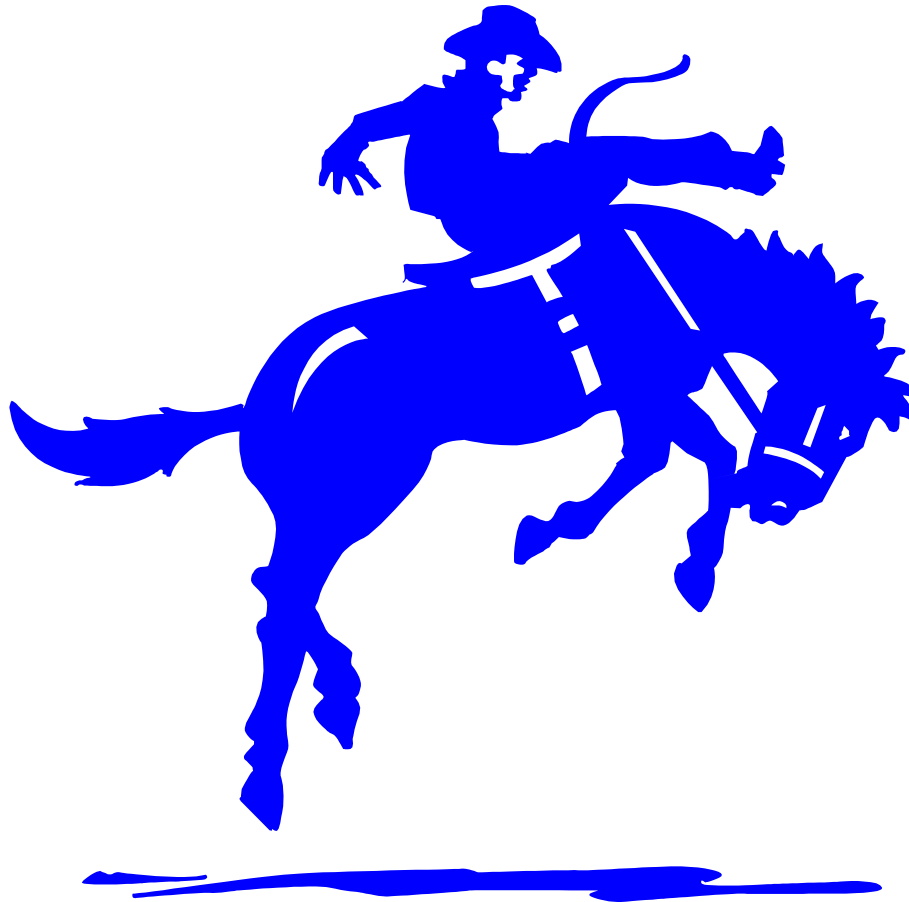


Roosevelt Union Free School District

# Code of Conduct



**Pre-Kindergarten- Grade 12**

**The Relentless Pursuit of Excellence in All That We Do!**

Readopted 8/2012

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**PARENT LETTER**

**September 2012**

**Dear Parent,**

**Your child has received the 2012-13 edition of the Code of Conduct. In addition, there are two (2) copies of a Behavioral Contract, located in the back of this booklet, which provides a summary of the required behaviors for your child during school hours.**

**The Code of Code and Behavioral Contract are two components of the Educational Services Department continuing effort to maintain a safe and supportive environment for all students. It is extremely important that all students understand the school rules and requirements of behavior. Your cooperation in reading these documents and discussing them with your child/ren is greatly appreciated.**

**After your discussion with your child, both you and your child should sign a copy of the behavioral contract that applies to their grade level, and have your child return signed copy to his/her teacher/homeroom teacher.**

**The other copy is for you to keep along with the Code of Conduct handbook.**

**If you have any questions please call your child's school at:**

- Centennial Elementary 345-7400**
- Ulysses Byas Elementary – 345-7500**
- Washington Rose Elementary – 345-7600**
- The Middle School – 345-7700**
- Roosevelt Senior High School – 345-7200**
- Alternative Learning Academy- 345-7212**

**Thank you for your support in helping to make our schools better, stronger and safer for your child/ren.**

**Sincerely,**

***Jeremiah Sumter Jr.***  
**Coordinator of School Safety & Student Support Services**

**cc: Board of Education  
Superintendent of Schools  
Coordinator of School Safety and Student Support Services  
Principals**

## **INTRODUCTION**

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

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

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

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

The Roosevelt School District-wide Project SAVE Committee, in compliance with the Commissioner's Regulations, developed a Code of Conduct in which parents, teachers, administrators, students, School Safety Personnel, and Board Members participated.

On an annual basis, each school reviews and refines the existing school practices and presents it to the district. Student Handbooks will be updated and reviewed annually with students and staff so that the Code remains beneficial and current for students.

The committee members recognize that good school discipline will help our schools accomplish their primary mission, the education of our students. We recognize that an awareness of meaningful school rules contributes to a safe and healthy environment in which schools can be expressed in positive terms.

Recognizing that the codes can be meaningful only if they are understood and supported by those who are affected, we plan to review them periodically and distribute them among students, staff, parents and administrators by:

- Providing to students a summary of the Code of Conduct using age appropriate methods by **September 30<sup>th</sup> of each school year.**
- Mailing a summary of the Code of Conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request.
- 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.
- Providing all new employees with a copy of the current Code of Conduct when they are first hired.
- Making copies of the Code of Conduct available to students, parents and other community members.

## **Definitions**

For purposes of this code, the following definitions apply:

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

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

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

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

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

- Commits an act of violence upon a school employee, or attempts to do so.
- Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.

- Possesses, while on school property or at a school function, a weapon.
- Displays, while on school property or at a school function, what appears to be a weapon.
- Threatens, while on school property or at a school function, to use a weapon.
- Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
- Knowingly and intentionally damages or destroys school district property.

“Weapon” means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart fn, 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.

The term alcohol and/or other contraband substances shall be construed throughout this policy to refer to the use of all contraband substances including, but not limited to, alcohol, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any of those substances commonly referred to as designer drugs. The use of prescription and over the counter drugs in violation of policy 5420 shall also be prohibited.

The term trespassing on school property is defined as entering on school grounds without permission from the administrator in charge of those grounds.

### **Student Rights and Responsibilities**

The Board of Education's goal is to provide an environment in which a student's rights and freedoms are respected. The Board, therefore, assures district students that they shall have all the rights afforded them by federal and state constitutions, statutes and regulations. The Board also recognizes all federal, state and local laws in connection with these rights, and reminds students that certain responsibilities accompany these rights.

### **Student Rights**

The Board supports the rights of students where these rights do not interfere with those of others, the general social order, or laws, rules and regulations. Each district student shall have the right to:

- Have a safe, healthy, orderly, and courteous school environment;
- Take part in all district activities on an equal basis regardless of race, color, creed, gender, religion, sexual orientation, national origin, or disability;
- Attend school and participate in school programs unless suspended from instruction and participation for legally sufficient cause as determined in accordance with due process of law;
- Be involved in school government planning as appropriate to the age of the student;
- Be involved in long-range curriculum planning as appropriate to the age of the student;
- Free speech or expression where such speech or expression is not slanderous, does not incite others to damage property or physically harm others, or does not interfere with the normal operation of the school;
- Distribute literature subject to school approval with respect to time, manner, place, duration, and content which does not interfere with the normal operation of the school;
- Suggest speakers and programs within reasonable constraints;
- Symbolic expression which does not intrude upon the orderly process of the school or the rights of others;
- Voluntary participation in patriotic ceremonies;
- The publication of a school newspaper;
- Participation in curricular offerings and athletics without regard to race, color, creed, gender, national origin, religion, age, sexual orientation, economic status, marital status, or disability;
- Participation in extracurricular activities and clubs consistent with present policy;
- Individual personal appearance except where dress or appearance interferes with the learning process or where factors such as health, safety, or the ability to fully participate in school activities are at issue;
- Request personal counseling;
- Confidentiality of communication when the content does not breach the school's responsibility to the parent/guardian;
- Access to student records if over the age of 18 and as allowed by law;
- Due process in matters of suspension;
- Due process in appeals procedures when disagreements arise between students and the administration;



- Have school rules and conditions available for review and, whenever necessary, explanation by school personnel;
- Be suspended from instruction only after his/her rights pursuant to Education Law Section 3214 have been observed; and
- In all disciplinary matters, to have the opportunity to present his/her version of the facts and circumstances leading to imposition of disciplinary sanctions to the professional staff member imposing such sanction.

### **Student Responsibility**

It shall be the responsibility of each student to:

- Be familiar with and abide by all district policies, rules, and regulations pertaining to student conduct;
- Work to the best of his/her ability in all academic and extracurricular pursuits and strive toward the highest level of achievement possible;
- Conduct himself/herself, when participating in or attending school-sponsored extracurricular events, as a representative of the district and as such hold himself/herself to the highest standards of conduct, demeanor, and sportsmanship;
- Accept responsibility for his/her actions;
- Seek help in solving problems that might lead to discipline procedures;
- **Be in regular attendance at school and in class;**
- Contribute to the maintenance of an environment that is conducive to learning and
- Show due respect to other persons and to property;
- Teach an understanding for such differences as social, economic, and cultural backgrounds and attitudes; and
- Dress in ways which do not interfere with the learning process or where factors such as health, safety, or the ability to fully participate in school activities are at issue.

### **Essential Partners**

#### **Parents**

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

#### **Teachers**

- Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
- Be prepared to teach.
- Demonstrate interest in teaching and concern for student achievement.
- Know school policies and rules, and enforce them in a fair and consistent manner.
- Communicate to students and parents.
- Course objectives and requirements.
- Marking/grading procedures.
- Assignment deadlines.
- Expectations for students.
- Classroom discipline plan.
- Communicate regularly with students, parents and other teachers concerning growth and achievement.

### **School Psychologists and Social Workers**

- Assist students in coping with peer pressure and emerging personal, social, and emotional problems.
- Initiate teacher/parent/student/counselor conferences, as necessary, as a way to resolve problems.
- Encourage students to benefit from the curriculum and extracurricular programs

### **Guidance Counselors**

- Assist students in coping with peer pressure and emerging personal, social and emotional problems.
- Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
- Regularly review with students with career planning.
- Provide information to assist students with career planning.
- Encourage students to benefit from the curriculum and extracurricular programs.

### **Principals**

- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
- Ensure that students and staff have the opportunity to communicate regularly with the Principal and approach the Principal for redress of grievances.
- Evaluate on a regular basis all instructional programs.
- Support the development of and student participation in appropriate extracurricular activities.
- Be responsible for enforcing the code of conduct and ensuring that all cases are solved promptly and fairly.
- Each Building Principal or his/her designee shall inform all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code during the school year.

### **Superintendent and District Administrators**

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

### **Board of Education**

- 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.
- 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.
- Lead by example by conducting Board meetings in a professional, respectful, courteous manner.

### **Disciplinary Penalties and Procedures**

School officials must consult the Code of Conduct when determining which disciplinary measure to impose. The enumerated infractions are not all-inclusive. Students who engage in misconduct which is **not listed** are subject to appropriate disciplinary measures by the Principal, Assistant Principal, Dean, Discipline Teacher, teacher or other designee of the Superintendent of Schools based on violation of school rules. To ensure that staff, students and parents are aware of all expected standards of behavior, school rules must be in writing and distributed along with the Code of Conduct. Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

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

- The student's age.
- The nature of the offense and the circumstances, which led to the offense.

- The student's prior disciplinary record.
- Previous disciplinary record (including the nature of the prior misconduct, the number of prior instances of misconduct, and the disciplinary measure imposed for each)
- Circumstances surrounding the incident leading to the discipline
- Student's IEP, BIP and 504 Accommodation Plan, if applicable.
- The effectiveness of other forms of discipline.
- Information from parent(s)/guardian(s), teachers and/or others, as
- Other extenuating circumstances.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability.

### **Penalties**

Students who are found to have violated the district's code of conduct will 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 – bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, principal, superintendent.
- Written notification to parent – bus driver, hall and lunch monitors, monitors, coaches, guidance counselors, teachers, principal, superintendent.
- Detention – teachers, principal, superintendent
- Suspension from transportation – director of transportation, principal, superintendent.
- Suspension from athletic participation – coaches, athletic director, principal, superintendent
- Suspension from social or extracurricular activities – activity director, principal, superintendent
- Suspension of other privileges – principal, superintendent
- In-school suspension – principal, superintendent
- Time-out from class – teachers, principal
- Removal from classroom by teacher – teachers, principal
- Short-term (five days or less) 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

### **Procedures**

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

Students who are to be given penalties other than an oral warning, written warning, or written notification to their parent(s)/guardian(s) are entitled to additional rights before the penalty is imposed. These additional rights are explained below:

- **Detention**

The Board of Education believes that detention is an effective method of discipline for students. A student who violates the student disciplinary code may be assigned detention by the school official. After-school detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention;

- **Suspension from transportation**

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the superintendent, or their designees, or the director of transportation. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved;

- **Suspension from athletic participation, extracurricular activities, and other privileges**

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

- **In-school suspension**

The Board of Education recognizes the importance of school attendance. Therefore, suspension from school must be viewed as a last resort in dealing with student disciplinary infractions. The Board also recognizes the need to remove unruly or disruptive students from the regular class so that learning can take place in the classrooms. As such, the board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as a result of a code of conduct violation in "in-school suspension." The In-School Suspension Program provides appropriate tasks, supervision, and guidelines for the imposition of an in-school suspension. A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law 3214. However, the student and the student's parent will be provided with an opportunity to discuss with school officials the reasons for imposing an in school suspension;

- **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 the opportunity to regain his or her composure and self-control in an alternative setting. Such practices shall include, but are not limited to: (1) short-term "time out" in a classroom or in an administrator's office; (2) sending a student into the hallway briefly, with appropriate supervision; (3) sending a student to the principal's office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code. On occasion, student's behavior may become disruptive. For purpose of this code of conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

**A classroom teacher may remove a disruptive student from a class for up to two days. Student(s) are required to attend the In School Suspension program during assigned teacher removal.**

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 one school day.

**The teacher must complete a building-level disciplinary removal form and meet with the principal or his other designee as soon as possible, but by no later than the beginning of classes on the next school day, to explain the circumstances of the removal and to present the removal form.**

Within 24 hours after the student's removal, the student's parent(s)/guardian(s) must be notified, with a telephone call by the teacher and a written notice by the principal or the principal's designee, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the teacher and/or principal, or the principal's designee to discuss the reasons for the removal. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parent(s)/guardian(s).

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(s)/guardian(s) a chance to present the student's

version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal. The principal or the principal's designee may overturn the removal of the student from class if the principal finds any one of the following:

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

The principal or his or her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 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. The principal or the principal's designee will inform the teacher of the final determination before the students' returns to the classroom. Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom. Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from his or her class. The principal must keep a log of all removals of students from class.

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

#### ▪ **Suspension from School**

The Board of Education, the superintendent of schools, and building principals will have the power to suspend a student who, in their judgment, is insubordinate or disorderly, or whose conduct endangers the safety, morals, health, or welfare of others, or whose physical or mental condition endangers the health, safety, or morals of himself/herself or of others for periods not to exceed five school days. The Board and/or superintendent may also suspend a student for longer than five days. In such cases, the superintendent and/or building principal will immediately provide written notification of the suspension to the student's parent(s) or guardian(s) and will afford the opportunity for a hearing with respect to the basis of such suspension. The notice and hearing will comply with the Education Law and Commissioner's Regulations. A student of compulsory attendance age will be offered alternative instruction in the event that he/she is suspended from regular instruction.

Conditions under Which a Student May Be Suspended from School: Consistent with Education Law and the Regulations of the Commissioner of Education, a student may be suspended from his/her school for the following reasons:

- Insubordination or disorderly student conduct that endangers the safety, morals, health, or welfare of others.
- A student's physical or mental condition that endangers the health, safety, or morals of himself or herself or of other students and/or staff members.

Who May Suspend a Student?

- Student suspensions are handled by the building principal and **do not exceed five days** in length.
- The Board of Education and the superintendent of schools have the authority to suspend a student for a period **exceeding five school days**.

#### **ACCIDENTS AND MEDICAL EMERGENCIES**

Procedures shall be established and maintained by the Superintendent for the handling of student injuries and medical emergencies that occur on school property and during school activities.

#### **Student Emergency Treatment**

All staff members of the School District are responsible to obtain first aid care of students who are injured or become ill while under school supervision. In most instances, first aid should be rendered, and then the parent should be contacted to come to school and transport the student to the family physician. Beyond first aid, the medical care of the student is the parent's responsibility. However, the student's welfare is always the primary concern, and it is the responsibility of school personnel to exercise good judgment and care under all circumstances.

The Board of Education encourages all staff members to become qualified to give emergency treatment through instruction in first aid, Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillators.

### **Transporting an Ill or Injured Student**

In the event of an illness or injury to a student, an ambulance may be called if warranted. This solution will be used after other alternatives, including parent/person in parental relation contact, have been made.

### **Insurance**

The Board of Education shall approve provisions for all students to be covered by group insurance. Such student accident insurance policies are to be a co-insurance with family coverage(s) as primary.

*District Policy 7520*



### **ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)**

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

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

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

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

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

#### **Primary Prevention**

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

- A sequential K through 12 curriculum based on recognized principles of effectiveness that is developed and incorporated into the total educational process. This curriculum shall be concerned with education and prevention in all areas of alcohol, tobacco, drugs, and other substances use/abuse;

Training school personnel and parents/guardians to reinforce the components of the policy through in-service and community education programs with up-to-date factual information and materials. An effort to provide positive alternatives to alcohol, tobacco, drugs, and other substances use/abuse through the promotion of drug/tobacco/alcohol-free special events, service projects, and extracurricular activities that will develop and support a positive peer influence.

## **Intervention**

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

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

## **Disciplinary Measures**

Disciplinary measures for students consuming, sharing and/or selling, using and/or possessing alcoholic beverages, tobacco products, illegal drugs, counterfeit and designer drugs (i.e.: synthetic cannabinoids), or paraphernalia for the use of such drugs shall be outlined in the District's Code of Conduct on School Property.

## **Staff Development**

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

## **Implementation, Dissemination and Monitoring**

It shall be the responsibility of the Superintendent to implement the alcohol, tobacco, drugs, and other substances Board policy by collaboration with school personnel, students, parents/guardians, and the community at large.

Additionally, copies of Board policy shall be disseminated to District staff, parents/guardians, and community members. The Superintendent/designee shall periodically review the tobacco, drugs and alcohol abuse prevention program to determine its effectiveness and support appropriate modifications, as needed.

*District Policy 7320*

## **ANTI-HARASSMENT IN THE SCHOOL DISTRICT**

The Board of Education affirms its commitment to nondiscrimination and recognizes its responsibility to provide an environment that is free of harassment and intimidation. Harassment is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of harassment on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, veteran status, disability, or use of a recognized guide dog, hearing dog or service dog by employees, school volunteers, students, and non-employees such as contractors and vendors as well as any third parties who are participating in, observing, or otherwise engaging in activities subject to the supervision and control of the District.

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

The Board also prohibits harassment based on an individual's opposition to discrimination or participation in a related investigation or complaint proceeding under the anti-discrimination statutes. This policy of nondiscrimination and anti-harassment will be enforced on School District premises and in school buildings; and at all school-sponsored events, programs and activities, including those that take place at locations off school premises and in another state.

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

For purposes of this policy, harassment shall mean communication (verbal, written or graphic) and/or physical conduct based on an individual's actual or perceived race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, veteran status, disability, or use of a recognized guide dog, hearing dog or service dog that:

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

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

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

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

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

### **Prohibition of Retaliatory Behavior**

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



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

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

However, even if a determination is made that harassment did not occur, the Superintendent/designee reserves the right to initiate staff awareness and training, as applicable, to help ensure that the school community is not conducive to fostering harassment in the workplace. In all cases, the Superintendent will inform the Board of Education of the results of each investigation involving a finding that harassment did not occur.

### **Knowingly Makes False Accusations**

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

### **Privacy Rights**

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

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

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

The Superintendent/designee(s) will affirmatively discuss the topic of harassment with all employees and students, express the District's condemnation of such conduct, and explain the sanctions for such harassment. Appropriate training and/or "awareness" programs will be established for staff and students to help ensure knowledge of and familiarity with the issues pertaining to harassment in the schools, and to disseminate preventative measures to help reduce such incidents of prohibited conduct. Furthermore, special training will be provided for designated supervisors and managerial employees, as may be necessary, for the investigation of harassment complaints.

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

This policy should not be read to abrogate other District policies and/or regulations or the District Code of Conduct prohibiting other forms of unlawful discrimination, inappropriate behavior, and/or hate crimes within this District. It is the intent of the District that all such policies and/or regulations are read consistently to provide the highest level of protection from unlawful discrimination in the provision of employment/educational services and opportunities. However, different treatment of any member of the above named group which has a legitimate, legal, and nondiscriminatory reason shall not be considered a violation of District policy.

*District Policy 3420*

### **BULLYING: PEER ABUSE IN THE SCHOOLS**

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

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

attacking those who are less powerful." Bullying can take three forms:

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

The District also prohibits "Internet bullying" (also referred to as "cyber-bullying") including the use of instant messaging, e-mail, web sites, chat rooms, and text messaging when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of District students or employees.

However, it is important to note that a single negative act as enumerated above may also constitute "bullying" (if not more serious misconduct) based upon the particular circumstances such as the seriousness of the act and/or the intent of the actor.

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

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

Personnel at all levels are responsible for taking corrective action to prevent bullying behavior of which they have been made aware at School District sites or activities and/or reporting such behavior to their immediate supervisor. Further, staff training shall be provided to raise awareness of the problem of bullying within the schools and to facilitate staff identification of and response to such bullying behavior among students. Prevention and intervention techniques within the District to prevent against bullying behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to bullies, victims and their parents to help ensure that the bullying stops.

Rules against bullying shall be publicized District-wide and shall be disseminated as appropriate to staff, students and parents. Disciplinary sanctions for violation of this policy shall be outlined in the District Code of Conduct as enumerated above and may also be incorporated in staff and student handbooks.

*District Policy 7552*

## **BUS RULES AND REGULATIONS**

The Roosevelt Union Free School District furnishes transportation to those students whose disability or distance from the school makes the service essential. Except as otherwise mandated in a student's Individualized Education Program (IEP), riding these buses is a privilege and may be withdrawn if the student does not comply with the rules and regulations set forth in this District.

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

The Board of Education, the Superintendent and/or his/her designee has the authority to suspend the transportation privileges of children who are disorderly and insubordinate on buses. Generally, parent(s)/guardian(s) will be required to make alternative transportation arrangements for their children who have been suspended from riding the bus. However, the effect of a suspension from transportation on the student's ability to attend school will be considered. If a suspension

from transportation effectively results in a suspension from attendance because of the distance between the home and the school and the absence of alternative public or private means of transportation, the District shall make appropriate arrangements to provide for the student's education.

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

The Board directs the administration to establish rules and regulations for student conduct on buses, including applicable due process rights to be afforded students suspended from transportation privileges. These rules and regulations shall be promulgated to all concerned, including the non-public schools to which students are transported.

*District Policy 7340*



### **CHILDREN'S INTERNET PROTECTION ACT: INTERNET CONTENT FILTERING/SAFETY POLICY**

In compliance with The Children's Internet Protection Act (CIPA) and Regulations of the Federal Communications Commission (FCC), the District has adopted and will enforce this Internet safety policy that ensures the use of technology protection measures (i.e., filtering or blocking of access to certain material on the Internet) on all District computers with Internet access. Such technology protection measures apply to Internet access by both adults and minors with regard to visual depictions that are obscene, child pornography, or, with respect to the use of computers by minors, considered harmful to such students. Further, appropriate monitoring of online activities of minors, as determined by the building/program supervisor, will also be enforced to ensure the safety of students when accessing the Internet.

Further, the Board of Education's decision to utilize technology protection measures and other safety procedures for staff and students when accessing the Internet fosters the educational mission of the schools including the selection of appropriate teaching/instructional materials and activities to enhance the schools' programs; educate minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response to help ensure the safety of personnel and students while online.

However, no filtering technology can guarantee that staff and students will be prevented from accessing all inappropriate locations. Proper safety procedures, as deemed appropriate by the applicable administrator/program supervisor, will be provided to ensure compliance with the CIPA.

In addition to the use of technology protection measures, the monitoring of online activities and access by minors to inappropriate matter on the Internet and World Wide Web may include, but shall not be limited to, the following guidelines:

- Ensuring the presence of a teacher and/or other appropriate District personnel when students are accessing the Internet including, but not limited to, the supervision of minors when using electronic mail, chat rooms, instant messaging and other forms of direct electronic communications. As determined by the appropriate building administrator, the use of e-mail and chat rooms may be blocked as deemed necessary to ensure the safety of such students;
- Monitoring logs of access in order to keep track of the web sites visited by students as a measure to restrict access to materials harmful to minors;
- In compliance with this Internet Safety Policy as well as the District's Acceptable Use Policy, unauthorized access (including so-called "hacking") and other unlawful activities by minors are prohibited by the District; and student violations of such policies may result in disciplinary action; and
- Appropriate supervision and notification to minors regarding the prohibition as to unauthorized disclosure, use and dissemination of personal identification information regarding such students.

The determination of what is "inappropriate" for minors shall be determined by the District and/or designated school official(s). It is acknowledged that the determination of such "inappropriate" material may vary depending upon the circumstances of the situation and the age of the students involved in online research.

Under certain specified circumstances, the blocking or filtering technology measure(s) may be disabled for adults engaged in bona fide research or other lawful purposes. The power to disable can only be exercised by an administrator, supervisor, or other person authorized by the School District.

The School District shall provide certification, pursuant to the requirements of CIPA, to document the District's adoption and enforcement of its Internet Safety Policy, including the operation and enforcement of technology protection measures (i.e., blocking/filtering of access to certain material on the Internet) for all School District computers with Internet access.

### **Internet Safety Instruction**

In accordance with New York State Education Law, the School District may provide, to students in grades K through 12, instruction designed to promote the proper and safe use of the internet. The Commissioner shall provide technical assistance to assist in the development of curricula for such course of study which shall be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness, skills, information and support to aid in the safe usage of the internet.

### **Notification/Authorization**

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

Student use of the District's computer system (DCS) is conditioned upon written agreement by all students and their parents/guardians that student use of the DCS will conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the DCS. All such agreements shall be kept on file in the District Office.

The District has provided reasonable public notice and has held at least one (1) public hearing or meeting to address the proposed Internet Content Filtering/Safety Policy prior to Board adoption. Furthermore, appropriate actions will be taken to ensure the ready availability to the public of the District's Internet Content Filtering/Safety Policy, as well as any other District policies relating to the use of technology.

### **Definitions**

For purposes of this Act, the following definitions apply:

“ACCESS TO INTERNET”-- A computer shall be considered to have access to the Internet if such computer is equipped with a modem or is connected to a computer network which has access to the Internet.

“ACQUISITION OR OPERATION”-- An elementary or secondary school shall be considered to have received funds under this title for the acquisition or operation of any computer if such funds are used in any manner, directly or indirectly--

- to purchase, lease, or otherwise acquire or obtain the use of such computer; or
- to obtain services, supplies, software, or other actions or materials to support, or in connection with, the operation of such computer.”

“CHILD PORNOGRAPHY”-- The term `child pornography' means 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;
- such visual depiction is, or appears to be, of a minor engaging in sexually explicit conduct;
- such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct; or
- such visual depiction 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.

“COMPUTER”-- The term `computer' includes any hardware, software, or other technology attached or connected to, installed in, or otherwise used in connection with a computer.

“EFFECTIVE DATE”-- This section shall take effect 120 days after the date of the enactment of the Children's Internet Protection Act.

“HARMFUL TO MINORS”-- The term `harmful to minors' means any picture, image, graphic image file, or other visual depiction that--

- taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

- depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
- taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

“MINOR”-- The term `minor' means an individual who has not attained the age of 17.

“OBSCENE”-- The term `obscene' has the meaning as a three-part test:

- Whether the average person, applying contemporary community standards, would find the work (taken as a whole) appeals to the "prurient" interest;
- whether the work depicts sexual conduct in a patently offensive way; and
- whether the work (taken as a whole) lacks serious literary, artistic, political, or scientific value. This test is generally applied by courts in evaluating whether material is obscene.

“SEPARABILITY”--If any provision of this section is held invalid, the remainder of this section shall not be affected thereby.”.

“SEXUAL ACT; SEXUAL CONTACT”-- The terms `sexual act' and `sexual contact' have the meanings given such terms in section 2246 of title 18, United States Code.

“TECHNOLOGY PROTECTION MEASURE”-- The term `technology protection measure' means a specific technology that blocks or filters Internet access to visual depictions that are-- obscene; child pornography; or harmful to minors.

The terms "minor," "child pornography," "harmful to minors," "obscene," "technology protection measure," "sexual act," and "sexual contact" are defined in accordance with CIPA and other applicable laws/regulations as may be appropriate and implemented pursuant to the District's educational mission.

### *District Policy 8271*

#### **CODE OF CONDUCT ON SCHOOL PROPERTY**

The District has developed and will amend, as appropriate, a written Code of Conduct for the Maintenance of Order on School Property, including school functions, which shall govern the conduct of students, teachers and other school personnel, as well as visitors. The Board of Education shall further provide for the enforcement of such Code of Conduct.

For purposes of this policy, and the implemented Code of Conduct, 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 the District's elementary or secondary schools, or in or on a school bus; and a school function shall mean a school-sponsored extracurricular event or activity regardless of where such event or activity takes place, including those that take place in another state. The District Code of Conduct has been developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

The Code of Conduct shall include, at a minimum, the following:

- Provisions regarding conduct, dress and language deemed appropriate and acceptable on school property and at school functions, and conduct, dress and language deemed unacceptable and inappropriate on school property; provisions regarding acceptable civil and respectful treatment of teachers, school administrators, other school personnel, students and visitors on school property and at school functions; the appropriate range of disciplinary measures which may be imposed for violation of such Code; and the roles of teachers, administrators, other school personnel, the Board of Education and parents/persons in parental relation to the student;
- Standards and procedures to assure security and safety of students and school personnel;
- Provisions for the removal from the classroom and from school property, including a school function, of students and other persons who violate the Code;
- Provisions prescribing the period for which a disruptive student may be removed from the classroom for each incident, provided that no such student shall return to the classroom until the Principal (or his/her designated School District administrator) makes a final determination pursuant to Education Law Section 3214(3-a)(c) or the period of removal expires, whichever is less;
- Disciplinary measures to be taken for incidents involving the possession or use of illegal substances or weapons, the

- use of physical force, vandalism, violation of another student's civil rights, harassment and threats of violence;
- Provisions for detention, suspension and removal from the classroom of students, consistent with Education Law Section 3214 and other applicable federal, state and local laws, including provisions for school authorities to establish procedures to ensure the provision of continued educational programming and activities for students removed from the classroom, placed in detention, or suspended from school, which shall include alternative educational programs appropriate to individual student needs;
- Procedures by which violations are reported and determined, and the disciplinary measures imposed and carried out;
- Provisions ensuring the Code of Conduct and its enforcement are in compliance with state and federal laws relating to students with disabilities;
- Provisions setting forth the procedures by which local law enforcement agencies shall be notified of Code
- Provisions setting forth the circumstances under and procedures by which parents/persons in parental relation to the student shall be notified of Code violations;
- Provisions setting forth the circumstances under and procedures by which a complaint in criminal court, a juvenile delinquency petition or person in need of supervision ("PINS") petition will be filed;
- Circumstances under and procedures by which referral to appropriate human service agencies shall be made;
- A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law. For purposes of this requirement, as defined in Commissioner's Regulations, "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom" shall mean engaging in conduct which results in the removal of the student from the classroom by teacher(s) pursuant to the provisions of Education Law Section 3214(3-a) and the provisions set forth in the Code of Conduct on four (4) or more occasions during a semester, or three or more occasions during a trimester, as applicable;
- A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a) (a). However, the suspending authority may reduce the suspension period on a case-by-case basis consistent with any other state and federal law;
- A Bill of Rights and Responsibilities of Students which focuses upon positive student behavior, and which shall be publicized and explained to all students on an annual basis; and
- Guidelines and programs for in-service education programs for all District staff members to ensure effective implementation of school policy on school conduct and discipline.

The Code of Conduct has been adopted by the Board of Education only after at least one public hearing that provided for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties. Copies of the Code of Conduct shall be disseminated pursuant to law and Commissioner's Regulations. The District's Code of Conduct shall be reviewed on an annual basis, and updated as necessary in accordance with law. The School Board shall reapprove any updated Code of Conduct or adopt revisions only after at least one (1) public hearing that provides for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties. The District shall file a copy of its Code of Conduct and all amendments to the Code with the Commissioner of Education no later than thirty (30) days after their respective adoptions.

#### *District Policy 3410*

### **COMPLAINTS AND GRIEVANCES BY STUDENTS**

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

Administration shall be responsible for:

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

### **Prohibition of Retaliatory Behavior**

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination. Follow-up inquiries shall be made to

ensure that discrimination has not resumed and that all those involved in the investigation of the discrimination complaint have not suffered retaliation.

### **Complaints and Grievances Coordinator**

Additionally, the Board shall ensure compliance with Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA). The Superintendent shall designate a District employee as the Title IX/Section 504/ADA Coordinator; and regulations and procedures shall be implemented to resolve complaints of discrimination based on sex or disability. Prior to the beginning of each school year, the District shall issue an appropriate public announcement which advises students, parents/guardians, employees and the general public of the District's established grievance procedures for resolving complaints of discrimination based on sex or disability. Included in such announcement will be the name, address and telephone number of the Title IX/Section 504/ADA Coordinator.

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

*District Policy 7550*

## **COMPREHENSIVE STUDENT ATTENDANCE POLICY**

### **Statement of Overall Objectives**

School attendance is both a right and a responsibility. The School District is an active partner with students and parents in the task of ensuring that all students meet or exceed the New York State Learning Standards. Because the School District recognizes that consistent school attendance, academic success and school completion have a positive correlation, the School District has developed, and, if necessary, will revise a Comprehensive Student Attendance Policy to meet the following objectives:

- To increase school completion for all students;
- To raise student achievement and close gaps in student performance;
- To identify attendance patterns in order to design attendance improvement efforts;
- To know the whereabouts of every student for safety and other reasons;
- To verify that individual students are complying with education laws relating to compulsory attendance;
- To determine the District's average daily attendance for State aid purposes.

### **Description of Strategies to Meet Objectives**

The School District will:

- Create and maintain a positive school building culture by fostering a positive physical and psychological environment where the presence of strong adult role models encourages respectful and nurturing interactions between adults and students. This positive school culture is aimed at encouraging a high level of student bonding to the school, which in turn should lead to increased attendance.
- Develop a Comprehensive Student Attendance Policy based upon the recommendations of a multifaceted District Policy Development Team that includes representation from the Board of Education, administrators, teachers, students, parents and the community. The District will hold at least one public hearing prior to the adoption of this collaboratively developed Comprehensive Student Attendance Policy.
- Maintain accurate recordkeeping via a Register of Attendance to record attendance, absence, tardiness or early departure of each student.
- Utilize data analysis systems for tracking individual student attendance and individual and group trends in student attendance problems. Develop early intervention strategies to improve school attendance for all students.

### **Determination of Excused and Unexcused Absences, Tardiness and Early Departures**

Based upon our District's education and community needs, values and priorities, the School District has determined that absences, tardiness and early departures will be considered excused or unexcused according to the following standards.

- **Excused:** An absence, tardiness or early departure may be excused if due to personal illness, illness or death in the family, impassable roads due to inclement weather, religious observance, quarantine, required court appearances, attendance at health clinics, approved college visits, approved cooperative work programs, military obligations or other such reasons as may be approved by the Board of Education. **Parents must submit a**

**written explanation for all absences. In addition, (3) consecutive absences requires the submission of a doctor's note and indicates when the child can return to school.**

- **Unexcused:** An absence, tardiness or early departure is considered unexcused if the reason for the lack of attendance does not fall into the above categories (e.g., family vacation, hunting, babysitting, hair cut, obtaining learner's permit, road test, oversleeping).

### **Student Attendance Recordkeeping/Data Collection**

The record of each student's presence, absence, tardiness and early departure shall be kept in a register of attendance in a manner consistent with Commissioner's Regulations. An absence, tardiness or early departure will be entered as "excused" or "unexcused" along with the District code for the reason.

Attendance shall be taken and recorded in accordance with the following:

- For students in non-departmentalized **kindergarten through grade five** (i.e., self-contained classrooms and supervised group movement to other scheduled school activities such as physical education in the gym, assembly, etc.), such student's presence or absence shall be recorded after the taking of attendance once per school day, provided that students are not dismissed from school grounds during a lunch period. Where students are dismissed for lunch, their presence or absence shall also be recorded after the taking of attendance a second time upon the student's return from lunch.
- For students in **grades 6<sup>th</sup> through 12 or in departmentalized school at any grade level** (i.e., students pass individually to different classes throughout the day), each student's presence or absence shall be recorded after the taking of attendance in each period of scheduled instruction except that where students do not change classrooms for each period of scheduled
- Instruction, attendance shall be taken in accordance with paragraph "a" above.
- Any absence for a school day or portion thereof shall be recorded as excused or unexcused in accordance with the standards articulated in this policy.
- In the event that a student at any instructional level from kindergarten through grade 12 arrives late for or departs early from scheduled instruction, such tardiness or early departure shall be recorded as excused or unexcused in accordance with the standards articulated in this policy.

A record shall be kept 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 of Education.

Attendance records shall also indicate the date when a student withdraws from enrollment or is dropped from enrollment in accordance with Education Law Section 3202(1-a).

At the conclusion of each class period or school day, all attendance information shall be compiled and provided to the designated school personnel who are responsible for attendance. The nature of the absence, tardiness or early departure shall be coded on a student's record in accordance with the established District/building procedures.

### **Student Attendance/Course Credit**

The District believes that classroom participation is related to and affects a student's performance and grasp of the subject matter and, as such, is properly reflected in a student's final grade. For purposes of this policy, classroom participation means that a student is in class and prepared to work.

Consequently, for each marking period a certain percentage of a student's final grade will be based on classroom participation as well as the student's performance on homework, tests, papers, projects, etc. as determined by the building administrator and/or classroom teacher.

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

At the middle school/senior high school level, any student with more than **20 absences in a course may not receive credit for the course.** However, it is District policy that students with properly excused absences, tardiness and early



departures for which the student has performed any assigned make-up work, assignments and/or tests shall not be counted as an absence for the purpose of determining the student's eligibility for course credit. District procedures will specify how student tardiness and early departures will be calculated and factored into the District's minimum attendance standard.

However, where a student earns a passing grade, credit will not be denied for the course(s).

For summer school and courses meeting 1/2 year or 1/4 year, the same policy will apply and a calculation of the absences will be prorated accordingly.

Transfer students and students re-enrolling after having dropped out will be expected to attend a prorated minimum number of the scheduled class meetings during their time of enrollment.

Students will be considered in attendance if the student is:

- Physically present in the classroom or working under the direction of the classroom teacher during the class scheduled meeting time; or
- Working pursuant to an approved independent study program; or
- Receiving approved alternative instruction.

Students who are absent from class due to their participation in a school sponsored activity are to arrange with their teachers to make up any work missed in a timely manner as determined by the student's teacher. Attendance at school sponsored events where instruction is substantially equivalent to the instruction which was missed shall be counted as the equivalent of regular attendance in class.

Upon returning to school following a properly excused absence, tardiness or early departure, it shall be the responsibility of the student to consult with his/her teacher(s) regarding arrangements to make up missed work, assignments and/or tests in accordance with the time schedule specified by the teacher.

#### **Notice of Minimum Attendance Standard/Intervention Strategies Prior to the Denial of Course Credit**

In order to ensure that parents/persons in parental relation and students are informed of the District's policy regarding minimum attendance and course credit, and the implementation of specific intervention strategies to be employed **prior to the denial of course credit to the student for insufficient attendance**, the following guidelines shall be followed:

- Copies of the District's Comprehensive Student Attendance Policy will be mailed to parents/persons in parental relation and provided to students at the beginning of each school year or at the time of enrollment in the District.
- School newsletters and publications will include periodic reminders of the components of the District's Comprehensive Student Attendance Policy. Copies of the Attendance Policy will also be included in parent/student handbooks.
- At periodic intervals, a designated staff member(s) will notify, by telephone, the parent/person in parental relation of the student's absence, tardiness, or early departure and explain the relationship of the student's attendance to his/her ability to receive course credit. If the parent/person in parental relation cannot be reached by telephone, a letter shall be sent detailing this information.

A designated staff member will review the District's Attendance Policy with students who have excessive and/or unexcused absences, tardiness or early departures. Further, appropriate student support services/personnel within the District, as well as the possible collaboration/referral to community support services and agencies, will be implemented prior to the denial of course credit for insufficient attendance by the student.

#### **Notice of Students who are Absent, Tardy or Depart Early without Proper Excuse**

A designated staff member shall notify by telephone the parent/person in parental relation to a student who is absent, tardy or departs early without proper excuse. The staff member shall explain the District's Comprehensive Student Attendance Policy, the District's/building level intervention procedures, and, if appropriate, the relationship between student attendance and course credit. If the parent/person in parental relation cannot be reached by telephone, the staff member will provide such notification by mail. Further, the District's Attendance Policy will be mailed to the parent/person in parental relation to promote awareness and help ensure compliance with the policy.

If deemed necessary by appropriate school officials, or if requested by the parent/person in parental relation, a school conference shall be scheduled between the parent/person in parental relation and appropriate staff members in order to address the student's attendance. The student may also be requested to attend this conference in order to address appropriate intervention strategies that best meet the needs of the student.

### **Attendance Incentives**

In order to encourage student attendance, the District will develop and implement grade-appropriate/building-level strategies and programs including, but not limited to:

- Attendance honor rolls to be posted in prominent places in District buildings and included in District newsletters and, with parent/person in parental relation consent, in community publications;
- Monthly drawings for prizes at each grade level to reward perfect attendance;
- Special events (e.g., assemblies, guest speakers, field days) scheduled on days that historically have high absenteeism (e.g., Mondays, Fridays, day before vacation);
- Grade-level rewards at each building for best attendance;
- Classroom acknowledgment of the importance of good attendance (e.g., individual certificates, recognition chart, bulletin boards);
- Annual poster/essay contest on importance of good attendance; and
- Assemblies collaboratively developed and promoted by student council, administration, PTA/PTO and other community groups to promote good attendance.

### **Disciplinary Consequences**

Unexcused absences, tardiness and early departures will result in disciplinary sanctions as described in the District's Code of Conduct. Consequences may include, but are not limited to, in-school suspension, detention and denial of participation in interscholastic and extracurricular activities. Parents/persons in parental relation will be notified by designated District personnel at periodic intervals to discuss their child's absences, tardiness or early departures and the importance of class attendance and appropriate interventions. Individual buildings/grade levels will address procedures to implement the notification process to the parent/person in parental relation.

### **Intervention Strategy Process**

In order to effectively intervene when an identified pattern of unexcused absences, tardiness or early departures occur, designated District personnel will pursue the following:

- Identify specific element(s) of the pattern (e.g., grade level, building, time frame, type of unexcused absences, tardiness or early departures);
- Contact the District staff most closely associated with the element. In specific cases where the pattern involves an individual student, the student and parent/person in parental relation will be contacted;
- Discuss strategies to directly intervene with specific element;
- Recommend intervention to Superintendent or his/her designee if it relates to change in District policy or procedure;
- Implement changes, as approved by appropriate administration;
- Utilize appropriate District and/or community resources to address and help remediate student unexcused absences, tardiness or early departures; and
- Monitor and report short and long term effects of intervention.

### **Appeal Process**

A parent/person in parental relation may request a building level review of their child's attendance record.

### **Building Review of Attendance Records**

The Building Principal will work in conjunction with the building attendance clerk and other designated staff in reviewing attendance records at the end of each term. This review is conducted to identify individual and group attendance patterns and to initiate appropriate action to address the problem of unexcused absences, tardiness and early departures.

### **Annual Review by the Board of Education**

The Board of Education shall annually review the building level student attendance records and if such records show a decline in student attendance, the Board shall make any revisions to the Policy and plan deemed necessary to improve student attendance.

## **Community Awareness**

The Board of Education shall promote necessary community awareness of the District's Comprehensive Student Attendance Policy by:

- Providing a plain language summary of the policy to parents or persons in parental relation to students at the beginning of each school year and promoting the understanding of such a policy to students and their parents/persons in parental relation;
- Providing each teacher, at the beginning of the school year or upon employment, with a copy of the policy; and
- Providing copies of the policy to any other member of the community upon request.

*District Policy 7110*

## **CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS**

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

Whenever a school employee uses physical force against a student, the school employee shall immediately report the situation to his/her Principal/Supervisor. The Principal/Supervisor shall, within the same school day, make a report to the Superintendent describing in detail the circumstances and the nature of the action taken.

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

### **Emergency Interventions**

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

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

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

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

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

- Name and date of birth of student;
- Setting and location of the incident;
- Name of staff or other persons involved;
- Description of the incident and emergency intervention used, including duration;
- A statement as to whether the student has a current behavioral intervention plan; and
- Details of any injuries sustained by the student or others, including staff, as a result of the incident.

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

*District Policy 7350*



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

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

**Dignity Act Coordinator**

At least one (1) employee at every school shall be designated as the Dignity Act Coordinator(s). The Dignity Act Coordinator(s) will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression) and sex. The Board of Education shall appoint the Dignity Act Coordinator(s) and share the name(s) and contact information with all school personnel, students, and parents/persons in parental relation, which shall include, but is not limited to, providing the name, designated school and contact information by:

- a) Listing such information in the Code of Conduct and updates posted on the Internet website, if available;
- b) Including such information in the plain language summary of the Code of Conduct provided to all persons in parental relation to students before the beginning of each school year;
- c) Providing such information to parents and persons of parental relation in at least one district or school mailing or other method of distribution including, but not limited to, sending such information home with each student and, if such information changes, in at least one subsequent district or school mailing or other such method of distribution as soon as practicable thereafter;
- d) Posting such information in highly visible areas of school buildings;
- e) Making such information available at the district and school-level administrative offices.

If a Dignity Act Coordinator vacates his/her position, another school employee shall immediately be designated for an interim appointment as Coordinator, pending approval from the Board of Education, within thirty (30) days of the date the position was vacated. In the event a Coordinator is unable to perform the duties of the position for an extended period of time, another school employee shall immediately be designated for an interim appointment as Coordinator, pending return of the previous Coordinator to the position.

The following is the list of Dignity Act Coordinators per school within the district:

<b>Coordinators</b>	<b>Building/Location</b>	<b>Contact Number</b>
Ms. Vivian Mott, (Social Worker)	High School	516-345-7200
Ms. Lynn Leach, (Psychologist)	Middle School	516-345-7700
Ms. Desrine Johnson, (Teacher)	Middle School	516-345-7700
Ms. Gloria Stubbs, (Social Worker)	Centennial ES	516-345-7400
Mr. Joseph Fischetti, (Teacher)	Centennial ES	516-345-7400
Ms. Stubbs/Ms. Emmanuel, (Social Worker)	Ulysses Byas ES	516-345-7500
Ms. Joi Emmanuel, (Social Worker)	Washington Rose ES	516-345-7600
Ms. Nicole Rivera, (Teacher)	Washington Rose ES	516-345-7600

## **Training and Awareness**

Each District and Charter School shall establish guidelines for training which shall be approved by the Board of Education. Training will be provided each school year for all District employees in conjunction with existing professional development training to raise staff awareness and sensitivity of bullying, discrimination and/or harassment directed at students that are committed by students or school employees on school property or at a school function. Training will include ways to promote a supportive school environment that is free from bullying, discrimination and/or harassment, emphasize positive relationships, and demonstrate prevention and intervention techniques to assist employees in recognizing and responding to bullying, discrimination, and/or harassment as well as ensuring the safety of the victims.

Instruction in grades Kindergarten through 12 shall include a component on civility, citizenship and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community. For the purposes of this policy, "tolerance," "respect for others" and "dignity" shall include awareness and sensitivity to bullying, discrimination and/or harassment and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders and sexes.

Rules against bullying, discrimination and/or harassment will be included in the Code of Conduct, publicized District-wide and disseminated to all staff and parents. An age-appropriate summary shall be distributed to all students at a school assembly at the beginning of each school year.

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

The District will investigate all complaints of bullying, discrimination, and/or harassment, either formal or informal, and take prompt corrective measures, as necessary. Complaints will be investigated in accordance with applicable policies and regulations. If, after an appropriate investigation, the District finds that this policy has been violated, corrective action will be taken in accordance with District policies and regulations, the Code of Conduct, and all appropriate federal or state laws.

The District will annually report material incidents of bullying, discrimination and/or harassment which occurred during the school year to the State Education Department. Such report shall be submitted in a manner prescribed by the Commissioner, on or before the basic educational data system (BEDS) reporting deadline or such other date as determined by the Commissioner.

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

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

The Dignity Act is intended to give students in public schools an educational environment free from discrimination and harassment. It protects against all forms of harassment, particularly those based on a student's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. The Dignity Act will create a framework for promoting a more positive school culture through sensitivity training and classroom curricula on diversity by:

- **Training all Staff on Bullying Issues:** All staff should be trained on identifying and addressing the causes of bullying (for example, intolerance, homophobia, racism); identifying early signs of bullying; intervention strategies; and talking with students about bullying. It is important that non-pedagogical staff receive training to be able to at least recognize and report bullying.
- **Incorporating Anti-Bullying and Tolerance Lessons into all Students' Core Curricula:** The Dignity Act requires that schools incorporate lessons on civility, tolerance and diversity into their core curricula starting with the 2012-2013 school year. Schools should use these lessons to discuss bullying and harassment, why sensitivity

is important in the school and work environments, and how students should respond if they witness or experience bullying.

- **Understanding the Various Tactics Used by Bullies:** With students' increased access to technology, it is important for schools to understand the best ways to prevent and respond to "cyber bullying" (bullying via text, e-mail and web posting). Schools should treat cyber bullying like other forms of bullying—intervening when the conduct interferes with a student's ability to succeed in school but always protecting students' privacy and First Amendment rights. Schools should educate students on proper behavior on the Internet, yet refrain from using educational resources to monitor off-campus activities.
- **Designating a Staff Member to Become an Expert on Bullying:** The Dignity Act requires each school to have at least one staff member who acts as a point person on bullying issues and incidents. This person must receive comprehensive training on the causes of bullying, the psychology of bullying, and how to intervene when bullying occurs. Title IX requires every school to designate a staff person to handle complaints of sex discrimination; this same person can be responsible for responding to bullying.
- **Creating a Confidential Complaint Mechanism:** Students and parents should be provided with a confidential complaint mechanism that they can use to report incidents of bullying to the coordinator. Whenever possible, a form should be included on the school's website to enable members of the school community to report bullying online. In addition to responding to each complaint, the coordinator should regularly review all received complaints to determine whether there are patterns that warrant special attention.
- **Focusing on the Emotional and Psychological Needs of the Victim and the Bully:** Removing an aggressive student from school, through suspension or arrest, is *not* proven to address the causes of bullying or prevent further acts of bullying. In fact, removing a student from a structured environment can lead to increased frustration, fear and isolation, with potentially negative consequences for both the bully and victim.

Education Law Sections 10-18 and 801-a

8 New York Code of Rules and Regulations (NYCRR) Section 100.2(jj), 100.2(kk), and 100.2(1)(2)

Refer also to *Policies*

- #1330 -- Appointments and Designations by the Board of Education
- #3410 -- Code of Conduct on School Property
- #3420 -- Non-Discrimination and Anti-Harassment in the School District
- #7551 -- Sexual Harassment of Students
- #7552 -- Bullying in the Schools
- #7553 -- Hazing of Students
- #8242 -- Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education

## FAMILIAL CHILD ABUSE

The School District subscribes to all of the provisions of Title 6 - Child Protective Services of the Social Services Law Sections 411-428. Our purpose is to provide protective services to abused and neglected/maltreated children as described by the law, and to make all school personnel within the District aware of our legal responsibilities under this law.

Regulations shall be developed, maintained and disseminated by administration regarding the:

- Mandatory reporting of suspected child abuse or neglect/maltreatment;
- Reporting procedures and obligations of persons required to report;
- Provisions for taking a child into protective custody;
- Mandatory reporting of deaths;
- Immunity from liability and penalties for failure to report;
- Obligations for provision of services and procedures necessary to safeguard the life of a child; and
- Provision of information in recognizing signs of unlawful methamphetamine laboratories for all current and new school officials (i.e., "mandated reporters") who, as part of their usual responsibilities, visit children's homes.

Additionally, an ongoing training program for all current and new school officials shall be established and implemented to enable such staff to carry out their reporting responsibilities.

### **School Officials Required to Report**

The definition of a "school official" who is mandated to report cases of child abuse or neglect/maltreatment to the State Central Register (SCR) pursuant to Social Services Law Section 413(1) includes, but is not limited to, school teachers, school guidance counselors, school psychologists, school social workers, school nurses, school administrators or other school personnel required to hold a teaching or administrative license or certificate.

All mandated reporters shall make the report themselves and then immediately notify the Building Principal or his/her designee. The Building Principal or his/her designee shall be responsible for all subsequent administration necessitated by the report.

Any report shall include the name, title and contact information for every staff member who is believed to have direct knowledge of the allegations in the report.

### **Prohibition of Retaliatory Personnel Action**

Social Services Law Section 413(1) also prohibits a school from taking any retaliatory personnel action against an employee because such employee believes that he/she has reasonable cause to suspect that a child is an abused or neglected/maltreated child and that employee makes a report to SCR pursuant to Social Services Law. Further, no school or school official shall impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

Pursuant to Labor Law Section 740(1) (e), "retaliatory personnel action" means the discharge, suspension or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

### **Report Form**

The Revised May 2007 New York State Office of Children and Family Services "**Report of Suspected Child Abuse or Maltreatment**" Form LDSS-2221A may be accessed at website:

<http://www.ocfs.state.ny.us/main/cps/>

### **Child Abuse in an Educational Setting**

The School District is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers as enumerated in law.

"Child abuse" shall mean any of the following acts committed in an educational setting by an employee or volunteer against a child:

- Intentionally or recklessly inflicting physical injury, serious physical injury or death; or
- Intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury or death; or
- Any child sexual abuse, defined as conduct prohibited by Penal Law Articles 130 or 263; or
- The commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Penal Law Article 235.

"Educational setting" shall mean the building(s) and grounds of the School District; the vehicles provided by the School District for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off School District grounds; all co-curricular and extracurricular activity sites; and any other location where direct contact between an employee or volunteer and a child has allegedly occurred. In any case where an oral or written allegation is made to a teacher, school's registered professional nurse, school guidance counselor, school psychologist, school social worker, school administrator, School Board member, or other school personnel required to hold a teaching or administrative license or certificate, that a child (defined in the law as a person under the age of twenty-one (21) years enrolled in a school district in this state) has been subjected to child abuse by an employee or volunteer in an educational setting, that person shall upon receipt of such allegation:

- Promptly complete a written report of such allegation including the full name of the child alleged to be abused; the name of the child's parent; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. Such written report shall be completed on a form as prescribed by the Commissioner of Education.

- Except where the school administrator is the person receiving such an oral or written allegation, the employee completing the written report must promptly personally deliver a copy of that written report to the school administrator of the school in which the child abuse allegedly occurred (subject to the following paragraph).

In any case where it is alleged the child was abused by an employee or volunteer of a school other than a school within the school district of the child's attendance, the report of such allegations shall be promptly forwarded to the Superintendent of Schools of the school district of the child's attendance and the school district where the abuse allegedly occurred. Any employee or volunteer who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in accordance with the reporting requirements of the law shall have immunity from civil liability which might otherwise result by reason of such actions.

Upon receipt of a written report alleging child abuse in an educational setting, the school administrator or Superintendent must then determine whether there is "reasonable suspicion" to believe that such an act of child abuse has occurred. Where there has been a determination as to the existence of such reasonable suspicion, the school administrator or Superintendent must follow the notification/reporting procedures mandated in law and further enumerated in administrative regulations including parental notification. When the school administrator receives a written report, he/she shall promptly provide a copy of such report to the Superintendent.

Where the school administrator or Superintendent has forwarded a written report of child abuse in an educational setting to law enforcement authorities, the Superintendent shall also refer such report to the Commissioner of Education where the employee or volunteer alleged to have committed such an act of child abuse holds a certification or license issued by the State Education Department.

Any school administrator or Superintendent who reasonably and in good faith makes a report of allegations of child abuse in an educational setting, or reasonably and in good faith transmits such a report to a person or agency as required by law, shall have immunity from civil liability which might otherwise result by reason of such actions.

Reports and other written material submitted pursuant to law with regard to allegations of child abuse in an educational setting, and photographs taken concerning such reports that are in the possession of any person legally authorized to receive such information, shall be confidential and shall not be re-disclosed except to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or pursuant to a court-ordered subpoena. School administrators and the Superintendent shall exercise reasonable care in preventing such unauthorized disclosure.

Additionally, teachers and all other school officials shall be provided an annual written explanation concerning the reporting of child abuse in an educational setting, including the immunity provisions as enumerated in law. Further, the Commissioner of Education shall furnish the District with required information, including rules and regulations for training necessary to implement District/staff responsibilities under the law.

#### **Prohibition of "Silent" (Unreported) Resignations**

The Superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the Superintendent or the Commissioner of Education, where appropriate, information concerning allegations of child abuse in an educational setting against an employee or volunteer in exchange for that individual's resignation or voluntary suspension from his/her position.

Superintendents (or a designated administrator) who reasonably and in good faith report to law enforcement officials information regarding allegations of child abuse or a resignation as required pursuant to the law shall have immunity from any liability, civil or criminal, which might otherwise result by reason of such actions.

*District Policy 7530*

#### **Referrals**

- The Guidance Office or other staff designated by the Superintendent or Principals shall handle all referrals of students to counseling.



## **PINS Diversion**

- The district may initiate the PINS (person in need of supervision) **diversion** process in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:
  - Being habitually truant and not attending school as required by part one of 23 Article 65 of the Education Law.
  - 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.
  - Knowingly and unlawfully possessing marijuana in violation of Penal Law §221.05. A single violation of §221.05 will be a sufficient basis for filing a PINS petition.

## **Juvenile Delinquents and Juvenile Offenders**

- The superintendent is required to refer the following students to the appropriate law enforcement authorities for prosecution by the County Attorney of a juvenile delinquency proceeding before the Family Court:
  - Any student under the age of 16 who is found to have brought a weapon to school, or
  - 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.

## **HAZING OF STUDENTS**

### **Purpose**

Hazing and initiation activities that involve hazing are abusive and illegal behaviors that harm victims and negatively impact the school environment by creating an atmosphere of fear, distrust and mean-spiritedness. Hazing is especially troubling at the middle school and high school levels because of issues of adolescence, in which many students are more vulnerable to peer pressure due to the tremendous need to belong, make friends and find approval from one's peer group.

The purpose of this policy is to provide a safe learning environment for students and staff that is free from hazing and that promotes respect, civility, and dignity. Hazing activities of any type are inconsistent with the educational goals of the District and are prohibited at all times. Moreover, it is the policy of the District that no student or adult will participate in or be members of any secret fraternity, sorority, athletic team, club or organization that is in any degree related to the school or to a school district which engages in any form of hazing.

### **General Policy Statements**

- No student, teacher, coach, administrator, volunteer, contractor or other employee of the District shall permit, condone or tolerate hazing.
- No student, teacher, coach, administrator, volunteer, contractor or other employee of the District shall plan, direct, encourage, aid or engage in hazing.
- The District strictly prohibits students from engaging individually or collectively in any form of hazing or related initiation activity on school property, in connection with any school activity or involving any person associated with the school, regardless of where it occurs.
- Consistent with the District's Code of Conduct, any student who participates in hazing or related initiation activity will face immediate disciplinary action, up to and including suspension, expulsion, exclusion, and loss of the privilege of participation in extracurricular activities.
- Students who participate in hazing may also be referred to appropriate law enforcement authorities and may face subsequent prosecution.
- Consent is no defense to a charge of hazing. Apparent permission or consent by a person being hazed does not lessen the prohibitions or penalties contained herein.
- This policy applies to behavior that occurs on or off school property, and during, before and after school hours.

### **Definitions**

"Hazing" means intentionally or recklessly committing 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. The term hazing includes, but is not limited to:

- Any type of physical brutality such as whipping, beating, striking, branding, paddling, electronic shocking or placing a harmful substance on the body.
- Any type of physical activity such as sleep deprivation, exposure to extreme weather conditions, confinement in a restricted area, excessive calisthenics or activity that subjects the student to risk of harm or that adversely affects the mental or physical health or safety of the student.
- Any activity involving the consumption of any alcoholic beverage, drug, tobacco product or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
- Any activity that intimidates or threatens the student with ostracism, that subjects a student to extreme mental stress, embarrassment, shame or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school, such as morally degrading or humiliating games, pranks, practical jokes, or any other activities that make a student the object of amusement, ridicule, embarrassment, humiliation or intimidation.
- Requiring personal servitude.
- Requiring students to wear uncomfortable, ridiculous, or embarrassing clothing or underclothing and/or causing indecent exposure or any other gross and lewd behavior involving nudity.
- Requiring students to participate in acts of vandalism, theft, assault, sexual acts or other criminal activity.
- Subjecting an individual to cruel or unusual psychological conditions for any reason.
- Compelling an individual to participate in any activity that is perverse, publicly indecent, contrary to the individual's genuine moral or religious beliefs or contrary to the rules, policies, and regulations of the District.
- Any activity that causes or requires the student to perform a task that involves a violation of state or federal law or of School District policies or regulations.

"Student organization" means a group, club or organization having students as its primary members or participants. It includes grade levels, classes, teams, activities or particular school events. A student organization does not have to be an official school organization to come within the terms of this definition.

The terms "hazing" and "related initiation activity" do not include the ordinary physical activity of customary athletic events, tryouts, intramural activities or other similar student contests or competitions.

Consistent with the District's Code of Conduct, school officials will examine the totality of the circumstances in determining whether a particular activity constitutes hazing and warrants discipline under this policy. As a general test, students and school officials should consider the following questions in determining whether an activity could be defined as hazing.

- Does the activity provide an educational experience?
- Does the activity promote or conform to the values of the School District?
- Will the activity increase the respect for the school and individuals?
- Do new and initiated members participate together equally in the activity?
- Would students be willing to allow parents or school officials to witness the activity?
- Does the activity have value in and of itself?
- Is there a risk of injury or a question of safety involved?

### **Reporting Requirements**

- Any person who believes he or she has been the victim of hazing or any person with knowledge or belief of conduct that may constitute hazing shall report the alleged acts immediately to a teacher, the building principal, or the Superintendent.
- Teachers, coaches, administrators, paraprofessionals, volunteers, contractors and other employees of the District shall be particularly alert to possible situations, circumstances or events that might include hazing. Any such person who receives a report of, observes, or has other knowledge or belief of conduct that may constitute hazing shall inform the building principal or Superintendent immediately.
- Submission of a good faith complaint or report of hazing will not affect the complainant's or reporters future employment, grades, work assignments or activity participation.
- School personnel who fail to report incidents of hazing to District administrators may face disciplinary action.
- Students who observe hazing activities and fail to intervene or report the hazing to school officials may face disciplinary action for conspiring to engage in hazing.

### **School District Action**

- Upon receipt of a complaint or report of hazing, the District shall undertake or authorize an investigation by School District officials or a third party designated by the District. The District may take immediate steps, at its discretion, to protect the complainant, reporter, students, or others pending completion of an investigation of hazing.
- Upon completion of the investigation, the District will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, reporting to local police authorities, transfer, remediation, termination or discharge. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline prohibited behavior. School District action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements, applicable State and Federal statutes, District policies and regulations.
- The District will discipline or take appropriate action against any student, teacher, administrator, coach, paraprofessional, volunteer, contractor or other employee of the School District who retaliates against any person who makes a good faith report of alleged hazing, or against any person who testifies, assists, or participates in an investigation, proceeding or hearing relating to such hazing. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

### **Policy Dissemination**

The policy shall be published in appropriate student and employee handbooks, the District Code of Conduct, on the District website and in other publications as directed by the Superintendent. In addition, a summary of this policy will be distributed to the parents of all students upon the effective date of this policy, and prior to the beginning of each subsequent school year it will be mailed to parents along with a summary of the District Code of Conduct. Students will receive age-appropriate instruction about this policy at the beginning of each school year during health and physical education class. Each Middle School and High School student shall be required to sign a written statement of his or her awareness of the policy as a condition for participation in any extracurricular activity.

### *District Policy 7553*

### **LOSS OR DESTRUCTION OF DISTRICT PROPERTY OR RESOURCES**

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

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

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

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

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

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

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

In seeking restitution, the School District shall file with the court, the County District Attorney and defense counsel an affidavit stating that the funds reasonably expended for which restitution is being sought have not been and will not be

recovered from any other source or in any other civil or criminal proceeding, except as provided for pursuant to General Obligations Law Section 3-112.

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

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- Has knowingly entered or remained in a District building, and wrongfully taken, obtained or withheld personal property owned or maintained by the District.

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### *District Policy 7311*

### **MILITARY RECRUITER' ACCESS TO SECONDARY SCHOOL STUDENTS AND INFORMATION ON STUDENTS**

In compliance with the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001 (NCLB); and the National Defense Authorization Act, and in accordance with the Family Educational Rights and Privacy Act (FERPA), the School District shall comply with a request by a Military Recruiter for names, addresses, and telephone listings of eligible students. Eligible student under ESEA and the National Defense Authorization Act is defined as a secondary student who is seventeen (17) years of age or older or in the eleventh grade (or its equivalent) or higher. Under ESEA and the National Defense Authorization Act, parents must be notified that the School District by law routinely discloses students' names, addresses, and telephone listings to Military Recruiters upon request, subject to a parent's/eligible student's request not to disclose such information with written parental verification of such request.

Under FERPA, the School District must provide notice to parents/eligible students of the types of student information that it releases publicly. This type of information, commonly referred to as "directory information," which is released by the District includes - but is not limited to - such items as students' names, addresses, and telephone listings. The notice must include an explanation of a parent's/eligible student's right to request that "directory information" not be disclosed without prior written consent of the parent/eligible student. Eligible student under FERPA is defined as a student eighteen (18) years of age or older or who is attending an institution of post-secondary education.

A single notice provided through a mailing, student handbook, or other method that is reasonably calculated to inform parents/eligible students of the above information is sufficient to satisfy the notification requirements of both FERPA, ESEA and the National Defense Authorization Act. The notification shall advise the parent/eligible student of how to opt out of the public, nonconsensual disclosure of directory information and the disclosure of name, address and telephone

listing to Military Recruiters; and shall state the method and timeline within which to do so.

Further, in compliance with the ESEA and the National Defense Authorization Act, the District shall give Military Recruiters the same access to secondary school students as they provide to postsecondary institutions or to prospective employers.

If a parent/eligible student opts out of providing directory information (or any subset of such information) to third parties, the opt-out relating to the student's name, address, or telephone listing applies to requests from Military Recruiters as well. For example, if the opt-out states that telephone numbers will not be disclosed to the public, the District may not disclose telephone numbers to Military Recruiters.

The Superintendent/designee shall ensure that appropriate notification is provided regarding the opt-out rights prohibiting release of directory information and/or release of name, address and telephone listing to Military Recruiters.

### *District Policy 7243*

#### **NOTIFICATION OF SEX OFFENDERS**

In accordance with the Sex Offender Registration Act ("Megan's Law"), the Board of Education supports the New York State Department of Criminal Justice Services (DCJS) in its effort to inform the community in certain circumstances of the presence of individuals with a history of sex offenses, particularly against children, in the school locality. This policy is enacted in order to minimize the possibility that the sex offender will come in contact with school-age children, and to assist law enforcement agencies in preventing further criminal activity from occurring. Furthermore, the District shall cooperate with local police authorities and the local community in promoting and protecting the safety and well being of its students.

It is the policy of the Board of Education to disseminate all information which the District receives from local police authorities in conjunction with Megan's Law to designated staff members who might have possible contact with the offender during the course of their school duties including, but not limited to, Building Principals, supervisors, teachers, office personnel, coaches, custodians, bus drivers, and security personnel. The Superintendent reserves the right to automatically disseminate such information to additional members of the staff, designated supervisors of non-school groups that regularly use District facilities and have children in attendance, parents/guardians of District students, and other community residents who, in the opinion of the Superintendent, have an immediate need to be notified of such data in order to protect the safety of our students.

All staff members shall be informed of the availability of the information received by the District pursuant to Megan's Law upon written request to the applicable Building Principal/designee or supervisor. If applicable to District practice, include in policy: Community residents shall be notified of the availability of this information, with written requests directed to the District Office.

Staff members shall inform their immediate supervisor if they observe within the school building, on school grounds, at school activities, or at or near bus routes any individual whose description matches the information which was provided to the District by local law enforcement authorities. Such law enforcement officials will be notified of this information by the District as appropriate.

Information that is disseminated to the School District pursuant to Megan's Law may be disclosed or not disclosed by the District in its discretion. Any information which the School District receives regarding a sex offender from a source other than the Sex Offender Registry, and which is maintained independent of the requirements of Megan's Law, will be available from the District, upon written request, in accordance with the requirements of the Freedom of Information Law.

#### **Special Circumstances Whereby Sex Offenders May Enter Upon School Grounds**

As a mandatory condition of the sentence for sex offenders placed on probation or conditional discharge whose victim was under the age of eighteen (18) or who has been designated a Level 3 sex offender, the court requires that such sentenced offender refrain from knowingly entering into or upon school grounds or any other facility or institution primarily used for the care or treatment of persons under the age of 18 (eighteen) while one or more of such persons are present.

However, by exception, entrance upon the premises shall be provided to the sentenced sex offender under the following conditions subject to the written authorization of his/her parole officer and the superintendent or chief administrator of the facility for the limited purposes authorized by that person:

- The offender is a registered student, participant or employee of the facility;
- The offender is an employee of an entity contracted by the facility; or
- The offender has a family member enrolled in the facility.

### **Implementation**

Administrative regulations shall be developed to implement this policy.

*District Policy 7560*

### **PARENT- TEACHER ASSOCIATION**

The Board of Education recognizes that the goal of the Roosevelt Union Free School District Parent-Teacher Association is to develop a united effort between educators and the general public to secure for every child the highest achievement in physical, academic and social education. Therefore, staff members and parents are encouraged to join the Parent-Teacher Association and to participate actively in its programs.

*District Policy 3250*

### **PORTABLE 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. These devices shall be allowed to be used in classrooms only when they are included as part of a lesson under 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, The Board of Education has determined that cell phones have limited or no educational value and their use may create a distraction to the learning environment. Student possession of cell phones is only allowable subject to the following rules and regulations. Strict adherence to these rules and regulations is required. Additionally, the District prohibits the use of other communication devices (i.e. two-way radios, pagers, PDA's and laptops with two-way messaging capabilities) by students. The District reserves the right to define the educational value of any new electronic wireless devices that may become available in the future and to prohibit their use if they have no educational value or if such use creates learner distraction or disruption.

Possession of a cell phone by a student is a privilege that may be forfeited by any student not abiding by the terms of this policy. Students shall be personally and solely responsible for the security of their cell phones. The District shall not assume any responsibility for theft, loss, or damage of a cell phone, or unauthorized calls made on a cell phone.

### **Use of Cell Phones on School Grounds**

Student use/possession of a cell phone depends on the grade level of the student. The following categories outline the grade levels and authorized use/possession of cell phones by students:

- **Elementary Schools, Kindergarten – Fifth Grade; Middle School, Sixth Grade – Eighth Grade; and High School, Ninth Grade – Twelfth Grade:** Student possession/use of **cell phones is prohibited**. Cell phones are strictly prohibited in classrooms, locker rooms, restrooms and shower facilities. Communication with parents/guardians will be facilitated through the main office.

**Camera or Picture Cell Phones:** While the use of cell phones by students is allowed subject to these rules, the capability of a cell phone to take, store or transmit pictures is strictly prohibited. It is the District's position that picture phones pose threats to freedoms of privacy. Additionally, picture phones can be used to exploit personal information and compromise the integrity of educational programs. Accordingly, the camera function of a cell phone is strictly prohibited on school premises at all times.

## Use of Cell Phones on Buses

Cell phone usage by students while riding to and from school on a bus, or on the bus during school-sponsored activities is prohibited. Distracting behavior that creates an unsafe environment will not be tolerated.

## Repercussions of Cell Phone Policy Violation

Students who violate the above provision of the policy will be subject to removal with said device, from the general population to that of the confines of the administrative offices. At this time the violation will be recorded, and parent/guardian contacted, to retrieve the device and allow for re-admittance of their child back into the general school population.

Absence of a parent/guardian to rectify the situation with administration will result in ongoing in-school suspension, until the parent/guardian personally meets with administration.

Students bring cell phones at their own risk; the school is not responsible for theft or damage. Misuse or disruption involving a cell phone will result in disciplinary action including restriction of the right to bring a phone to school.

## Emergency Situations

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

*District Policy 7315A*



## PROHIBITED 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 expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline. The Board recognizes the need to make its expectations for student conduct while on school property and engaged in a school function specific and clear. The rules of conduct listed below are intended to focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct. Students may be subject to disciplinary action, up to and including suspension from school, **and/or immediate hearing with the Superintendent, and/or police notification when appropriate** when they:

Level 1: Engage in conduct that is **disorderly**.

**Minimum Suspension Period:** 5 or less days

Examples of disorderly conduct include:

- Making unreasonable noise.
- Using language or gestures that are profane, lewd, vulgar, or abusive.
- Obstructing vehicular or pedestrian traffic.
- Engaging in any willful act which disrupts the normal operation of the school community.
- Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge.
- 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.

Level 2: Engage in conduct that is **insubordinate**.

**Minimum Suspension Period:** 5 or less days

Examples of insubordinate conduct include:

- Failing to comply with reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
- Leaving school without permission.
- Skipping detention.
- Cutting class or being truant from school.

Level 3: Engage in conduct that is **disruptive**.

**Minimum Suspension Period:** 5 or less days

Examples of disruptive conduct include:

- Substantial failure/unwillingness to comply with the reasonable directions of teachers, school administrators, or other school personnel in charge of students.
- Conduct is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

Level 4: Engage in conduct that is **violent**.

**Minimum Suspension Period:** more than 5 days

Examples of violent conduct include:

- Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator, or other school employee or attempting/threatening to do so.
- Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting/threatening to do so.
- 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 social function.
- Displaying what appears to be a weapon.
- Threatening to use any weapon.
- 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.
- Intentionally damaging or destroying school district property.
- Verbal and/or written threats of violence.

Level 5: Engage in any conduct that **endangers the safety, morals, health or welfare of others**.

**Minimum Suspension Period:** 5 or less days

Examples of such conduct include:

- Lying to school personnel.
- Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
- 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.
- Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation, or disability as a basis for treating another in a negative manner.
- Harassment, which includes a sufficiently severe action or a 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.
- Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
- 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.
- Selling, using, or possessing obscene material.
- Using vulgar or abusive language, cursing, or swearing.
- Smoking a cigarette, cigar, pipe, or using chewing or smokeless tobacco.
- Possessing, consuming, selling, distributing, or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs and any substances commonly referred to as "designer drugs."
- Possession of drug paraphernalia.
- Inappropriately using or sharing prescription and over-the-counter drugs.
- Gambling.
- Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
- Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
- Assisting another student in any of the above actions.



Level 6: Engage in **misconduct while on a school bus.**

**Minimum Suspension Period:** 5 or less days

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

Level 7: Engage in any form of **academic misconduct.**

**Minimum Suspension Period:** 5 or less days

Examples of academic misconduct include:

- Plagiarism.
- Copying.
- Assisting another student in any of the above actions.
- Cheating.
- Altering records.

### **RELEASE OF INFORMATION TO THE NON CUSTODIAL**

The District may presume that the noncustodial parent has the authority to request information concerning his/her child and release such information upon request. If the custodial parent wishes to limit the noncustodial parent's access to the records, **it would be his/her responsibility to obtain and present to the school a legally binding instrument that prevents the release of said information.**

*District Policy 7241*

### **SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE**

Any District student who is a victim of a violent criminal offense, as defined pursuant to Education Law and Commissioner's Regulations, that occurred on the grounds of the District elementary or secondary school that the student attends, shall be allowed to attend a safe public school within the School District to the extent required by the federal No Child Left Behind Act (NCLB) and state law and regulations.

In accordance with Commissioner's Regulations, a "safe public school shall mean a public school that has not been designated by the Commissioner [of Education] as a persistently dangerous public elementary or secondary school."

#### **Violent Criminal Offense**

The Superintendent shall determine if the student has been the victim of a "violent criminal offense." "Violent criminal offense" means a crime that:

- Involves infliction of a serious physical injury upon another as defined in New York State Penal Law Section 10.00(10); or a sex offense that involves forcible compulsion; or any other offense defined in State Penal Law Section 10.00(12) that involves the use or threatened use of a deadly weapon.

#### **Determination Whether Student is a Victim**

Procedures shall be established for determination by the Superintendent of whether a student is a victim of a violent criminal offense that occurred on school grounds of the school the student attends. The Superintendent shall, prior to making any such determination, consult with any law enforcement agency investigating the alleged violent criminal incident and consider any reports or records provided by such agency. However, a criminal conviction is not required prior to the Superintendent's determination that a student has been a victim of a violent criminal offense. The Superintendent may also consult with the school attorney prior to making such determination.

The Superintendent's determination may be appealed to the Board of Education. However, this determination will not preclude any student disciplinary proceeding brought against the alleged victim or perpetrator of such violent criminal offense.

#### **Notice to Parents/Persons in Parental Relation**

A school district that is required to provide school choice in accordance with applicable provisions of the federal No Child Left Behind Act of 2001, Education Law and Commissioner's Regulations, shall establish procedures for notification of parents of, or persons in parental relation to, students who are victims of violent criminal offenses of their

right to transfer to a safe public school within the District and procedures for such transfer. Such notice shall be, to the extent practicable, provided in the dominant language or mode of communication used by the parents or persons in parental relation to such student. The School District shall so notify the parents of or persons in parental relation to, such student within twenty-four (24) hours of the determination that the student has been the victim of a violent criminal offense on school grounds at the school he/she attends.

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

However, **such notification shall not be required** where there are no other public schools within the District at the same grade level or a transfer to a safe public school within the School District is otherwise impossible. Similarly, procedures for such notification of parents/persons in parental relation to students who are victims of violent criminal offenses shall not be required where the School District has only one public school within the District or only one public school at each grade level.

### **Designation of Safe Public School**

It shall be the responsibility of the School District, based on objective criteria, to designate a safe public school or schools within the District to which students may transfer. However, the District is not required to designate a safe public school where there are no other public schools within the District at the same grade level or transfer to a safe public school within the District is otherwise impossible. Similarly, if the District has only one public school within the School System or only one public school at each grade level, the School District shall not be required to designate a safe public school.

Any student who transfers to a safe public school, in accordance with the provisions of this policy and applicable law and regulation, shall be enrolled in the classes and other activities of the public school to which such student transfers in the same manner as all other students at the public school. The receiving school shall be identified by the District and must be at the same grade level as the school from which the student is transferring. To the extent possible the School District shall allow transferring students to transfer to a school that is making adequate yearly progress and has not been identified as requiring school improvement, corrective action, or restructuring. The District shall provide transportation for any student permitted to transfer to the safe public school within the District designated by the School System within the transportation limits established pursuant to Education Law Sections 3635 and 4401(4). Any student who transfers to a safe public school shall be permitted to remain in such safe public school until the student has completed the highest grade level in the school transferred to, or for such other period prescribed by the U.S. Department of Education, whichever is less. While the parents/persons in parental relation to the student must be offered the opportunity to transfer their child, they may elect to have the child remain at the school he/she currently attends.

### *District Policy 7580*

### **SCHOOL VOLUNTEERS**

The Board recognizes the need to develop a school volunteer program to support District instructional programs and extracurricular activities. The purpose of the volunteer program will be to:

- Assist employees in providing more individualization and enrichment of instruction;
- Build an understanding of school programs among interested citizens, thus stimulating widespread involvement in a total educational process;
- Strengthen school/community relations through positive participation.

Volunteers are persons who are willing to donate their time and energies to assist Principals, teachers, and other school personnel in implementing various phases of school programs. Volunteers shall serve in that capacity without compensation or employee benefits except for liability protection under the District's insurance program.

An application shall be filled out by each prospective volunteer and forwarded to the District Office for evaluation. **In addition, all volunteers must complete the fingerprinting process in accordance with the Human Resource Department policy and procedures.** The Building Principal will forward his/her decisions concerning selection, placement and replacement of volunteers to the Superintendent for final evaluation. Following approval from the Superintendent of Schools, volunteers selected for work in the District shall be placed on the list of approved volunteers

as presented to the Board of Education for final approval. However, the Superintendent retains the right to approve or reject any volunteer applications submitted for consideration.

Administrative regulations will be developed to implement the terms of this policy.

### *District Policy 3150*

## **SEARCHES AND INTERROGATIONS**

Students are protected by the Constitution from unreasonable searches and seizures. A student may be searched and contraband seized on school grounds or in a school building by a School District employee only when the School District employee has reasonable suspicion to believe the student is engaging in proscribed activity which is in violation of school rules and/or illegal.

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

- The age of the student;
- The student's record and past history;
- The predominance and seriousness of the problem in the school where the search is directed; and
- The urgency to conduct the search without delay.

If reasonable suspicion exists to believe that a student possesses a weapon, it is permissible for a School District employee to search that student.

### **Lockers**

Lockers are provided by the school for student use and the administration has the right to search lockers. A student may have exclusive use of a locker as far as other students are concerned but he/she does not have such exclusivity over the locker as it relates to the school authorities.

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

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

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

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

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

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

### **Law Enforcement Officials**

It shall be the policy of the Roosevelt Union Free School District that a cooperative effort shall be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an

investigation of alleged criminal conduct on school premises or during a school-sponsored activity, or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property.

Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions. The School District's administrators shall at all time act in a manner that protects and guarantees the rights of students and parents.

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

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

Whenever police wish to question a student on school premises, administration will attempt to notify the student's parent/guardian. **If possible, questioning of a student by police should take place in private and in the presence of the Building Principal/designee.**

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

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

District Policy 7330

## **SEXUAL HARASSMENT OF STUDENTS**

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District students an environment that is free of sexual harassment and intimidation. Sexual harassment is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of sexual harassment by employees, school volunteers, students, and non-employees such as contractors and vendors which occur on school grounds and at all school-sponsored events, programs and activities including those that take place at locations off school premises or those that take place in another state. Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communication of a sexual nature when:

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

The Board acknowledges that in determining whether sexual harassment has occurred the totality of the circumstances, expectations, and relationships should be evaluated including, but not limited to, the ages of the harasser and the victim; the number of individuals involved; and the type, frequency and duration of the conduct. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from a third party such as a school visitor, volunteer, or vendor, or any other individual associated with the School District. Sexual harassment may occur from student-to-student, from staff-to-student, from student-to-staff, as well as staff-to-staff. The District will designate, at a minimum, two (2) Complaint Officers, one (1) of each gender.

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any student who believes he/she has been a victim of sexual harassment in the school environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, immediately

report such alleged harassment; such report shall be directed to or forwarded to the District's designated Complaint Officers through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged sexual harassment will also be promptly investigated in accordance with the terms of this policy. In the event that the Complaint Officer is the alleged offender, the report will be directed to the next level of supervisory authority.

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

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

#### **Prohibition of Retaliatory Behavior**

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

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

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

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

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

#### **Knowingly Makes False Accusations**

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

#### **Privacy Rights**

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

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

Regulations will be developed for reporting, investigating and remedying allegations of sexual harassment. An appeal procedure will also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable Complaint Officer(s).

Such regulations will be developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

The Superintendent/designee(s) will affirmatively discuss the topic of sexual harassment with all employees and students, express the District's condemnation of such conduct, and explain the sanctions for such harassment. Appropriate training and/or "awareness" programs will be established for staff and students to help ensure knowledge of and familiarity with the issues pertaining to sexual harassment in the schools, and to disseminate preventative measures to help reduce such incidents of prohibited conduct. Furthermore, special training will be provided for designated supervisors and managerial employees, as may be necessary, for training in the investigation of sexual harassment complaints.

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

#### *District Policy 7551*

### **SOLICITATION OF CHARITABLE DONATIONS FROM SCHOOL CHILDREN**

**Direct solicitation of charitable donations from children in the District schools on school property during regular school hours shall not be permitted.** It will be a violation of District policy to ask District school children directly to contribute money or goods for the benefit of a charity during the hours in which District students are compelled to be on school premises.

However, this policy does not prevent the following types of fund raising activities:

- Fund raising activities which take place off school premises, or outside of regular school hours during before-school or after-school extracurricular periods;
- Arms-length transactions, where the purchaser receives a consideration for his/her donation. For example, the sale of goods or tickets for concerts or social events, where the proceeds go to charity, shall not be prohibited as the purchaser will receive consideration - the concert or social event - for the funds expended; and
- Indirect forms of charitable solicitation on school premises that do not involve coercion, such as placing a bin or collection box in a hallway or other common area for the donation of food, clothing, other goods or money. However, collection of charitable contributions of food, clothing, other goods or funds from students in the classroom or homeroom is prohibited.

The Board of Education shall ultimately decide which organizations, groups, etc. can solicit charitable donations and for what purposes, as long as the activities comply with the terms of this policy and the Rules of the Board of Regents. Regulations shall be developed by the administration to implement this policy.

#### *District Policy 3271*

### **STUDENT DIRECTORY INFORMATION**

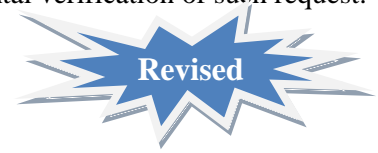
The District shall publish an annual public notice informing parents or eligible students (i.e., a student eighteen (18) years of age or older or who is attending an institution of post-secondary education) of the District's definition of directory information, the parent/eligible student's right to refuse the release of student directory information and indication of the time period for their response. Following such public notice and a reasonable response period, the District may release such information to an outside group without individual consent.

The Family Educational Rights and Privacy Act (FERPA) defines student directory information as any of the following: name; address; telephone listing; date and place of birth; major field of study; grade level; participation in officially recognized activities and sports; weight and height (if members of athletic teams); dates of attendance; honors, degrees and awards received; electronic mail address; photograph; and the name of the educational agency or institution most recently previously attended by the student. The District will release only the following defined directory information:

- A playbill, showing student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members.

The release of student directory information is not to be confused with the release of names, addresses and telephone listings of eligible students (i.e., a student seventeen (17) years of age or older or in the eleventh grade (or its equivalent) or higher) to Military Recruiters. In compliance with the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001 (NCLB), and the National Defense Authorization Act, the School District shall notify parents that by law it routinely releases this information to Military Recruiters upon request subject to a parents'/eligible students' request not to disclose such information with written parental verification of such request.

*District Policy 7242*



## **STUDENT DRESS CODE**

The responsibility for the dress and appearance of students shall rest with individual students and parents. They have the right to determine how the student shall dress, provided that such attire does not interfere with the operation of the school or infringe upon the general health, safety and welfare of District students or employees. Student dress and appearance must be in accordance with the District Code of Conduct. The administration is authorized to take action in instances where individual dress does not meet these stated requirements.

WHEREAS, the Board of Education believes that implementing a District-wide student dress code requiring all students to wear school uniforms will improve the educational process in the District's schools and will benefit the overall administration and operation of the schools; be it resolved, that the Board of Education approves the implementation of a student dress code requiring all students in grades Prekindergarten through 12th Grade to wear school uniforms. For the purposes of creating a more positive school learning environment in the District's schools, ensuring the integrity of the educational process, decreasing student disciplinary problems and increasing student achievement and performance. Student dress and appearance must be in accordance with the District Code of Conduct. The administration is authorized to take action in instances where individual dress does not meet these stated requirements.

The required colors and style of the uniforms at each level; elementary, middle and high school are as follows:

### **Elementary:**

*Girls Uniform:*

Yellow Blouse, Navy Blue Skirts or Jumpers, Navy Cardigan, Navy Blue or Kente #2 Plaid Tie, Navy Blue Tights or Socks, Black Shoes

*Boys Uniform:*

Yellow Shirt, Navy Blue Pants, Navy Blue or Black Belt (must wear belt), Navy Cardigan, Navy Blue or Kente #2 Plaid Tie, Navy Blue or Black Socks, Black Shoes

### **Middle School:**

*Female Uniforms:*

khaki colored pants/skirt, light blue blouse/shirt (long sleeved for colder season), Tights or Socks, Black shoes

*Male Uniforms:*

khaki colored pants, light blue polo shirt short sleeved (long sleeved for colder season), Black shoes

### **High School:**

*Female and Male Uniforms:*

Shirts - royal blue or white

Pants - khaki (Optional: Skirts/Skortts for Girls with Tights)

(Belts are Mandatory)

While the school administration may require students attending school and participating in physical education classes (sneakers, socks, shorts, and tee shirts) to wear certain types of clothing, they may not prescribe a specific brand which students must wear.

This means that a student shall not be prevented from attending school or a school function, or otherwise be discriminated against, so long as his/her dress and appearance meet the above requirements. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

## ROOSEVELT UFSD DRESS CODE GUIDELINES 2012-13

1. All students in grades Pre K-12 will wear the designated *School Uniform* required by their school.
2. The wearing of *School Uniforms* or any clothing that are oversized, baggy, sagging, or extremely tight fitting is prohibited.
3. Belts may not be more than one size larger than the waist. All students must wear belts if pants have loops.
4. Waistbands must be worn on waist.
5. Shirts must be worn tucked in at all times. Undergarments must not be visible.
6. Midriff Tops, Halter Tops, Spaghetti Straps, Muscle T-Shirts, Tank Tops, T-shirts with Distracting Images, and the wearing of revealing or see-through clothing are strictly prohibited on all levels.
7. Shorts and/or miniskirts must be worn at knee-length.
8. Footwear must be worn to school, and students are encouraged to wear socks.
9. Slippers, sandals, or flip-flops are not acceptable.
10. Hats, Hoods, Doo-rags, and non-religious Head-Scarves or Wraps are prohibited at all times.
11. Hoop earrings are not to be worn below the chin and no cosmetic gold in the mouth.
12. Any attire and/or images that are disruptive or distracting to the school and learning environment are strictly prohibited.

The principals of each school will make the final decision as to what is considered appropriate or improper dress according to the guidelines provided. Any substantial complaint concerning the wearing of *School Uniforms* should be addressed with your child's school principal directly.

This policy does not mean that student, faculty, or parent groups may not recommend appropriate dress for school or special occasions. It means that a student shall not be prevented from attending school or a school function, or otherwise be discriminated against, so long as his/her dress and appearance meet the above requirements. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

### **Students shall:**

- Attend school appropriately dressed in a manner that meets health and safety standards and does not interfere with the learning process;
- Cover midriffs and underwear; they shall wear pants, shorts, skirts and skorts no shorter than mid-thigh in length, including slits;
- **All garments designed to be worn at the waistline must be securely held at the waistline by a belt, button and/or etc.**
- Wear safe footwear at all times;

### **Student shall not:**

- Wear tube tops, net tops, halter tops, plunging necklines (front or back), and see-through garments;
- Wear hats in the classroom except for a medical or religious purpose.
- Wear items that might be considered vulgar, obscene, or libelous. Nor wear items that:
  - Denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation, or disability
  - Promote or endorse the use of alcohol, tobacco, or illegal drugs;
  - Encourage illegal or violent activities;
  - Are contrary to the school's educational mission.

## **STUDENT PARTICIPATION**

Students provide an important channel of communication with parents and the entire community. Information concerning the schools may be properly disseminated through students. The School District's administrators shall review all messages and materials prior to authorizing their dispersal through the student body.

*District Policy 3240*



## **STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES**

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

### **Basis of Knowledge**

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

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

### **Exception**

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

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

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

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

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

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

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

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

*District Policy 7314*

### **Appeal of Superintendent's Decision:**

If the student and/or parent(s)/guardian(s) disagree(s) with the decision of the Superintendent, he/she (they) have the right to appeal the decision to the Board of Education. Such appeal must be made in writing and should include the reason(s) for such appeal. The appeal must be submitted within 30 days of receipt of the Superintendent's decision to:

President, Board of Education  
240 Denton Place  
Roosevelt, New York 11575

Generally, the Board of Education does not meet with parent(s)/guardian(s), students, or school officials to conduct the appeal hearing. Instead, the Board of Education will conduct a review of the record to include:

- A review of the transcript or recording of the Superintendent's Hearing; and
- All materials submitted as a part of the hearing.

Parent(s)/guardian(s) requesting a Board of Education appeal of the superintendent's decision shall be provided with a copy of the tape recording of the Superintendent's Hearing **within 10 school days** after the tape recording is available in the District. Parent(s)/guardian(s) will also be provided with a written response from the Clerk of the Board advising parent(s)/guardian(s) of the date that the Board of Education will conduct the review and the timelines for submitting materials to the Board of Education.

In the event that parent(s)/guardian(s) appeal the decision of the Superintendent to the Board, parent(s)/guardian(s) must understand the Board members may not discuss the matter with parent(s)/guardian(s) or with school officials while the matter is under review. The decision of the Board of Education regarding the appeal shall be transmitted to the parent(s)/guardian(s) via U.S. mail.

### **Appeal of Board of Education Decision:**

In the event that the student or his/her parent(s)/guardian(s) disagree(s) with the decision of the Board of Education, an appeal of the Board decision can be made to the Commissioner of Education in writing, **within a period of 30 days of receipt of the Board of Education decision**, by writing to:

Commissioner of Education  
Office of Counsel  
New York State Education Department  
Albany, NY 12230

### **Alternative Education for Suspended Students:**

Suspended students below the age of 16 must continue to meet the requirements of State compulsory attendance laws. Generally, an alternative education program is provided through out-of-school (home or other location) tutoring. However, the building principal may make other alternative education assignments and/or arrangements. Suspended students 16 years of age or older are not entitled to an alternative education program during the duration of the suspension. At the discretion of the Superintendent, based upon the overall discipline record of the student and/or the incident surrounding the suspension, an alternative education program may be arranged.

### **Supports for Students Transitioning From Suspension**

Students returning from suspension should be provided with supportive services to maximize their ability to meet social and academic standards within the school community. Support services may include any of the range of interventions outlined in the Code of Conduct or a combination of services as best meets the needs of the individual student.

### **STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATION TO MINORS**

The Protection of Pupil Rights Amendment (PPRA) governs the administration to students of a survey, analysis, or evaluation that concerns one or more of the following **eight protected areas**:

- Political affiliations or beliefs of the student or the student's parent/guardian;
- Mental or psychological problems of the student or the student's family;
- Sex behavior or attitudes;
- Illegal, anti-social, self-incriminating, or demeaning behavior;

- Critical appraisals of other individuals with whom respondents have close family relationships;
- Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- Religious practices, affiliations, or beliefs of the student or student's parent/guardian; or
- Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

PPRA also concerns marketing surveys and other areas of student privacy, parental access to information, and the administration of certain physical examinations to minors.

### **General Provisions**

The requirements of PPRA do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA). Further, PPRA does not supersede any of the requirements of the Family Educational Rights and Privacy Act (FERPA). The rights provided to parents/guardians under PPRA transfer from the parent/guardian to the student when the student turns eighteen (18) years old or is an emancipated minor under applicable State law. The School District may use funds provided under Part A of Title V of the Elementary and Secondary Education Act of 1965 to enhance parental/guardian involvement in areas affecting the in-school privacy of students.

### **Annual Parental Notification of Policies/Prior Written Consent/"Opt Out" Provisions**

The School District shall provide for reasonable notice of the adoption or continued use of this policy directly to parents/guardians and eligible students enrolled in the District. At a minimum, the District shall provide such notice at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy. Further, in the notification, the District shall offer an opportunity for parents/guardians to provide written consent or opt their child out of participation in the following activities in accordance with law and the surveys conducted:

- The administration of **any survey** containing one or more of the **eight protected areas**:
  - **U.S. Department of Education-Funded Surveys: Prior written consent from parents must be obtained** before students are required to submit to the survey.
  - **Surveys funded by sources other than U.S. Department of Education:** Notification may indicate the specific or approximate dates during the school year when surveys will be administered and provide an opportunity for the parent to opt his/her child out of participating upon receipt of the notification.
- Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose); and
- Any non-emergency, invasive physical examination or screening that is required as a condition of attendance; administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students. The term "invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision or scoliosis screening.

### **Specific Notification**

In the event that the District does not identify the specific or approximate dates of the activities or surveys to be administered in the general annual notification, it shall "directly" notify, such as through U.S. Mail or e-mail, the parents of students who are scheduled to participate in the specific activities or surveys prior to participation and provide an opportunity for the parent to provide written consent or opt his/her child out of participation in accordance with law and the surveys conducted.

### **U.S. Department of Education-Funded Surveys**

In compliance with the Protection of Pupil Rights Amendment (PPRA), the School District is committed to protecting the rights and privacy interests of parents/guardians and students with regard to surveys funded in whole or part by any program administered by the U.S. Department of Education (DOE).

The District shall make instructional materials available for inspection by parents/guardians if those materials will be used in connection with a DOE-funded survey, analysis, or evaluation in which their children participate. In addition, the School District **shall obtain prior written parental/guardian consent** before minor students are required to participate in any DOE-funded survey, analysis, or evaluation that reveals information concerning any of the **eight protected areas**.

## Surveys Funded by Sources Other than U.S. Department of Education

The School District has developed and adopted this Board policy, in consultation with parents/guardians, regarding the following:

- The right of the parent/person in parental relation to inspect, upon request, a survey created by a third party (i.e., by a party other than the DOE) before the survey is administered or distributed by the school to a student. Requests by parents/guardians to inspect such surveys are to be submitted, in writing, to the Building Principal at least ten (10) days prior to the administration or distribution of any survey. Further, the District shall grant a request by the parent/guardian for reasonable access to such survey within a reasonable period of time after the request is received by the District;
- Arrangements shall be provided by the District to protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of the **eight protected areas**, including the right of the parent/guardian of the student to inspect, upon request, any survey containing one or more of the **eight protected areas**. Such requests must be submitted by the parent/guardian, in writing, to the Building Principal at least ten (10) days prior to the administration or distribution of any survey;
- Parents/guardians shall be granted, upon request, reasonable access and the right to inspect instructional materials used as part of the educational curriculum for the student within a reasonable period of time (defined by the School District, for the purposes of this policy, as thirty [30] days) after such request is received by the District. Requests shall be submitted by parents/guardians, in writing, to the Building Principal. The term "instructional material" means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments; and
- The administration of physical examinations or screenings that the School District may administer to a student.

Further, this law does not apply to any physical examination or screening that is permitted or required by State law, including physical examinations or screenings that are permitted without parental notification.

- In the implementation of this provision regarding the administration of physical examinations or screenings that the school may administer to the student, the School District incorporates by reference Board policies that address student health services, as applicable, including but not limited to policies regarding the administration of medication, immunization of students, and student physicals.
- Unless mandated/authorized in accordance with Federal or State law and/or regulation, it is policy of the Board of Education, to **not permit** the collection, disclosure, or use of personal information (the term "personal information" is defined as individually identifiable information including a student's or parent/guardian's first and last name; home address; telephone number; or Social Security number) collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), unless otherwise exempted pursuant to law as noted below. Questions regarding the collection, disclosure, or use of personal information collected from students for such marketing purposes may be referred to the school attorney as deemed necessary by the Superintendent/designee.

This law is not intended to preempt applicable provisions of State law that require parental/guardian notification. These requirements **do not apply** to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- College or other postsecondary education recruitment, or military recruitment:
  - Military recruiter access to student information is governed by the Family Educational Rights and Privacy Act of 1974 (FERPA) and the National Defense Authorization Act for Fiscal Year 2002.
- Book clubs, magazines, and programs providing access to low-cost literary products;
- Curriculum and instructional materials used by elementary schools and secondary schools;
- Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
- The sale by students of products or services to raise funds for school-related or education-related activities; and
- Student recognition programs.

## **STUDENT RECORDS: ACCESS AND CHALLENGE**

### **Student Records**

The Roosevelt Union Free School District shall comply with the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Under its provisions, "parents/guardians and noncustodial parent(s), whose rights are not limited by court order or formal agreement, of a student under eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, have a right to inspect and review any and all official records, files, and data, including all material that is incorporated into each student's cumulative record folder and intended for school use or to be available to parties outside the school or School System and specifically including, but not necessarily limited to, identifying data; academic work completed; level of achievement (grades, standardized achievement test scores); attendance data; scores on standardized intelligence, aptitude, and psychological tests; interest inventory results; health data; family background information; teacher or counselor ratings and observations; and verified reports of serious or recurrent behavior patterns."

### **Access to Student Records**

The Board directs that administrative regulations and procedures be formulated to comply with the provisions of federal law relating to the availability of student records. The purpose of such regulations and procedures shall be to make available to the parents/guardians of students and noncustodial parent(s) whose rights are not limited by court order or formal agreement, or students who are eighteen (18) years of age or older or who are attending an institution of post-secondary education, student records, and files on students, and to ensure the confidentiality of such records with respect to third parties.

**Under FERPA, unless otherwise exempted in accordance with law and regulation, the District may release personally identifiable information contained in student records only if it has received a "signed and dated written consent" from a parent or eligible student.** Signed and dated written consent may include a record and signature in electronic form provided that such signature:

- Identifies and authenticates a particular person as the source of the electronic consent; and
- Indicates such person's approval of the information contained in the electronic consent.

### **Challenge to Student Records**

Parents/guardians of a student under the age of eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, shall have an opportunity for a hearing to challenge the content of the school records, to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

*District Policy 7240*

## STUDENT SUPPORT SERVICES

To promote positive behavior, schools provide a range of prevention and intervention strategies and student support services for all students during and/or after school hours throughout the school year. When a student engages in misconduct, in addition to the range of possible consequences for student infractions, the Code of Conduct provides a non-exhaustive list of guidance interventions that should be considered in conjunction with the type of behavior in which a student has engaged. Guidance interventions should be employed by staff as a part of a comprehensive disciplinary response and students should receive guidance interventions at all stages of the disciplinary process, including while on extended suspension. When used consistently and appropriately, these interventions can be a tool to improve student behavior, lower student recidivism and contribute to a more positive school environment. Students returning from suspension should be provided with support services to maximize their ability to meet social and academic standards within the school community. Support services may include any of the range of guidance interventions or a combination of services as best meets the needs of the individual student.

### Types of Services

- **Parent Outreach:** School staff should keep parents informed of their child's behavior and enlist parents as partners in addressing areas of concern. Outreach to parents can include, but is not limited to, a phone call and/or written communication.
- **Intervention by Counseling Staff:** Where available, school-based counseling staff can intervene with students who need additional support. Services can include brief interventions, consultations and assessments, screenings, crisis intervention, referrals and linkage with community based programs.
- **Principal Conference:** Principals and teachers may request a guidance conference with the student and, where appropriate, with the parent or guardian. The purpose of the conference is to review the behavior, find solutions to the problem and address academic, personal and social issues that might have caused or contributed to the behavior.
- **Individual/Group Counseling:** School Counseling Department provides students with an outlet to share issues in privacy that may be negatively impacting their attendance, behavior, and/or academic success. Students discuss and formulate goals, and learn problem solving strategies that will enable them to overcome a variety of personal challenges. School Counselors will conference with parents on a regular basis to discuss the student's academic and personal progress.
- **Peer Mediation:** Peer mediators help classmates identify the problems behind their behavior and find solutions to these problems. Conflict resolution skills are incorporated into the strategies used by peer mediators so that all students involved learn new ways of handling conflict.
- **Mentoring Program:** A mentoring program matches a mentor who may be a counselor, teacher, student and/or leader with a protégé. The object of this relationship is to help the protégé in his/her personal, academic and social development.
- **Conflict Resolution:** Conflict resolution provides an opportunity to empower students to take responsibility for peacefully resolving conflict. The related activities teach students, parents, and staff problem solving skills/techniques that can be used in everyday situations. Such skills can include, but are not limited to, conflict and anger management, active listening, and effective communication.
- **Development of Individual Behavior Contract:** The student meets with teachers to create a written contract that includes objectives and the specific performance tasks that the student will accomplish to meet those objectives. The contract is signed by the student and teacher and, where appropriate, by the parent or guardian.
- **Short-Term Behavioral Progress Reports:** Teachers and/or principals may send behavioral progress reports to parents/guardians on a regular basis until they feel that the student is in control of his/her behavior and working in the classroom successfully.
- **Referral to PPS (Pupil Personnel Services):** Pupil Personnel Teams are school-based teams that utilize a multidisciplinary approach to encourage student success through prevention and intervention strategies and supports. A case manager is identified for each student referral so that an individualized plan can be created to help students overcome their academic and/or socio-emotional difficulties.
- **Community Service (with Parental Consent):** Students may be provided with community service opportunities so that they gain a greater appreciation of their school neighborhoods and develop skills to become positive social change agents. Community service can help students occupy their time with positive activities, avoid negative behavior and learn the value of service to others.
- **Referral to a Community Based Organization (CBO):** Students may be referred to a community-based organization for a wide range of services including after-school programming, individual or group counseling, leadership development, conflict resolution and tutoring.

- **Referral to Appropriate Substance Abuse Counseling Services:** In the case where a student is presenting problems with substance abuse, including the use, possession or distribution of illegal drugs, drug paraphernalia, and/or alcohol, referrals should be made to counseling services that are either inside the school or through an outside community-based organization.
- **Referral to Counseling Services for Youth Relationship Abuse or Sexual Violence:** When one person uses a pattern of threatened or actual physical, sexual, and/or emotional abuse to control a dating partner, the school should refer both the victim and the student who engages in this behavior to separate appropriate school or community-based agencies for counseling, support, and education. Neither mediation nor conflict resolution are, under any circumstances, appropriate interventions for suspected relationship abuse.
- **Referral to Counseling Services for Bias-Based Bullying, Intimidation or Harassment:** When a student or group of students engages in bias based bullying, intimidation or harassment of another student or group of students, both the victim and the student who engages in this behavior should be referred to separate appropriate counseling, support and education services provided by school staff or a community-based agency. Neither mediation nor conflict resolution are, under any circumstances, appropriate interventions for bias-based bullying, intimidation or harassment.

### **STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES (ACCEPTABLE USE POLICY)**

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

One purpose of this policy is to provide notice to students and parents/guardians that, unlike most traditional instructional or library media materials, the DCS will allow student access to external computer networks not controlled by the School District where it is impossible for the District to screen or review all of the available materials. Some of the available materials may be deemed unsuitable by parents/guardians for student use or access. This policy is intended to establish general guidelines for acceptable student use. However, despite the existence of such District policy and accompanying guidelines and regulations, it will not be possible to completely prevent access to computerized information that is inappropriate for students. Furthermore, students may have the ability to access such information from their home or other locations off school premises. Parents/guardians of students must be willing to set and convey standards for appropriate and acceptable use to their children when using the DCS or any other electronic media or communications.

#### **Standards of Acceptable Use**

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

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

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

Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered to be School District property subject to control and inspection. The computer coordinator may access all such files and communications without prior notice to ensure system integrity and that users are complying with the

requirements of this policy and accompanying regulations. Students should **NOT** expect that information stored on the DCS will be private.

### **Notification/Authorization**

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

Student use of the DCS is conditioned upon written agreement by all students and their parents/guardians that student use of the DCS will conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the DCS. All such agreements shall be kept on file in the District Office. Regulations will be established as necessary to implement the terms of this policy.

### *District Policy 7315*

### **STUDENTS WITH LIFE THREATENING ALLERGIES**

Students, parents, school personnel and health care providers must all work together to provide the necessary information and training to allow children with chronic health problems to participate as fully and safely as possible in the school experience.

Particularly for those students with chronic conditions such as asthma and allergies (food, insect sting, etc.) which may result in severe, life-threatening reactions to various environmental triggers, it is necessary that the District work cooperatively with the parent(s) and the healthcare provider to:

- Develop an individual health care plan that includes all necessary treatments, medications, training and educational requirements for the student. If the student is eligible for accommodations based upon the Individuals with Disabilities Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act, the appropriate procedures will be followed regarding evaluation and identification;
- Obtain appropriate health care provider authorization in writing that includes the frequency and conditions for any testing and/or treatment; symptoms and treatment of any conditions associated with the health problem; and directions for emergencies; and
- Secure written parent permission and discuss parental responsibility that includes providing the health care provider's orders, providing any necessary equipment, and participation in the education and co-management of the child as he/she works toward self-management.

The District will work toward assisting students in the self-management of their chronic health condition based upon the student's knowledge level and skill by:

- Adequately training all staff involved in the care of the child;
- Assuring the availability of the necessary equipment and/or medications;
- Providing appropriately trained licensed persons as required by law;
- Providing additional appropriately trained adults to complete delegated tasks as allowed by law;
- Developing an emergency plan for the student; and
- Providing ongoing staff and student education.

### **Use of Epinephrine Auto-Injector Devices (Epi-Pens) in the School Setting**

The administration of epinephrine by epi-pen to a student with a known severe allergy needing an anaphylactic treatment agent may be performed by a school staff member responding to an emergency situation when such use has been prescribed by a licensed prescriber. However, a registered professional nurse/nurse practitioner must have trained the staff member to administer the epi-pen and given him/her approval to assist the student in the event of an anaphylactic reaction.

Documentation of training must be maintained in the Anaphylaxis Protocol for Non-Licensed School Staff Members for each affected student. The emergency response by non-licensed school staff members is permitted under the Medical Practice Act (Education Law section 6527(4) (a)) and the Nurse Practice Act (Education Law section 6908 (1) (a) (IV)) and is covered by the "Good Samaritan Law" (Public Health Law section 3000-a).

### *District Policy 7521*



## **SUPERVISION OF STUDENTS**

Students working on any activity must be supervised by the teacher or staff member in charge of the activity. This applies to all in school and extracurricular activities as well as sports activities and events. Permission to hold practices or meetings must not be granted unless a teacher or staff member is definitely in charge.

- District personnel will be fully responsible for the supervision of all students in either their class or their after school activities.
- Coaches will maintain supervision over the dressing rooms by personally being present during the dressing periods. Coaches are responsible for the supervision of their athletes at the end of practice. This may entail bus duty, or making sure students have transportation home.
- Teachers and/or assigned school personnel in the elementary grades will be responsible for the playground supervision of all the children under their jurisdiction during the recess periods and before the regular afternoon sessions. The Principal will distribute the responsibility so that the playground situation will be properly controlled.
- Students are not to be sent on any type of errand away from the building without the consent of the Principal.

*District Policy 7570*

## **SUSPENSION OF STUDENTS**

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

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

### **Five (5) School Days or Less**

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

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

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

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

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

The notice and opportunity for informal conference shall take place **prior to** suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practical.

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

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

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

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

### **Minimum Periods of Suspension**

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

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

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

Generally, should a student with a disability infringe upon the established rules of the schools, disciplinary action shall be in accordance with procedures set forth in the District's Code of Conduct and in conjunction with applicable law and the determination of the Committee on Special Education (CSE).

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

If suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than ten (10) consecutive school days or constitutes a pattern, a manifestation determination must be made. The District determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

### **Manifestation Determinations**

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

- By the Superintendent to change the placement to an interim alternative educational setting (IAES);
- By an Impartial Hearing Officer (IHO) to place the student in an IAES; or
- By the Board, District Superintendent, Superintendent or Building Principal to impose a suspension that constitutes a disciplinary change of placement.

The manifestation team shall include a representative of the District knowledgeable about the student and the interpretation of information about child behavior, the parent and relevant members of the CSE as determined by the

parent and the District. The parent must receive written notice prior to the meeting to ensure that the parent has an opportunity to attend. This notice must include the purpose of the meeting, the names of those expected to attend and notice of the parent's right to have relevant members of the CSE participate at the parent's request.

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

### **Finding of Manifestation**

If it is determined, as a result of this review, that the student's behavior is a manifestation of his/her disability the CSE shall conduct a functional behavioral assessment, if one has not yet been conducted, and implement or modify a behavioral intervention plan.

Functional behavioral assessment (FBA) means the process of determining why the student engages in behaviors that impede learning and how the student's behavior relates to the environment. FBA must be developed consistent with the requirements of Commissioner's Regulations Section 200.22(a) and shall include, but not be limited to, the identification of the problem behavior, the definition of the behavior in concrete terms, the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors) and the formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

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

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

### **No Finding of Manifestation**

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

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

Regardless of the manifestation determination, students with a disability shall be provided the services necessary for them to continue to participate in the general education curriculum and progress toward meeting the goals set out in their IEP. They must also receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications designed to address the behavior violation so it does not recur:

- For subsequent suspensions or removals for ten (10) consecutive school days or less that in the aggregate total more than ten (10) school days in a school year but do not constitute a disciplinary change of placement school personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed; and
- For suspensions or other disciplinary removals in excess of ten (10) school days in a school year which do constitute a disciplinary change in placement the IAES and services will be determined by the CSE.

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

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

Additionally, an Impartial Hearing Officer in an expedited due process hearing may order a change in placement of a student with a disability to an appropriate IAES for up to forty-five (45) school days if the Hearing Officer determines that maintaining the current placement is substantially likely to result in injury to the students or others.

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

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

A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

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

In all cases, the student placed in an IAES shall:

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

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

### **Suspension from BOCES**

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

### **In-School Suspension**

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

### **BOCES Activities**

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

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

### **Exhaustion of Administrative Remedies**

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

### **Procedure After Suspension**

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

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

*District Policy 7313*

### **THREATS OF VIOLENCE IN SCHOOL**

The School District is committed to the prevention of violence against any individual or property in the schools, on school property or at school activities whether such acts and/or threats of violence are made by students, staff, or others. Threats of violence against students, school personnel and/or school property will not be tolerated whether or not such threats occur on school grounds or during the school day.

Any person who commits an act or threatens an act of violence, including bomb threats, whether made orally, in writing, or by e-mail, shall be subject to appropriate discipline in accordance with applicable law, District policies and regulations, as well as the Code of Conduct for the Maintenance of Order on School Property and collective bargaining agreements, as may be necessary.

While acknowledging an individual's constitutional rights, including applicable due process rights, the District refuses to condone acts and/or threats of violence which threaten the safety and well being of staff, students, visitors and/or the school environment. Employees, students, agents and invitees shall refrain from engaging in threats or physical actions which create a safety hazard for others.

**All staff who are made aware of physical acts and/or threats of violence directed to students or staffs are to report such incidents to the Building Principal/designee, who shall report such occurrences to the Superintendent. Additionally, the Building Principal/designee will also report occurrences of violence, whether involving an actual confrontation or threat of potential violence, to the school psychologist and/or Director of Special Education if applicable. Local law enforcement agencies may be called as necessary upon the determination of the Superintendent/designee.**

Students are to report all acts and/or threats of violence, including threats of suicide, of which they are aware by reporting such incidents to the school hotline, a faculty member, or the Building Principal.

The District reserves the right to seek restitution, in accordance with law, from the parent/guardian and/or student for any costs or damages which had been incurred by the District as a result of the threats or acts of violence in the schools. This policy will be enforced in accordance with applicable laws and regulations, as well as collective bargaining agreements and the Code of Conduct as may be necessary. Additionally, this policy will be disseminated, as appropriate, to students, staff, and parents and will be available to the general public upon request.

Appropriate sanctions for violations of this policy by students will be addressed in the Code of Conduct.

*District Policy 3412*

## **UNIFORMS**

The Board of Education encourages and supports the wearing of uniforms by students. Students who violate the student dress code shall be required to modify their appearance according to the regulations determined by the school. Any student who refuses to do so shall be subject to disciplinary action.

*District Policy 7312*

## **UNLAWFUL POSSESSION OF A WEAPON UPON SCHOOL GROUNDS**

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

Additionally, the possession of any weapon, as defined in the New York State Penal Code, on school property or in school buildings is prohibited, except by law enforcement personnel or upon written authorization of the Superintendent/designee. Unlawful possession of a weapon upon school grounds may be a violation of the New York State Penal Law, and is a violation of School District policy and the Code of Conduct.

*District Policy 3411*

## **VISITORS TO THE SCHOOL**

All visitors shall be required to report to the main office upon arrival at school and state their business. Visitations to classrooms for any purpose require permission in advance from the Building Principal in order to allow teachers the opportunity to arrange their schedules to accommodate such requests.

When individual Board members visit the schools, they must abide by the regulations and procedures developed by the administration regarding school visits.

*District Policy 3210*

## **WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT**

### **Weapons in School**

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

The Penal Code of the State of New York shall be used to determine what is considered a weapon. Penal Law Sections 265.01-265.06

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

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

**In accordance with the Gun-Free Schools Act and Section 3214(3)(d) of the Education Law, any student who brings or possesses a firearm, as defined in federal law, on school property, will be referred by the Superintendent to the appropriate agency or authority for a juvenile delinquency proceeding in accordance with Article 3 of the Family Court Act when the student is under the age of sixteen (16) except for a student fourteen (14) or fifteen (15) years of age who qualifies for juvenile offender status under the Criminal Procedure Law, and will be referred by the Superintendent to the appropriate law enforcement officials when the student is sixteen (16) years of age or older or when the student is fourteen (14) or fifteen (15) years of age and qualifies for juvenile offender status under the Criminal Procedure Law.**

In addition, any student attending a District school who has been found guilty of bringing a firearm to or possessing a firearm on school property, after a hearing has been provided pursuant to Section 3214 of the Education Law, **shall be suspended for a period of not less than one (1) calendar year and any student attending a non-district school who participates in a program operated by the School District using funds from the Elementary and Secondary Education Act of 1965 who is determined to have brought a firearm to or possessed a firearm at a District school or on other premises used by the School District to provide such programs shall be suspended for a period of not less than one (1) calendar year from participation in such program.** The procedures of Education Law Section 3214(3) shall apply to such a suspension of a student attending a non-district school. Further, after the imposition of the one (1) year penalty has been determined, the Superintendent of Schools has the authority to modify this suspension requirement for each student on a case-by-case basis. In reviewing the student's one (1) year suspension penalty, the Superintendent may modify the penalty based on factors as set forth in Section 100.2 of the Regulations of the Commissioner of Education and in Commissioner's Decisions. The determination of the Superintendent shall be subject to review by the Board of Education in accordance with Education Law Section 3214(3) (c) and by the Commissioner of Education in accordance with Education Law Section 310.

### **Student with a Disability**

A student with a disability who is determined to have brought a firearm to school or possessed a firearm at school may be placed in an interim alternative educational setting, in accordance with federal and state law, for not more than forty-five (45) calendar days. If the parent or guardian requests an impartial hearing, the student must remain in the interim alternative placement until the completion of all proceedings, unless the parent or guardian and District can agree on a different placement.

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

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

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

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

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

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

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

### **Prohibited Weapons – Category I**

- Firearm, including pistol and handgun, silencers, electronic dart, and stun gun
- Shotgun, rifle, machine gun, or any other weapon which simulates or is adaptable for use as a machine gun
- Air gun, spring gun, or other instrument or weapon in which the propelling force is a spring or air, and any weapon in which any loaded
- or blank cartridge may be used (such as a BB gun or paintball gun)
- Switchblade knife, gravity knife, pilum ballistic knife and cane sword (a cane that conceals a knife or sword)
- Dagger, stiletto, dirk, razor, box cutter, case cutter, utility knife and all other knives
- Billy club, blackjack, bludgeon, chucka stick, and metal knuckles
- Sandbag and sand club
- Sling shot (small, heavy weights attached to or propelled by a thong) and slung shot Martial arts objects including kung fu stars, nun chucks and shirkens
- Explosives, including bombs, fire crackers and bombshells

### **Prohibited Weapons – Category II**

- Acid or dangerous chemicals (such as pepper spray, mace)
- \*Imitation gun or other imitation weapon
- Loaded or blank cartridges and other ammunition
- Stun pens or other stun weapons
- Laser beam pointers
- Any deadly, dangerous, or sharp pointed instrument which can be used or is intended for use as a weapon (such as scissors, nail file, broken glass, chains, wire).

Before requesting a suspension for possession of an article listed in Category II for which a purpose other than infliction of physical harm exists, e.g., a nail file, the principal must consider whether there are mitigating factors present. In addition, the principal must consider whether an imitation gun is realistic looking by considering factors such as its color, size, shape, appearance, and weight.

*District Policy 7340*



**STUDENT BEHAVIORAL CONTRACT: Grades Pre K - 5**

Name of Student: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Grade: \_\_\_\_\_

**Direction: Carefully read and check off each box before providing signature. RETURN THIS CONTRACT NO LATER THAN THE FIRST WEEK IN OCTOBER. *This contract will be filed in your child's student records.***

**STUDENT SECTION**

**I know that I have a right to:**

- Be in a safe school, free from discrimination, harassment, bullying and bigotry;
- Know what is correct behavior and what behaviors may result in disciplinary actions;
- Counseling by staff about my behavior and how it affects my education and welfare in school;
- Due process of law when I violate school regulations for which I may be suspended or removed from class.

**I agree to:**

- Come to school on time with the assistance of my parents, prepared to work;
- Use courteous and polite language;
- Participation in class/community meetings to acknowledge a person's thoughtfulness, assistance or courtesy;
- Resolve conflicts peacefully and express my feelings in words;
- Dress in a clean, neat, uniformed and safe manner according to the District's dress code requirement;
- Take care of my personal belongings and respect other people's belongings;
- Tell my parents what I learned in school each day;
- Complete my homework every day and show it to my parent(s)/guardian(s);
- Follow the rules and guidelines in the Discipline Code and the Dignity Act.

I have discussed this with my parents and I will follow this agreement.

Student Name: \_\_\_\_\_ Date: \_\_\_\_\_

(Please Print)

Signature: \_\_\_\_\_

**PARENT SECTION**

I have received a copy of the **Discipline Code** and **Bill of Student Rights and Responsibilities** and understand the behavior that is required of my child.

I understand that my participation in my child's education will help him/her be successful in school. I have read this agreement and I will carry out the following responsibilities to the best of my ability.

- Encourage my child to be a respectful and peaceful member of the school community.
- Discuss the Discipline Code, Dignity Act and the Bill of Rights and Responsibilities with my child.
- Participate in parent conferences, class programs and other activities in which my child is involved.
- Assure that my child will arrive at school on time every day.
- Provide a quiet place for my child to his/her homework.
- Spend at least 15 minutes per day reading with my child.
- Listen to my child retelling of his/her school day experiences.
- Provide the school with current telephone numbers and emergency contact information.
- Alert the school if there are any significant changes in child's health or well-being that affects his/her ability to perform in school.

Parent/Guardian Name: \_\_\_\_\_

(Please Print)

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**RETURN THIS CONTRACT NO LATER THAN THE FIRST WEEK IN OCTOBER.**

**STUDENT BEHAVIORAL CONTRACT: Grades 6<sup>th</sup> – 12<sup>th</sup>**

Name of Student: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Grade: \_\_\_\_\_

**Direction: Carefully read and check off each box before providing signature. RETURN THIS CONTRACT NO LATER THAN THE FIRST WEEK IN OCTOBER. This contract will be filed in your child's student records.**

**STUDENT SECTION**

**I know that I have a right to:**

- Be in a safe and supportive learning environment, free from discrimination, harassment and bigotry;
- Know what is appropriate behavior and what behaviors may result in disciplinary actions;
- Be counseled by members of the professional staff in matters related to my behavior as it affects my education and
- Welfare within the school;
- Due process of law in instances of disciplinary action for alleged violations of school regulations for which I may be suspended or removed from class.

**I agree to:**

- Come to school on time;
- Appear for each of my classes at the start time, ready to begin work;
- Be prepared with appropriate materials and assignments for all classes;
- Show respect to all members of the learning community;
- Resolve conflicts peacefully, and avoid fighting inside or outside of the school or at program sites;
- Behave respectfully, without arguing, and cooperate when a staff member gives direction or makes a request.
- I understand that I will be given an opportunity to voice my concerns at an appropriate time if I do not agree with the request;
- Take responsibility for my personal belongings and respect other people's property;
- Dress appropriately according to the District's dress code requirement and do not wear any suggestive clothing including skinny tank-tops, midriffs, short-shorts, or mini-skirts;
- Refrain from wearing clothes which have any signs of gang affiliation (e.g. scarves, bandanas) and refrain from using
- Gang signs, calls, chants, movements, handshakes;
- Refrain from bringing weapons, illegal drugs, controlled substances and alcohol to school;
- Refrain from bringing personal possessions that are disruptive (e.g., cell phone, beeper, pager) in school;
- Share information with school officials that might affect the health, safety or welfare of the school community;
- Keep my parents/guardians informed about school-related matters and make sure I give them any information sent home;
- Follow all rules and guidelines in the Discipline Code and the Dignity Act;
- Behave responsibly as described in the Bill of Student Rights and Responsibilities.

I have received a copy of the **Discipline Code** and **Bill of Student Rights and Responsibilities**, and understand this contract. I agree to follow the rules of behavior.

Student Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(Please Print)

**PARENT SECTION**

I have received a copy of the **Discipline Code** and **Bill of Student Rights and Responsibilities** and understand the behavior that is required of my child.

I agree to help my child follow this agreement by:

- Encouraging my child to be a respectful and peaceful member of the school community
- Discussing the contents of the Discipline Code and the Bill of Student Rights and Responsibilities with my child
- Participating in any discussions and decisions concerning my child's education
- Attending scheduled appointments with school staff
- Providing the school with current telephone numbers and emergency contact information
- Alerting the school if there are any significant changes in my child's health or well-being that affects his/her ability to perform in school.

Parent/Guardian Name: \_\_\_\_\_

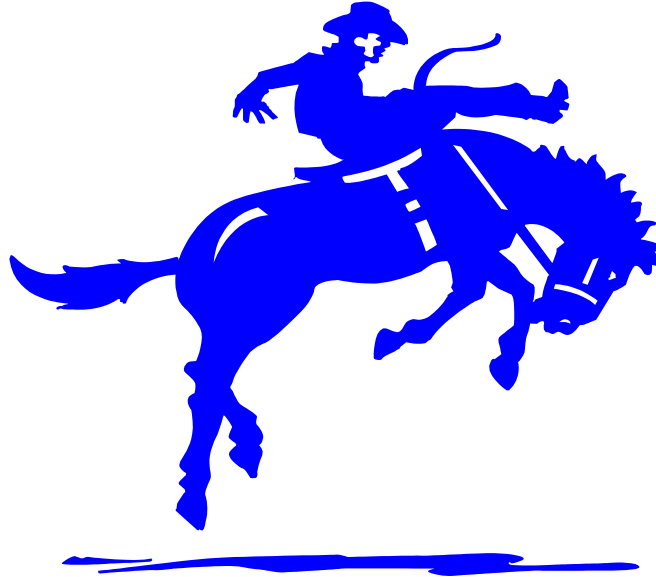
(Please Print)

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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