she has received the report of the Compliance Officer, file a written request for review by the Superintendent of Schools.

#### *B. Stage II--Superintendent of Schools*

1. The Superintendent may request that the grievant, the Compliance Officer, or any member of the school district staff present a written statement to him/her setting forth any information that such person has relative to the grievance and the facts surrounding it.
2. The Superintendent shall notify all parties concerned as to the time and place when an informal hearing will be held where such parties may appear and present oral and written statements supplementing their position in the case. Such hearing shall be held within 15 school days of the receipt of the appeal by the Superintendent.
3. Within 15 days of the hearing, the Superintendent shall render his/her determination in writing. Such determination shall include a finding that there has or has not been a violation of Title IX, Section 504 of the Rehabilitation Act or the ADA, a proposal for equitably resolving the complaint.
4. If the grievant is not satisfied with the determination of the Superintendent, the grievant may, within 15 days after its receipt, file with the District Clerk, a written request for review by the Board.

#### *C. Stage III--Board of Education*

1. When a request for review by the Board has been made, the Superintendent shall submit all written statements and other materials concerning the case to the President of the Board.
2. The Board shall notify all parties concerned of the time and place when a hearing will be held. Such hearing will be held within 15 school days of the receipt of the request of the grievant. All parties concerned shall have the right to present further statements and testimony at such hearing.
3. The Board shall render a decision in writing within 15 days after the hearing has been concluded.

1<sup>st</sup> Reading October 28, 2003

2<sup>nd</sup> Reading & Adoption November 25, 2003

## STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION

The Board of Education (“Board”) is committed to providing an educational and work environment that promotes respect, dignity and equality for all. The Board recognizes that harassment and bullying are detrimental to student learning and achievement. This behavior both interferes with the mission of the District to educate its students and disrupts the operation of District schools. Such behavior affects not only the students and employees who are its targets, but also those individuals who participate in or witness such acts.

The Board expects students to conduct themselves in an appropriate manner for their respective levels of development, maturity and demonstrated capabilities, with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities and the care of school facilities and equipment. The Board believes that the most positive school climate is one which is culturally sensitive and which models positive behavioral interactions that clearly show there is no tolerance for antisocial behaviors such as bullying, harassment and discrimination.

To this end, the Board strictly prohibits all forms of harassment by District employees, students and volunteers against students including but not limited to, hazing, bullying, cyber bullying and sexting, which may occur on school grounds, on school buses, while using school property or at off-campus school functions. The Board also strictly prohibits any harassment including hazing, bullying, cyber bullying and sexting that occur off-campus and endangers the health and safety of students or staff members, substantially disrupts the educational process, or creates a reasonably foreseeable risk of such disruption. Conduct which is of such a severe nature that it either has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, or reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety, is expressly prohibited. When harassment is of a sexual nature, Board Policy No. 0110 provides additional information and clarification on student, staff and District responsibilities in this area.

### Definitions

The following definitions are provided for guidance only. If a student or other individual believes that either an adult or student has engaged in aggressive behavior that is severe or pervasive enough to create an intimidating, hostile or offensive educational environment – regardless of whether it fits a particular definition – he or she should report it and allow District officials to determine the appropriate course of action.

1. **“Bullying”** means the intentional and aggressive behavior that involves an actual or apparent imbalance of power or strength and is usually repeated over time. Bullying may present itself in many forms including, but not limited to:
  - a. *Physical* – hitting, kicking, spitting, pushing, pulling, taking and/or damaging personal belongings or extorting money, blocking or impeding student movement, or unwelcome physical contact.
  - b. *Verbal* (oral or written) – taunting, malicious teasing, insulting, name calling, making threats, or engaging in sexual, religious or racial harassment.
  - c. *Electronically transmitted* – cyber bullying and sexting (as defined herein);
  - d. *Psychological* – spreading rumors, manipulating social relationships, peer pressuring or coercion, engaging in social exclusion/shunning, extortion or intimidation, dehumanizing gestures, or public humiliation.
2. **“Cyber bullying”** means the use – either on or off school property – of information technology, including but not limited to the Internet, email, instant messaging services, chat rooms, blogs, cell phones, pagers, PDAs, gaming systems and social media websites, to deliberately harass, threaten or intimidate others. Cyber bullying may involve sending mean, vulgar or threatening messages or images; posting sensitive or private information about another person on an Internet site; pretending to be someone else in order to speak harmful untruths about that other person; or intentionally excluding someone from an Internet-based group or activity.

3. **“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. However, for purposes of this Policy, the term “disability” 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.
4. **“Discrimination”** means discrimination against any student by a student or students and/or an employee or employees on school property or at a school function including, but not limited to, discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
5. **“Employee”** means any person receiving compensation from the District. This term also includes any employee of a contracted service provider or worker placed within a public school in the District under a public assistance employment program pursuant to the Social Services Law (Art. 5, Title 9-B), and consistent with the provisions of such law and any applicable contract, provide services involving direct student contact.
6. **“Gender”** means actual or perceived sex and includes a person’s gender identity or expression.
7. **“Harassment”** means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student’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; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. The term “harassment” also includes cyber bullying as defined herein.
8. **“Hazing”** means the intentional or reckless commission of an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person in order for the student to be initiated into or affiliated with a student organization whether school sponsored or not, or for any other purpose.
9. **“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.
10. **“School Function”** means a school sponsored extracurricular event or activity that takes place either on or off school property.
11. **“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.
12. **“Sexting”** means the sending, receiving or forwarding of sexually provocative nude or nearly nude photos through text message, email, or another method of information technology as described in the definition of “cyber bullying,” which can be used to hurt, harass and humiliate others.
13. **“Sexual Orientation”** means actual or perceived heterosexuality, homosexuality or bisexuality.
14. **“Volunteer”** means any person, other than an employee, who provides services to either the District or a public school within the District, which involve direct student contact.

### **Reporting**

In order to effectively enforce this Policy and take prompt corrective action, the Board encourages all victims and persons with knowledge of any type of harassment to report such behavior immediately to any District administrator, dean, teacher, guidance counselor, psychologist, social worker, nurse, or other appropriate staff member. Reports may be made either formally or informally, and either verbally or in writing. Reports may also be made anonymously. However, prior to taking any formal disciplinary action, the District is responsible for verifying the substance of the allegation by conducting an investigation.

**Non-Retaliation**

State law provides immunity from civil liability for “any person having reasonable cause to suspect that a person has been subjected to discrimination or harassment by an employee or student, on school grounds or at a school function,” and who reports or otherwise discloses such information in good faith to school officials, the Commissioner of Education or law enforcement authorities. In addition, any person who, acting reasonably and in good faith, makes a report pursuant to this Policy, or initiates, testifies participates or assists in formal or informal proceedings arising from a report filed pursuant to this Policy shall be free from any retaliation by the District. However, any person who knowingly and deliberately makes a false report of harassment pursuant to this Policy shall be subject to appropriate disciplinary action.

**District Investigations**

The District will promptly investigate all complaints made pursuant to this Policy. Reports filed pursuant to this Policy shall remain confidential to the extent possible in accordance with applicable law and District policy. However, limited disclosure may be necessary to complete a thorough investigation or take corrective action. If, after such investigation, a violation of this Policy is discovered, the District will take appropriate corrective and/or disciplinary action.

Consistent with the District’s responsibility to investigate reports of harassment, hazing, bullying and discrimination, the Board permits school and network administrators and their authorized employees to examine, use and disclose any data found on the District’s information networks in order to further the health, safety, discipline or security of any student or other person, or to protect property. Information gathered by these administrators may be used in disciplinary actions, and any evidence of a crime may be furnished to law enforcement.

**Remedial Measures**

In response to particular incidents, remedial measures may include, but are not limited to: (a) peer support groups; (b) corrective instruction or other relevant learning or service experience; (c) supportive intervention; (d) behavioral assessment or evaluation; (e) behavioral management plans; and/or (f) student counseling and parent conferences.

Generalized remedial measures may include, but are not limited to: (a) supervisory systems that provide District staff members with prevention and intervention tools; (b) school and community surveys or other strategies for determining the conditions contributing to the relevant behavior; (c) use of research based, systemic harassment prevention programs; (d) modification of schedules; (e) adjustment in hallway traffic and other student routes of travel; (f) targeted use of monitors; (g) staff professional development; (h) parent conferences; (i) involvement of parent teacher organizations; and/or (j) peer support groups.

**Dignity Act Coordinators**

The Board shall arrange for at least one District staff member at every school to be thoroughly trained to manage human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex. This staff member shall be known as the “Dignity Act Coordinator” (“DAC”).

DAC contact information shall be shared with all school employees, students and persons in parental relation. The DAC’s name, school and contact information will be listed in the plain language of the code of conduct, on the District website and in the District Calendar. The DAC’s contact information will be posted in a highly visible area of each school building and in the District Office. The DAC will participate in training that addresses social patterns of harassment, bullying, and discrimination; training in the identification and mitigation of such conduct, and strategies for addressing problems of exclusion, bias, and aggression in school settings.

**Responsibilities of Essential Partners**

The Board shall establish mandated training programs for District employees and students to raise awareness of the definitions of harassing behaviors and of the issues surrounding harassment, and to implement preventive measures to help reduce incidents of harassment, hazing, bullying and discrimination.



This training for all staff including administrators will:

- (1) Raise awareness and sensitivity to harassment, bullying and discrimination directed at students by students and/or school employees;
- (2) Enable employees to prevent and respond to such incidents;
- (3) Make employees aware of the effects of such conduct on students;
- (4) Ensures the effective implementation of school policy on school conduct and discipline; and
- (5) Include safe/supportive “school climate concepts in curriculum and classroom management.

Each year as part of the annual review of the District Code of Conduct, the Board shall review this Policy to assess its effectiveness and compliance with state and federal law. This Policy and a plain language summary thereof shall be published in student registration materials, student, parent, and employee handbooks and posted on the District’s website.

The Superintendent of Schools shall maintain and implement guidelines for reporting, investigating and employing remedial measures in response to allegations of harassment, hazing, bullying and discrimination.

Teachers shall take steps to maintain in their classroom 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. In addition, teachers shall address any personal biases that may exist which prevent equal treatment of all students in the school or classroom setting.

All District employees shall take steps to confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function that takes place either on or off school property. In addition, all District employees and volunteers shall report incidents of discrimination and harassment that are witnessed or otherwise brought to their attention in a timely manner. All such reports shall be received and reviewed by the District in the manner set forth above.

- Cross-references: Sexual Harassment (Policy No. 0110); District Code of Conduct
- References:
1. N.Y. Education Law §§10-18 (“DASA”), 2801 and 2802; 8 N.Y.C.R.R. §§100.2(c), (l), (gg) and (jj);
  2. N.Y. Penal Law §§120.16-120.17 (hazing); §240.25-240.26 (harassment);
  3. Morse v. Fredricks, 551 U.S. 127 (2007);
  4. Hazelwood Sch. Dist. v. Kuhlmeir, 484 U.S. 260 (1988);
  5. Tinker v. Des Moines Indep. Community Sch. Dist., 393 U.S. 503 (1969);
  6. Doninger v. Niehoff, 527 F.3d 41 (2d Cir., 2008);
  7. NYSSBA Model Policy No. 0115, “Harassment, Hazing & Bullying”;
  8. SED “Guidance on Bullying and Cyberbullying Prevention” (2010), [www.p12.nysed.gov/technology/internet\\_safety/documents/cyberbullying.html](http://www.p12.nysed.gov/technology/internet_safety/documents/cyberbullying.html);
  9. [http://criminaljustice.state.ny.us/missing/i\\_safety/i\\_intro.htm](http://criminaljustice.state.ny.us/missing/i_safety/i_intro.htm) (sexting);
  10. <http://stopbullyingnow.hrsa.gov/adults/cyber-bullying.aspx>;
  11. [www.criminaljustice.ny.gov/missing/i\\_safety/cyberbullying.htm](http://www.criminaljustice.ny.gov/missing/i_safety/cyberbullying.htm)

1<sup>st</sup> Reading June 19, 2012

2<sup>nd</sup> Reading & Adoption: July 9, 2012

1<sup>st</sup> Reading for re-adoption July 8, 2013

2<sup>nd</sup> Reading & Adoption August 20, 2013

## STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION REGULATION

The Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing, intimidation and bullying on school grounds, school buses and at all school-sponsored activities, programs and events.

### Definitions

#### **Bullying**

In order to facilitate implementation, provide meaningful guidance and prevent behaviors from rising to a violation of law, this policy will use the term bullying (which is usually subsumed under the term “harassment”), which is understood to be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. Bullying may be premeditated or a sudden activity. It may be subtle or easy to identify, done by one person or a group. Bullying often includes the following characteristics:

1. **Power imbalance** - occurs when a bully uses his/her physical or social power over a target.
2. **Intent to harm** - the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.
3. **Threat of further aggression** - the bully and the target believe the bullying will continue.
4. **Terror** - when any bullying increases, it becomes a “systematic violence or harassment used to intimidate and maintain dominance.” (Barbara Coloroso, *The Bully, The Bullied & The Bystander*, 2003)

There are at least three kinds of bullying: verbal, physical and social/relational.

- Verbal bullying includes name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, threatening electronic communications (“cyberbullying”), anonymous notes, etc.
- Physical bullying includes poking, slapping, hitting, tripping or causing a fall, choking, kicking, punching, biting, pinching, scratching, spitting, twisting arms or legs, damaging clothes and personal property, or threatening gestures.

Social or relational bullying includes excluding someone from a group, isolating, shunning, spreading rumors or gossiping, arranging public humiliation, undermining relationships, teasing about clothing, looks, giving dirty looks, aggressive stares, etc.

The New York State Education Department provides further guidance on bullying and cyber bullying prevention on the following website: [http://www.p12.nysed.gov/technology/internet\\_safety/documents/cyberbullying.html](http://www.p12.nysed.gov/technology/internet_safety/documents/cyberbullying.html)

#### **Discrimination**

Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as listed under *Harassment* as defined below).

#### **Harassment**

Harassment has been defined in various ways in federal and state law (including the penal law) and regulation. The Board recognizes that these definitions are important standards, but the Board’s goal is to prevent behaviors from escalating to violations of law and, instead, to promote a positive school environment and limit liability. The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical 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 any characteristic, including but not limited to a person’s actual or perceived:

- race,
- color,
- weight,
- national origin,

- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression).
  - Gender identity is one’s self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.
  - Gender expression is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.

### **Hazing**

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

### **Prevention**

Prevention is the cornerstone of the district’s effort to address bullying and harassment. The components of such an effort involve the following:

- Following the principles and practices of “*Educating the Whole Child Engaging the Whole School: Guidelines and Resources for Social and Emotional Development and Learning (SEDL) in New York State* – Adopted by the Board of Regents July 18, 2011.” District curriculum will emphasize developing empathy, tolerance and respect for others.
- Learning about and identifying the early warning signs and precursor behaviors that may lead to bullying.
- Gathering information about bullying at school directly from students (through surveys and other mechanisms); analyzing and using the data gathered to assist in decision-making about programming and resource allocation.
- Establishing clear school wide and classroom rules about bullying consistent with the district’s Code of Conduct.
- Training adults in the school community to respond sensitively and consistently to bullying.
- Raising awareness among adults, through training, of the school experiences of marginalized student populations (as enumerated in the *Definitions* section above), social stigma in the school environment, gender norms in the school environment, and strategies for disrupting bullying, intimidation, harassment or other forms of violence.
- Providing adequate supervision, particularly in less structured areas such as in the hallways, cafeteria, school bus and playground.
- Raising parental awareness and involvement in the prevention program and in addressing problems.
- Using educational opportunities or curriculum, including, if applicable, the Individual Educational Program (IEP), to address the underlying causes and impact of bullying.

### **Role of the Dignity Act Coordinator (DAC)**

The Board of Education will annually designate staff members, who have been thoroughly trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression), and sex, as the Dignity Act Coordinator (DAC), accountable for implementation of this policy. The DAC will be responsible for coordinating and enforcing this policy and regulation in each school building, including but not limited to coordination of:

- the work of the building-level committees;
- professional development for staff members and,
- the complaint process, and
- management of the Dignity Act's civility curriculum components.

### **Reporting and Investigation**

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets and persons with knowledge of bullying report such behavior immediately to the principal, the principal's designee or the Dignity Act Coordinator as soon as possible after the incident so that it may be effectively investigated and resolved. The district will also make a harassment or bullying complaint form available on its website to facilitate reporting. The district will collect relevant data from written and verbal complaints to allow reporting to the Board on an annual basis.

The district will promptly and equitably investigate all complaints, formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner, although limited disclosure may be necessary to complete a thorough investigation.

In order to assist investigators, individuals should document the bullying as soon as it occurs and with as much detail as possible including: the nature of the incident(s); dates, times, places it has occurred; name of perpetrator(s); witnesses to the incident(s); and the target's response to the incident.

If, after appropriate investigation, the district finds that a student, an employee or a third party has violated this policy, prompt corrective, and possibly disciplinary action, will be taken in accordance with the Code of Conduct, applicable collective bargaining agreement, district policy and state law. If the reported behavior constitutes a civil rights violation, the complaint procedure associated with that policy will be followed, as applicable. If either of the parties disagrees with the findings of the initial investigation, an appeal may be made to the Superintendent in accordance with the process described below.

### **Confidentiality**

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

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

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

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

### **Investigation and Resolution Procedure**

#### **A. Initial (Building-level) Procedure**

Whenever a complaint of bullying is received whether verbal or written, it will be subject to a preliminary review and investigation. Except in the case of severe or criminal conduct, the principal, the principal's designee or the Dignity Act Coordinator shall make all reasonable efforts to resolve complaints informally at the school level. The goal of informal procedures is to end the bullying, prevent future incidents, ensure the safety of the target and obtain a prompt and equitable resolution to a complaint.

As soon as possible, but no later than two school days following receipt of a complaint, the principal, the principal's designee or the Dignity Act Coordinator should begin an investigation of the complaint by:

- Reviewing any written documentation provided by the target(s).
- Conducting separate interviews of the target(s), alleged perpetrator(s), and witnesses, if any, and documenting the conversations.
- Providing the alleged perpetrator(s) a chance to respond and notify him/her that if objectionable behavior has occurred, it must cease immediately. The individual will be made aware of remediation opportunities as well as potential disciplinary consequences.

Determining whether the complainant needs any accommodations to ensure his/her safety and following up periodically until the complaint has been resolved.

The district recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually, and the student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

Parents of student targets and accused students should be notified within one school day of allegations that are serious or involve repeated conduct.

Appropriate disciplinary action shall be recommended and imposed in accordance with district policy, the applicable collective bargaining agreement or state law. School districts should make every effort to attempt to first resolve the misconduct through non-punitive measures. The investigator shall report back to the parent or guardian of the target and the accused, within two weeks, notifying them in writing, and also in person, as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The actions taken will be in conformance with the *Remediation/Discipline/Penalties* section of this regulation. The parent or guardian of the target shall report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against him/her.

If a complaint contains evidence or allegations of serious or extreme bullying, or a civil rights violation, the complaint shall be referred promptly to the Superintendent. The complainant will also be advised of other avenues to pursue their complaint, including contact information for state and federal authorities.

In addition, where the principal, the principal's designee or the Dignity Act Coordinator has a reasonable suspicion that the alleged bullying incident involves criminal activity, he/she should immediately notify the Superintendent, who shall then contact the school attorney, appropriate child protection and, if appropriate, law enforcement authorities.

Any party who is not satisfied with the outcome of the initial investigation may request a district-level investigation by submitting a written complaint to the Superintendent within 30 days.

#### B. District-level Procedure

The Superintendent or his/her designee shall promptly investigate and equitably resolve all bullying complaints that are referred to him/her, as well as those appealed to the Superintendent following an initial investigation. In the event the complaint involves the Superintendent, the complaint shall be filed with or referred to the Board President, who shall refer the complaint to an appropriate independent individual for investigation.

The district-level investigation should begin as soon as possible, but not later than five school days following receipt of the complaint by the Superintendent or Board President.

In conducting the formal district level investigation, the district will endeavor to use individuals who have received formal training regarding such investigations or that have previous experience investigating such complaints.

If a district level investigation results in a determination that bullying did occur, prompt corrective action will be taken to end the misbehavior in accordance with the *Remediation/Discipline/Penalties* section of this regulation.

No later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the target and alleged perpetrator, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator, will provide all parties with a written status report within 30 days following receipt of the complaint.

Any party who is not satisfied with the outcome of the district-level investigation may appeal to the Board of Education by submitting a written request to the Board President within 30 days.

#### C. Board-level Procedure

When a request for review by the Board has been made, the Superintendent shall submit all written statements and other materials concerning the case to the President of the Board.

The Board shall notify all parties concerned of the time and place when a hearing will be held. Such hearing will be held within 15 school days of the receipt of the request of the complainant.

The Board shall render a decision in writing within 15 days after the hearing has been concluded.

The district shall retain documentation associated with complaints and investigations in accordance with Schedule ED-1.

#### **Retaliation Prohibited**

Any act of retaliation against any person who opposes bullying behavior, or who has filed a complaint, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified, assisted or participated in any manner in an investigation, proceeding, or hearing of a bullying complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action up to and including suspension or termination.

#### **Remediation/Discipline/Penalties**

Any individual who violates this policy by engaging in bullying will be subject to appropriate action, which may include disciplinary action. Remedial responses to bullying include measures designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act.

Disciplinary measures available to school authorities include, but are not limited to the following:

Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the Code of Conduct and applicable law.

Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.

Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.

Vendors: Penalties may range from a warning up to and including loss of district business.

Other individuals: Penalties may range from a warning up to and including denial of future access to school property.

**Policy Dissemination**

All students and employees shall be informed of this policy in student and employee handbooks, on the district website and student registration materials. A poster summarizing the policy shall also be posted in a prominent location at each school and in the district office. A list of the Dignity Act Coordinators for each school will be included in the student-friendly Code of Conduct which is provided electronically to all students

All employees shall receive information about this policy and regulation at least once a year.

Principals in each school shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures for filing a complaint and information about the impact of bullying on the target and bystanders.

**Training**

Training needs in support of this Dignity Act prevention and intervention program will be reflected in the district’s annual professional development plan, new teacher orientation, in curriculum and will be considered in the budget process. The bullying prevention coordinator, administrative employees and other staff, psychologists, social workers, Dignity Act committee members who have specific responsibilities for investigating and/or resolving complaints of bullying shall receive yearly training to support implementation of this policy, regulation and on related legal developments.

Starting with the 2013-2014 school year, the District will provide training (including that for school and district administrators) that: (1) raises awareness and sensitivity to harassment, bullying and discrimination directed at students by students and/or school employees; (2) enables employees to prevent and respond to such incidents; (3) makes employees aware of the effects of such conduct on students; (4) ensures the effective implementation of school policy on school conduct and discipline; and (5) includes safe/supportive “school climate concepts in curriculum and classroom management.

1<sup>st</sup> Reading July 9, 2012

2<sup>nd</sup> Reading and Adoption August 21, 2012

1<sup>st</sup> Reading July 8, 2013

2<sup>nd</sup> Reading for Re-adoption August 20, 2013

**Exhibit 0115-E**

**HARASSMENT AND/OR BULLYING COMPLAINT FORM**

The purpose of this form is to inform the district of an incident or series of incidents of bullying and/or harassment so we can investigate and take appropriate steps

Student Name: \_\_\_\_\_ Name of person reporting: \_\_\_\_\_

Relationship: \_\_\_\_\_

Grade: \_\_\_\_\_ School: \_\_\_\_\_

Describe the incident(s). Please include when and where it happened.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List the name(s) of the individual(s) accused of bullying and/or harassment.

\_\_\_\_\_  
\_\_\_\_\_

Were there any witnesses? \_\_\_Yes \_\_\_No If yes, please list the names of the individual(s).

\_\_\_\_\_  
\_\_\_\_\_

*I certify that all statements on this form are accurate and true to the best of my knowledge.*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Please attach any supporting documentation (i.e., copies of emails, notes, photos, etc.).

**Return this form to your School Principal**

Note on confidentiality:

In order to investigate the complaint, the district will disclose the content of the complaint only to those persons who have a need to know. This form will not be shown to the accused student(s)/staff.



***NOTIFICATION OF RIGHTS UNDER THE  
FAMILY EDUCATION RIGHTS AND PRIVACY ACT***

The Family Educational Rights and Privacy Act (FERPA) afford parents and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records. They are:

- (1) The right to inspect and review the student’s education records within **45** days of the day the District receives a request for access.

Parents should submit to the District Clerk a written request that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notify the parent of 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 believes are inaccurate or misleading.

Parents may ask the Valley Stream UFSD Thirteen to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the District decides not to amend the record as requested by the parent, the District will notify the parent of the decision and advise them 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 consent to disclosures of personally identifiable information contained in 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 District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); the School Board; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or 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 responsibility.

Upon request, the District may disclose education records without consent to officials of another school in which a student seeks or intends to enroll.

- (4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District 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  
600 Independence Avenue, SW  
Washington, DC 20202-4605

## ***RECORDS AND CONFIDENTIALITY***

Personally identified data, information or records pertaining to any child shall not be disclosed by any officer or employee of Valley Stream UFSD Thirteen to any person other than the parent or legal guardian of such child, except in accordance with the provisions of Section 300.571 of Title 34 of the Code of Federal Regulations.

Parents and legal guardians retain the right to see all of the student's school records, tests and reports, and to have them satisfactorily explained. Copies of records are available upon request at a reasonable cost.

### ***RELEASE OF DIRECTORY INFORMATION UNDER THE FAMILY EDUCATION RIGHTS AND PRIVACY ACT***

Valley Stream UFSD Thirteen may provide limited student directory information to potential news and feature article publication sources, including the district Web site, unless a refusal of consent to release has been filed in writing by the parent or legal guardian with respect to the distribution of any or all of the listed items of student directory information. Directory information includes: student's name, address, name of student's parents/guardians, date and place of birth, participation in recognized activities and sports, awards and recognition received, and photographs.

<p>Under the Family Education Rights and Privacy Act of 1974, parents or legal guardians who do not wish the information released, must make a specific request in writing, mailed by <b>September 30<sup>th</sup> to the District Clerk, Valley Stream UFSD Thirteen, 585 North Corona Avenue, Valley Stream, NY 11580.</b></p>
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## ***RIGHT TO KNOW AND BLOOD BORNE PATHOGENS***

Every employee has a “right to know” what chemicals they may be exposed to in the workplace. This includes chemicals used by other employees as well as outside contractors. On request for information, the school district has three working days to provide a satisfactory answer.

The District provides annual Blood Borne Pathogen training to all designated employees.

Questions should be addressed to Mr. Gerard Antoine, Assistant Superintendent for Business and Human Resources at (516) 568-6110.

## ***INTEGRATED PEST MANAGEMENT (IPM)***

The Valley Stream UFSD Thirteen has an Integrated Pest Management Program in accordance with NYS Education Department Regulations. This program dictates that if pesticide use is necessary, the least toxic pesticide will be used. Any student, parent/guardian, or staff member may register to receive written notification 48 hours prior to a regulated pesticide application. Individuals may request that their name be added to the school registry at any time during the school year.

All interested parties should contact the District’s Pesticide Representative, Mr. Gerard Antoine, Assistant Superintendent for Business and Human Resources at (516) 568-6110 Monday through Friday 8:00 a.m. – 4:00 p.m.

## ***EMERGENCY PLAN***

In order to provide for the safety and security of both students and staff, Valley Stream District Thirteen has an emergency plan that addresses risk reduction and prevention and details responses to a variety of emergencies that could occur. As part of this plan, each school conducts emergency exercises including fire drills and lockdown/lockout exercises. During lockdown/lockout drills the building is locked and no one is permitted to enter or leave. A sign is posted to indicate that a drill is in progress.

### ***BLOOD DONATION LEAVE***

An employee who wishes to donate blood may be granted three hours of un-paid leave in any 12 month period. This leave time will be deducted from the employee's allotment of personal, vacation or sick days.

### ***LEAVE OF ABSENCE FOR CANCER SCREENING***

Employees will be granted a leave of absence with pay for a sufficient period of time, not to exceed four hours, for the purposes of screening for breast or prostate cancer one time per year. This leave time will not be charged against the employee's accumulated leave.

### ***ABSENCES AND REQUESTS FOR SUBSTITUTE COVERAGE***

All employees must utilize the AESOP (Automated Educational Substitute Operator) Service to report absences and request substitute coverage, if required. All employees must register on-line with an ID number and PIN number provided by the district. Once logged in, the system will provide appropriate prompts.

**VALLEY STREAM DISTRICT THIRTEEN**  
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President

**Vinayak (Vinny) Pandit**  
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Superintendent of Schools

**Gerard Antoine**  
Assistant Superintendent  
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