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STUDENT POLICIES GOALS

NOTE: This section of the policy manual deals with those policies and regulations affecting the welfare of all students in the schools. Note that the goals listed below are general goals which may be added to or modified by the Board. Board goals relating to students should reflect the district's philosophy and mission statement. Often, this type of information is found as a portion of district grant applications for federal, state, or private funding. The Board should annually revisit these goals as it begins considering new district goals and objectives for the upcoming school year.

Students are the focal point of all district operations and must receive the primary attention of the Board of Education and all staff members. Consequently, the Board will spend most of its time in study, deliberation and policy formulation on matters directly related to student welfare.

The Board recognizes the individual worth of each student. The Board and staff accept the responsibility of helping each student to develop his/her capacity for intellectual, physical, emotional, and social growth. The Board acknowledges that a student's growth is influenced by his/her environment, both at home and in school. Therefore, the school district shall strive to create an environment in which the student may learn to live and adapt successfully in an ever-changing world in order to become a responsible and productive member of society.

The Board and district staff shall work together to achieve the following goals:

1. tailor the learning program to each student's learning styles, interests, and aspirations;
2. protect and observe the legal rights of students;
3. enhance the self-image of each student by helping him/her feel respected and worthy through a learning environment that provides positive encouragement through frequent success;
4. provide an environment in which students can learn personal and civic responsibility for their actions through meaningful experiences as school citizens; and
5. promote faithful attendance and good work.

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STUDENTS WITH DISABILITIES PURSUANT TO SECTION 504

NOTE: The first paragraph of this policy uses the exact language of the Rehabilitation Act of 1973, 29 USC §§794 et.seq., commonly known as Section 504, to define the individuals protected from discrimination under this act. The Board should note that this act covers all individuals involved with the school district - employees and students.

The students who qualify for protection under Section 504 are: of an age during which non-disabled children are provided preschool, elementary or secondary education services; of an age during which it is mandatory under state law to provide such educational services to disabled children; or to whom a state is required to provide a free appropriate public education (e.g. under IDEA).

The Board of Education shall ensure that no student is discriminated against in programs or activities receiving federal financial assistance. Individuals protected by Section 504 of the Rehabilitation Act of 1973 are those individuals who: have a physical or mental impairment which substantially limits one or more major life activities (e.g. caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working); have a record of such impairment; or are regarded as having such an impairment. Students who qualify for protection under Section 504 are: of an age during which non-disabled children are provided preschool, elementary or secondary education services; of an age during which it is mandatory under state law to provide such educational services to disabled children; or to whom a state is required to provide a free appropriate public education (e.g. under IDEA).

The Board shall identify, evaluate, refer, place, provide adaptations for and review all eligible students with disabilities. Students with disabilities pursuant to Section 504 shall be provided a free appropriate public education which may include, but is not limited to, providing a structured learning environment; repeating and simplifying instructions about in-class and homework assignments; supplementing verbal instructions with visual instructions; using behavioral management techniques; adjusting class schedules; modifying test delivery; using tape recorders, computer-aided instruction, and/or other audiovisual equipment; selecting modified textbooks or workbooks and tailoring homework assignments or modification of nonacademic times such as lunchroom, recess and physical education.

NOTE: Examples of program adaptation that may be provided to students in response to Section 504 include, but is not limited to, providing a structured learning environment; repeating and simplifying instructions about in-class and homework assignments; supplementing verbal instruction with visual instructions; using behavioral management techniques; adjusting class schedules; modifying test delivery; using tape recorders, computer-aided instruction, and/or other audiovisual equipment; selecting modified textbooks or workbooks and tailoring homework assignments or modification of nonacademic times such as lunchroom, recess and physical education.

The Board shall adopt a grievance procedure to resolve Section 504 complaints and designate an individual to coordinate compliance with Section 504. The Board shall ensure that students with disabilities and their parents are notified annually of the Board's responsibilities under Section 504.

NOTE: The Board should note that under Section 504, they may be responsible for providing education program modifications and related services to students with disabilities that do not fall under any of the classifications set forth in the Individuals with Disabilities Education Act (IDEA) or Commissioner's regulations. For example, the United States Department of Education's Office of Civil Rights has ruled that all students infected with HIV or have HIV-related conditions, even if they are presently asymptomatic, are students with disabilities under the definition of Section 504. Thus, Boards must provide for proper procedural safeguards (Fairfax County (VA) Public Schools, 19 IDELR 649 (1992)).

Cross-ref: 4321, Programs for Students with Disabilities
5300, Code of Conduct

Ref: Rehabilitation Act of 1973, 29 USC §§794 et seq. (Section 504)
34 CFR Part 104
Individuals with Disabilities Education Act, 20 USC §§1400 et seq.
(IDEA)
Education Law, §§4401 et seq. (Article 89)
8 NYCRR Part 200

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STUDENT COMPLAINTS AND GRIEVANCES

NOTE: Title IX requires the Board to adopt written procedures regarding student complaints and grievances. This policy is a sample for the Board's consideration. Additional references in the policy address any issues that may emerge related to Section 504 of the Rehabilitation Act or the Americans with Disabilities Act (ADA).

The Board of Education believes it is necessary that students be made aware of the behavior that is expected of them, as outlined in district policies on school conduct and discipline. They shall also be given an opportunity to be heard on complaints and grievances they may have.

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

NOTE: It is imperative that the Board name one of its employees to be the Compliance Officer to see that the district is complying with the responsibilities specified under Title IX, Section 504, and the ADA. This person will also be the initial contact for any students having a potential complaint or grievance with respect to these statutes or regulations.

Building Principals are responsible for ensuring that appeal procedures are incorporated into discipline codes, explained to all students, and provided to all parents on an annual basis.

Annual Notification

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

1. inform parents, employees, students and the community that vocational education programs are offered without regard to sex, race, color, national origin or disability;

2. provide the name, address and telephone number of the person designated to coordinate activities concerning discrimination due to sex and/or disability;
3. be included in announcements, bulletins, catalogues, and applications made available by the district.

The Superintendent of Schools shall establish regulations and procedures for presenting problems or appealing decisions which affect individual students, in accordance with applicable statutory requirements, and for the resolution of complaints or grievances which may affect the student body.

Cross-ref: 0100, Equal Opportunity
5300, Code of Conduct

Ref: Americans with Disabilities Act, 42 U.S.C. §12133
Title IX, Education Amendments of 1972, 20 U.S.C. Chapter 38; 34 CFR Part 106; 45 CFR Part 86
Rehabilitation Act of 1973, §504, 29 U.S.C. §794; 34 CFR §104
Education Law §3214

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NOTE: The following is your current attendance policy.

COMPREHENSIVE STUDENT ATTENDANCE

The Board of Education recognizes that regular school attendance is a major component of academic success. Through implementation of this policy, the Board expects to: reduce the current level of unexcused absences, tardiness, and early departures; encourage full attendance by all students; maintain an adequate attendance recordkeeping system; identify patterns of student absence, tardiness and early departure; and develop effective intervention strategies to improve school attendance.

School attendance is both a right and a responsibility. The Putnam Valley 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 will develop, review and, if necessary, revise a Comprehensive Student Attendance Policy to meet the following objectives:

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

Description of Strategies to Meet Objectives

The School District will:

- A) 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.
- B) Develop a Comprehensive Student Attendance Policy based upon the recommendations of a multifaceted District Policy Development Team that includes representation from administration, faculty, students and parents. This district will hold at least one public hearing prior to the

adoption of this collaboratively developed Comprehensive Student Attendance Policy.

- C) Maintain accurate recordkeeping via a Register of Attendance to record attendance, absence, tardiness or early departure of each student.
- D) Utilize data analysis systems for tracking individual student attendance and individual and group trends in student attendance problems.
- E) 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. See attached attendance code description.

- A) **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.
- B) **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, haircut, 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.

- A) For students in non-departmentalized elementary through middle school (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 the attendance once per school day, provided that the 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.

- B) For students in high school or in departmentalized schools 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.
- C) Any absence for a school day or portion of a school day shall be recorded as excused or unexcused in accordance with the standards articulated in this policy.
- D) In the event that a student at any instructional level from kindergarten through grade twelve 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 **18 absences** in a course may not receive credit for the course. However, it is the district's 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 departure 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:

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

ALL ABSENCES, TARDINESS, AND EARLY DEPARTURES MUST BE ACCOUNTED FOR. It is the parent/guardian's responsibility to (1) **call or email** the school attendance office within 24 hours of the absence, tardiness or

early departure and to (2) **provide a written explanation** within explanation within 5 days of the student's return to school. **Any absence which remains undocumented after the 5 day time period will be recorded as unexcused.**

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:

- A. Copies of the district's Comprehensive Student Attendance Policy will be mailed to parents/guardian and provided to students at the beginning of each school year or at the time of enrollment in the district.
- B. School newsletters and publications will include periodic reminders of the components of the district's Comprehensive Student Attendance Policy. Details of the Attendance Policy will also be included in parent/student handbooks.
- C. At periodic intervals, a designated staff member(s) will notify, by telephone, the parent/ guardian 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/ guardian cannot be reached by telephone, a letter shall be sent detailing this information.
- D. 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 Notification to the School

A designated staff member shall notify by telephone the parent/guardian of a student who is absent, tardy or departs early without proper notification to the school. Procedures for proper notification will be outlined at each building level. 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/guardian 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/guardian to promote awareness and help ensure compliance with the policy.

If deemed necessary by appropriate school officials, or if requested by the parent/guardian, a school conference shall be scheduled between the parent/guardian 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.

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/guardians will be notified by designated school 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:

- a. Identify specific element(s) of the pattern (e.g., grade level, building, time frame, type of unexcused absences, tardiness or early departures);
- b. 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;
- c. Discuss strategies to directly intervene with specific element;
- d. Recommend intervention to Superintendent or his/her designee, if it relates to change in district policy or procedure;
- e. Implement changes, as approved by appropriate administration;
- f. Utilize appropriate district and/or community resources to address and help remediate student unexcused absences, tardiness or early departures;
- g. Monitor and report short and long term effects of intervention.

Appeal Process

A parent/guardian may request a building level review of their child's attendance record. The actual steps for this process will be determined at each building level and communicated to parents/guardians at the beginning of the school year.

Building Review of Attendance Records

Commencing with the 2003-04 school year, 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 quarter. 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 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:

- a. Providing a plain language summary of the policy to parents/guardians to students at the beginning of the each school year and promoting the understanding of such a policy to students and their parents/guardians;
- b. Providing each teacher, at the beginning of the school year or upon employment, with a copy of the policy;
- c. Including the attendance policy in Student Handbook (Agenda) to be reviewed with the students at the start of the school year; and
- d. Providing copies of the policy to any other member of the community upon request.

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

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COMPULSORY ATTENDANCE AGES

NOTE: Section 3205 of the Education Law provides for compulsory attendance through age sixteen. However, under that section the Board also has the option of requiring attendance through the age of seventeen for those students who are not employed. Board should decide on whether it wishes to include the second paragraph which exercises this option.

All children are required by New York State law to attend school full time, in a public, private or parochial school, unless exempt from attendance in conjunction with current law or regulation, and approved by the State Education Department from the first day of session in September of the school year in which the minor becomes six years of age through the last day of the school year in which such minor becomes sixteen years of age, unless he/she has completed a four-year high school course of study. A minor who has completed a four-year high school course of study is not required to attend.

NOTE: Optional paragraph below on compulsory education until age seventeen:

Additionally, students between the ages of sixteen and seventeen are required to attend school until the last day of session in the school year in which they become seventeen, unless they are employed. Proof of employment must be furnished to the Superintendent of Schools in the form of a letter from the employer.

The Board of Education, through the Superintendent as chief administrative officer, is responsible for enforcement of the Compulsory Education Law.

Ref: Education Law §§1711; 3201; 3202(1-a); 3205; 3206; 3208; 3225
 8 NYCRR §101
 Family Court Act §§711 et seq.

Adoption date:

COMPULSORY ATTENDANCE EXHIBIT

Proof of Employment Letter

_____ (Date)

(name),
Superintendent of Schools
_____ school district:

Dear Superintendent _____:

This letter is to confirm that _____ (employee's name) has been employed by _____ (company name) since _____ (date) as a _____ (job title).

_____ (Employee's name) receives a salary of _____ (dollar amount), which is paid _____ (weekly, monthly, etc.), and a bonus of _____ (dollar amount), which is paid _____ (annually, bi-annually, etc). He/She currently works _____ (number of hours, if paid by the hour) a week.

If you have any further questions, please call me at _____ (phone number).

Sincerely,

(Employer's name)

(Company)

(Employer's signature)

(Employer's job title)

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SCHOOL ADMISSIONS

The district shall provide a public education to all persons between the ages of five (by December 1 of that school year) and twenty-one who have not received a high school diploma and are entitled to attend school. If such persons reside in the district, they may attend without payment of tuition.

A veteran of any age who has not yet received his/her high school diploma and who has been discharged under conditions other than dishonorable is eligible to attend school.

A non-veteran under twenty-one years of age who has received a high school diploma shall be permitted to attend school or BOCES upon payment of tuition.

Upon registration, all new students shall be required to present:

1. proof of date of birth,
1. record of immunizations and a health certificate from a licensed physician, and
3. proof of residency.

Ref: Education Law §§903; 904; 3202; 3208
Public Health Law §2164

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HOMELESS CHILDREN

NOTE: The No Child Left Behind Act (NCLB) has imposed additional responsibilities on school districts regarding the education of homeless children including an expansion of the definition of a homeless child, expansion of the duties of a district's liaison for the homeless, restrictions on the placement of homeless students, and new requirements for transportation and parental notification. New York Law and Commissioner's regulations have been revised to incorporate these changes.

This policy has been revised to reflect some of these changes and we have added a regulation to further outline the district's expanded responsibilities.

The Board of Education recognizes its responsibility to identify homeless children within the district, encourage their enrollment and eliminate existing barriers to their education which may exist in district practices. The Board will provide that homeless children attending the district's schools access to the same free and appropriate public education, including preschool education, as other children.

A homeless child is a child who lacks a fixed, regular, and adequate nighttime residence or who has a primary nighttime location in a public or private shelter designed to provide temporary living accommodations, or a place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. This definition also includes a child who shares the housing of others due to loss of housing, economic hardship, or similar reason; lives in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; lives in a car, park, public space or abandoned building, substandard housing, bus or train station or similar setting; has been abandoned in a hospital or is awaiting foster care placement; or is a migratory child who qualifies as homeless.

A homeless child has the right to attend school in either the district of origin (i.e., where he/she resided before becoming homeless), the district of current location, or a district participating in a regional placement plan.

NOTE: Whenever the school district of origin is designated, the child is entitled to return to the school building where previously enrolled in accordance with Commissioner's regulations. Whenever the school district of current location is designated, the child shall be entitled to attend the school that is zoned for his or her temporary location or any school that non-homeless students who live in the same attendance zone are entitled to attend in accordance with Commissioner's regulations.

NOTE (cont.):

The designated school district must provide or arrange for transportation in the most cost effective manner. The designated district may not provide transportation in excess of 50 miles one way, unless the Commissioner of Education determines that it is in the best interest of the child. If the homeless child chooses the school previously attended, the district must provide transportation to and from the temporary housing location and the school the child legally attends even if such housing is located in a different attendance zone.

The Superintendent of Schools shall develop procedures necessary to expedite the homeless child's access to the designated school. Such procedures shall include:

1. **Admission:** Upon designation, the district shall immediately admit the homeless child to school, even if the child is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency or other documentation and even if there is a dispute with the child's parents regarding school selection or enrollment.

Homeless children will have the same opportunity as other children to enroll in and succeed in the district's schools. They will not be placed in separate schools or programs based on their status as homeless.

2. **Transportation:** The district shall provide transportation for homeless students currently residing within the district as required by applicable law.
3. **School Records:** For homeless students attending school out of the district, the district shall, within five days of receipt of a request for records, forward a complete copy of the homeless child's records including proof of age, academic records, evaluation, immunization records and guardianship paper, if applicable.

The Superintendent shall also designate a liaison for homeless children and ensure that this person is aware of his or her responsibilities under the law. The liaison's responsibilities shall include, but not be limited to, ensuring that:

1. parents of homeless children are informed of the educational and related opportunities available to them, including transportation;
2. enrollment disputes involving homeless children are promptly mediated and resolved;
3. school personnel in coordination with shelters and social service agencies and other appropriate entities identify homeless children, including homeless preschoolers;
4. homeless children receive educational services, including Head Start and preschool services to which they are eligible, as well as referrals to health care and other appropriate services;

In accordance with Commissioner's regulations, the district shall collect and transmit to the Commissioner information necessary to assess the educational needs of homeless children within the State.

Ref: 42 USC §§11431, et seq.
School Enrollment Guidelines on the McKinney-Vento Act, 67 Fed. Reg.
10,697-10,701 (March 8, 2002)
Education Law §§207; 305; 3202; 3205; 3209
Executive Law §§532-b; 532-e
Social Services Law §§17; 62; 397
8 NYCRR §§100.2; 175.6

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ADMISSION OF NON-RESIDENT STUDENTS

NOTE: School districts are not required to admit non-resident students to the district's schools. A school district may, however, accept non-resident student on terms prescribed by the Board, including the payment of tuition as set forth in Commissioner's regulations (Education Law §3202(2); 8 NYCRR Part 174). If the Board decides to permit non-residents to attend the district's schools, it must have a policy setting forth the criteria to be considered in determining whether non-resident students will be admitted.

The Board should be aware that if it decides to admit non-resident students, the admission criteria must be applied uniformly. The district may not discriminate on the basis of race, religion, national origin, sex or disability. The federal Office of Civil Rights has stated that a district must use the same criteria to decide whether to admit a non-resident student with a disability as it would use to decide whether to admit a non-resident, non-disabled student. For example, if a district admits non-resident non-disabled students only when vacancies exist in the appropriate programs/placement, then the school may use the same criteria in determining whether in determining whether to admit students with disabilities. However, if the district admits non-resident non-disabled students without considering whether an appropriate vacancy exists, it may not use this criterion when determining whether to admit a non-resident student with disabilities.

The Board of Education affirms that its primary responsibility is to provide the best possible educational opportunities for the children who are legal district residents and who are of legal age to attend school.

However, a non-resident student may be admitted to district schools upon payment to the district of the Board-adopted tuition charge, if and only if, in the judgment of the Superintendent of Schools:

1. there is sufficient space to accommodate the non-resident student;
2. no increase in the size of faculty or staff will be necessary to accommodate them;
3. the non-resident student meets the district's criteria for admission; and
4. the admission of such non-resident student is and continues during the enrollment period to be in the best interests of the district.

NOTE: The criteria for admission listed above are examples of things commonly looked at by boards when deciding whether to admit non-resident students to ensure the admission of non-resident students will not place an extra burden on the district. The Board should review the list and alter it as necessary to ensure that it accurately reflects the standards used by the district when deciding whether to admit non-resident students.

Future Residents

The children of families who have signed a contract to buy or build a residence in the school district may be enrolled during the semester in which they expect to become residents, without payment of tuition.

Transportation

Transportation will be provided for non-resident students if and only if existing bus routing is used, and there is sufficient room on the bus.

NOTE: The policy should specify whether the district will provide transportation to non-resident students and, if so, under what conditions.

Ref: Education Law §3202(2)

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STUDENT DISMISSAL PRECAUTIONS

NOTE: State Education Law provides that a minor of compulsory school age may be released only to a person whose name appears on a list supplied by the person in parental relation to the student. Districts should develop and maintain regulations or procedures regarding student dismissal.

No student may be released from school to anyone other than the parent, guardian or child protective services personnel and law enforcement officers pursuant to law, unless the individual's name seeking release of the student appears on a list provided by the parent or guardian.

Parents are urged to make appointments with physicians, dentists, special tutors, etc., after school hours. If a request is necessary, parents should make note of the date, time and reason for the release. Children cannot be excused without advanced written request by parent/guardian, and must be released in care of parent/guardian, unless otherwise noted.

A student may be released to either parent unless a custodial parent supplies the Superintendent of Schools with a certified copy of a court order or divorce decree to the contrary.

The Superintendent shall develop procedures to enable parents and guardians to amend the list of persons authorized to obtain the release of their children.

Ref: Education Law §3210(1)(c)

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(x) Notice

STUDENT ORGANIZATIONS

NOTE: This is an essential policy for Boards to adopt, as it provides the parameters under which clubs and organizations can operate in the district. This policy is provided as a sample for the Board's consideration.

The Board of Education recognizes the educational values inherent in student participation in the extracurricular life of the school, and supports the concept of the formation of student groups for such purposes as building sound social relationships, developing interests in an academic area, and gaining an understanding of the elements and responsibilities of good citizenship.

The Superintendent of Schools, with the aid of students, faculty and administration, is charged with developing procedures for registering and regulating student groups or clubs. Such procedures shall ensure that the district will register any group organized for a purpose not prohibited by Board policy or by law, if such group submits a list of its members designated as contacts, a copy of its constitution and/or bylaws, and the constitution and bylaws of any off-campus organization with which it may be affiliated. Student groups may not restrict membership on the basis of race, sex, national origin or other arbitrary criteria.

NOTE: Pursuant to the paragraph below, the Board has the authority under Education Law §§ 1709-a, 2503-a, and 2554-a to adopt rules and regulations to abolish or prohibit any fraternity, sorority, or secret society in any of their secondary schools. In order to take this action, the Board must show that these groups, by virtue of their activities, have caused or have the potential to cause some disruption of the school program.

The Board may prohibit the formation of any clubs, including fraternities or sororities, or any other secret society, whose deliberations and activities have caused or created, or are likely to cause or create, a disruption of or interference with the school program.

NOTE: Pursuant to the paragraph below, the Board must choose carefully on whether they want their schools to be "limited open forums" or "closed forums." The Equal Access Act (20 U.S.C. 4071) requires districts, as a condition of receiving federal funds, to provide equal access and fair opportunity to students who wish to conduct meetings. This requirement is only applicable in secondary schools and only where such schools are designated as "limited open forums" as defined in the statute.

The statute designates a school as a "limited open forum" when the school provides an opportunity for one or more non-curriculum related student groups to meet on school grounds during non-instructional time. Once a school is designated as a "limited open forum," the school must provide equal access, and is prohibited from discrimination based on "religious, political, philosophical, or other non-curriculum related student groups to meet on school property during non-instructional times, equal access must be provided to all groups, including groups with various religious or political viewpoints. Most secondary schools do operate a "limited open forum" and therefore we have included language to that effect in the paragraph below. If the Board does operate a "closed forum" let us know so we can modify the paragraph below.

Administrative regulations governing the use of school facilities shall abide by the Equal Access Act in the creation of a "limited open forum." All noncurricula-related student activities, regardless of religious or political content, shall have the same opportunities as any other such activity to operate on school grounds.

NOTE: A Board choosing a "closed forum" is obviously being more restrictive as to student organizations meeting in their schools. However, even if a Board does not have a specific policy regarding student organizations, past practice may have already designated schools as "limited open forums." The Board should work closely with their school attorneys to determine the type of forum desired regarding student organizations and to adopt a policy codifying such policy.

Ref: Education Law §§207; 1709-a; 2503-a; 2554-a
 Equal Access Act, 20 U.S.C. §§4071-4074
 8 NYCRR Part 172
Board of Education of the Westside Community Schools v. Mergens, 496 U.S. 226 (1990)
Garnett By Smith v. Renton School Dist. No. 403, 865 F.2d 1121 (9th Cir., 1989)
Thompson v. Waynesboro Area School Dist., 673 F.Supp. 1379 (M.D. Pa. 1987)
Student Coalition v. Lower Merion School Dist. Bd., 633 F.Supp. 1040 (E.D. Pa. 1986)
Tinker v. Des Moines Independent Community School Dist., 393 U.S. 503, 89 S.Ct. 733 (1969)
Healy v. James, 408 U.S. 169, 92 S.Ct. 2338 (1972)

Adoption date:

SCHOOL-SPONSORED STUDENT EXPRESSION

NOTE: The following policy addresses student first amendment rights in the context of school-sponsored activities, including but not limited to school newspapers, school literary magazines, school websites, school art exhibits or school shows. A separate policy discusses student rights to free personal expression in the broader context of the school community, where it is not associated with a school-sponsored activity (5225, Student Personal Expression). We recommend that the Board consider taking this approach so that it is clear that different standards apply to speech in the context of school-sponsored activities, as compared to an environment that is not school-supported, but may still impact the school.

It is well-established that the First Amendment rights of students in public schools are not automatically coextensive with the rights of adults in other settings (Bethel School District No. 403 v. Fraser, 478 U.S. 675 (1986)) and must be applied in light of the special characteristics of the school environment (New Jersey v. T.L.O., 469 U.S. 325 (1985)). It is equally well-established that school districts are not required to tolerate student speech that is inconsistent with their “basic educational mission” (Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)). Educators may constitutionally censor student speech in school-sponsored student publications so long as their actions are reasonably related to legitimate pedagogical concerns.

A school board, however, is not required to adopt the Hazelwood standard but may instead establish a policy granting students broader free speech rights than required by law (Matter of Brenner, 28 Educ. Dep’t Rep. 402 (1989)). Once it does so, the standard established by the policy becomes the standard to be applied. For example, a board may, by policy, limit the district’s authority to censor school-sponsored student publications to those situations where there is an imminent threat to disrupt the education process or where the literary work is libelous or obscene. Because the law affords discretion to school boards in this area, it is important for every board to adopt a policy clearly setting forth the standard to be applied to the myriad number of media in which students express themselves in the context of school-sponsored activity. This template policy assumes that the board does not wish to grant students broader free speech rights than required by law. Any board that wishes to do so should consult with its school attorney before adopting a policy which gives students greater rights to ensure that it is fully aware of the legal implications of doing so.

The Board of Education encourages student expression in its many forms, including the **[insert applicable activities: school newspaper, yearbook, literary magazine, concerts, shows, art exhibits]**. The Board believes these activities are an important part of student learning and enrich the life of the school community. The school newspaper, for example, is an important part of the school not only because it offers an educational activity through which students gain experience

in reporting, writing, editing, and understanding responsible journalism, but also because it provides an opportunity for students to express their views in a responsible manner. Each school-sponsored activity offers unique opportunities for students to engage in creative and educational modes of expression.

All school-sponsored opportunities for student expression will comply with the rules set forth in this policy and in the Code of Conduct. Libelous statements, unfounded charges and accusations, obscenity, false statements; materials or performances advocating racial or religious prejudice, hatred, violence, the breaking of laws and school policies and/or regulations; or materials or performances designed to disrupt the educational process will not be permitted.

In addition, the school-sponsored activities listed above are not considered public forums. In such cases, the Board reserves the right to edit or delete such student expression which it believes is inconsistent with the district's basic educational mission.

Procedural Due Process

When a student(s) presents material for inclusion in a school sponsored publication to a school official with authority over the school publication, the school official must review and make a decision on inclusion in the publication within two (2) school days of submission of the material to him/her. If publication is denied, the student(s) may appeal the decision to the Building Principal. If the principal agrees with the decision to withhold approval, the principal must state the reasons in writing and provide the students with a copy of the reasons within two (2) school days of the receipt of the appeal. The aggrieved student(s) may within two (2) school days appeal in writing to the Superintendent of Schools. The Superintendent of Schools must issue a written decision within two (2) school days after receiving the appeal.

Cross-ref: 5300, Code of Conduct
5225, Student Personal Expression

Ref: *Morse v. Frederick*, 127 S Ct 2618 (2007)
Hazelwood School District v. Kuhlmeier, 484 US 260, 108 S Ct 562, (1988) (limits on student free speech rights in school-sponsored student publications)

Bethel School District v. Fraser, 478 US 675 (1986)

Tinker v. Des Moines Independent Community School Dist., 393 US 503, (1969) (limits on student free speech rights in school setting)

Thomas v. Board of Education, Granville Central School Dist., 607 F 2d 1043 (1979)

Trachtman v. Anker, et al., 563 F 2d 512 (1977)

Frasca v. Andrew et al., 463 F Supp 1043 (1979)

Matter of Beil and Scariati, 26 EDR 109(1986)

Adoption date:

(X) Required Local Notice

CODE OF CONDUCT

NOTE: *The following is a combination of the district's student code of conduct (taken from the student handbook) and NYSSBA's recommended approach.*

5300.05 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 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.

5300.10 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" means 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:

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

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

NOTE: The definition of "weapon" in the sample code is much broader than the definition used in the federal Gun-Free Schools Act. The term is broadly defined to keep all types of objects that can cause serious injury or death out of schools, and thereby enhance school safety.

The school board has discretion in defining "weapon" in its code of conduct. school districts should be aware, however, that federal and state law mandate that students who possess a weapon as defined in federal law (18 USC §921) be suspended from school for a minimum of one calendar year. The SAVE legislation also requires that the district's code of conduct provide for a minimum period of suspension for all acts that would qualify a student to be defined as a violent student (§2801(2)(m)).

Therefore, if a school district chooses to define "weapon" broadly in its code, more students may be subject to the required minimum one-year suspension under the Gun-Free Schools Act and more students may qualify as "violent" students.

5300.15 STUDENT RIGHTS AND RESPONSIBILITIES

A. Student Bill of Rights

1. All children have the right to a healthy, secure, nurturing infancy and early childhood.
2. All children have the right to live in circumstances, which permit healthy intellectual, emotional, physical, and moral development.
3. All children have the right to a free, sound, basic education.
4. Each child has the right to an education appropriate for his or her individual needs.
5. All children have the right to an education, which respects their culture, race, socioeconomic background and the language of their home.
6. All children have the right to schools and educational programs which are effective.
7. All children have the right to educational programs, which prepare them for jobs, for college, for responsible family life and for citizenship in a self-governing society.
8. All children have the right to pursue their education without fear.
9. All children have the right to the resources needed to secure their educational rights.
10. All children are entitled to an education, which involves responsibilities as well as rights.

B. Student Responsibilities

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct,

demeanor, and sportsmanship.

5300.20 ESSENTIAL PARTNERS

A. Parents

All parents are expected to:

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

B. Teachers

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines
 - d. Expectations for students
 - e. Classroom discipline plan.

6. Communicate regularly with students, parents and other teachers concerning growth and achievement.

C. Guidance Counselors

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

D. Principals

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the Principal and approach the Principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

E. Superintendent

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

F. Board of Education

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel

to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.

2. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.

5300.25 STUDENT DRESS CODE

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

A student's dress, grooming and appearance, including hair style/color, jewelry, make-up and nails, shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process. Some examples include but are not limited to: chains, metal studs, sharp objects/studs, costumes, masks, articles of clothing/materials that cover face (i.e., hoods), head, and/or body. All articles of clothing are under the discretion of the administration and must be adhered to. Failure to do so will result in disciplinary action. This includes, but is not limited to having him/her change into something that is approved by administration, placing him/her into SAP (*NOTE: SAP should be spelled out since this is the first use of the acronym*) or sending the student home.
2. Recognize that extremely brief garments such as tube tops, net tops, halter-tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments are not appropriate.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. At the High School, hats may be worn in hallways, the commons area, and in the lunchroom. Hats may be worn in classrooms IF and ONLY IF a teacher allows it and MUST be removed at the teacher's request. Failure to comply with a teacher's request will be considered an act of insubordination and subject to disciplinary consequences. Hats cannot be prohibited where there exists a case of a medical or religious purpose.
6. Not include items that are vulgar, obscene, and libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
7. Not promote and/or endorse youth gangs, the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities. Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary

or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

Decisions regarding improper dress will be at the discretion of the Middle School or High School administrator.

5300.30 PROHIBITED STUDENT CONDUCT

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

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

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

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

- A. Engage in conduct that is disorderly. Examples of disorderly conduct include:
 - 1. Running in hallways.
 - 2. Making unreasonable noise.
 - 3. Using language or gestures that are profane, lewd, vulgar or abusive.
 - 4. Obstructing vehicular or pedestrian traffic.
 - 5. Engaging in any willful act which disrupts the normal operation of the school community.
 - 6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
 - 7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.

- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include:
1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
 2. Lateness for, missing or leaving school without permission.
 3. Skipping detention.
- C. Engage in conduct that is disruptive. Examples of disruptive conduct include:
1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
 2. Inappropriate public sexual contact.
- D. Engage in conduct that is violent. Examples of violent conduct include:
1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
 2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
 3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
 4. Displaying what appears to be a weapon.
 5. Threatening to use any weapon.
 6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
 7. Vandalism: Intentionally damaging or destroying school district property.
- E. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include:
1. Lying to school personnel.
 2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
 3. Defamation, which includes making false statements or representations about an individual or identifiable group of

- individuals that harm the reputation of the person or the identifiable group by demeaning them.
4. Throwing food in the cafeteria is strictly forbidden. It is rude and unsafe. You are expected to exhibit the same courteous, appropriate behavior in the cafeteria as you would anywhere else in the building.
 5. 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.
 6. 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.
 7. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
 8. Inappropriate displays of affection including, but not limited to, necking, kissing, sexual advances, etc. are in poor taste in a school setting. Therefore, this behavior is not allowed and students who disregard this face disciplinary action.
 9. 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.
 10. Selling, using or possessing obscene material.
 11. Using vulgar or abusive language, cursing or swearing.
 12. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco. New York's Clean Air Act of 1990 prohibits or limits smoking in most public places. Putnam Valley Central School prohibits smoking at all school events and anywhere in the school buildings or on school grounds at any time. A violation will result in administrative disciplinary action. Increasing penalties are in place for repeat offenders including referral to the Putnam County Health Department. **Tobacco Definition:** For the purposes of this policy, tobacco is defined to include any lighted or unlighted cigarette, cigar, cigarillo, pipe, clove cigarette, spit tobacco (smokeless, dip, chew and/or snuff), rolling papers and any other tobacco paraphernalia, i.e., lighters, matches, pipes, and any other tobacco product in any form. **Students:** Possession and/or use of tobacco by students at any time on school property or at school-sponsored events at off-site facilities are prohibited. This includes, but is not limited to, inside all school buildings, surrounding outdoor grounds within school property boundaries and any standing structure on or around school boundaries, school-owned or leased vehicles, in vehicles on school property and all school-sponsored events that occur off school property.
 13. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited

to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as “designer drugs.” Drugs – any substance that alters perception or behavior reducing that individual’s ability to function appropriately.

14. Inappropriately using or sharing prescription and over-the-counter drugs.
15. Gambling. This may include throwing dice, card playing or any other form of wagering on game-like activities. May include but not limited to the exchange of money, personal possessions, and/or tokens.
No throwing/playing dice of any kind on school grounds. This activity is prohibited any persons violating this rule will face administrative disciplinary action.
16. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
17. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

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

G. Engage in any form of academic misconduct. Students who violate this rule will face academic penalties and possible administrative disciplinary action. Examples of academic misconduct include:

1. Cheating involves the TAKING or GIVING of answers on a test, quiz, or homework/class assignment, or using unauthorized notes or materials during a test, quiz or homework/class assignment. Cheating is strictly forbidden and will not be tolerated.
2. Plagiarism involves the willful copying of previously published material from books, articles, term papers, Internet, etc. and the presentation of these materials as one’s own. This act constitutes fraud and is prohibited.
3. Use of an electronic translator in a World Language Class
4. Copying.
5. Altering records.
6. Assisting another student in any of the above actions.

H. Engage in off-campus misconduct that endangers the health and safety of students or staff within the school or adversely affects the educational process. Examples of such misconduct include:

1. Cyberbullying

2. Threatening, hazing, harassing students or school personnel over the phone or the internet
3. Using message boards to convey threats, derogatory comments or post pornographic pictures of students or school personnel

5300.35 REPORTING VIOLATIONS

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

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

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

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

NOTE: The SAVE legislation requires that the code of conduct contain provisions setting forth the procedures by which local law enforcement agencies will be notified of code violations that constitute a crime (§2801(2)(h)). The law does not state that law enforcement must be notified of all code violations that constitute a crime. It could be argued, however, that since this section of the law does not state that school districts have the authority to set forth "the circumstances under" which law enforcement will be notified as well as the procedures (as does §2801(2)(i) dealing with notification to parents) districts may be required to notify local law enforcement authorities of all violations that constitute a crime.

Some level of discretion in reporting violations is required to avoid involving law enforcement unnecessarily in all school disciplinary matters and creating a police state environment in schools. Therefore, the sample code

requires Principals or their designees to notify local law enforcement authorities *of only those code violations that substantially affect the order or security of a school and constitute a crime. Thus, a Principal would not be required to report the theft of a few dollars or the intentional destruction of an inexpensive piece of district equipment. School boards should give careful thought to developing this provision of their code and consult with their school attorney.*

5300.40 DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS

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

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

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

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

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

A. Penalties

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

1. Oral warning – any member of the district staff
2. Written warning – bus drivers, hall and lunch monitors, coaches,

- guidance counselors, teachers, Principal, Superintendent
- 3. Written notification to parent – bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, Principal, Superintendent
- 4. Detention – teachers, Principal, Superintendent
- 5. Suspension from transportation – Director of Transportation, Principal, Superintendent
- 6. Suspension from athletic participation – coaches, Principal, Superintendent
- 7. Suspension from social or extracurricular activities – activity director, Principal, Superintendent
- 8. Suspension of other privileges – Principal, Superintendent
In-school suspension – Principal, Superintendent
- 9. Removal from classroom by teacher – teachers, Principal
- 11. Short-term (five days or less) suspension from school – Principal, Superintendent, Board
- 12. Long-term (more than five days) suspension from school – Superintendent, Board
- 13. Permanent suspension from school – Superintendent, Board.

NOTE: Districts that decide to adopt a format such as this for listing the range of penalties and personnel authorized to impose particular penalties will have to amend titles to reflect district specific titles and responsibilities. Districts should be aware that the Education Law authorizes only certain administrators and the Board of education to suspend students (§3214). As such, districts should consult with their school attorney to make certain that the person(s) designated to impose a particular penalty do, in fact, have the legal authority to do so.

In addition, districts should note that involuntary transfers, mandatory referrals to counseling and community services are not included in the list of penalties. The Commissioner has held that none of these are appropriate disciplinary measures (see, for example, Appeal of Reeves, 37 EDR 271 (1998)(involuntary transfer); Appeal of Eddy, 36 EDR 359 (1997)(community service); Appeal of Christopher and Gigi B, 39 EDR 642 (2000)(counseling)).

B. Procedures

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

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

1. Detention

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

2. Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the Principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the Principal or the Superintendent or their designees.

In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.

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

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

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

4. In-school Suspension

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes Principals and the Superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in

"in-school suspension." The in-school suspension teacher will be a certified teacher.

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

5. Teacher Disciplinary Removal of Disruptive Students

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

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

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

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

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours, provided that if such twenty-four hour period does not end on a school day, it shall be extended to the corresponding time on the next school day.

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

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

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

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

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

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

1. The charges against the student are not supported by substantial evidence.
2. The student's removal is otherwise in violation of law,

including the district's code of conduct.

3. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

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

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

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

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

6. Suspension from School

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

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

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

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

a. Short term (five days or less) Suspension from School

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

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

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

After the conference, the Principal shall promptly advise the parents in writing of his or her decision. The Principal shall advise the parents that if they are not

satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of education with the District Clerk within 10 business days of the date of the Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

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

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

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

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

Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

c. Permanent suspension

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

d. Procedure After Suspension

NOTE: The following paragraph is based on the new provisions of §3214 (3)(e) which authorizes the Board to offer a reduction in a suspension if a student voluntarily agrees to counseling or to attend special classes.

The Board may condition a student's early return from a suspension on the student's voluntary participation in counseling or specialized classes, such as anger management or dispute resolution. The Board retains discretion in offering this opportunity. If and when the student and/or parent/guardian agrees to this option, the terms and conditions shall be specified in writing.

C. Minimum Periods of Suspension

1. Students who bring or possess a weapon on school property

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

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

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

2. Students who commit violent acts other than bringing or possessing a weapon on school property

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

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

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

D. Referrals

1. Counseling

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

2. PINS Petitions

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

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

3. Juvenile Delinquents and Juvenile Offenders

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

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

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

5300.45 ALTERNATIVE INSTRUCTION

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

5300.50 DISCIPLINE OF STUDENTS WITH DISABILITIES

NOTE: This portion of the sample code of conduct applies only to students with disabilities found eligible for special education services under the IDEA and Article 89 of New York's Education Law, and students presumed to have a disability for discipline purposes under those two statutes and their implementing regulations. It does not apply to students with disabilities who are eligible for services only under Section 504 of the Rehabilitation Act. School districts should consult with their school attorney regarding the discipline of those students.

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate the district's student code of conduct, and/or to temporarily remove a student with disabilities from his or her current placement because maintaining the student in that placement is substantially likely to result in injury to the student or to others. The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law enjoy certain procedural protections that school authorities must observe when they decide to suspend or remove them. Under certain conditions those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes.

Therefore, the Board is committed to ensuring that the district follows suspension and removal procedures that are consistent with those protections. The code of conduct for students is intended to afford students with disabilities and students presumed to have a disability for discipline purposes the express rights they enjoy under applicable law and regulations.

Definitions

For purposes of this portion of the code of conduct, and consistent with applicable law and regulations, the following definitions will apply:

1. *Behavioral intervention plan* (BIP) means a plan that is based on the results of a functional behavioral assessment and that, 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.
2. *Controlled substance* means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).
3. *Disciplinary change in placement* means a suspension or removal from a student's current educational placement that is either:
 - a. For more than 10 consecutive school days; or

- b. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.
4. *Illegal drug* means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional, or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.
5. *Interim alternative educational setting (IAES)* means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable him or her to continue to participate in the general curriculum and progress toward meeting the goals set out in the student's individualized education program; as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.
6. *Manifestation review* means a review of the relationship between the student's disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.
7. *Manifestation team* means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the committee on special education as determined by the parent and the district.
8. *Removal* means a removal of a student with a disability for disciplinary reasons from his or her current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.
9. *School day* means any day, including a partial day, that students are in attendance at school for instructional purposes.
10. *Serious bodily injury* means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
11. *Student presumed to have a disability for discipline purposes* means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.

12. *Suspension* means a suspension pursuant to §3214 of New York's Education Law.
13. *Weapon* means the same as the term "dangerous weapon" under 18 USC §930(g)(2) which includes a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except a pocket knife with a blade of less than two and one-half inches in length.

Authority of School Personnel to Suspend or Remove Students with Disabilities

The Board, District Superintendent, Superintendent of Schools or a Building Principal with authority to suspend students under the Education Law may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days.

The Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed ten consecutive school days inclusive of any period in which the student has been suspended or removed for the same behavior pursuant to the above paragraph, if the Superintendent determines that the student's behavior warrants the suspension. The Superintendent also may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misconduct, as long as the suspensions do not constitute a disciplinary change of placement.

In addition, the Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for a period in excess of ten consecutive school days if the manifestation team determines that the student's behavior was not a manifestation of the student's disability. In such an instance, the Superintendent may discipline the student in the same manner and for the same duration as a non-disabled student.

Furthermore, the Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability to an IAES to be determined by the committee on special education for a period of up to 45 school days if the student either:

1. Carries or possesses a weapon to or at school, on school premises or to a school function, or
2. 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 district's jurisdiction, or
3. Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district's jurisdiction.

The Superintendent may order the placement of a student with a disability to an IAES under such circumstances, whether or not the student's behavior is a

manifestation of the student's disability. However, the committee on special education will determine the IAES.

Procedures for the Suspension or Removal of Students with Disabilities by School Personnel

1. In cases involving the suspension or removal of a student with a disability for a period of five consecutive school days or less, the student's parents or persons in parental relation to the student will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short term suspensions of non-disabled students.
2. The suspension of students with disabilities for a period in excess of five school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the Superintendent or a designated hearing officer shall be bifurcated into a guilt phase and a penalty phase. Upon a finding of guilt, the Superintendent or the designated hearing officer will await notification of the determination by the manifestation team as to whether the student's behavior was a manifestation of his or her disability. The penalty phase of the hearing may proceed after receipt of that notification. If the manifestation team determined that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student, except that he or she will continue to receive services as set forth below. However, if the behavior was deemed a manifestation of the student's disability, the hearing will be dismissed, unless the behavior involved concerned weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, in which case the student may still be placed in an IAES.

Limitation on Authority of School Personnel to Suspend or Remove Students with Disabilities

The imposition of a suspension or removal by authorized school personnel may not result in a disciplinary change of placement of a student with a disability that is based on a pattern of suspensions or removals as set forth above in the *Definitions* section of this policy, unless:

1. The manifestation team determines that the student's behavior was not a manifestation of the student's disability, or
2. The student is removed to an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury as set forth above.

School personnel will consider any unique circumstances on a case-by-case basis when determining whether a disciplinary change in placement is appropriate for a student with a disability who violates the district's code of conduct.

In addition, school personnel may not suspend or remove a disability in excess of the amount of time that a non-disabled student would be suspended for the same behavior.

Parental Notification of a Disciplinary Change of Placement

The district will provide the parents of a student with a disability notice of any decision to make a removal that constitutes a disciplinary change of placement because of a violation of the student code of conduct. Such notice will be accompanied by a copy of the procedural safeguards notice.

Authority of an Impartial Hearing Officer to Remove a Student with a Disability

An impartial hearing officer may order the placement of a student with a disability to an IAES for up to 45 school days at a time if he or she determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others. This authority applies whether or not the student's behavior is a manifestation of the student's disability.

Manifestation Review

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

1. The Superintendent to change the placement of a student to an IAES;
2. An impartial hearing officer to place a student in an IAES; or
3. The Board, the Superintendent, or Building Principal to impose a suspension that constitutes a disciplinary change in placement.

The manifestation team must determine that the student's conduct was a manifestation of the student's disability if it concludes that the conduct in question was either:

1. Caused by or had a direct or substantial relationship to the student's disability, or
2. The direct result of the district's failure to implement the student's individualized education program.

The manifestation team must base its determination on a review all relevant information in the student's file including the student's individualized education program, any teacher observations, and any relevant information provided by the parents.

If the manifestation team determines that the student's conduct is a manifestation of the student's disability, the district will:

1. Have the committee on special education conduct a functional behavioral assessment of the student and implement a behavioral intervention plan, unless the district had already done so prior to the behavior that resulted in the disciplinary change of placement occurred. However, if the student already has a behavioral intervention plan, the CSE will review the plan and its implementation, and modify it as necessary to address the behavior.
2. Return the student to the placement from which he or she was removed, unless the change in placement was to an IAES for conduct involving weapons, illegal drugs or controlled substances or the infliction of serious bodily injury, or the parents and the district agree to a change in placement as part of the modification of the behavioral intervention plan.

If the manifestation team determines that the conduct in question was the direct result of the district's failure to implement the student's individualized education program, the district will take immediate steps to remedy those deficiencies.

Services for Students with Disabilities during Periods of Suspension or Removal

Students with disabilities who are suspended or removed from their current educational setting in accordance with the provisions of this policy and applicable law and regulation will continue to receive services as follows:

1. During suspensions or removals of up to 10 school days in a school year that do not constitute a disciplinary change in placement, the district will provide alternative instruction to students with disabilities of compulsory attendance age on the same basis as non-disabled students. Students with disabilities who are not of compulsory attendance age will receive services during such periods of suspension or removal only to the same extent as non-disabled students of the same age would if similarly suspended.
2. During subsequent suspensions or removals of up to 10 school days that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, the district will provide students with disabilities services necessary to enable them to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their respective individualized education program. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed to comply with this requirement.

In addition, during such periods of suspension or removal the district will also provide students with disabilities services necessary for them to receive, as appropriate, a functional behavioral assessment, and behavioral

intervention services and modifications designed to address the behavior violation so that it does not recur.

3. During suspensions or removals in excess of 10 school days in a school year that constitute a disciplinary change in placement, including placement in an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, the district will provide students with disabilities services necessary to enable them to continue to participate in the general curriculum, to progress toward meeting the goals set out in their respective individualized education program, and to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so it does not recur.

In such an instance, the committee on special education will determine the appropriate services to be provided.

Students Presumed to Have a Disability for Discipline Purposes

The parent of a student who is facing disciplinary action but who was not identified as a student with a disability at the time of misconduct has the right to invoke any of the protections set forth in this policy in accordance with applicable law and regulations, if the district is deemed to have had knowledge that the student was a student with a disability before the behavior precipitating disciplinary action occurred and the student is therefore a student presumed to have a disability for discipline purposes.

If it is claimed that the district had such knowledge, it will be the responsibility of the Superintendent, Building Principal or other authorized school official imposing the suspension or removal in question for determining whether the student is a student presumed to have a disability for discipline purposes. The district will be deemed to have had such knowledge if:

1. The student's parent 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. Such expression may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. The student's parent has requested an evaluation of the student; or
3. A teacher of the student or other school personnel has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the district's director of special education or other supervisory personnel.

Nonetheless, a student will not be considered a student presumed to have a disability for discipline purposes if notwithstanding the district's receipt of information supporting a claim that it had knowledge the student has a disability,

1. The student's parent has not allowed an evaluation of the student; or
2. The student's parent has refused services; or
3. The District conducted an evaluation of the student and determined that the student is not a student with a disability.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if the district receives a request for an individual evaluation while the student is subjected to a disciplinary removal, the district will conduct an expedited evaluation of the student in accordance with applicable law and regulations. Until the expedited evaluation is completed, the student shall remain in the educational placement determined by the district which can include suspension.

Expedited Due Process Hearings

The district will arrange for an expedited due process hearing upon receipt of or filing of a due process complaint notice for such a hearing by:

1. The district to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement;
2. The district during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings;
3. The student's parent regarding a determination that the student's behavior was not a manifestation of the student's disability; or
4. The student's parent relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

The district will arrange for, and an impartial hearing officer will conduct, an expedited due process hearing in accordance with the procedures established in Commissioner's regulations. Those procedures include but are not limited to convening a resolution meeting, and initiating and completing the hearing within the timelines specified in those regulations.

When an expedited due process hearing has been requested because of a disciplinary change in placement, a manifestation determination, or because the district believes that maintaining the student in the current placement is likely to result in injury to the student or others, the student will remain in the IAES pending the decision of the impartial hearing officer or until the expiration of the period of removal, whichever occurs first unless the student's parent and the district agree otherwise.

Referral to Law Enforcement and Judicial Authorities

Consistent with its authority under applicable law and regulations, the district will report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities. In such an instance, The Superintendent will ensure that copies of the special education and disciplinary records of the student are transmitted for consideration to the appropriate authorities to whom the crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

5300.55 CORPORAL PUNISHMENT

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

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

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

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

5300.60 STUDENT SEARCHES AND INTERROGATIONS

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

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

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

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

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

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

A. Student Lockers, Desks and other School Storage Places

The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

B. Strip searches

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. If an authorized school official believes it is necessary to conduct a strip search of a student, the school official may do so only if the search is authorized in advance by the Superintendent or the school attorney. The only exception to this rule requiring advanced authorization is when the school official believes there is an emergency situation that could threaten the safety of the student or others.

Strip searches may only be conducted by an authorized school official of the same sex as the student being searched and in the presence of another district professional employee who is also of the same sex as the student.

In every case, the school official conducting a strip search must have probable cause – not simply reasonable cause – to believe the student is concealing evidence of a violation of law or the district code. In addition, before conducting a strip search, the school official must consider the nature of the alleged violation, the student's age, the student's record and the need for such a search.

NOTE: A strip search is highly intrusive. School districts should be aware that as the level of intrusiveness of a search increases, a higher standard of suspicion is required. The United States Court of Appeals for the Second Circuit has held that a school official who conducts a strip search of a student must have probable cause (M.M. v. Anker, 607 F.2d 588 (2d Cir. 1979)).

School officials will attempt to notify the student's parent by telephone before conducting a strip search, or in writing after the fact if the parent could not be reached by telephone.

C. Documentation of Searches

The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:

1. Name, age and grade of student searched.
2. Reasons for the search.
3. Name of any informant(s).
4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Person conducting search and his or her title and position.
7. Witnesses, if any, to the search.
8. Time and location of search.
9. Results of search (that is, what items(s) were found).
10. Disposition of items found.
11. Time, manner and results of parental notification.

The Principal or the Principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The Principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the item is turned over to the police. The Principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

D. Police Involvement in Searches and Interrogations of Students

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

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

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

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

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

E. Child Protective Services Investigations

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to Principal or his or her designee. The Principal or designee shall set the time and place of the interview. The Principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview.

No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

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

5300.65 VISITORS TO THE SCHOOLS

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

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the Principal upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the Principal's office before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
3. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the Principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

5300.70 PUBLIC CONDUCT ON SCHOOL PROPERTY

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

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

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

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.

15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

B. Penalties

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law § 3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law § 75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law § 75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 4 and 5. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

C. Enforcement

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

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

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

5300.75 DISSEMINATION AND REVIEW

A. Dissemination of Code of Conduct

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

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

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

B. Review of Code of Conduct

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

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

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

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

PUTNAM VALLEY

Adoption date:

(X) Required

Local

Notice

STUDENT WELLNESS

NOTE: The following is essentially the district's current policy, adopted June 15, 2006, with some edits (including the introductory paragraph). Please review it to ensure that it reflects current Board philosophy and district practice.

Given the documented connection between proper nutrition, adequate physical activity and educational success, the Board of Education adopts the following goals and actions to provide district students with a school environment that promotes student health and wellness and reduces childhood obesity.

The Putnam Valley Health Advisory Council [HAC], a community organization of parents, teachers, students, administrators, law enforcement, recreation and healthcare professionals, and other community members, has a 12-year history of supporting and implementing programs that enhance the health and safety of all the students and families of the Putnam Valley Central School District [PVCSD]. The HAC has already taken an active role (in concert with the Putnam Valley Board of Education) in developing this policy and will also remain active in implementing it and revising it annually to reflect the developing needs of our constituents.

In accordance with New York State Education Department guidelines, the policy wellness policy includes the following components:

1. Establishment of goals for nutrition education, physical activity, and other school-based activities that are designed to promote student wellness;
2. Nutrition guidelines for all foods that are available on each school campus during the school day, with the objectives of promoting student health and reducing childhood obesity;
3. Assurance that guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issued by the federal government;
4. Establishment of a plan for measuring implementation of the policy, including designation of one or more persons within the LEA or at each school, as appropriate, charged with operational responsibility for ensuring that the school meets the policy; and
5. Involvement of parents, students, representative of the school food authority, the school board, school administrators, and the public in the development of the policy.

COMPONENT 1: Establishment of goals for nutrition education, physical activity, and other school-based activities that are designed to promote student wellness.

The PVCSD recognizes the importance of wellness, including sound nutrition, as a key component of current and future academic and personal success. Within budgetary and scheduling constraints, we are committed to providing school programs and environments that promote safe physical activity and healthful eating. We propose the following goals as components of our overall wellness plan:

Goal 1: Increase nutrition education at all grade levels by:

- Planning and organizing lessons in making healthy food choices;
- Providing teacher education packets, provided by the food service or other professional sources, that can be used to supplement classroom instruction at the K-4 level;
- Update and maintain nutrition education units in MS and HS health education classes;
- Inviting local nutrition experts to support the program through presentations to students;
- Encouraging our physical education staff to incorporate nutrition information into their curriculum, if possible.

Goal 2: Promote healthful choices in all school cafeterias and improve awareness of the importance of good nutrition and physical activity throughout our schools through the use of signs, posters, tips of the week, HAC Helpline, etc.

- Make Food Pyramid posters available to cafeterias and school nurses in all three schools;
- Encourage the posting and distribution of HAC Helpline newsletter and other wellness information through PTA/PTSA news outlets;
- Develop a Wellness Area on our District website that summarizes the LWP and offers tips on good nutrition, fitness, and overall wellness, as well as links to other accredited wellness and nutrition websites.

Goal 3: Increase promotion of school-based physical activity programs such as intramurals, interscholastic athletic teams, and recreational opportunities for students and adults in the community.

- Pay special attention to those students who may not be traditional team athletes and/or who may be at risk for unhealthful behaviors

Goal 4: Examine, in all three schools, the use of high calorie or unhealthful foods as snacks; rewards; fundraising items; or party fare.

- Rewards for academic achievement or other accomplishments should be limited to non-food items;
- Fundraising activities should promote physical activity. Examples are basketball shoot-athons; walk-a-thons; jump-rope-a-thons; home run derbies; Family Fun and Fitness Days; or Make a Difference Day park projects;
- Fundraising sales should avoid high-calorie, high-sugar content foods and/or focus on nonedible items;
- Birthdays and other holidays can be celebrated as a group rather than individually, and healthy snacks should be encouraged. Parties in class should be limited to no more than two per month. The District will develop a list of “choose sensibly” party fare for distribution to parents.

Goal 5: Encourage the dissemination of key points of this Wellness Policy throughout the PV community.

- Employ our traditional community relations and communications program to encourage teachers, staff, and administrators in all three buildings to model good nutrition, fitness, and general wellness behaviors in the classroom, the cafeteria, and at school-sponsored events;
- Use the PV HAC’s periodic newsletter, HAC Helpline, to explain the program and underscore specific aspects of it, including nutrition education and fitness/wellness facts;
- Use other District communication tools, including the PVCSD web site, the Putnam Valley Spotlight newsletter, our Key Communicators program, internal and external email lists, Superintendent’s Conference Days, faculty meetings, and other appropriate avenues to further the goals of this program.

COMPONENT 2: Nutrition guidelines for all foods that are available on each school campus during the school day, with the objectives of promoting student health and reducing childhood obesity.

Nutritional Guidelines

Meals served through the National School Lunch Program will:

- Be appealing and attractive to children;
- Be served in clean and pleasant settings;
- Meet, at a minimum, nutrition requirements established by local, state, and federal statutes and regulations;
- Have no more than 30% of calories from fat (excluding nuts and peanut butter) and 10% of calories from saturated fat;
- Offer a choice of at least two fruits and/or vegetables in all cafeterias;
- Offer a variety of fruits and vegetables; and

- Offer low-fat 1% and fat-free milk and nutritionally equivalent non-dairy alternatives (to be determined by USDA).

Soda will not be sold at the HS until after all regularly scheduled classes end (1:50 pm). All vending machines will be turned off during school hours. When the school district contract with Pepsico expires, the district will revisit its contractual obligation so sell soda in vending machines. Additionally, those vending machines that sell packaged snacks, ice cream, etc. will be turned off during school hours.

Portion Size

- Limit portion size of foods and beverages sold to those listed below:
- One and ¼ ounces for chips, crackers, popcorn, cereal, trail mix, or dried fruit;
- One ounce for cookies;
- Two ounces for cereal bars, granola bars, muffins;
- Six ounces or less for ice cream;
- Eight ounces for non-frozen yogurt;
- Twelve ounces (16 in MS and HS) for beverages, excluding water.

Meal Times and Schedules

- Will provide students with at least 20 minutes after sitting down for lunch;
- Space and time permitting, will schedule meal periods at appropriate times, e.g., lunch should be scheduled between 11 am and 1 pm;
- Should not conflict with music lessons, guidance appointments, tutoring, club, or organizational meetings or activities, unless students may eat during such activities; and
- Will provide students with access to hand washing or hand sanitizing before they eat meals or snacks.

Fundraising Activities

To support children's health and school nutrition education efforts, school fundraising activities will not include any foods that do not meet the above nutrition and portion size standards. Sale of candy, cake, brownies, cookies, soda, etc., will be limited in school.

There will be some flexibility allowed during examination weeks when lunch services are not typically available. Groups such as the Make A Difference Club have attempted to fill this gap by offering the sale of lunch items to those students who may have to be in school for both morning and afternoon tests.

The District will encourage fundraising activities that promote physical activity and will develop a list of suggested fundraising ideas.

COMPONENT 3: Assurance that guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issued by the federal government.

All reimbursable school meals shall meet or exceed regulations and guidance issued by the Secretary of Agriculture pursuant to subsections (a) and (b) of section 10 of the Child Nutrition

Act [42 U.S.C. 1779] and sections I (f)(1) and 17(a) of the Richard B. Russell National School Lunch Act [42 U.S.C. 1758(f)(1), 1766(a)], as those regulations and guidance apply to schools.

COMPONENT 4: Establishment of a plan for measuring implementation of the policy, including designation of one or more persons within the district or at each school, as appropriate, charged with operational responsibility for ensuring that the school meets the policy.

In Putnam valley, the HAC, in collaboration with the Superintendent's Office and the Food Service Director, will work cooperatively to measure the implementation of our policy using the following benchmarks in June of 2007:

Goal 1 Benchmark: Nutrition education was increased at all grade levels. Ex. Have nutrition lessons been introduced at the K-4 level? Have nutrition education units been updated in the MS and HS health classes?

Action Step: Survey teachers and staff to determine degree of improvement.

Goal 2 Benchmark: Information about healthful nutrition and physical activity choices was made available in highly visible locations throughout the District to reinforce healthy living.

Ex. Have newsletters and/or other wellness information been distributed to all district families at least 4 times throughout the school year? Did we establish a website Wellness Area and has it received visitors?

Action Steps: Catalog information distributed. Record website hits.

Goal 3 Benchmark: School-based physical activity programs such as intramurals, interscholastic athletic teams, and recreational opportunities for students and adults in the community have been increased.

Action Step: Participation and programs will be reviewed by the athletic department and the PV Parks and Recreation Department.

Goal 4 Benchmark: The use of high calorie or unhealthful foods as snacks, rewards, fundraising items, and/ or party fare has decreased in all three buildings.

Action Step: Catalog instructional material and staff /parent directives. Survey staff in each building.

Goal 5 Benchmark: The dissemination of key points of this Wellness Policy throughout the PV community has been successfully accomplished.

Action Step: Review what initiatives have been taken and their success through the use of surveys.

COMPONENT 5: Involvement of parents, students, representative of the school food authority, the school board, school administrators, and the public in the development of the LWP.

The Putnam Valley Health Advisory Council will continue to take an active role in implementing, reviewing, and revising the policy annually to reflect the developing needs of the school community.

PVCSD is committed to improving student nutrition and wellness through the policies and programs outlined above. With the support and input of the Putnam Valley Health Advisory Council, the District will promote these policies and programs to the fullest extent allowed by budget, staffing, and scheduling, in an effort to improve both the health and the wellbeing of all of our students. This policy is a work in progress, as we explore and learn the practices that work best in our community.

Adoption date:

() Required
(X) Local
(x) Notice

STUDENT HEALTH SERVICES

The Board of Education recognizes that good student health is vital to successful learning and realizes its responsibility, along with that of parent(s) or guardian(s), to protect and foster a safe and healthful environment for the students.

The school shall work closely with students' families to provide detection and preventive health services. In accordance with law, the school will provide vision, hearing, dental inspection and scoliosis screening. Problems shall be referred to the parent(s) or guardian(s) who shall be encouraged to have their family physician/dentist provide appropriate care.

In order to enroll in school a student must submit a health certificate within 30 calendar days after entering school, and upon entering second, fourth and tenth grades. The examination must have been conducted no more than 12 months before the first day of the school year in question. If a student is unable to furnish the health certificate, the school will provide a physical examination by a licensed provider. A request for exemption from the physical examination, or the requirement to provide a health certificate, must be made in writing to the school principal or designee, who may require documents supporting the request. The only basis for exemption is a claim that the physical examination is in conflict with the parent or guardian's genuine and sincere religious belief.

NOTE: In accordance with Chapter 281 of the Laws of 2007, schools shall request a dental health certificate from each student at the same time that the health certificate is required. This is to become effective September 1, 2008. At this time regulations are not in place. The State Education Department will be compiling a list of dentists that provide free or reduced cost treatment, which the district should make available upon request.

In addition, students will be asked to provide a dental health certificate in order to enroll in school and in accordance with the same schedule as the health certificate.

Schools shall also provide emergency care for students in accidental or unexpected medical situations.

A permanent student health record shall be part of a student's cumulative school record and should follow the student from grade to grade and school to school along with his/her academic record. This record folder shall be maintained by the school nurse.

Communicable Diseases

It is the responsibility of the Board to provide all students with a safe and healthy school environment. To meet this responsibility, it is sometimes necessary to exclude students with contagious and infectious diseases, as defined in the Public Health Law, from attendance in school. Students will be excluded during periods of contagion for time periods indicated on a chart developed by the school nurse.

It is the responsibility of the Superintendent of Schools, working through district health personnel, to enforce this policy and to contact the county or local health department when a reportable case of a communicable disease is identified in the student or staff population.

Administering Medication to Students

Neither the Board nor district staff members shall be responsible for the diagnosis or treatment of student illness. The administration of prescribed medication to a student during school hours shall be permitted only when failure to take such medicine would jeopardize the health of the student, or the student would not be able to attend school if the medicine were not made available to him/her during school hours, or where it is done pursuant to law requiring accommodation to a student's special medical needs (e.g., Section 504 of the Rehabilitation Act of 1973). "Medication" will include all medicines prescribed by a physician.

Before any medication may be administered to or by any student during school hours, the Board requires:

1. the written request of the parent(s) or guardian(s), which shall give permission for such administration and relieve the Board and its employees of liability for administration of medication; and
2. the written order of the prescribing physician, which will include the purpose of the medication, the dosage, the time at which or the special circumstances under which medication shall be administered, the period for which medication is prescribed, and the possible side effects of the medication.

Both documents shall be kept on file in the office of the school nurse.

Regulations

The Superintendent shall develop comprehensive regulations governing student health services. Those regulations shall include the provision of all health services required by law, procedures for the maintenance of health records, and procedures for the administering of medication to students.

Ref. Education Law §§310 (provisions for appeal of child denied school entrance for failure to comply with immunization requirements); 901 et seq. (medical, dental and health services); 6909 (emergency treatment of anaphylaxis)
Public Health Law §§613 (annual survey); 2164 (immunization requirements)
8 NYCRR § 64.7 (administration of agents to treat anaphylaxis); Part 136 (school health services program)
Administration of Medication in the School Setting Guidelines, State Education Department, revised April 2002
Immunization Guidelines: Vaccine Preventable Communicable Disease Control, State Education Department, revised August 2000

Adoption date:

- () Required
(x) Local
(X) Notice

NOTIFICATION OF SEX OFFENDERS

NOTE: This policy contains highlights of the Sex Offender Registration Act (commonly known as "Megan's Law") which requires convicted sex offenders to register with the Division of Criminal Justice Services upon their discharge, parole, or release, and provides for a means of public notification of such offenders.

The Board of Education acknowledges the efforts of local law enforcement to notify the district when a person with a history of sex offenses against a child is being paroled or released into the community, in accordance with the provisions of the Sex Offender Registration Act, commonly known as Megan's Law. The purpose of this notification is to protect members of the community, particularly children, by notifying them of the presence of individuals in their midst who may present a danger. Consistent with its duty to protect students under its care, the district shall cooperate with local law enforcement agencies in this endeavor.

NOTE: Under the Sex Offender Registration Act (Corrections Law §168), a school district receiving information on a sex offender may disclose or further disseminate such information at their discretion.

The school district, and its officers and employees, will be immune from either civil or criminal liability for any decision on their part to release what they believe to be relevant and necessary information about sex offenders in the area, unless it is proven that they acted with gross negligence or in bad faith. In addition, the law also provides that no civil or criminal liability will be imposed against any agency, officer, or employee for failing to release information of which it was aware unless they acted with gross negligence or in bad faith.

Any information provided by local law enforcement officials pursuant to Megan's Law shall be posted in an appropriate location in all school buildings. In addition, the Superintendent of Schools shall ensure the dissemination of any such information to all staff who might come into contact with the offender in the course of doing their jobs, including Building Principals, staff who issue visitors' passes, bus drivers, custodians, playground monitors, security personnel, and coaches. All other staff members and community residents shall be informed of the posting requirement for such information established by this policy and of the availability of the information, upon request. Community residents shall also be reminded of the security measures and personal safety instruction provided at

school. All staff requests for information provided by the law enforcement agencies shall directed to the Building Principal. Requests for information from community residents shall be directed to the District Clerk.

NOTE: The Board should be well aware of the sensitivity of dealing with the Sex Offender Registration Act, and should seek guidance from their school attorney as they draft their policy and regulations.

The Superintendent shall establish any necessary regulations for implementing this policy with the advice of the school attorney.

This policy shall be disseminated at least once a year to all district residents.

Ref: 42 U.S.C. §1407(d)
Correction Law, Article 6-C (Sex Offender Registration Act)
Doe v. Pataki, 3 F.Supp.2d 456 (SDNY 1998) (current injunction)
Doe v. Pataki, 12 0 F.3d 1263 (2d. Cir. 1997), *cert. denied*, 522 U.S. 1122 (1998)

Adoption date:

CHILD ABUSE IN A DOMESTIC SETTING

NOTE: Under the Education Law, Boards of Education must develop and maintain written policies on child abuse reporting and establish training programs on district procedures for reporting of child abuse cases.

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

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

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

- Teacher
- Guidance counselor
- Psychologist
- Nurse
- Administrator
- Any school personnel required to hold a teaching or administrative license or certificate.

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

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

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

PUTNAM VALLEY

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

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

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

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

The district will cooperate to the extent possible with authorized child protective services workers in investigations of alleged child abuse.

The school district shall maintain an ongoing training program which will address the identification and reporting of child abuse and maltreatment. Attendance at sessions of this training program shall be required of all school officials. *NOTE: The district may choose to offer training to other employees, beyond "school officials." Districts must train "school officials," who are mandated reporters under the law. If the District chooses to extend the training opportunity to additional employees, you may insert language to that effect here.* Attendance records shall be kept, and notations will be made in personnel files as to the dates of attendance.

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

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

Adoption date:

() Required
 (x) Local
 (X) Notice

STUDENT RECORDS

NOTE: This is an important policy for the Board to adopt as it sets out the parameters under which student records may be accessed. Under the federal Family Educational Rights and Privacy Act (FERPA), only parents or students that have reached the age of 18 years or who are attending a post-secondary institution have the right to see educational records related to the student. Any other disclosure without the written consent of the parent or student meeting one of the qualifications listed above is limited except as provided by law.

The Board of Education recognizes its legal responsibility to maintain the confidentiality of student records. The procedures for ensuring the confidentiality of student records shall be consistent with state and federal law, including the Family Educational Rights and Privacy Act of 1974 (FERPA) and its implementing regulations.

The Board also recognizes its responsibility to ensure the orderly retention and disposition of the district's student records in accordance with Schedule ED-1 as adopted by the Board in policy 1120.

The Superintendent of Schools shall be responsible for ensuring that all requirements under law and the Commissioner's regulations are carried out by the district.

Annual Notification

NOTE: This section of the policy contains all the notification requirements outlined in the federal regulations implementing FERPA (34 CFR §99). It also explicitly states that it is district policy to disclose student records to school officials who have a legitimate educational interest in the records, and defines the terms "school officials" and "legitimate educational interest." We have included these provisions because the federal regulations require districts that have policy of disclosing records to such school officials to include in the annual notice the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest (34 CFR § 99.7(3)(iii)). Inclusion of these provisions in the policy will serve to remind district officials that similar provisions must be included in the annual notice.

At the beginning of each school year, the district will publish a notification that informs parents, guardians and eligible students currently in attendance of their rights under FERPA and the procedures for exercising those rights. This notice may be published in a newspaper, handbook or other school

bulletin or publication. This notice will also be provided to parents, guardians, and eligible students who enroll during the school year.

The notice will include a statement that the parent/guardian or eligible student has a right to:

1. inspect and review the student's education records;
2. request that records be amended to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy rights;
3. consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent; and
4. file a complaint with the United States Department of Education alleging failure of the district to comply with FERPA and its regulations.

In addition, the annual notice will inform parents/guardians and eligible students:

1. that it is the district's policy to disclose personally identifiable information from student records, without consent, to other school officials within the district whom the district has determined to have legitimate educational interests. For purposes of this policy, a school official is a person employed by the district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel; a member of the Board of Education; a person or company with whom the district has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official performing his or her tasks. A school official has a legitimate educational interest if the official needs to review a student record in order to fulfill her or her professional responsibilities.

NOTE: We have included the provision regarding the disclosure, without consent, of student records to other schools in which a student seeks or intends to enroll to put parents and students on notice of the district's practice. The federal regulations require districts to make a reasonable attempt to notify the parent or eligible student of such disclosure unless the annual notification informs parents and eligible students of this practice (34 CFR §99.34(a)(1)(ii)).

2. that, upon request, the district will disclose education records without consent to officials of another school district in which a student seeks or intends to enroll.

NOTE: Item 3 below has been added to reflect the fact that districts receiving federal education funds under the No Child Left Behind must, upon request, provide military recruiters the names, addresses and telephone numbers of high

school students. This is unless students and their parents exercise their right to prohibit release of the information without prior written consent. Districts must inform parents of this right and comply with their request.

3. that, upon request, the district will disclose a high school student's name, address and telephone number to military recruiters and institutions of higher learning unless the parents or eligible student exercise their right to prohibit release of the information without prior written consent.
4. of the procedure for exercising the right to inspect, review and request amendment of student records.

The district will provide translations of this notice, where necessary, to parents, guardians and eligible students in their native language or dominant mode of communication.

Directory Information

NOTE: Under FERPA, a district must provide notice to parents of the types of student information that it releases publicly. The intent of "directory information" is to provide the district a standardized means to release information about a student that is not an "invasion of privacy" and to relieve the district of the responsibility of having to seek prior authorization for each individual request for such information about a student.

The Board has broad discretion as to which, if any, categories of information it wishes to include as directory information. The listing in this policy reflects those categories permitted by FERPA statute and those permitted by the federal regulations as interpreted by the Family Compliance Office. The Board should decide whether it wishes to designate these additional types of information as directory information. For example, the Board may not wish to designate e-mail addresses as directory information, particularly if the district prohibits students from releasing their own e-mail addresses. Boards choosing not to include all of the directory information categories will need to be sure that policy 5500 and its corresponding regulation and notices are consistent in content.

The district has the option under FERPA of designating certain categories of student information as "directory information." The Board directs that "directory information" include a student's name, address, telephone number, date and place of birth, major course of study, participation in school activities or sports, weight and height if a member of an athletic team, dates of attendance, degrees and awards received, most recent school attended, class schedule, photograph, e-mail address, and class roster.

Once the proper FERPA notification is given by the district, a parent/guardian or eligible student will have 14 days to notify the district of any objections they have to any of the "directory information" designations. If no

objection is received, the district may release this information without prior approval of the parent/guardian or eligible student for the release.

NOTE: Recognizing that districts may already designate name, address and telephone number as directory information, October 2002 Guidance from the Family Policy Compliance Office states that a single notice provided through a mailing, student handbook, or other method that is reasonably calculated to inform parents of the information cited in item 3 above, is sufficient to satisfy the parental notification requirements of both FERPA and NCLB.

However, if the district does not list one or more of the three data elements (for example, a telephone number) as “directory information”, the district must provide all three items to military recruiters upon request. Also, in that case, the district would have to send a separate notice to parents about the missing “directory information” items noting an opportunity to opt out of disclosure of the information to military recruiters.

The district may elect to provide a single notice regarding both directory information and information disclosed to military recruiters.

NOTE: The Board and the district should understand that the parent, guardian, or eligible student may, but is not required to, give an all or nothing approval to the release of directory information. The parent, guardian or eligible student may object to any particular category of information and it is the district’s responsibility to ensure that they have the authority to release that particular category of information for that student.

Cross-ref: 1120, School District Records
4321, Programs for Students with Disabilities Under IDEA and Part 89
5550, Student Privacy

Ref: Family Educational Rights and Privacy Act, 20 USC 1232g; 34 CFR Part 99
No Child Left Behind Act, 20 USC §7908
10 USC §503 as amended by §544 of the National Defense Reauthorization Act for FY 2002
Education Law § 225
Public Officers Law §87(2)(a)
Arts and Cultural Affairs Law, Article 57-A (Local Government Records Law)
8 NYCRR 185.12 (Appendix I) Records Retention and Disposition, Schedule ED-1 for Use by School Districts and BOCES

Adoption date:

(X) Required
 (x) Local
 (x) Notice

NOTE: Under NCLB, school boards must develop policies to protect student privacy in connection with student surveys, physical examinations, and the collection of personal information for marketing purposes. They must offer parents an opportunity to exclude their children from participation in such activities.

Boards are further required to develop and adopt this policy “in consultation with parents.” However, such consultation is not further defined in the law. A school district may use funds provided under part A of title V of the ESEA to enhance parental involvement in areas affecting the in-school privacy of students.

STUDENT PRIVACY

NOTE: The first paragraph below addresses the rights of parents under the Protection of Pupil Rights Amendment (PPRA) to inspect materials used in connection with surveys funded by the U.S. Department of Education (DOE). Under the PPRA, all instructional materials, including teacher’s manuals, films, tapes or other supplementary material which will be used in connection with any survey, analysis or evaluation funded in whole or part by any program administered by the U. S. DOE must be made available for inspection by the parents or guardians of students

In addition, if a U.S. DOE-funded survey, analysis, or evaluation would reveal certain information enumerated in the law, then prior written parental consent must be obtained before minor students are required to participate in that survey. The rights provided to parents under PPRA transfer from the parent to the student when the student turns 18 years old or is an emancipated minor under applicable State law. Items one through eight below are taken directly from 20 USC §1232h(b).

The Board of Education recognizes that student surveys are a valuable tool in determining student needs for educational services. Parents have the right to inspect all instructional material that will be used for a survey, analysis, or evaluation as part of a U.S. Department of Education (DOE)–funded program. In addition, no minor student may, without parental consent, take part in a survey, analysis or evaluation funded in whole or in part by the U.S. DOE Education that reveals information concerning:

1. political affiliations or beliefs of the student or the student's parent;
2. mental or psychological problems of the student or the student's family;
3. sex behavior or attitudes;
4. illegal, anti-social, self-incriminating or demeaning behavior;
5. critical appraisals of other individuals with whom respondents have close family relationships;

6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers;
7. religious practices, affiliations or beliefs of the student or the student's parent; or
8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

NOTE: NCLB contains a major amendment to PPRA that gives parents more rights with regard to instructional material used as part of the educational curriculum, the surveying of minor students by parties other than the U.S. DOE, the collection of information from students for marketing purposes, and certain non-emergency medical examinations. Districts that receive funds from any program of the Department of Education are subject to these new provisions of PPRA. The paragraphs below were developed to address these requirements.

It should be noted that this law does not supersede any of the requirements of FERPA nor do the requirements of PPRA apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA).

Parents/guardians shall have the right to inspect, upon request, any instructional material, used as part of the educational curriculum for students. "Instructional material" is defined as: "instructional content that is provided to a student, regardless of format including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). It does not include tests or academic assessments."

NOTE: The law requires that the parent/guardian be provided with reasonable access in a reasonable period of time and that the policy specify the procedures for providing such access. The paragraph below was drafted to comply with this requirement but may be revised to reflect district practice. The law did not identify a "reasonable period of time" -- we have designated 30 calendar days; however, until there is more guidance on this matter, the district is free to identify any period of time it deems reasonable.

A parent/guardian who wishes to inspect and review such instructional material shall submit a request in writing to the Building Principal. Upon receipt of such request, arrangements shall be made to provide access to such material to within 30 calendar days after the request has been received.

NOTE: The policy should include a statement of the Board's policy on "the collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling that information (or otherwise providing that information to others)," including arrangements to protect student privacy that are provided by the [district] in the event of such collection, disclosure, or use. The paragraph below has been drafted to prohibit any such collection, disclosure or use except to the extent permitted by law but the Board should consult its school attorney and modify this section to reflect district practice.

NOTE (cont.):

In this policy, "Personal Information" means individually identifiable information including a student's or parent's first and last name, home address, telephone number, or social security number. 20 USC § 1232h (c)(6)(E)

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

In the event of such collection, disclosure or use of personal information gathered from students, student privacy shall be protected by the school district pursuant to the requirements of FERPA.

Parent/guardians have the right to submit a written statement to opt their child out of participation in the following activities:

1. The collection, disclosure and use of personal information gathered from students for the purpose of marketing or selling that information, or providing it to others for that purpose. Upon request, parents/guardians have the right to inspect any such instrument before it is administered or distributed to their child. This does 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:
 - a. College or other postsecondary education recruitment, or military recruitment;
 - b. Book clubs, magazines and programs providing access to low-cost literary products;
 - c. Curriculum and instructional materials used in schools;
 - d. Tests and assessments used to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information for 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;
 - e. Student recognition programs; and
 - f. The sale by students of products or services to raise funds for school-related activities.

In the event of such collection, disclosure or use of personal information gathered from students, student privacy shall be protected by the school district pursuant to the requirements of FERPA.

2. The administration of any survey revealing information concerning one or more of the following:
 - a. political affiliations or beliefs of the student or the student's parent;
 - b. mental or psychological problems of the student or the student's family;
 - c. sex behavior or attitudes;
 - d. illegal, anti-social, self-incriminating or demeaning behavior;
 - e. critical appraisals of other individuals with whom respondents have close family relationships;
 - f. legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers;
 - g. religious practices, affiliations or beliefs of the student or the student's parent; or
 - h. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Parents/guardians and eligible students, shall also have the right to inspect, upon their request, a survey created by a party other than the U.S. DOE before the survey is administered or distributed by a school to a student. Such requests must be submitted, in writing, to the Building Principal with a response to be at least two weeks in advance of any survey to be given.

3. The administration of any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school not necessary to protect the immediate health or safety of the student or other students and not otherwise permitted or required by state law.

NOTE: 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 injecting into the body, but does not include a hearing, vision or scoliosis screening. It does not apply to any physical examination or screening required or permitted under State law, including those permitted without parental notification (20 USC §§ 1232h(c)(4)(B); (6)(B)). For example, each student shall have a physical exam given by the school doctor or family physician upon entrance to school and at grades Pre-K, K, 2, 4, 7 and 10 in accordance with Section 903 of the state Education Law.

The law also requires each school district to state its policy on the administration of physical examinations or screenings that the school may administer to a student (see, for example Sample Policy 5420 "Student Health Services"). Each school district should cross-reference their policy on that topic here.

Parents/guardians and eligible students shall be notified at least annually, at the beginning of the school year, and when enrolling students for the first time in district schools of this policy. The school district shall also notify parents/guardians within a reasonable period of time after any substantive change to this policy.

Cross-ref: 5420, Student Health Services
5500, Student Records

Ref: 20 USC §1232h (No Child Left Behind Act)
34 CFR Part 98
Education Law §903

Adoption date:

STUDENTS AND PERSONAL ELECTRONIC DEVICES

NOTE: The student handbook included limitations on the use of personal electronic devices (on page 11), so we offer this Board policy for your consideration.

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 the direction of a teacher.

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

Therefore, to prevent such disruption, the display and/or use by students of cellular phones, pagers, and 2-way communication systems and/or other electronic devices shall be prohibited from the time students arrive at school until the end of the regular school day. Such devices must be turned off and stored out of sight during this time period.

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

Misuse of any of these electronic devices will result in its confiscation until **[insert time frame and condition of return i.e. end of the school day]**, as outlined the code of conduct. Some uses of personal electronic devices constitute violation of the school district code of conduct and in some instances, the law. The school district will cooperate with law enforcement officials as appropriate.

Cross-ref: 5300, Code of Conduct

Ref: *Price v. New York City Board of Education*, 2007 WL 1518302 (2007).

Adoption date:

(X) Required Local Notice**VIOLENT AND DISRUPTIVE INCIDENT REPORTING**

NOTE: Section 100.2 (gg)(6) of Commissioner's Regulations requires the Board to establish local procedures for reporting violent and disruptive incidents by each building or program under its jurisdiction. This policy is designed to satisfy that regulatory responsibility.

The following policy has been included for your consideration, since the Board had no prior policy concerning this matter.

The Board of Education is committed to promoting and maintaining the safety of all students, staff and visitors to the schools. Consistent with this commitment and in accordance with state law and regulation, the district shall submit an annual report to the Commissioner of Education regarding violent and disruptive incidents. In addition, the Board shall use this data to assess the safety of its schools and, where appropriate, identify and take steps to improve the safety and security of its students, staff and visitors.

NOTE: The last sentence in the paragraph above is optional.

Reporting Requirement

NOTE: The regulations do not state who is responsible for preparing and submitting the report. The regulations state only that the report needs to be filed with the Commissioner on or before the basic educational data system (BEDS) reporting deadline or such other date determined by the Commissioner.. The Board will want to work with the Superintendent and the district's other administrators to identify who will be responsible for preparing the report and to develop an internal schedule for doing so. The sample policy, as drafted, states that Building Principals will prepare reports on a "regular" basis. The Board may wish to assign this responsibility to others and may wish to insert a more specific timeframe, such as monthly, bimonthly, or per semester.

Each Building Principal shall be responsible for preparing on regular basis a report of all the violent and disruptive incidents that have occurred on school grounds, at a school function, or at a school-sponsored event and forwarding the report to the Superintendent of Schools. The Superintendent or designee shall be responsible for compiling the reports received from the Building Principals into the annual report and submitting the report to the Commissioner. The summary report shall contain all the information required by law and shall be filed with the Commissioner on or before a date set by the Commissioner. The Superintendent

shall also present this summary report to the Board at its first meeting following the filing of the report with the Commissioner.

Each Building Principal shall be responsible for assuring that copies of each report at the building level are retained for six years as prescribed in the records retention schedule issued by the State Education Department and published as Appendix I to the Commissioner's Regulations.

Confidentiality

Any violent or disruptive incident report prepared in accordance with law shall be available for inspection by the State Education Department upon request. All names and other personally identifiable information included in any report shall be confidential and shall not be disclosed to any person for use by any person for purposes other than the reporting purposes in Education Law §2802, except as otherwise authorized by law.

NOTE: The confidentiality requirement comes from section 100.2(gg)(7) of the Commissioner's regulations.

Ref: Education Law §2802 (Uniform Violent Incident Reporting System)
8 NYCRR 100.2 (gg) (Uniform Violent Incident Reporting System)
8 NYCRR 185.11 (Appendix I) (Records Retention and Disposition Schedule ED-1)

Adoption date: