

2020-21

## BROCKPORT CENTRAL SCHOOL DISTRICT

### CODE OF CONDUCT MANUAL



**Sean Bruno, Superintendent**

### ALPHABETIC LISTING OF DETAILED PROCEDURES

Distributed by the Brockport Central School District  
40 Allen Street, Brockport, New York 14420  
585.637.1810

<b>Alternate formats:</b>	Whenever possible this handbook may be translated or an interpreter made available upon request. This document can also be reproduced in large print.
<b>Detailed Procedures Section:</b>	A copy of the Student Conduct Manual, if not included here, may be obtained from any school main office or in the online copy of this manual.
<b>Electronic access:</b>	This document can be viewed at the BCSD website <a href="http://www.bcsd.org">www.bcsd.org</a>
<b>Compliance:</b>	This plan meets the requirements of the Project SAVE legislation (Education Law section 2801) and section 100.2(l) of the New York State Commissioner of Education Regulations.
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## **Board of Education Members**

Terry Ann Carbone, President

Jeffrey Harradine, Vice President

David Howlett

Daniel Legault

Robert Lewis

Kathy Robertson

Michael Turbeville

## **DISTRICT MISSION STATEMENT**

*“We engage and empower each student to achieve excellence as a learner and a citizen.”*

The district is committed to providing students with a learning environment where all students can be successful and all students are valued and respected for their individual qualities and characteristics. Our vision is aspirational: “We aspire to be a leading, innovative, high- performing school district that graduates each student prepared for college or a career.”

The district has identified its core beliefs, which will help us to achieve our mission and vision:

Students First: Our students are our first priority.

Character: We value integrity, diversity, and respect for all.

High Expectations: We believe all students can learn and hold high expectations  
for ourselves and our students.

Teaching & Learning: Effective teaching and a rigorous curriculum are the  
foundation for high quality learning.

Work Ethic: We work hard and take pride in all that we do.

Health & Safety: We all have an obligation to promote a healthy, safe, and  
secure environment.

Community: Student, family and community engagement is critical for our success.

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The Board of Education acknowledges its responsibility to protect the educational climate of the District and to promote responsible student behavior. Accordingly, the Board delegates to the Superintendent the responsibility for assuring that the following components regarding school conduct and discipline are established, maintained in keeping with this policy, and reviewed annually and updated as needed through collaboration among staff. Specific components may vary as appropriate to student age, building levels, and educational needs.

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## **AIDS/HIV**

### **Refer to Board Policy 7560**

The Board of Education contends that a student shall not be denied the right to attend school or continue his/her education nor shall an employee be denied the right to continue his/her employment who has been diagnosed or identified as having a positive blood test for the antibodies to the Human Immunodeficiency Virus (HIV). The Board further contends that under current law and regulations, the disclosure of confidential HIV-related information shall be strictly limited.

Administrative regulations and procedures shall be developed and implemented by the administration based on recommendations from the New York State Education Department and from consultation with appropriate professional and medical staff in the District.

The Superintendent shall also establish protocols for routine sanitary procedures for dealing with the cleaning and handling of body fluids in school, with special emphasis placed on staff awareness.

## **Alcohol and Drug Use**

### **Refer to Board Policy 7320**

The Board of Education recognizes that the misuse of alcohol, drugs, tobacco, and other illegal substances is a serious problem with legal, physical, emotional and social implications for our students, as well as the entire community. Therefore, the consumption, sharing and/or selling, use and/or possession of alcoholic beverages, tobacco products, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs is prohibited at any District-sponsored or District-authorized function, on District grounds, or on school buses. Non-medical or otherwise inappropriate use of prescription and over-the-counter drugs is also prohibited.

No student shall use, possess, sell, or distribute alcohol and/or other substances, or use or possess drug paraphernalia, or be under the influence of drugs or alcohol, on school grounds or at school-sponsored events.

Inappropriately using or sharing prescription, over-the-counter drugs, possession or consumption of illegal substances, and/or “act-alikes,” being under the influence on school property or at a school sponsored function will result in an immediate suspension and superintendent hearing with the appropriate district hearing officer.

Possession, use, consumption, or being under the influence of alcoholic beverages on school property or at a school sponsored function will result in an immediate suspension and superintendent hearing with the appropriate district hearing officer.

The District will provide for the administration of prescription medication or over the counter medication to children with conditions requiring such medications during the school day. The District expects that parents or guardians will administer medications at home (before and/or after school) whenever possible. (Please refer to the Medication Policy on Page 34 for further information.) The families of children who have conditions requiring medication during school hours may arrange with the school nurse for the administration of those medications. An 18 year old student must still have parent/guardian permission; with the only exception being for an emancipated minor (refer to policy 5420.1).



The term “alcohol and/or other substances” includes, but is not limited to, alcohol, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alikes, and any of the substances commonly referred to as “designer drugs”. The inappropriate use, possession, sale or distribution of prescription and over-the-counter drugs is also prohibited.

The following community members/parents/guardians shall be prohibited from school grounds or school-sponsored event who exhibits behavior, conduct, or personal characteristics indicative of having used or consumed alcohol and/or other substances, or who sells, distributes or possesses alcohol and/or other substances.

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

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

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

### **Disciplinary Measures**

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

## **Attendance**

### **Refer to Board Policy 7110**

#### **Statement of Overall Objectives**

School attendance is both a right and a responsibility. The Brockport Central 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 consistent school attendance, academic success and school completion have a positive correlation, the District has developed, will annually review and, if necessary, revise this Comprehensive Student Attendance Policy to meet the following objectives:

- 1) To increase academic performance and school completion for all students;
- 2) To identify individual and group attendance patterns in order to design attendance improvement efforts;
- 3) To provide data to develop interventions to help close the gap in student performance, given the high correlation between attendance and achievement;
- 4) To know the whereabouts of every student for safety and other reasons;
- 5) To verify that individual students are complying with education laws relating to compulsory attendance;
- 6) To determine the District's average daily attendance (ADA) for State aid purposes.

#### **Ages of Attendance**

All persons dwelling within the District who are between the ages of five\* (5) years and twenty-one (21) years and who have not received a high school diploma shall be entitled to enroll in the District.

*\*A student that is four (4) years old is also entitled to enroll in Brockport's pre-kindergarten program.*

#### **Strategies to Meet Objectives**

The Superintendent of Schools will be responsible for developing and implementing administrative regulations and procedures which will achieve the above objectives and are consistent with State Law and Commissioner's Regulations.

#### **Excused/Unexcused Absences**

The following are considered excused absences:

- a) Long-term or recurring illness, injuries, and health treatment.
- b) Religious observances.
- c) Court appearances.
- d) Bereavement.
- e) College visitations.
- f) In-school supervision and out-of-school suspensions when the student has participated in the tutoring.
- g) Scheduled appointments with school personnel.
- h) Home instruction pursuant to Board of Education Policy.
- i) Absences which result from conflicts in school scheduling of academic, athletic and educationally-related field trips and activities.
- j) Approved externship, internship and volunteer activity.

k) Approved work programs.

l) Scheduled appointments with physicians, health clinics and/or other agencies.

All other absences are considered "unexcused" absences. Unexcused absences includes any absence, tardiness or early departure which does not fall into the above categories (e.g., family vacation, hunting, babysitting, obtaining learner's permit, oversleeping, haircut, road test, etc.).

## **Responsibilities**

### **Student:**

- a) To make every effort possible to attend school and to be present for all instruction.
- b) To report to the designated office who handles attendance upon returning to school.
- c) To inform parent(s) or person in parental relation of the need for a written, dated and signed statement explaining the reason for any absence within one school day of returning to school.
- d) To make up missed work.

### **Parent or Person in Parental Relation:**

- a) To be knowledgeable of the student's daily attendance patterns.
- b) To call and inform the school of the student's absence for part or all of the school day. To make every effort to schedule appointments outside of the school day.
- c) To always provide a dated voicemail, email or written, and signed statement explaining the reason for the absence within one school day of returning to school.

### **Teachers:**

- a) To annually inform all students of the Comprehensive Student Attendance Policy and corresponding procedures at the beginning of the school year or the course.
- b) To fairly and consistently carry out the Comprehensive Student Attendance Policy and corresponding procedures.
- c) To accurately keep attendance records.
- d) To provide assignments and opportunities to make up work and class time in a reasonable manner.
- e) Teachers will inform the appropriate administrator or District personnel (e.g. school counselor, assistant principal, etc.) of excessive unexcused student absences.

### **Building Administrator:**

- a) To annually inform the parent/guardian and student of the Comprehensive Student Attendance Policy and corresponding regulation at the beginning of each year.
- b) To consistently and fairly carry out the Comprehensive Student Attendance Policy and corresponding regulation.
- c) To contact a parent or person in parental relation of the student in writing when a student has excessive absences.
- d) To notify the student and parent or person in parental relation in the event a recommendation is made to deny credit in the course and to inform them of their right to a Superintendent's Hearing.

### **Superintendent (or his/her designee):**

Conduct a Superintendent's Hearing pursuant to Section 3214 of the Education Law\* , if requested, subsequent to denial of course credit.

### **Interventions**

Administrative procedures will be developed to improve student attendance and tardiness by identifying causes for absences and developing a leveled approach to intervention.

### **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.

### **Denial of Course Credit as a Result of Excessive Absenteeism at the High School**

At the high school level, students will attend all assigned classes, for the entire time the class is in session. Credit for any course is contingent upon (a) meeting attendance requirements, and (b) obtaining a passing grade. In order to receive course credit, a student must be in attendance for a minimum of 85% of all scheduled class meetings. There is no differentiation between "excused" and "unexcused" absences for the purposes of this consequence.

### **Disciplinary Consequences**

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

### **Attendance Incentives**

The District believes that it is the responsibility of every student to attend class every day. While it is permissible for individual buildings to develop and implement grade appropriate attendance incentives, the District does not endorse any district wide incentive based program.

### **Building Review of Attendance**

The building principal or his/her designee will work in conjunction with the building attendance clerk or other designated staff to review attendance records at the end of each report card period. 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.

### **Appeal Process**

A parent/person in parental relation may request a building level review of their child's attendance record at any time. The building level principal shall make the final determination.

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

The Board of Education shall annually review the building level student attendance records.  
\*School delinquent. A minor under seventeen years of age, required by any of the provisions of part one of this article to attend upon instruction, who is an habitual truant from such instruction or is irregular in such attendance or insubordinate or disorderly or disruptive or violent during such attendance, is a school delinquent.

## **Academic Eligibility**

Refer to Board Policy 7411

The Academic Eligibility Policy is an attempt to provide a positive opportunity to encourage students to fulfill their academic responsibilities while attending and/or participating in the various extraclassroom activities. The program will provide a periodic review (approximately every five weeks) of student academic achievement. Any student who is failing more than one course when interim and/or report cards are issued is ineligible. Students may attend extracurricular activities. For example, attendance at dances, athletic contests, concerts with a curricular focus, etc. is permissible.

For the purpose of determining eligibility, grades below 65 are considered failures. In Academic Intervention Services (AIS) a grade of U is equivalent to a failure.

Academic eligibility is a twelve-month expectation.

### **STANDARDS**

In order to be eligible for extracurricular participation at the high school level, a student must:

1. Be enrolled in five academic classes plus physical education (any exceptions will be based on specific recommendations from the student's counselor, Assistant Principal or Building Principal);
2. Not have more than two course failures during any five-week grading period;
3. Exhibit acceptable social behaviors and citizenship as outlined in the Code of Conduct; and
4. Meet all attendance requirements.

### **ACADEMIC PERFORMANCE**

- Any student failing one (1) course will be placed on a Watch List until the next reporting period and tracked through the Student Level Team (SLT).
- Any student, with two (2) failures in any subject(s), will be placed on Academic Probation.
- Any student with three (3) or more failures based on his/her report card and/or interim progress report will be deemed Ineligible for participation in extra-curricular or athletic activities for the remainder of that five-week reporting period.
- Every student's status will be determined every five-week period during the school year.

### **PROBATION STATUS**

- A student placed on PROBATION may continue to participate in all activities and will be monitored over a two-week period by means of an eligibility update form.
- A student will maintain eligibility if the weekly update indicates achievement of a passing grade for the classes in which a failing grade was received and/or teacher comments indicating consistent satisfactory effort in all classes.
- At the end of the two-week PROBATION period, if the student continues to receive a failing grade in more than one course or does not display consistent satisfactory effort in all classes, the student will be INELIGIBLE to participate until the end of the current reporting period.

## INELIGIBLE STATUS

- An INELIGIBLE student may still practice and attend meetings, but is not permitted to participate in games, non-graded performances, school trips or culminating events. Students will remain INELIGIBLE until a passing grade is achieved for the next marking period or interim progress report period.
- Building administration will have the opportunity to identify cases where special circumstances may have contributed to a student failing his/her course.

## END OF YEAR/WRAP AROUND

- Grades from middle school do not apply to high school eligibility. Each student starts high school with a clean slate. From the beginning of ninth grade, eligibility issues from the fourth quarter will be considered for the next school year.
- A high school student who has been on academic probation (two failing courses) or considered ineligible (three or more failing courses) at the midpoint of the fourth quarter (35-week report) and who fails the fourth quarter of those courses, but passes those courses for the year, will be considered on academic probation through the first two-week period of classes of the next school year.
- A high school student who has been declared ineligible at the end of the fourth quarter may attend summer school for to remediate the failed courses or take part in a district-designed credit recovery opportunity.
  - The student needs to pass the course(s) taken in summer school, or complete the requirements of the credit recovery opportunity in order to return to full academic eligibility status.
  - However, if a course that was failed in the fourth quarter is not offered in summer school, or a student was not able to participate in the credit recovery opportunity, or the student fails the summer school course, and all other requirements for eligibility have been met, the student will remain on academic probation through the first two-week period of classes during the next school year. (See previous PROBATION status language.)

## STUDENT BEHAVIOR

It is the expectation that all students exemplify good citizenship and behavior at all times both in and out of school. If, in or out of school, a student exhibits unacceptable behavior as outlined in the BCSD code of conduct, or is charged with a violation of local, state, or federal laws, the consequence can range from missing one activity up to a one-year suspension from extracurricular participation. The Building Principal and/or District Administrator will base the consequence on the nature and level of severity. Examples of unacceptable behavior include, but are not limited to, bullying, hazing, fighting, vandalism, stealing, insubordination, academic dishonesty, truancy, and internet harassment.

## SCHOOL ATTENDANCE

All students involved in extracurricular activities are expected to maintain good attendance in school and in class. In order to participate in any extracurricular event, a student must be in school by 9:00 a.m. unless he/she has a written legal excuse signed by the parent/guardian.

## **Bill of Student Rights and Responsibilities**

Pursuant to Section 100.2(1)(i) of the Regulations of the Commissioner of Education a bill of student rights and responsibilities is established. A student in the Brockport Central School District shall:

- a) Be suspended from instruction only after their rights pursuant to Education Law Section 3214 have been observed.
- b) In all disciplinary matters have the opportunity to present their version of the facts and circumstances leading to imposition of disciplinary sanctions to the professional staff member imposing such sanction.
- c) Take part in all District activities on an equal basis regardless of race, color, religion, creed, sex, national origin, political affiliation, disability, age, marital status, gender identity, sexual orientation, or any other basis protected by law.
- d) Take part in student government activities unless properly suspended from participation pursuant to the District's discipline policy.
- e) Address the Board of Education on the same terms as any citizen.
- f) A right to confidentiality of student information including but not limited to: academic standing, attendance, financial status, physical/mental health identity, disciplinary status/record.

It shall be the responsibility of each student in the Brockport Central School District:

- a) To be familiar with and abide by all District policies, rules and regulations pertaining to student conduct. To work to the best of his/her ability in all academic and extracurricular pursuits and strive toward the highest level of achievement possible.
- b) To conduct himself/herself, when participating in or attending school-sponsored extracurricular events, as a representative of Brockport Central School District and as such hold himself/herself to the highest standards of conduct, demeanor, and sportsmanship.
- c) To be in regular attendance of school and in class.
- d) To be responsible for contributing to the maintenance of an environment that is conducive to learning and to show due respect to other persons and to property.
- e) To be responsible for making constructive contributions to his/her school and to report fairly the circumstances of school-related issues.

### **Hazing**

All hazing and/or student initiations are prohibited. Please also refer to Board Policy 7532, Bullying, Harassment and Hazing.

Any student or student groups who, in the course of another student's initiation into or affiliation with any school-related organization, intentionally or recklessly engages in conduct which in the view of school officials, creates a substantial risk of physical injury to such other student or causes another student pain, embarrassment, ridicule, or harassment regardless of willingness to participate

will be in violation of School District Policy, the Student Discipline Code of Conduct and may also be in violation of the New York State Penal Law.

The practice of “hazing” as defined above shall be prohibited in school buildings and on school premises as well as at any activities which are sponsored by the School District and occur off school grounds. Further, student initiations which are not sponsored by the School District but which are undertaken by members of a team, club, etc., are also prohibited.

Parents or guardian will be notified of all violations. This policy is in effect year round, including summer vacations.

### **Changing Athletic Teams**

It is important that the student athlete try to go out for the right sport, particularly at the junior varsity and varsity levels. A student athlete may not change from one sport to another once a team has been selected, without permission of the Athletic Director. If he/she has been cut from one team, it is legitimate to try out for another sport.

### **Equipment**

Athletic equipment becomes more costly each year. It is the responsibility of the student athlete to return to the coach all clothing and equipment issued. No one should have any equipment home after the season without school permission. Failure to do this will result in the student athlete paying for the missing equipment.

### **Family Vacations**

When parents and student athletes choose to take their family vacations during athletic seasons, it must be understood that the time missed by the student athlete can affect team chemistry and personal conditioning. Student athletes who miss practices or contests for any reason may have their position or playing time adjusted.

### **Outside Participation**

The NYSPHSAA allows outside participation. Brockport student athletes must understand that commitment to the school team comes first, and outside participation should not be detrimental to an individual or the team. There will be many circumstances where a student athlete should not participate in an outside activity due to the possible effect on the team. Do not participate until you check with the individual coach involved with the school team.

## **Bullying, Harassment and Hazing (Dignity For All Students Act)**

Refer to Policy 7500

The Board of Education is committed to providing an educational and working environment that promotes respect, dignity, and equality and recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement.

A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to bullying, taunting and intimidation. These behaviors interfere with the mission of the District to educate its students and disrupt the operation of the schools. Such behavior affects not only the students who are its targets, but also those individuals who participate in and witness such acts. Therefore, in accordance with the Dignity for All Students Act, Education Law, Article 2, the District will strive to create an environment free of discrimination and harassment and will foster civility in



the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission.

The District condemns and prohibits all forms of discrimination and harassment of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by District employees or students on District property and at District-sponsored activities and events that take place at locations off District property. All administrators, faculty, staff, parents/caregivers, families, volunteers, and students shall not tolerate harassment, hazing, and bullying in any form, and are expected to model behavior that is respectful and civil.

In addition, any act of discrimination or harassment, outside of District sponsored events, which can reasonably be expected to materially and substantially disrupt the educational process may be subject to discipline. Off campus misconduct that endangers the health and safety of students or staff within the school, or can reasonably be expected to impact the educational process is also prohibited and will be addressed by the District. Examples of such misconduct include, but are not limited to cyberbullying. District employees are expected, when made aware of bullying, hazing or harassment, to refer the student to designated resources for assistance, and to the extent possible, intervene in accordance with this policy.

## **Definitions**

***Discrimination:*** Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to others, to an individual or group of people because of the group, class or category to which that person belongs (as enumerated in the Definitions section under harassment, below).

***Bullying:*** Bullying is any gesture or written, verbal, electronic, social, graphic, or physical act that is perceived as being dehumanizing, intimidating, hostile, humiliating, threatening, or otherwise likely to evoke fear of physical harm or emotional distress and may be motivated by either bias or prejudice based upon any actual or perceived characteristic, such as race, color, religion, religious practice, ancestry, national origin, weight, ethnic group, socio-economic status, gender, sexual orientation, gender identity or expression; or a mental, physical, or sensory disability or impairment; or by any other distinguishing characteristic, or is based upon association with another person who has or is perceived to have any distinguishing characteristic. ***Bullying and harassment also include forms of retaliation against individuals who report or cooperate in an investigation under this policy.***

***Cyberbullying:*** Cyberbullying is the creation of a hostile environment by conduct or by threats, intimidation or abuse through any form of electronic communication, that:

(A) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being;

(B) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety;

(C) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a students; or

(D) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property.

**Harassment:** Harassment is the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional, or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived:

- race,
- color,
- weight,
- national origin,
- ethnic group,
- socio-economic status,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression).\*

\* Gender identity is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth. Gender expression is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.

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

**Prevention:** Prevention consists of techniques designed to not only avoid incidents of bullying, but to help students build more supportive relationships with one another by integrating the bullying prevention program into classroom instruction. Forms of prevention includes the following:

- Training of staff
- A comprehensive District-wide educational component, including character education
- Appropriate supervision of students
- Clear and consistent expectations of behavior
- The use of appropriate interventions when inappropriate or prohibited conduct occurs

**Intervention:** Intervention consists of techniques designed to prevent escalation and resolve issues at the earliest stages. Intervention includes, but not limited to, measures designed to correct the problem behavior (such as bullying, hazing, or harassment), prevent future occurrences of such behavior, and to protect the target of such behavior. Remediation may be targeted to the individual(s) involved in the bullying behavior or may include environmental approaches which are targeted to the building or District as a whole.

## Dignity Act Coordinator

At least one (1) employee at every school shall be designated as the Dignity Act Coordinator(s). The Dignity Act Coordinator(s) will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression) and sex. The Board of Education shall appoint the Dignity Act Coordinator(s) and share the name(s) and contact information with all school personnel, students, and parents/persons in parental relation.

Jerilee DiLalla (District Coordinator)	Assistant Superintendent for Human Resources Telephone: (585) 637-1813 E-mail: <a href="mailto:jerilee.dilalla@bcs1.org">jerilee.dilalla@bcs1.org</a>
Mitchell Daly	Assistant Principal, Ginther School Telephone: (585) 637-1830 E-mail: <a href="mailto:mitchell.daly@bcs1.org">mitchell.daly@bcs1.org</a>
Alana Roberts	Assistant Principal, Barclay School Telephone: (585) 637-1840 E-mail: <a href="mailto:alana.roberts@bcs1.org">alana.roberts@bcs1.org</a>
Lauren Combo	Assistant Principal, Hill School Telephone: (585) 637-1850 E-mail: <a href="mailto:lauren.combo@bcs1.org">lauren.combo@bcs1.org</a>
Rebecca Tibbitts	Assistant Principal, Oliver Middle School Telephone: (585) 637-1865 E-mail: <a href="mailto:Rebecca.tibbitts@bcs1.org">Rebecca.tibbitts@bcs1.org</a>
David Iacchetta	Assistant Principal, High School Telephone: (585) 637-1870 E-mail: <a href="mailto:david.iacchetta@bcs1.org">david.iacchetta@bcs1.org</a>
Christina Wawrzyniak	Assistant Principal, High School Telephone: (585) 637-1870 E-mail: <a href="mailto:christina.wawrzyniak@bcs1.org">christina.wawrzyniak@bcs1.org</a>
Matthew Schultz	Safety/Discipline Coordinator- Transportation Telephone: (585) 637-1882 E-mail: <a href="mailto:matthew.schultz@bcs1.org">matthew.schultz@bcs1.org</a>

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

## **Training**

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

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

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

## **Reports and Investigations of Discrimination and Harassment**

Although it can be difficult to come forward when faced with bullying, hazing, or harassment, the District cannot effectively address inappropriate behaviors if incidents are not reported. Students who have been bullied, parents/caregivers whose children have been bullied or other students or staff members who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the guidelines and training provided.

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

The District will annually report all verified material incidents of discrimination and harassment to the State Education Department as part of the Uniform Violent and Disruptive Incident Reporting System (VADIR).

## **Prohibition of Retaliatory Behavior**

The Board prohibits retaliation against a complainant and those who participate in the investigation of a complaint who have acted reasonably and good faith.

## **Dissemination, Monitoring, Review, and Reporting**

The purpose and provisions of this policy will be reflected in the District's Code of Conduct. The District has adopted a reporting form that may be used to report any complaints regarding bullying, harassment or hazing under this policy. This form is accessible on the District's website and will be incorporated in the District's administrative regulations.

Each year, as part of the annual review of the Code of Conduct, this policy will be reviewed to assess its effectiveness and compliance with state and federal law. If changes are needed, revisions will be recommended to the Board for its consideration and approval.

Each year, the Board will be provided a detailed report of the number of bullying incidents that occur in the District and may consider further action, including but not limited to modification of this policy and additional training for staff regarding the enforcement of this policy. Further, the District will ensure that the reporting of information to the public will be in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act ("FERPA").

## **Child Abuse Protection and Reporting**

### **Refer to Board Policy 7530**

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

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

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

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

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

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

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

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

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

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

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

### **Report Form**

The New York State Office of Children and Family Services "Report of Suspected Child Abuse or Maltreatment" Form LDSS-2221A may be accessed at website: <http://www.ocfs.state.ny.us/main/cps/>

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

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

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

- a) Intentionally or recklessly inflicting physical injury, serious physical injury or death; or
- b) Intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury or death; or
- c) Any child sexual abuse, defined as conduct prohibited by Articles 130 or 263 of the Penal Law; or

d) The commission or attempted commission against a child of the crime of disseminating indecent materials to minor pursuant to Article 235 of the Penal Law.

"Educational setting" shall mean the building(s) and grounds of the School District; the vehicles provided by the School District for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off School District grounds; all co-curricular and extracurricular activity sites; and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

In any case where an oral or written allegation is made to a teacher, school's registered professional nurse, school guidance counselor, school psychologist, school social worker, school administrator, School Board member, or other school personnel required to hold a teaching or administrative license or certificate, that a child (defined in the law as a person under the age of twenty-one (21) years enrolled in a school district in this state) has been subjected to child abuse by an employee or volunteer in an educational setting, that person shall upon receipt of such allegation:

1. Promptly complete a written report of such allegation including the full name of the child alleged to be abused; the name of the child's parent; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. Such written report shall be completed on a form as prescribed by the Commissioner of Education.
2. Except where the school administrator is the person receiving such an oral or written allegation, the employee completing the written report must promptly *personally deliver* a copy of that written report to the school administrator of the school in which the child abuse allegedly occurred (subject to the following paragraph).

In any case where it is alleged the child was abused by an employee or volunteer of a school other than a school within the school district of the child's attendance, the report of such allegations shall be promptly forwarded to the Superintendent of Schools of the school district of the child's attendance and the school district where the abuse allegedly occurred.

Any employee or volunteer who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in accordance with the reporting requirements of the law shall have immunity from civil liability which might otherwise result by reason of such actions. Upon receipt of a written report alleging child abuse in an educational setting, the school administrator or Superintendent must then determine whether there is "reasonable suspicion" to believe that such an act of child abuse has occurred. Where there has been a determination as to the existence of such reasonable suspicion, the school administrator or Superintendent must follow the notification/reporting procedures mandated in law and further enumerated in administrative regulations including parental notification. When the school administrator receives a written report, he/she shall promptly provide a copy of such report to the Superintendent.

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

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

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

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

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

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

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

## **Computer Networks and Electronic Devices**

Refer to Board Policy 7380

New technologies are shifting the ways that information may be accessed, communicated, and transferred. Those changes also offer the opportunity to enhance instruction and student learning. As part of the educational program, Brockport Central School District provides students access to the Internet.

Along with access to computers and people all over the world comes the availability of materials that may not be considered appropriate in the classroom. Brockport Central School District uses an Internet filtering program to protect students from accessing materials that may not be considered appropriate in the classroom. However, on an ever-changing global network it is impossible to control all materials. Ultimately, the school staff, parents and guardians of minors are responsible for setting and conveying the standards for students to follow when using media and information sources. BCS supports and respects each family's right to decide whether or not to allow their child to access the Internet.

By accessing the District internet and network all users agree to abide by the acceptable use policy.



## **Rules and Responsibilities**

Students are responsible for good behavior on school computer networks just as they are in a classroom or school hallway. Communications on the network are often public in nature. General school rules for behavior and communications apply as outlined in the students handbook and the District Code of Conduct.

Internet Access is provided for students to conduct research and communicate with others in relation to school work. Access to network services is given to students who agree to act in a considerate and responsible manner. Parent permission is required. Access is a privilege, not a right. Therefore, based upon the acceptable use guidelines outlined in this document, the system administrators may deny access at any time and the administration, faculty, and staff of Brockport Central Schools may deny, revoke, or suspend specific user access based on violations of the rules and standards contained in this policy and accompanying regulation.

The use of network resources must be in support of education and research and must be consistent with academic expectations of Brockport Central Schools. Use of other organizations' networks or computing resources must comply with rules appropriate for that network. Transmission of any material in violation of U.S. or state regulations including copyrighted, threatening, or obscene materials is prohibited. Use for commercial activities by for-profit organizations, product promotion, political lobbying, or illegal activities is strictly prohibited.

The user is expected to abide by the following network rules of etiquette. The user will:

- a) Be polite, engage in positive digital citizenship and will not write or send abusive messages.
- b) Use appropriate language (swearing, use of vulgarities or any other inappropriate language is prohibited).
- c) Not transmit obscene materials or receive offensive messages or pictures from any source.
- d) Not reveal the personal address or phone number of him/herself or others.
- e) Not communicate any credit card number, bank account number, or any other financial information.
- f) Not assume that all electronic mail/messages are private. People who operate the system do have access to all mail. Inappropriate messages can result in suspension of privileges.
- g) Not send messages inflammatory or derogatory toward any race, religion, culture, ethnic group, gender or sexual orientation.
- h) Not tamper with or copy school-owned software or load personal software onto school-owned computers.
- i) Not download non-educational software from the Internet.
- j) Not use the network in a way that would disrupt the use of the network by other users.

k) Not commit acts of vandalism. Any malicious attempt to harm or destroy data of another user will not be tolerated. Any questionable action will result in the cancellation of user privileges.

l) Not use school computers for unauthorized purposes.

m) Confine printing to school related materials.

n) Not post personal web pages as part of the district's web site. All web pages for classes or extracurricular groups must be approved and in compliance with Board Policy #3180 District Web Site/Web Pages.

o) Not share passwords or utilize another user's password.

Violation of any of the above mentioned rules and responsibilities will result in a loss of access and may result in other disciplinary or legal actions.

### **Other Personal Electronic Devices**

Cell phones, IPODS or other personal electronic devices can greatly enhance an individual's safety, productivity, learning or entertainment. It is the responsibility of the user to use such devices in a responsible manner that does not disrupt the rights of others or in any way infringe upon the educational environment.

## **Corporal Punishment**

Refer to Board Policy 7350

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

However, if a District employee or agent uses physical force against a student for the purposes of self-protection, protection of others, or protection of property, he or she shall within the same school day, make a report to the Superintendent describing in detail the circumstances and the nature of the action taken.

The Superintendent of Schools shall submit a written report to the required authorities as dictated by law.

### **Disciplinary Consequences**

#### **1. Teacher Removal of Disruptive Pupils**

Teachers have the power and authority to remove from their classroom any student who fits the statutory definition of "disruptive pupil." The teacher's use of this authority must comply with both the statutory requirements and the District's Code of Conduct. The disruptive pupil will be escorted to the designated area.

According to New York State's SAVE Legislation, when a teacher removes a student from the classroom, the teacher must explain to the student why the teacher is taking that action and must allow the student to informally present the student's version of the relevant facts. In most cases,

that exchange must occur before the student is actually removed from the classroom. However, if the teacher assesses the student as being not only “disruptive,” but also “posing a continuing danger to person or property” or “representing an ongoing threat of disruption to the academic process,” then the explanation and response can occur after the student is removed from the classroom, provided it occurs within 24 hours. Disruptive pupil(s) may be removed by a teacher for up to two days depending upon the severity of the infraction.

Removal from the classroom is not the same as a school suspension. When a teacher removes the student from the classroom, the District will provide that student with “educational programming and activities.”

Within 24 hours (same day when possible) of a student removal, the Principal must notify the student’s parents (or person in parental relation) of the removal and reason(s) for it. The family may request an “informal conference” or “information hearing” with the Principal. That meeting must take place within 48 hours of the student’s removal. At the meeting, the Principal must explain the reason(s) for the removal, and the pupil and parent must have an opportunity to present the pupil’s version of the facts.

The Principal may set aside the teacher’s removal decision in three situations. First, if the Principal finds that the charge against the student is not supported by substantial evidence, the principal sets aside the removal. Second, if the Principal concludes that the student’s conduct warrants suspension from school, the Principal then imposes a suspension. The parent(s) are entitled to another conference with the Principal, at which they would have the right to question the complaining witnesses.

Finally, the Principal may set aside the removal decision if the principal finds that the student’s removal “is otherwise in violation of law.” One application of this provision would be that the principal sets aside class removal decisions that affect a student with disabilities, or a student that is presumed to have a disability for discipline purposes, when the removal amounts to a change in the student’s placement under Individual with Disabilities Education Act.

The Principal’s decision must be made in writing by the close of business on the day following the 48-hour period established for the informal hearing and given to the student and parent.

## **2. In-School Suspension**

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

## Discipline Code

The following items are examples of violations of the discipline code for student behavior, and will be addressed with disciplinary consequences and possible civil or criminal sanctions. The number in the parenthesis after certain items corresponds to the New York State Education Department's School and Safety Educational Climate (SSEC).

### **1. Insubordination** *(examples include, but are not limited to):*

- 1.1 Failing to comply with lawful directions of a teacher, administrator, or other school/district employee
- 1.2 Failure to comply with any school or district rule, regulation or policy
- 1.3 Being tardy to class without permission
- 1.4 Failure to attend class
- 1.5 Tardy to school
- 1.6 Leaving class without permission
- 1.7 Leaving school or school grounds without permission
- 1.8 Inappropriate attire/failure to comply with dress code
- 1.9 Failure to comply with Personal Electronic Device expectations

### **2. Disorderly Conduct** *(examples include, but are not limited to):*

- 2.1 Inappropriate Language
- 2.2 Disturbing any lawful assembly or meeting
- 2.3 Misuse of Internet and other technologies as defined by Computer Network for Education Policy (OR \*Violation of the Acceptable Use Policy)
- 2.3a Misuse of personal devices include the unlawful photographing and recording of students and staff, or using/distributing another person's image without permission.
- 2.4 Any willful and unsanctioned act that disrupts the normal operation of the school community
- 2.5 Destruction of Property
- 2.6 Vandalism

### **3. Endangering Health, Welfare, Safety or Morals of Self/Others** *(examples include, but are not limited to):*

- 3.1a Creating a hazardous or physically offensive condition (e.g., horse play, roughhousing) without injury
- 3.1b Creating a hazardous or physically offensive condition (e.g., horse play, roughhousing) that results in physical injury
- 3.2a Altercation – Verbal
- 3.2b Altercation – Physical
- 3.3a Assault with physical injury (3a)
- 3.3b Assault with serious physical injury (3b)
- 3.4a Threats/Extortion - Excluding Cyberbullying (5a)
- 3.4b Threats/Extortion – Cyberbullying (5b)
- 3.5 Inciting other students to intimidate or to act with physical violence upon any other person
- 3.6 Promoting violence through verbal or electronic means
- 3.7 Selling, distributing, using, or possessing tobacco, vaping e-cigarettes, or a look-alike device
- 3.8 Selling, distributing, using, or possessing alcohol (9)

- 3.9 Selling, distributing, using, or possessing drugs including related paraphernalia, or of substances they believe to be or portray to be drugs, or substances that “act like” or mimic being under the influence of drugs, or the inappropriate use, distribution or sale of prescription drugs (8)
- 3.10a All forms of verbal harassment/bullying including using profane, vulgar, or abusive language against cultural., religious and ethnic groups, and including that which promote homophobia, sexism, or racism - Excluding Cyberbullying (5a) (DASA)
- 3.10b All forms of verbal harassment/bullying including using profane, vulgar, or abusive language against cultural., religious and ethnic groups, and including that which promote homophobia, sexism, or racism - Cyberbullying (5b) (DASA)
- 3.11a All forms of physical harassment/bullying against cultural, religious and ethnic groups, and including that which promote homophobia, sexism, or racism – Excluding Cyberbullying (5a) (DASA)
- 3.11b All forms of physical harassment/bullying against cultural, religious and ethnic groups, and including that which promote homophobia, sexism, or racism – Cyberbullying (5b) (DASA)
- 3.12a Verbal Sexual Harassment - Excluding Cyberbullying (5a) (DASA)
- 3.12b Verbal Sexual Harassment – Cyberbullying (5b) (DASA)
- 3.13 Physical Sexual Harassment (5a) (DASA)
- 3.14a Sexual Offenses – Forced (2a)
- 3.14b Sexual Offenses – Other (2b)
- 3.15 Selling, distributing, possessing, or accessing obscene materials
- 3.16 Unsafe Driving
- 3.17 Bomb threat, even if later determined to be a hoax (6)
- 3.18 False Alarm (7)
- 3.19 Hazing
- 3.20 Arson - Deliberately starting a fire with intent to damage or destroy property
- 3.21a Selling, distributing, using or possessing weapons, destructive devices or other dangerous instruments; routine security checks (4a)
- 3.21b Selling, distributing, using or possessing weapons, destructive devices or other dangerous instruments; weapons possessed under other circumstances (4b)
- 3.22 Gang-related activity, including soliciting others for gang membership
- 3.23 Using hate speech through verbal, written or electronic means

**4. Academic Misconduct** *(examples include, but are not limited to):*

- 4.1 Forgery/Plagiarism
- 4.2 Cheating

**5. Other Misconduct** *(examples include, but are not limited to):*

- 5.1 Theft
- 5.2 Gambling
- 5.3 Lying to staff member or school official
- 5.4 Any conduct violating Federal, state, or local law, rule, or regulation, or District policy including but not limited to the District’s policy on maintenance and enforcement of public order on school property

## Procedures for Discipline

The Superintendent and others he or she may designate, including all building administrators and directors, are responsible for identifying student behavior in conflict with the responsibilities of the Student Conduct Code. To ensure the health, welfare and safety of all students, administrators will take measures that *may* include:

- Investigation of the incident(s) or infraction(s)
- Determine responsibility level(s)
- Assist students in making amends for their behavior
- Apply appropriate disciplinary measures

These measures may also include receiving counseling/advising, participation in 1-1 mediation or group mediation, reading assignment and reflective paper on a relevant topic, making a verbal or written apology, entering into a behavioral agreement, providing community service to the school, cleaning up or restitution for damages. These consequences increase the student's awareness of his or her personal responsibility and develop his or her empathy for the affected person(s). Restorative justice measures often require agreement of the offender and/or the harmed person(s), and may be used alongside traditional disciplinary measures when the student is amenable to participating in this process.

Teachers may also impose certain forms of disciplinary action and restorative justice, including the removal of a student causing substantial disruption from their classroom. Principals may impose all of these forms of disciplinary action and restorative justice, except for suspension from Commencement, long-term suspension (more than five days), and permanent suspension from school.

Except in extreme situations, the principal, assistant principal, or teacher will request that a student in violation of their responsibilities attend a conference before disciplinary action is decided. A conference intended for the purpose of considering suspension may also be held. Depending upon the nature of the offense, other persons involved, including parents, may be asked to attend the conference. In general, teachers and principals will keep parents advised of discipline problems with their children long before they reach the truly serious stage.

A consequence is the result or direct effect of an action. There is a range of consequences that administrators and teachers may utilize as a result of a student's action. The range of disciplinary consequences includes, but is not limited to:

- Verbal or written warnings
- Reprimand
- Verbal or written notification to parent(s)/guardian(s)
- Time out or Cool-off room
- Detention, staying after school
- Loss of privileges, like losing recess
- Cleaning up
- Payment of damages and/or repairing damages
- Removal or ban from:
  - Classroom
  - Other privileges, including but not limited to computer network use
  - Co-curricular, social or extracurricular activities
  - Athletic participation

- Suspension, to include:
  - In-school suspension
  - Short-term suspension (Up to 5 full days) with alternative instruction
  - Short-term suspension from school (Up to 5 full school days)
  - Long-term suspension from school (More than 5 full school days)
  - Short-term, long-term or expulsion from transportation
  - Permanent suspension (Expulsion) from school
- Referral to:
  - PINS (Person in Need of Supervision) proceeding, for repeated, incorrigible behavior
  - Law Enforcement
  - Presentment Agency or other Social Services

### **Standardized Consequences**

All of these violations may warrant more than the minimum consequences stated here. Project SAVE legislation requires that each district state the absolute minimum of consequences for violent behaviors and then “build” from that baseline.

Standardized consequences for elementary students will be adjusted by the Principal as developmentally appropriate to the age of the child.

Disruptive acts: minimum one full school day of out-of-school suspension for a student who:

- Commits an act of violence against another student or any person lawfully or unlawfully upon District property (based upon the severity of the injury)
- Knowingly and intentionally damages or destroys the personal property of a teacher, administrator, other District employee, or any person
- Knowingly and intentionally damages or destroys school property (based upon the severity of the damage)

Violent acts: minimum five full school days out-of-school suspension for a student who:

- Commits an act of violence against another student or any person lawfully or unlawfully on District property and/or district sponsored activities (based upon the severity of the injury).
- Possesses or displays a gun, knife, explosive or incendiary bomb, or other dangerous weapon
- Threatens to use, as a weapon, any instrument that appears capable of causing physical injury or death

### **Alcohol and other drug violations:**

Violations of policy regarding alcohol, drugs, drug paraphernalia, and/or prescription drugs generally will carry the following consequences:

- Suspension from school for five days
- Suspension from extra-curricular activities including athletics for 30 days
- Notification of parent(s)
- Notification of law enforcement

The District will assist students involved with alcohol or other substances in choosing healthier and more productive behaviors, and will provide information about third-party service providers to help students with substance abuse problems.

## **Weapons and the Superintendent's actions:**

Pursuant to the Federal Gun-Free Schools Act of 1994, any student found guilty at a Superintendent's Hearing of bringing a firearm onto school property or of having a firearm in his or her possession on school property, will be subject to at least a one-year suspension from school, subject to review on a case-by-case basis by the Superintendent. [See Board Policy 7360]

The Superintendent or designee must refer any student under the age of sixteen who has brought a weapon to school to the Presentment Agency (County Attorney's Office) for a juvenile delinquency proceeding. The Superintendent or designee must refer any student sixteen years of age or older, or a student fourteen or fifteen years of age who qualified for juvenile offender status, who has brought a weapon to school, to appropriate law enforcement officials.

## **Dress Code**

### **Student Dress Code for All Students K-12**

The responsibility for the dress and appearance of students shall rest with individual students and parents/guardian. They have the right to determine how the student shall dress, provided that such attire is not destructive to school property, complies with requirements for health and safety, does not interfere with the educational process, or impinge upon the rights of others. No manner of grooming or apparel (including clothing, jewelry, hats, emblems, insignia, symbols or badges) including, but not limited to items that are vulgar, obscene, libelous, or denigrates others on the account of race, color, religion, ancestry, national origin, sex, sexual orientation, disability, or any other protected category will be permitted in school buildings, school grounds, buses, or at school activities on or off district property. The administration is authorized to take action in instances where individual dress does not meet these stated requirements.

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

This does not mean that student, faculty, or parent groups may not recommend appropriate dress for school or special occasions. It means that a student shall not be prevented from attending school or a school function, or otherwise be discriminated against, so long as his/her dress and appearance meet the above requirements.

## **Educational Records**

### **1. General**

The District maintains certain records on each of its students. In general, these records contain progress reports, attendance records, grades, intelligence quotient assessment results, tests, achievement scores, medical records, athletic records, disciplinary records, and other forms of academic evaluation of students by educators. Psychological and psychiatric reports are confidential and are kept in separate files.

FERPA and provisions in the No Child Left Behind Act (NCLB) give the 18-year-old student and both parents/ guardians of younger students (unless prohibited by state law, court order, or binding legal agreement) the right to:

- inspect and review any and all official records, files, and other data directly related to the student
- receive a list of individuals having access to these records
- ask for an explanation of any item in the records



- ask for an amendment to any record on the grounds that it is inaccurate, misleading, or in violation of the privacy of the student and provide the basis for such belief
- obtain a hearing if the school determines not to make the amendment
- The District may disclose education records without prior consent in other circumstances permitted by FERPA and NCLB

## **2. Disclosure**

Records of each student are kept confidential with certain exceptions including, but not limited to, under court orders, for health and safety emergencies under the law, and when certain persons need to know for the furtherance of the student’s education, such as a meeting of the Committee on Special Education.

However, the District may release, without prior consent, “directory information” for each student, which includes the student’s:

- name, address, telephone number
- date and place of birth, age
- school currently attending
- grade level
- participation in officially recognized activities and sports
- weight if the student is a member of an athletic team
- height if the student is a member of an athletic team
- dates of attendance
- degrees and awards received
- most recent previous educational institution attended

Under FERPA and the No Child Left Behind Act (NCLB) regulations regarding information disclosed to military recruiters, opportunity shall be given annually for Parents/Guardians or Eligible Students to notify the School Principal that some or all of this information is not to be released without prior consent. This letter is mailed to families in August of each year.

Parents/guardians or students objecting to release of some or all of this information without prior consent must “opt-out” They may opt-out by annually notifying the Building Principal in writing by the last school day of September, identifying the types of directory information to be withheld from release. The annual notification must be received by the Building Principal by close of business on September 30, unless September 30 falls on a weekend or holiday, in which case the deadline will be extended to the close of business of the next school day.

## **Equal Educational Opportunity Rights**

All students shall have equal educational opportunities regardless of actual or perceived race, gender, color, creed, religion, national origin, age, disability, economic status, sexual orientation, gender identity and expression, marital status, and/or other legally protected classification, status or characteristic. The District will allow access to activities as is required by local, state, or federal law, except as otherwise provided by law or regulation.

This district policy follows the requirements of Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and Tompkins County Local Law Chapter 92-5.

**The District follows these policies not only because it is required to do so by law, but because the District philosophy is rooted in equality and inclusiveness.**

## **Extraclassroom Activities**

Refer to Board Policy 7410

The Board of Education considers extraclassroom activities to be a valuable part of the program of the school and shall support these activities within the financial means of the District. Extra-curricular activities shall provide District students with opportunities for broadening and strengthening their educational experiences. School sponsored extra-curricular activities shall be available to students who attend District schools or who attend an alternate school or program based upon a decision of the District Committee on Special Education. The Board and the staff shall be kept informed of the current regulations governing the formation, operational and financial procedures, supervision, and eligibility requirements of all extra-curricular activities.

Student extraclassroom activities may only be formed for educational and school service purposes and may only be formed by students in grades K-12.

### **Approved Extraclassroom Activities**

All extraclassroom activities shall be approved by the Board.

### **Faculty Advisor**

Each extraclassroom activity shall have a faculty advisor recommended by the Superintendent and approved by the Board of Education. The faculty advisor shall attend all meetings of the extraclassroom activity and provide guidance on governance of a club.

### **Travel and Transportation**

All overnight trips and foreign travel must receive approval from the building principal. Once the building principal has approved the request, it will be sent to the Board for review and final approval.

The faculty advisor shall provide a written itinerary to each student, along with a copy of the code of acceptable conduct and secure written permission from a student's parent/guardian for all overnight and foreign travel.

### **Limited Open Forum**

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

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

1. The meeting is voluntary and student-initiated;
2. There is no sponsorship of the meeting by the school, the government, or its agents, or employees;
3. Employees or agents of the school or government are present at religious meetings only in a nonparticipatory capacity;
4. The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school;
5. Nonschool persons may not direct, conduct, control, or regularly attend activities of student groups (20 USC Section 4071[c]).
6. No school meetings shall be held during an instructional period.

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

### **Eligibility for Participation**

Participation at extraclassroom activities shall be based on the following:

1. Students who are suspended from school on a day of an athletic game or practice session, extraclassroom activity, party, school dance, or any other school event scheduled outside regular school hours are not eligible for participation or attendance at such events.
2. For a student to attend a school-sponsored function, it is necessary that the student attend classes for at least half of the school day on the day of the activity. One-half of the school day is defined as follows: from 7:30 a.m. until 11 a.m. or from 11 a.m. until the end of the school day.
3. Students in the middle and high school must maintain a minimum academic record for participation in extraclassroom activities. See Regulation #7411.

## **Field Trips**

Refer to Policy 8460

The Board of Education recognizes that field trips are an educationally sound and important ingredient in the instructional program of the schools.

For purposes of this policy, a field trip shall be defined as any journey by a group of students away from the school premises, under the supervision of a teacher or other district employee, which is an integral part of an approved course of study and/or extracurricular activity conducted for the purpose of affording an educational experience not available in the classroom.

Field trips are a part of the curriculum of the schools and attendance on field trips is governed by the same rules as attendance at regular classroom activities. The School District shall obtain written permission from parents/guardians for students going on school-sponsored field trips and every effort shall be made to inform parents/guardians in advance of such excursions.

Overnight Field Trips include local, out of state, or out of country trips which require that students obtain overnight accommodations. All overnight field trips will require the approval of the Board of Education prior to the commencement of any fund raising. Final approval for overnight field trips

will require: (a) an itinerary, (b) a statement of how the trip is funded, (c) a list of Board approved chaperones at least six (6) weeks prior to the trip. Overnight trips will end not less than five (5) school days prior to major examinations (i.e., Regents, AP, State tests, etc).

For any trip that exceeds \$500 or 3 or more days, trip cancellation insurance must be purchased as part of the full cost of the trip.

The Superintendent shall prepare procedures for the operation of a field trip activity. Field trip support shall be determined annually by the Board during its budget deliberations. Regardless of the fiscal support for field trips, the rules of the School District for approval and conduct of such trips shall apply.

The Superintendent has discretion to cancel district sponsored field trips based on local, national, or international events.

## **Fundraising by Students**

### **Refer to Board Policy 7460**

Fund raising projects in which students sell merchandise, provide services, or in other ways solicit money for school activities may be sponsored by school organizations with the express approval of the Building Principal and Student Council. Any such plan shall have a clearly defined purpose and, in general, shall contribute to the educational experience of students and shall not conflict with instructional programs or state mandates. No fund raising activity will be approved where a conflict of interest exists with any district employee or member of the Board of Education.

Fund raising activities away from school property should be held to a minimum. Door-to-door sales are strongly discouraged. All materials must have district approval when the fund raising is scheduled and administration has the authority to prevent distribution of materials if they are different from materials that were approved. Non-participation in fund raising will not prohibit a student from the educational benefit of the activity.

Fund raising should never be used to defray a portion of the District's educational program. At no time should a student's participation in an educational activity include such sales or fees. In addition, employees will not deposit the proceeds of any legitimate sales activity in their own personal accounts. These activities may jeopardize a student's right to participate in the educational program on a tuition and/or fee-free basis. Further, employees engaged in such activities may be held personally liable.

## **Grievance Procedures for Students**

Students have a right to dispute the actions of a staff member or of the district in regards to their individual rights. The district intends to resolve the matter at the earliest possible stage while ensuring that the rights and integrity of all concerned are protected.

Students who feel one or more of their individual rights have been violated may follow established procedures to address their concerns. Generally the first place to seek information is from a teacher, a school counselor, school social worker, or the principal. Students who feel they have not received a satisfactory resolution at this level may seek a solution through formal procedures (e.g., the Student Grievance Procedure). Students and parents may also have recourse to the Commissioner

of Education, certain federal and other state agencies, and/or a court of law. Parents/guardians may be involved at any level of a grievance and have the same rights as the student.

### **Definitions**

**Grievance.** A claim by any student based on any event affecting his or her rights including equal opportunity rights, which will be handled according to this procedure. Note that claims of harassment will be handled by the Harassment Reporting and Response Procedures.

**Student Advocate:** Any adult of the student's choice who agrees to see that the student's rights are protected throughout the grievance process. Students may have an advocate present at all steps of the grievance procedure (Superintendent Hearing process follows a different procedure)

**Parents/Guardians:** Either or both parents, legal guardian(s) or person(s) in parental relation to the aggrieved student.

### **The aggrieved student has the right to:**

- State his or her grievance orally and/or in writing
- Be notified of the progress of the case at each step of the way
- Ask questions of witnesses who present testimony at the hearing level
- Be furnished copies of official records that may be kept of the proceedings

### **Time Limits**

A student must start a grievance within 10 school days of the time he or she knows of, or should have known of, the act or condition that is the subject of the grievance. A student may start a grievance at Step 1, either individually or by asking for assistance from an advocate of the student's choice.

### **Grievance Procedure Steps**

Step 1: The aggrieved student (with an advocate, if desired) should discuss the situation with the staff member involved. If the student is not satisfied with the response, he or she may move to Step 2 within two school days of this meeting.

Step 2: The student should discuss the matter with his or her school counselor or the Assistant Principal or Principal. The counselor or administrator will respond to this discussion within two school days unless all parties have agreed upon a specific request for more time. If the student is not satisfied with this response, he or she may move to Step 3 within five school days of receipt of the decision.

Step 3: The student should file a written appeal with the Principal. This must include the student's name, a statement of the particular problem, the identity of the people involved, the time, place and circumstances of the events or conditions that led to the grievance, and a statement of the action the student wants in order to correct the situation.

Within five school days of receipt of this written appeal, the Principal or representative will hold a hearing with the student and others involved. Within two school days of the conclusion of this hearing the Principal will provide a decision in writing to the student. If the student is not satisfied with this response, he or she may move to Step 4 within five school days of receipt of the decision.

Step 4: The student should file a written appeal with the Superintendent or the Superintendent's designee. This written appeal should follow the same form as for Step 3. The Superintendent will consider the written appeal, the record of the matter created in the prior steps, and any other information required at his or her discretion, and shall render a written determination to the student

within 10 school days. The Superintendent's decision (except in cases of suspension from school and cases of Equal Opportunity grievances) is final.

Step 5: In cases regarding equal education opportunity, if the student still feels aggrieved, he or she may carry the appeal in writing to the Board within 30 school days.

## **Gun-Free and Weapons-Free Schools**

### **Refer to Board Policy 7360**

No student may bring in or possess any "firearm" or "weapon" on District property, on a school bus or District vehicle, in District buildings, or at District-sponsored activities, or settings under the control or supervision of the District, regardless of location. Any student who has been found guilty of bringing in or possessing a firearm or weapon in violation of this policy will be disciplined in a manner consistent with State and Federal law and the District's Code of Conduct. Such discipline may include a mandatory suspension for a period of not less than one (1) calendar year for a student who is determined to have violated the Federal Gun-Free Schools Act and its implementing provisions in the New York State Education Law, provided that the Superintendent may modify the suspension requirement on a case-by-case basis.

Students who violate this policy will be referred by the Superintendent to either a presentment agency (the agency or authority responsible for presenting a juvenile delinquency proceeding) or to appropriate law enforcement officials as dictated by law.

For the purposes of this policy, the term "weapon" will be as defined in 18 USC 930(g)(2).

For the purposes of this policy, the term "firearm" will be as defined in 18 USC 921(a).

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

This policy does not diminish the authority of the Board of Education to offer courses in instruction in the safe use of firearms pursuant to Education Law Section 809-a.

## **Law Enforcement Officials**

### **Refer to Board Policy 7330**

It shall be the policy of the District to cooperate with law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on District premises or during a District-sponsored activity, for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property, or to otherwise maintain the educational environment.

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

## Medications

### Refer to Board Policy 7513

The school's registered professional nurse may administer medication to a student during school hours under certain conditions. (For the purpose of this policy "medication" includes prescription and non-prescription). Per New York State Education Department (NYSED) requirements, the school must receive the following before medication is given to a student:

- a) The original written order from the student's physician stating the name of the medication, precise dosage, frequency and time of administration;
- b) A written, signed consent from the student's parent or legal guardian requesting the administration of the medication, as prescribed by the physician, to the student in school; and
- c) The medication, properly labeled in its original container, must be delivered to the School Health Office by the student's parent or legal guardian. (The term "properly labeled" in the context of this policy means that the container must include the following information: the student's name, name of medication, dosage, frequency and prescribing physician.) A student is not permitted to carry any medication on his/her person in school, or on the school bus, or keep any medication in his/her school locker(s). An exception to this policy may apply for a student's asthma inhaler or epi-pen which a student may carry and use under certain conditions.

All medication orders must be reviewed annually or whenever there is a change in dosage.

Procedures governing the School District's receipt, storage and disposal of medication, as well as those pertaining to the administration of medication to a student after school hours and/or off school grounds during a school-sponsored activity will be in accordance with NYSED guidelines.

### Emergency Medication

The administration of emergency medication (injectable, including "epi-pens," and/or oral) to a student for extreme hypersensitivity may be performed by a school staff member responding to an emergency situation when such use has been prescribed by a licensed prescriber. However, a registered professional nurse/nurse practitioner/physician/physician's assistant *must* have trained the staff member to administer the emergency medication for that particular emergency situation (e.g., "epi-pen") and given him/her approval to assist the student in the event of an emergency anaphylactic reaction. Such a response would fall under the Good Samaritan exemption for rendering emergency care during a life threatening situation.

### Use of Asthma Inhalers in Schools

A student may carry and use an asthma inhaler if the School Health Office has on file: the physician's written order/diagnosis that the student has a severe asthma condition and may be subject to sudden and debilitating asthmatic attacks; and written permission from the student's parent or legal guardian. Upon written request of the student's parent or legal guardian, the school must allow a student to maintain an extra asthma inhaler in the care and custody of the school's registered professional nurse. (A School District is **not required** to hire a registered professional nurse solely for the purpose of maintaining a spare inhaler or to ensure that a registered professional nurse is available at all times in a school building for such purpose.)

Health Office personnel will maintain regular parental contact in order to monitor the effectiveness of such self-medication procedures and to clarify parental responsibility as to the daily monitoring of their child to ensure that the medication is being utilized in accordance with the physician's or provider's instructions. Additionally, the student will be required to report to the Health Office on a periodic basis as determined by Health Office personnel so as to maintain an ongoing evaluation of the student's management of such self-medication techniques, and to work cooperatively with the parents and the student regarding such self-care management.

Students who self-administer medication without proper authorization, under any circumstances, will be referred for counseling by school nursing personnel. Additionally, school administration and parents will be notified of such unauthorized use of medication by the student, and school administration may also be involved in determining the proper resolution of such student behavior.

### **Blood Glucose Monitoring**

Children with diabetes have the right to care for their diabetes at school in accordance with the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 which provide protection against discrimination for children with disabilities, including diabetes.

Accordingly, blood glucose monitoring must be allowed in the school setting at any time, within any place, and by anyone necessitating such testing. Children must receive assistance if needed with the procedure.

The school nurse shall oversee any arrangements that need to be made for testing and a system to report the results to the nurse as needed. Proper arrangements should be made for the disposal of sharps.

### **Alcohol-Based Hand Sanitizers**

Alcohol-based hand sanitizers are considered over-the-counter (OTC) drugs by the United States Food and Drug Administration. However, due to the fact that careful hand-washing and sanitation is the most effective way to control the recent spread of Methicillin-Resistant Staphylococcus Aureus (MRSA) in schools, the New York State Education Department (NYSED) has allowed a medical exemption to the requirements for OTC preparations in the school setting to permit the use of alcohol-based hand sanitizers.

The School Medical Director may approve and permit the use of alcohol-based hand sanitizers in the District's schools without a physician's order. Parents may provide written notification to the school in the event that they do not wish to have their child use this product.

It should be noted that hand sanitizers which contain alcohol are flammable and shall not be placed in hallways or near an open flame or source of sparks.

### **Sunscreen**

Overexposure to ultraviolet (UV) radiation from the sun may cause sunburn, skin damage and increases the risk of skin cancer, especially exposure in the first fifteen (15) years of life. Although the FDA technically considers sunscreen an over-the-counter drug which would require a doctor's prescription in addition to parental permission, the New York State Education Department (NYSED)



has issued an updated guidance document that will allow the use of sunscreen without a physician's order.

The District allows students to carry and use sunscreen in school if:

- a) The sunscreen is used for the purpose of avoiding overexposure to the sun and not for medical treatment of an injury or illness;
- b) The sunscreen is approved by the FDA for over-the-counter use; and
- c) The student's parent or guardian provides written permission for the student to carry and use sunscreen.

A student who is unable to physically apply sunscreen may be assisted by unlicensed personnel when directed to do so by the student, if permitted by a parent/guardian and authorized by the school. Parents/guardians are responsible for providing the sunscreen to be used at school.

### **Disposal of Unused Medication**

Any unused medication (including, but not limited to expired prescription and nonprescription drugs) must be returned to the parent/person in parental relation by the end of each school year. If the parent/person in parental relation does not retrieve the unused medication by the end of the school year, then the School Nurse or designated School Health Office personnel must document that the medication was abandoned and dispose of the unused medication.

## **Out of School Suspension (Short-Term)**

Refer to Board Policy 7314

Principals have the authority to order a suspension of students from school for up to five days. In doing so, they must give the student oral or written notice of the charges against him or her and give the student an opportunity to present his or her side of the case. However, students whose presence poses a danger to persons or property may be immediately removed from the school.

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

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

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

Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within twenty- four (24) hours of the decision to propose suspension at the last known address or addresses of the parents/persons in parental

relation. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/persons in parental relation.

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

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

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

### **Out of School Suspension (Long-Term) and Expulsion: Refer to Board Policy 7314**

The Superintendent alone has the authority to suspend a student from school for more than five days. Principals may recommend such disciplinary action to the Superintendent by submitting a written history of the case and the reasons for the recommendation.

No student may be suspended from school for more than five days unless the student and his or her Parents have been afforded the opportunity for a fair hearing, upon reasonable notice, where the student has the right to be represented by counsel, to present witnesses and other evidence in his or her behalf, and to question witnesses against him or her. Long-term school suspension hearings will be conducted in accordance with the provisions of the New York State Education Law, Section 3214(3), and the notice of such hearings should advise the student of the rights afforded him or her pursuant to this law.

The hearing ordinarily must take place within the initial five-day suspension period. If the hearing cannot reasonably occur during the initial five day suspension, then the hearing can occur at a later date, if the parent/guardian writes a letter agreeing for their child to remain out of school until the hearing can be scheduled at a mutually agreeable time. The principal or assistant principal is considered the "investigating officer" for the hearing. This is an impartial hearing that entitles each student to due process.

Individuals who testify are to be administered an oath requiring them to acknowledge that they must tell the truth, under penalty of perjury and/or further school disciplinary consequences. Testimony of the "facts of the case" is taken and recorded on an audio recording device.

There are two phases to a hearing. The first phase determines, based upon the evidence, whether the behavior actually occurred. The second phase determines the consequences if actual guilt is determined. At this point in the hearing (consequence phase) the student's previous disciplinary records are entered and there is an opportunity for the student and others to speak on the student's

behalf.

If the student is a special education student, a manifestation determination hearing (see “Discipline and Students with Disabilities”) takes place between the 2 phases.

After the hearing, the hearing officer makes a recommendation to the Superintendent. The Superintendent reviews the facts and renders a final written determination. The Principal or Assistant Principal notifies the family by phone of the Superintendent’s determination.

Infractions of the drug-free and weapons-free policies warrant an immediate five days out-of-school suspension and referral to a Superintendent’s Hearing. Any other referrals to the Superintendent for disciplinary action must be preceded by a five-day out-of- school suspension.

Following the hearing, the Superintendent will determine the length of the school suspension, if any, and if the Superintendent determines that the facts and circumstances justify such action, the student may be expelled (permanently suspended).

When the school suspension is based, in whole or in part, upon the student’s possession of any firearm, rifle, shotgun, dagger, dangerous knife, dirk, razor, stiletto, or any of the instruments specified in Penal Law Section 265.01(1), the hearing officer or Superintendent will be allowed to consider the weapon as evidence, notwithstanding a determination by a court that the recovery of the weapon was the result of an unlawful search or seizure.

A student suspended from school for more than five consecutive school days may be reinstated by the Superintendent or the Superintendent’s designee after the stipulations and consequences resulting from the Superintendent’s Hearing have been met and documented. The Principal or designee may require a meeting with the student prior to reinstatement following out-of-school suspension, but cannot require students who have served their suspensions to attend a re-admission conference.

## **Religious Activities**

### **See Board Policy 8360**

The Board of Education acknowledges the importance of religion to the understanding of society and the richness of the human experience. In approaching the teaching about religion in the school, the District will be guided by three concepts when making decisions about the appropriateness of activities for inclusion in the school program: the activity should have a secular purpose; the activity should neither advance nor inhibit religion; and the activity must not foster an excessive entanglement of "government" with religion.

Nurturing the development of knowledge and respect for the rights of all cultural and religious groups is a continuing goal of the School District. Students, faculty and administration are reminded of the pluralism of religious beliefs and are urged to be conscious of and respect the sensitivity of others.

Opportunities to learn about cultural and religious traditions should be provided within the framework of the curriculum. Information about religious and cultural holidays and traditions focusing on how and when they are celebrated, their origins and histories should be part of this

instruction. This educational opportunity should be handled with great care, sensitivity and respect for the feelings and beliefs of individuals.

An environment should be created and encouraged where students of various ethnic backgrounds feel comfortable in sharing comments about their religious and cultural traditions. No student should be singled out to share or participate in such discussions solely on the basis of that student's identification with the cultural/religious heritage being addressed. A student's preference not to share or participate in such discussions should be honored and respected without penalty.

### **School Activities Related to Religious Holidays or Themes**

School activities related to the teaching about religious holidays or themes must be consistent with, representative of, and congruent with the District's curriculum.

In planning school activities related to the teaching about religious holidays or themes, special effort must be made to ensure that the activity is not devotional and that students of all faiths can join without feeling they are betraying their own beliefs.

In planning school activities related to the teaching about religious holidays or themes, age appropriate activities are encouraged within the framework of the curriculum. Teaching about religious and cultural holidays may include such special activities as parties and special foods, if they reinforce educational goals.

### **Symbols in the Schools**

The purpose of using religious symbols should be to teach about religious concepts and traditions, and to convey historical or cultural content, not to promote or celebrate religious concepts, events or holidays.

### **Music in the Schools**

The purpose of using religious music should be to teach musical concepts, to convey historical and cultural content, or to create aesthetic experiences in a setting which emphasizes artistic expression and educational value, not to promote or to celebrate a religious faith.

### **District Calendar**

The days on which members of a religious group may be absent to observe a religious holiday (legal absence) will be noted on the school planning calendar and the District calendar distributed to parents/guardians. Out of respect for a student's observance of these holidays, teachers will be sensitive to the needs of the student by allowing them to make up all class work, homework, and tests without penalty. Parents/guardians are encouraged to notify the school prior to the absence in order to assist the staff in instructional planning and in meeting the needs of the student.

### **Curriculum Areas In Conflict With Religious Beliefs**

Students shall be given the option to be excused from participating in those parts of an activity, program, or area of instruction involving a religious theme which conflicts with their own religious beliefs or that of their parents/guardians in accordance with applicable law and regulations. Alternatives may be provided that are of comparable instructional value.

## **Implementation**

Administrative regulations will be developed to implement the terms of this policy. Further, the District shall vigorously publicize and disseminate this policy and accompanying regulations in order to ensure community, faculty, student, and parental/guardian awareness.

## **School Bus Conduct** **Refer to Board Policy 7340**

The Board of Education, the Superintendent and/or his/her designee have the authority to suspend the transportation privileges of children who are disorderly and insubordinate on buses. In these cases, the parents/guardians of the children involved become responsible for seeing that their children get to and from school safely.

In the event that a student or group of students fails to cooperate with the bus driver, the driver will report such misbehavior in writing to the Safety Coordinator for his/her action.

### **Stage I**

Bus drivers will use all reasonable efforts to resolve behavior problems with the student.

### **Stage II**

If such efforts are not successful and misbehavior continues, driver should solicit parent involvement to correct the problem.

### **Stage III. First Referral**

After the first two stages of conduct resolution have been exhausted, the driver shall initiate bus discipline referral form #7340F. The Safety Coordinator in turn may meet with the student. The parent/guardian will be notified to further enlist parent/guardian support. This action is to be followed with a letter from the Safety Coordinator to the parents/guardian, indicating that further misbehavior may result in suspension of bus riding privileges. The letter is to be signed by the parent/guardian and returned to the Safety Coordinator who will maintain an active file for all buses. The suspension process may be used at any stage dependent upon the severity of the infraction.

### **Stage IV. Second Referral**

If misbehavior continues, the driver will again initiate a bus discipline referral form #7340F. The Safety Coordinator in turn may meet with the student. The parent/guardian will be notified of the second offense. A final warning letter will be mailed to the parent/guardian at the home address. The final warning letter is to be signed by the parent/guardian and returned to the Safety Coordinator. Parent/guardian may request a meeting with the driver, student, and Safety Coordinator to discuss behavioral concerns at any stage of the discipline process. The suspension process may be used at any stage depending upon the severity of the infraction.

### **Stage V. Third Referral**

If misbehavior continues, the driver shall initiate bus discipline referral form #7340F. The student's riding privileges will be suspended for up to five (5) days. Suspension will not be effective until a parent/guardian has been notified. Once parent/guardian is notified, the Safety Coordinator will mail the suspension letter, which will outline the offense as well as the length of the suspension. The letter will also include the statement that the suspension relates specifically to bus-riding privileges and not to school attendance. The student is expected to continue to attend school and it is the

parent/guardian's responsibility to transport the student.

### **Stage VI. Additional Referral**

If a student continues to misbehave upon resumption of bus riding privileges following suspension as outlined in Stage V, the driver shall initiate a bus discipline referral #7340F. The Safety Coordinator will notify parent/guardian of continued misbehavior and initiate a Superintendent's hearing (refer to Board Policy #7355). Written notice shall be provided by the Superintendent of Schools detailing date, time, and charge(s) for the hearing. A Superintendent's Hearing may be initiated at any stage of the discipline procedure dependent upon the severity of the infraction.

### **Suspension**

In the event that disciplinary actions taken by the driver and Safety Coordinator are unsuccessful, it may be necessary to suspend a student's riding privileges dependent upon the severity of the infraction. Some general guidelines are as follows:

- repeated misbehavior and disregard for safe-riding rules and regulations, students may be suspended one to three days at the discretion of the Safety Coordinator.
- students who continue to misbehave and display unacceptable behavior, despite a previous suspension, will be suspended up to five days.
- chronic misbehavior and continued disregard for safe riding rules and regulations despite previous suspensions will lead to a 10-day suspension, resulting in a Superintendent's Hearing.
- as stated throughout this regulation, suspension may be used by the Safety Coordinator at any step dependent upon the severity of the infraction.

Examples of infractions include:

- weapons (gun, knife, bat, etc...)
- possession and/or use of drugs and/or alcohol
- fighting
- harassment (physical, verbal, sexual)
- inappropriate language (foul, vulgar, swearing)
- endangering self or others

## **School Safety and Educational Climate (SSEC) Glossary**

### **1. Homicide:**

Any intentional violent conduct that results in the death of another person.

### **2. Sexual Offenses:**

#### **2a. Forcible Sex Offenses.**

Sex offenses involving forcible compulsion and completed or attempted sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with or without a weapon including but not limited to penetration with a foreign object, rape and sodomy; or resulting from forcibly touching or grabbing another student on a part of the body that is generally regarded as private, such as buttocks, breast, genitalia.

## **2b. Other Sex Offenses.**

Other non-consensual sex offenses involving inappropriate sexual contact, including, but not limited to, touching another student on a part of the body that is generally regarded as private, which includes, but is not limited to, the buttocks, breasts, and genitalia, removing another student's clothing to reveal underwear or private body parts, or brushing or rubbing against another person in a sexual manner. Other sex offenses shall also include, but not limited to conduct that may be consensual or involve a child who is incapable of consent by reason of disability or because he or she is under 17 years of age, provided that such term shall not include consensual sexual conduct involving only students, and/or non-students 18 years of age or under, unless at least one the individuals participating in the conduct is at least four years older than the youngest individual participating in this conduct.

## **3. Assault:**

Engaging in behavior intentionally or recklessly that causes physical injury to another person with or without a weapon, in violation of school district code of conduct and falls under one of these categories:

### **3a. Physical Injury:**

Means impairment of physical condition or substantial pain and includes, but is not limited to, black eyes, welts, abrasions, bruises, cuts not requiring stitches, swelling and headaches not related to a concussion

### **3b. Serious Physical Injury:**

Means physical injury which creates a substantial risk of death or which causes death or serious and protracted disfigurement or protracted impairment of health or protracted loss or impairment of the function of any bodily organ and requires hospitalization or treatment in an emergency medical care facility outside of school, including but not limited to, a bullet wound, fractured or broken bones or teeth, concussions, cuts requiring stitches and any other injury involving risk of death or disfigurement.

## **4. Weapons Possession:**

Possession of one or more weapons, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of some teacher or other school personnel as authorized by school officials and falls under one of these categories:

### **4a. Routine Security Checks:**

Possession of one or more weapons (see list below) secured through routine security checks.

**Weapons:** means one or more of the following dangerous instruments:

- i. firearm, including, but not limited to, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, spring gun, BB gun, or paint ball gun;
- ii. a switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife;
- iii. a billy club, blackjack, bludgeon, chukka stick, or metal knuckles;
- iv. a sandbag or sandclub;
- v. a sling shot or slungshot;
- vi. a martial arts instrument, including, but not limited to, a kung fu star, ninja star, nun-chuck, or shirken;

- vii. an explosive, including but not limited to, a firecracker or other fireworks;
- viii. a deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray;
- ix. an imitation gun that cannot be easily distinguished from a real gun;
- x. loaded or blank cartridges or other ammunition; or
- xi. any other deadly or potentially dangerous object that is used with the intent to inflict injury or death.

**4b. Weapons possessed under other circumstances:**

Possession of one or more weapons at a school function or on school property which are not discovered through a routine security check, including but not limited to, weapons found in possession of a student or within a locker.

**5a. Material Incident of Discrimination, Harassment, and Bullying (excluding Cyberbullying)**

A single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying, and/or discrimination by a student and/or employee on school property or at a school function.<sup>(2)</sup> In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, as defined in Commissioner’s regulation §100.2(kk)(1)(viii). Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex. Commissioner’s regulation 100.2(kk)(1)(viii) provides that harassment or bullying means the creation of a hostile environment by conduct or by threats, intimidation or abuse that either: (a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or (b) reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety. Such definition shall include acts of harassment or bullying that occur on school property, at a school function, or off school property where such act creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. For the purposes of this definition the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.<sup>(3)</sup>

- **Bullying** is defined as a form of unwanted, aggressive behavior that involves a real or perceived power imbalance and that is repeated, or has the potential to be repeated, over time.<sup>(4)</sup>

*Please note the following “elements of bullying” do not solely determine whether an incident is material.*

- **Imbalance of power:** An imbalance of power involves the use of physical strength, popularity, or access to embarrassing information to hurt or control another person.
- **Repetition:** Bullying typically repeated, occurring more than once or having the potential to occur more than once.
- **Intent to Harm:** The person bullying has the goal to cause harm. Bullying is not accidental.
- **Discrimination** not specifically defined in the Dignity Act. However, it would include any form of discrimination against students prohibited by state or federal law such as, for example, the denial of equal treatment, admission, and/or access to



programs, facilities, and services based on the person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity), or sex. It should be noted that Educational Law §3201 and 3201-a prohibit discrimination in the form of denial of admission into or exclusion from any public school on the basis of race, creed, color, national origin, and sex.

### **5b. Cyberbullying**

Is defined as harassment or bullying that occurs through any form of electronic communication, (Ed. Law §11[8]) including, but not limited to, cell phones, computers, and tablets, or other communication tools, including social media sites, text messages, chat rooms, and websites.(See definition of harassment or bullying as defined in 5a. and Commissioner's regulation 100.2(kk)(1)(viii))

### **6. Bomb Threat:**

A telephoned, written or electronic message that a bomb, explosive, or chemical or biological weapon has been or will be placed on school property.

### **7. False Alarm:**

Causing a fire alarm or other disaster alarm to be activated knowing there is no danger, or through false reporting of a fire or disaster.

### **8. Use, Possession, or Sale of Drugs:**

Illegally using, possessing or being under the influence of marijuana or a controlled or an illegal substance on a person, on school property or at a school sponsored event. This includes in a locker, a vehicle or other personal space; selling or distributing a controlled substance, illegal substance, or marijuana on school property or at a school sponsored event; finding a controlled substance, illegal substance, or marijuana on school property that is not in the possession of any person. This does not apply to the lawful administration of a prescription drug on school property.

### **9. Use, Possession, or Sale of Alcohol:**

Illegally using, possessing, or being under the influence of alcohol on school property or at a school function. This includes possessing alcohol on a person, in a locker, a vehicle or other personal space; selling or distributing alcohol on school property or at a school function; and finding alcohol on school property that is not in the possession of any person.

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## **Bias-Related Terms [\(5\)](#)**

### **1. Biased-related conduct:**

Behavior that is motivated by a target/victim's race, color, creed, national origin, gender (including gender identity), sexual orientation, age, marital or partnership status, family status, disability, alienage, or citizenship status.

### **2. Race:**

The groups to which individuals belong, identify with, or belong in the eyes of the community.

### **3. Ethnic Group (Ethnicity):**

An affiliation with a particular group, country or area of origin (distinct from citizenship or country of legal nationality), race, color, language, religion, customs of dress or eating, tribe or various combinations of these characteristics.

**4. National origin:**

Is an individual's country of birth, country of origin, or the country of origin of an individual's family or spouse.

**5. Color:**

Complexion tint or skin pigmentation. Color discrimination can occur within the same racial or ethnic group.

**6. Religion:**

Religious or spiritual belief of preference, regardless of whether this belief is represented by an organized group or affiliation having religious or spiritual tenets.

**7. Religious Practices:**

Religious observances or practices that may include attending worship services, praying, wearing garb or symbols, displaying religious objects, adhering to certain dietary rules, proselytizing or other forms of religious expression, and/or refraining from certain activities.

**8. Disability:**

Means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or a record of such an impairment or (b) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law §11[3] and Executive Law §292[21]).

**9. Gender:**

Means a person's actual or perceived sex and includes a person's gender identity or expression (Education Law §11[6]).[\(6\)](#)

**10. Sexual Orientation:**

Means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11[5]).

**11. Sex:**

Is the biological and physiological characteristics that define men and women.

**12. Other:**

Can include, but is not limited to, physical characteristics age, socio-economic status, health condition, housing, domestic relationships, social/academic status, etc.

**Other Definitions**

**1. Gang-Related:**

When an incident involves one or more than one offender, known to be a member of an organized group, or gang, which is characterized by turf concerns, symbols, special dress, and/or colors that engages students in delinquent or illegal activity.

## **2. Group-Related:**

An incident is group-related if it is several individuals that assemble for the purpose of engaging in or contributing to actions that occur during the incident.

## **3. School Property:**

Shall mean in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus. (Education Law §11(1) and Vehicle and Traffic Law §142, 8 NYCRR 100.2(kk)(1)(i))

## **4. School Function:**

Means a school-sponsored or school-authorized extracurricular event or activity, regardless of where such activity takes place, including any event or activity that may take place in another state. (Education Law §11(2), 8 NYCRR 100.2(kk)(1)(ii))

## **5. School Bus:**

Means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, teachers, and other person acting in a supervisory capacity, to or from school or school activities (Education Law §11(1) and Vehicle and Traffic Law §142).

## **6. Target:**

Refers to a person who has been mistreated and/or injured, or the individual affected by the incident. The target can be identified as a student, staff, or other.

## **7. Victim:**

See the definition of target.

## **8. Other:**

Refers to a target/victim or offender who is unknown, or neither a student, nor a staff member

## **9. Offender**

Refers to a person who has mistreated and/or injured another person, or the individual who caused an incident. The offender can be identified as a student, staff (such as teacher or other school staff), or other (such as school safety officer, student intruder, visitor, unknown).

## **10. Disciplinary or Referral Action:**

For purposes of reporting, a consequence [\(7\)](#) assigned based on the violation of the school's code of conduct and reported under one of the following:

- **Counseling or Treatment Programs:** For purposes of reporting, referrals to counseling or treatment programs are formal multi-session interventions, provided by certified or licensed professionals, aimed at reducing risk factors linked to the identified problem area(s) (i.e. drug/alcohol rehabilitation programs, anger management programs, etc.)
- **Teacher Removal:** is the removal of a disruptive pupil from the teacher's classroom pursuant to the provisions of Education Law §3214(3-a).
- **In-School Suspension:** is a removal from instruction and/or activities in the same setting as class/age peers as a disciplinary purpose, but remains under the direct supervision of school personnel.
- **Out-of-School Suspension:** a student is suspended from attending classes or being on school property. The student must receive his/her instruction during the period of

suspension, in an alternate setting, separate from the school which his/her class/age peers attend.

- **Involuntary transfer to an Alternative Placement:** is the removal from instruction within the same school building as class/age peers as a disciplinary measure, and assignment to an alternate setting to receive instructional services. This could also include alternate (i.e. condensed) hours.
- **Community Service:** when a school/district determines work that is assigned without pay to help a community.
- **Juvenile Justice or Criminal Justice System:** when the school is aware that a student, under the supervision of juvenile justice or the criminal justice system, engages in an incident that may rise to the level of a criminal offense, the school reports the incident to the juvenile justice system for intervention.
- **Law Enforcement:** when a student engages in an incident, that occurs on school grounds, during school-related events, or while on school transportation, and the incident may rise to the level of a criminal offense, the school reports the incident to any law enforcement agency or official, according to law enforcement procedures.

### **11. School-related arrests:**

Refers to an arrest of a student for any activity conducted on school grounds, during off-campus school activities (including while taking school transportation), or due to a referral to law enforcement by any school official.[\(8\)](#)

### **12. Sexting:**

Is described as the sending, receiving or forwarding of sexually suggestive nude or nearly nude photos through text messages or email.[\(9\)](#)

## **Search, Seizure, and Privacy**

Refer to Board Policy 7330

### **1. Students Right to Privacy**

Each student is entitled to the right of personal privacy and is protected by Constitutional guarantees. This right, however, is necessarily limited by the School's need to protect its educational climate from disruption by the presence of weapons, drugs, or other dangerous or prohibited items.

### **2. Possession of Prohibited Items**

To protect the educational climate and the health and safety of persons and property on the School grounds and at School functions, students will not have at these places any of the following items:

- dangerous or deadly weapons or any instruments capable of inflicting injury to persons or property
- explosives
- noxious, irritating, or poisonous gases
- poisons
- drugs (except for those in a pharmacy-labeled container prescribed by a physician, and with a related self-medication order on file in the respective nurse's office)

- alcohol
- tobacco
- e-cigarettes
- fire crackers
- bullets
- stolen property
- materials or devices, that endanger the physical safety of persons or property or are designed such that they would disrupt the educational environment
- materials, devices, paraphernalia, or identifying markings that are patently offensive, including those associated with clubs, sects, or groups avowing to practice harassment of other persons
- other items or materials prohibited by District policies or regulations, or school rules

### 3. **Searches of Lockers and Desks**

Lockers and desks made available for student use remain in the possession and control of the school. Students have no reasonable expectation of privacy rights in lockers or desks. Students may use lockers and desks for the limited purpose of temporarily keeping items needed to participate in school instruction and activities only. No other purpose is permitted.

Locker and desk checks are conducted from time to time without prior notice by school officials.

If a search of the student's person should be addressed separately, locker, or desk is pursuant to administrative procedure, the Principal will conduct the search of a student's locker or desk in the presence of at least one witness other than the student. Whenever practicable in the Principal's judgment, a student may be present at a search or check of the student's locker or desk.

Disposition of items removed from lockers or desks:

- a. The Principal may set aside a time period during which all students will clean their lockers and desks, remove all prohibited items, and return any overdue library books. Non-permitted items will be removed and held for the students, except for prohibited items that will be held by the Principal for evidence, or released to the student's parent(s)
- b. Stolen property will be turned over to police as evidence or returned to its owner
- c. Illegal or dangerous items will be held for police

### 4. **Search, Seizure, and Privacy**

Students are protected by the Constitution from unreasonable searches and seizures. Any search performed by an authorized School District official shall be conducted according to all applicable laws. A student may be searched and contraband/prohibited items seized on school grounds, a school bus, at a school sponsored event or in a school building by an authorized School District official only when the School District official has reasonable suspicion to believe the student has engaged in or is engaging in proscribed activity which is in violation of the law and/or the rules of the school (i.e., the District Code of Conduct).

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

Student desks, lockers, textbooks, computers, and other materials, supplies or storage

spaces loaned by the school to students remain the property of the school, and may be opened and inspected by school employees at any time. Students have no reasonable expectation of privacy with respect to school property; and school officials retain complete control over such property. This means that student desks, lockers, textbooks, computers, and other materials, supplies or storage spaces may be subject to search and/or seizure of contraband/prohibited items at any time by school officials, without prior notice to students and without their consent.

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

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

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

If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students.

## **Students with Disabilities - Programs and Services**

### **General Information**

The Brockport Central School District does not discriminate on the basis of disability in its programs and practices for personnel and students.

A student with a disability is a student who has been identified in one or more of the following ways in regard to abilities (defined by the NYS Education Department):

- a. emotionally disturbed
- b. learning disabled
- c. speech impaired
- d. deaf
- e. deaf-blind
- f. hard of hearing
- g. visually impaired
- h. other health impaired
- i. multiply disabled
- j. orthopedically impaired
- k. autistic
- l. suffering from traumatic brain injury
- m. developmentally delayed (i.e., NYS Education Department's category labeled "mentally retarded")

If a staff member thinks a student may have a disability that impacts the student's learning, the staff member refers the student to the Committee on Special Education for assessment and, if determined to have a disability, for classification and for development of an individualized education plan after application of appropriate Response to Intervention strategies.

Students or parents who believe they are entitled to services under the provisions of these laws should

contact their Principal or the Director of Special Education.

### **Individuals with Disabilities Education Act (IDEA)**

Federal and State laws require the District to provide to all students who have not attained the age of 21 prior to September 1 nor received a high school diploma a free appropriate public education, regardless of the nature or severity of the person's disability. Students with disabilities and their parents are guaranteed the right of the following:

- an individualized education program (IEP) established by the District for each student with a disability at the beginning of each school year and periodically reviewed for appropriateness
- parental review of records about the child's placement
- written notice to parents of changes in program or placement
- independent evaluation of the child, if parents disagree with the school district evaluation
- an opportunity to appeal program or placement decisions
- nondiscriminatory tests or procedures to place students
- the receipt of education along with non-disabled students whenever appropriate
- a free education in private schools that have special education programs approved by the NYS Education Department, if the student has been placed in private programs by the Brockport Central School District because the District cannot provide the services the students need

### **Section 504 of the Rehabilitation Act of 1973**

Section 504 is a Federal civil rights statute that prohibits discrimination against persons with disabilities in programs receiving federal financial assistance. The Act protects individuals with disabilities who:

- have a physical or mental impairment that substantially limits one or more of the major life activities of such individuals (e.g., caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working)
- have a record of such an impairment
- are regarded as having such an impairment

### **Students with Disabilities – Discipline Procedures**

#### **Manifestation Determination**

Students with disabilities are expected to follow the Student Conduct Code. However, if a student with a disability violates the code of conduct and is being considered for a suspension or removal that constitutes a disciplinary change of placement (i.e., removal for more than 10 consecutive days or a series of removals that in the aggregate total more than 10 school days within one school year) the District must conduct a manifestation determination, to determine:

- if the conduct in question was caused by or had a direct and substantial relationship to the student's disability
- if the conduct in question was the direct result of the school district's failure to implement the IEP

The parent/guardian must receive written notification before any manifestation team meeting to ensure that the parent has an opportunity to attend. The notification must inform the parent of:

- the purpose of the meeting
- the names of the individuals expected to attend
- his or her rights to have relevant members of the Committee on Special Education participate at the parent's request

The manifestation team must review all relevant information in the student's file including:

- the student's IEP
- any teacher observations
- any relevant information provided by the parents

### **Outcomes of the Manifestation Determination**

If the manifestation team determines that the specific behavior has no relation to the disability, the standard school discipline code will be followed.

If the manifestation team determines that the conduct was caused by or had a direct and substantial relationship to the student's disability or the conduct in question was the direct result of the school district's failure to implement the IEP:

The CSE must conduct a functional behavioral assessment and implement a behavioral intervention plan for the student; and except for removals for drugs, weapons or serious bodily injury pursuant to section 201.7 of the Regulations of the Commissioner, the student must be returned to the placement from which the student was removed, unless the parent and the school district agree to a change of placement as part of the modification of the behavioral intervention plan.

Regardless of the manifestation determination, however, a student with a disability may be removed to an interim alternative educational setting (IAES) for illegal drugs, controlled substances, weapons and serious bodily injury for up to 45 school days.

The District must provide a student with a disability who has been suspended or removed for a period of 10 consecutive school days (or a series of removals that in the aggregate total more than 10 school days within one school year), educational services in an interim alternative educational setting (IAES), as determined by the CSE, that are necessary to enable the student to:

- continue to participate in the general education curriculum; and
- progress toward meeting the goals set out in the student's IEP; and
- Receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur.

If a parent requests an impartial hearing or an appeal regarding the change in placement of his or her child to an IAES or the manifestation determination, the student must remain in his or her IAES pending the decision of the IHO or until expiration of the time period of the removal, whichever occurs first, unless the parents and the school district agree otherwise.



### **Students Presumed to Have a Disability for Discipline Purposes**

The parent of a student who was not identified as a student with a disability at the time of some misconduct has the right to invoke any of the protections set forth relating to the discipline of students with disabilities, if the district had knowledge that the student had a disability before the precipitating behavior occurred. In this case, the student is considered a student presumed to have a disability for discipline purposes.

If a parent(s) claim that the district had such knowledge, the Superintendent, Principal or other authorized school official imposing the suspension or removal in question will determine whether the student is a student presumed to have a disability for discipline purposes. The school official will deem the district to have had such knowledge if:

- 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
- The student's parent has requested an evaluation of the student; or
- 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.

The District will not presume a student 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, the student's parent has not allowed an evaluation of the student, the student's parent has refused services, or 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 has 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 engages 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 may include suspension.

### **Tobacco Use**

#### **Refer to Board Policy 7320**

The Brockport School District recognizes its responsibility to promote the health, welfare and safety of students, staff and others on school property and at school sponsored activities.

Research conclusively proves that:

- Tobacco use is the single most preventable cause of death in the United States
- Regular use of tobacco is ultimately harmful to every user's health,

directly causing cancer, respiratory and cardiovascular diseases, adverse pregnancy outcomes, and premature death

- Second-hand smoke is a threat to the personal health of everyone, especially persons with asthma and other respiratory problems
- Nicotine is a powerfully addictive substance
- Tobacco use most often begins during childhood or adolescence
- The younger a person starts using tobacco; the more likely he or she will be a heavy user as an adult
- Use of tobacco interferes with students' attendance and learning
- Smoking is a fire safety issue for schools

Prevention programs in schools are most effective when supplemented by strong tobacco-free policies and when they are a part of broader school, community, and state effort to reduce youth smoking. In light of this information, and to be consistent with educational curriculum and federal and state law, it is the intent of the Brockport Central School District to establish a tobacco-free environment.

No person is permitted to use tobacco products (including but not limited to cigarettes, cigars, pipes, bidis, clove cigarettes, dip, chew, snus, snuff, e-cigarettes, vaping, and any other spit or smoking tobacco product) in any way, at any time, including non-school hours, on District property, grounds, or in District vehicles.

Any person acting in an official capacity at any school-sponsored off-campus event or activity is prohibited from using tobacco products. Students are not permitted to possess tobacco products on school property, grounds, or at school-sponsored off-campus events or activities. Distribution or sale of tobacco products, including any smoking device, is prohibited on District property, grounds, and at all school-sponsored off-campus events and activities. Students and/or staff found in violation of this policy will be given the opportunity to participate in tobacco prevention and cessation programs.

Tobacco advertising is prohibited on school property, grounds, at any school-sponsored off-campus event or activity and in all school sponsored publications.

Per this Code of Conduct, The Brockport Central School District shall also notify students, parents/guardians, staff, contractors and other school visitors annually of the tobacco-free policy in written materials including, but not limited to, handbooks, manuals, contracts, newspapers, and newsletters.