

Policy Information

Series 5000 - Students

Elementary & Secondary Attendance Equal Opportunity/Nondiscrimination

Policy # 5110

The Board of Education reaffirms its commitment to nondiscrimination and equal educational and employment opportunities in all of its decisions, programs and activities, as follows:

The Board of Education, its officers, employees and agents, shall not discriminate in its programs and activities on the basis of race, color, national origin, creed, religion (including but not limited to anti-Semitism), marital status, military status, political affiliation, sexual orientation, predisposing genetic characteristics, gender, age, disability, domestic violence victim status, criminal arrest or conviction record or any other basis prohibited by state or federal nondiscrimination laws in its educational programs or employment practices.

This policy of nondiscrimination includes, but is not limited to: access by students to educational programs, counseling services, course offerings and student activities; recruit and appointment of employees, as well as their compensation, benefits, opportunities for advancement and/or termination.

This policy applies equally to discrimination or harassment of a student or employee by a student, employee, Board member or any individual who foreseeably may come in contact with such individual on school grounds or at school activities.

The Board of Education, its officers and employees, shall not discriminate against students on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).

Any student or employee who believes that he or she has been the subject of discrimination or harassment or who knows or has reason to believe that another student or employee is or has been subject to discrimination or harassment is required to inform the appropriate official designated by the School District to hear such complaints of alleged discrimination. The designated official shall provide complainant with information regarding the School District's policy prohibiting discrimination and the grievance/complaint procedures available to such individual.

All complainants and those who participate in the investigation of a complaint in accordance with law and Board policies, who have acted reasonable and in good faith, have the right to be free from retaliation of any kind.

The following individuals are designated as compliance officers to hear complaints of alleged discrimination:

Title IX Officer - Gender/Sexual Orientation - Students – Assistant Superintendent for Instruction and Director of Guidance

Title VII Officer - Gender/Sexual Orientation - Employees – Assistant Superintendent for Instruction and Director of Guidance

Title VI Officer - Race, Color, National Origin, Creed, Religion – Assistant Superintendent for Instruction

Section 504/Title II ADA Responsible Person - Disability – Assistant Superintendent for Pupil Personnel Services

EEO Officer - All Other Discrimination – Superintendent of Schools

In the event that the specific compliance officer is the alleged offender, a complaint shall be directed to another compliance officer or the Superintendent of Schools.

At the beginning of each school year, the District shall publish a notice of the established grievance procedures for resolving complaints of discrimination and harassment to parents/guardians, employees, students and the community. This notice shall:

- Inform parents, students and the community that educational programs are offered without regard to actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation or gender (including gender identity and expression);
- include the names, addresses and telephone numbers of the individuals responsible for handling complaints and grievances regarding discrimination.

This notice will be included in announcements, bulletins, and applications made available by the District.

Nothing in this Policy shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction or activity based on a person's gender that would be permissible under the law, or to prohibit, as discrimination based on disability, actions that would be permissible under the law.

The Superintendent of Schools is authorized to establish such rules, regulations and procedures necessary to implement this policy.

Policy References:

Title VI, Civil Rights Act of 1964

Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972

Executive Order 11246, as amended by E.O. 11375 Equal Pay Act, as amended by the Education Amendments of 1972

Title IX, Education Amendments of 1972

Rehabilitation Act of 1973, §504

Individual with Disabilities Education Act (IDEA)

Americans with Disabilities Act (ADA)

Age Discrimination in Employment Act of 1967 (ADEA)

Genetic Information Nondiscrimination Act of 2008 (GINA)

EEOC Guidelines (29 CFR Part 1609.1 and 1609.2)

New York State Human Rights Law (Executive Law, Article 15)

The Dignity for All Students Act (Education Law, Article 2)

Civil Rights Law Section 40-c

Civil Service Law Section 75-B

Corrections Law Sections 752-754

Military Law Sections 242 and 243

Policy Cross References:

- » 4110 - Equal Opportunity/Nondiscrimination

Adoption Date: 1/17/2002, Revised: 3/19/2015; 12/04/2003, 11/18/2004, 08/10/2006, 06/14/2012
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Compulsory Ages of Attendance

Policy # 5112

All children residing within the District who are between the ages of five (5) years on or before December 1st of a school year and twenty-one (21) years and who have not obtained a high school diploma are entitled to enroll in the District.

All children are required by New York State law to attend school full time, in a public or nonpublic school, or be home schooled, unless exempt from attendance in accordance with law or regulation, from the first day of school in September of the school year in which the child becomes six years of age (by December 1st) through the last day of the school year in which such child becomes sixteen years of age. Additionally, it is the policy of the Lakeland Central School District that all children who attend the Lakeland schools shall be required to attend school through the last day of the school year in which the child becomes seventeen years of age, unless he/she has completed a four-year high school course of study.

It is the policy of the Lakeland Central School District to admit a child into kindergarten in September who shall have his or her fifth birthday on or before December 1st of that year.

Adoption Date: 1/1/1952, Revised: 3/17/2016; 02/13/1973, 01/12/1989, 11/20/2003
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Elementary & Secondary Attendance School Attendance Areas

Policy # 5117

Students attending the Lakeland Central School District shall be assigned to the building which serves the school attendance area in which they reside. Boundaries of these school attendance areas may be adjusted from year to year by the Board of Education in order to provide for distribution of the students among the District's school buildings in a manner compatible with the facilities, staff and requirements of the District. A student may be assigned to a building in the District outside the student's attendance area where:

- a) The Superintendent or his/her designee determines that such an assignment is necessary to the management and control of the educational affairs of the District;
- b) The Board of Education approves the recommendation of the District for such an assignment; or
- c) As may be required by law.

A change of residence to a district outside of the Lakeland School District shall make the student ineligible to attend Lakeland Schools. However, the Superintendent or his/her designee shall have the authority to approve the completion of the year in the District's schools with the payment of tuition in those instances when:

- a) The student is in good standing; and
- b) There is room in the student's class
- c) The transportation to and from the school is arranged by the student's parents/guardians; and
- d) Not more than one-half (1/2) of the school year is remaining.

In the case of a high school senior student, however, the Superintendent or his/her designee may in his/her discretion have the authority to approve the completion of the school year without the payment of tuition regardless of the portion of the year remaining.

Adoption Date: 7/10/1980, Revised: 4/19/2001; 01/14/1992, 02/17/2000
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Non-Residents

Policy # 5118

Non-resident students may be admitted to Lakeland at the discretion of the Board of Education, provided that:

- a. They pay tuition at a rate established by the Board of Education;
- b. Their acceptance does not jeopardize or infringe upon the education opportunities for present students; and
- c. Their acceptance does not cause the District financial hardship.

In the instances where a change of residence to a district outside the Lakeland School District takes place during the school year, the student shall be ineligible to attend Lakeland schools. However, the Superintendent or his/her designee shall have the authority to approve the completion of the year in the District's schools without payment of tuition, at the request of the student's parents/guardian(s), in those instances when:

- a. The student is in good standing; and
- b. The transportation to and from the school is arranged by the student's parents/guardian(s); and
- c. Not more than one-half (1/2) of the school year is remaining.

In the case of a senior student, however, the Superintendent or his/her designee shall have the authority to approve the completion of the school year regardless of the portion of the year remaining.

Adoption Date: 1/31/1961, Revised: 2/17/2000; 01/14/1993
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Elementary & Secondary Attendance

Comprehensive Student Attendance Policy

Policy # 5119

Philosophy and Purpose

A positive academic culture is best achieved by the regular and continued exchange of ideas among peers, guided by teachers and educational leaders. Because excellence in all aspects of a student's school experience is the hallmark of The Lakeland Central School District, the following policy regarding student attendance has been established. This policy recognizes that school attendance is the responsibility of the student and parent/guardian, supported by the teachers and administration. The intention of this policy is encourage regular student attendance through positive rather than punitive means.

Shared Responsibility

The Board of Education recognizes that class attendance is a shared responsibility involving commitment on the part of the student, parent/guardian, and the school. This policy is intended to involve all parties in promoting regular school attendance.

A. Student's Responsibility: It is the student's responsibility to:

1. Attend all assigned classes and other instructional activities on time every day that school is in session;
2. Be aware of and follow the correct procedures when absent from an assigned class or other instructional activity;
3. Request any missed assignments due to an absence; and
4. Complete assigned work, including make-up work, in a timely manner.

B. Parent/Guardian's Responsibility: It is the responsibility of the student's parent/guardian to:

1. Ensure the student is attending school regularly and on time;
2. Inform the school in the event of a student absence, in advance if possible;
3. Be aware of and follow the correct procedures for reporting student absence and send in a note or documentation on the day the student returns to school and in any event within 48 hours of the student's return to school;
4. Provide medical documentation from the child's medical care provider in the event that an absence reaches 10 consecutive school days or absences accrue to 15 school days or more within a four week period;
5. Work cooperatively with the school and the student to resolve any attendance issues that may arise;
6. Be available to attend an administrative meeting related to attendance issues;
7. Arrange family vacations and trips when school is not in session so that the student does not miss school;
8. Arrange doctor and dentist appointments before or after school, or on weekends, when possible.

C. Teacher's Responsibility: It is the teacher's responsibility to:

1. Take daily attendance and maintain accurate attendance records in each assigned class and other instructional activities;
2. Be familiar with all procedures governing attendance and to apply these procedures uniformly for all assigned students;
3. Provide any student who has been absent with any missed assignments upon request and a date by which the assignment must be made up;
4. Work cooperatively with the student's parent/guardian as well as the student to resolve any attendance issues that may arise;
5. Notify administration when you become aware of an issue regarding a student that is affecting or may affect the student's attendance.

D. Administrator's Responsibility It is the administrator's responsibility to:

1. Require students to attend all assigned classes and other instructional activities;
2. Be familiar with statutes, policies and procedures governing attendance and apply them uniformly to all students;
3. Ensure that all teachers properly account for student attendance in a timely manner;
4. Inform the student's parent/guardian of the student's attendance and work cooperatively with them and the student to resolve attendance problems; and

5. Work collaboratively with the teaching staff to develop and implement uniform attendance procedures.

Record Keeping

Attendance record keeping shall conform to the following:

1. Elementary schools shall ensure that attendance is taken once each day, except where students are dismissed from campus for lunch a second attendance shall be taken upon the return from lunch;
2. In departmentalized grades including grades 9-12, attendance shall be taken in each period of scheduled instruction, with an exception for consecutive periods where classes are in the same room;
3. In Grades K-12, any absence for a school day or part of a school day shall be recorded as excused or unexcused as provided for in this policy;
4. In Grades 7-12, events of tardiness shall be recorded as excused or unexcused as provided for in this policy;
5. In Grades K-12, events of late arrival or early departure shall be recorded as excused or unexcused as provided for in this policy;
6. A record shall be maintained of each scheduled day of instruction during which school is closed for all or part of the day because of extraordinary circumstances including adverse weather, failure of the heating system or water supply, fuel supply shortage or structural damage to the building, etc.;
7. A record shall be made of the date when a student withdraws from enrollment or is dropped from enrollment in accordance with §3202(3-a) of the Education Law.

B. All entries in the register of attendance shall be made by a teacher or another employee designated by the Board of Education. Any individual authorized to make entries in the register of attendance shall, by oath or affirmation, verify the contents of the entries.

C. Student attendance records shall be reviewed by the Principal of each school building in the District and/or his/her administrative designee for the purpose of initiating appropriate actions to address unexcused student absences, tardiness and early departures.

D. The register of attendance shall consist of any written or electronic record to record attendance, absence, tardiness or early departure of a student. The register shall be maintained for every period that a student is scheduled to attend actual instruction or supervised study during the course of the school day during the school year, from July 1st through June 30th. The register at every school building shall include separate notations regarding student presence, absence, tardiness and early departure. The contents of the register for each student shall contain the information prescribed in Part 104 of the Regulations of the Commissioner of Education.

Excused and Unexcused Absences

The Board recognizes the following as excused absences, each of which must be verified by the student's parent/guardian, in writing, or school personnel, where applicable:

1. Personal illness
2. Death in the [immediate] family
3. Religious observance
4. Required attendance in court
5. Approved school-sponsored activities, including field trips, interscholastic athletics, musical and other competitions
6. Directed or authorized presence at the Administrative Offices, Guidance or Nurse's Office.
7. Quarantine

8. Emergency dental and medical appointments (only with physician's/dentist's note)
9. Military obligations
10. Approved cooperative/work study program
11. College visitations [only for juniors and seniors], with the prior knowledge and approval of parent/guardian and counselors, so long as it does not exceed 4 days in a school year.

The written excuse must be presented by the student on the day when returning to school following such absence. If the written excuse is not submitted within 48 hours following such absence, it will be considered an unexcused absence.

Absences that reach 10 consecutive school days or an aggregate of 15 non-consecutive school days within a four week period that are not medically documented by a physician or therapist will be recorded as unexcused absences.

Any absence not provided for on the excused list shall be deemed an unexcused absence. However, the Building Principal, in his/her discretion, may determine that an absence due to unusual and extraordinary circumstances should be deemed an excused absence.

A student who is offered home instruction for documented medical or disciplinary reasons by the School District, and who receives such home instruction, shall be counted as present for school attendance purposes.

Attendance Expectations

It is the expectation of the School District that each student will attend school on time, for the maximum number of days and instructional periods possible.

All students who are absent from school or class, whether excused or unexcused, must make up all class assignments to remain current with their coursework. Students are expected upon their return after an absence to consult with their teachers regarding missed work and complete all work by the date specified by the student's teacher for the class in question (generally within one week).

Students who are unable to attend school or a class due to an excused absence may arrange with their teachers to make up any work missed and receive assignments in advance if requested two or more days prior to the absence.

Only students who are absent from school due to an excused absence may make up quizzes and examinations.

With the approval of the Principal, make-up assignments may be waived or additional time granted in exceptional circumstances or where a Section 504 accommodation is warranted.

Notwithstanding the above, the Principal shall have discretion to recommend to the Assistant Superintendent for Curriculum that a student be allowed to make up work for absences that are created due to circumstances beyond the control of the student. The Assistant Superintendent for Curriculum shall have the authority to make the decision consistent with established regulations.

Grades K-8 Attendance

Class attendance is a critical component of the K-6 learning process. Students must be in the classroom to learn. Students must maintain a minimum 90% attendance rate. The Principal may convene a meeting with the Response to Intervention Team if any student has three or more absences in a quarter to evaluate the need to develop intervention strategies. The Principal shall also make contact with the student and his/her parent(s)/guardian and may require a meeting with the student, his/her parent(s)/guardian and other appropriate personnel to address attendance issues.

Grades 9-12 Attendance

Course Credit

To earn course credit, students must be in attendance for at least 90% of classes based on a 180 school day calendar. Both excused and unexcused absences will be counted in determining the minimum 90% attendance requirement, except that approved school-sponsored activities (e.g., field trips, interscholastic athletics, and competitions) will not be counted if the student makes up all missed assignments in a timely manner.

This provision shall also apply to Middle School students who are enrolled in high school level courses.

Benchmarks for Intervention

Parents/Guardians will be notified at regular intervals during the school year regarding their child's attendance record.

In addition, to assist students in meeting the minimum 90% attendance standard for the Lakeland Central School District, absence benchmarks for intervention have been established.

For a One-half Credit Course they are as follows:

A. The parent(s)/guardian will be contacted either by automated telephone call or other electronic communication for any absence for which there is no prior telephone call or excuse received from the parent(s)/guardian.

B. 8 Days: The parent(s)/guardian may be contacted by a school administrator to schedule a meeting or telephone conference for purposes of discussing the student's attendance issues, which may include drafting an agreement between all parties identifying those attendance and academic behaviors and strategies that will likely result in the student's successful completion of the course. (Discussed below).

C. End of term: Review of agreement and student progress and attendance for credit award determination.

D. Failure to meet the terms of the agreement may result in loss of eligibility to sit for the final examination.

For a One Credit Course they are as follows:

A. The parent(s)/guardian will be contacted either by automated telephone call or other electronic communication for any absence for which there is no prior telephone call or excuse received from the parent(s)/guardian.

B. 10 Days: The parent(s)/guardian may be contacted by a school administrator to discuss the student's attendance issues.

C. 16 Days: The parent(s)/guardian may be contacted by a school administrator to schedule a meeting or telephone conference for purposes of discussing the student's attendance issues, which may include drafting an agreement between all parties identifying those attendance and academic behaviors and strategies that will likely result in the student's successful completion of the course. (Discussed below).

D. End of term: Review of contract and student progress and attendance for credit award determination.

E. Failure to meet the terms of the agreement may result in loss of eligibility to sit for the final examination.

If a student exhibits a pattern of unexcused absence, tardiness or early departure, the parent(s)/guardian will be contacted. In addition, the student shall meet with the classroom teacher and/or a guidance counselor in an effort to remediate the underlying problem. The Principal or designee may meet with the student and/or his/her parent(s)/guardian.

All verbal, electronic and written contacts with the parent(s)/guardian will be documented by the District.

Appeals

A student or his/her parent(s)/guardian will have the right to appeal to the Principal or designee regarding the accuracy of the number of or type of absences for any class as well as a determination that a student has not earned credit in a course or courses. Chronic illness or medical conditions which may affect a student's attendance will be considered.

The Principal's decision denying a student credit in a course of courses may be appealed to the Superintendent of Schools or designee within 10 days of the Principal's determination.

Additional Interventions

In the event that school level interventions have not improved the student's attendance, the Principal or designee may:

1. recommend disciplinary action in accordance with the District Code of Conduct
2. recommend that a Person in Need of Supervision (PINS) petition be filed with the Family Court.
3. after, investigation, make a report to Child Protective Services (CPS) for educational neglect.
 - Educational neglect is defined as the failure of a parent/guardian to ensure that a child's prompt and regular attendance in school or the keeping of a child out of school for impermissible reasons results in an adverse effect on the child's educational progress or imminent danger of such an adverse effect.
 - The report must be made by a mandated reporter who has reasonable cause to suspect educational neglect.

Encouraging Student Attendance: (Incentives)

At the elementary level, teachers shall utilize attendance incentives such as recognition of students with good attendance and consideration of such students for special privileges.

At the secondary level, eligibility for extra and co-curricular activities, interscholastic sports and attendance at school sponsored activities shall be restricted to those students whose attendance supports course credit in each of their academic subjects.

Incentives:

A. Different incentives will be established for different grade levels as appropriate to each building's resources and limitation.

B. Incentives will be offered throughout the year for students with excellent (or perfect) attendance. Incentives may include certificates of recognition, drawings for prizes, privileges, etc.

Oversight Responsibilities

A. The Building Principal and/or his/her administrative designee shall be responsible for reviewing student attendance records and initiating appropriate action consistent with this policy.

B. The Board of Education shall annually review building level student attendance records to determine if the comprehensive student attendance policy is effective. If a decline in attendance is evident, the Board shall revise the policy as deemed necessary to improve student attendance.

Distribution of Policy

The Superintendent of Schools, at the direction of the Board of Education, shall publish to the community information about the District's Comprehensive Student Attendance Policy.

The policy shall be available on the District website, explained at student assemblies and at assemblies on open school nights (if any), and a plain language summary of the policy shall be prepared for distribution to parents/guardians. Each teacher and new teacher(s), promptly upon hire, shall be provided with a copy of the policy and any amendments thereto. Copies of the policy shall also be maintained by the District's Records Access Officer for issuance upon request by any interested party.

Adoption Date: 7/2/2002, Revised: 3/19/2015; 07/02/2002, 05/05/2005, 07/21/2005, 01/22/2009, 04/16/2009, 06/03/2010, 06/14/2012, 06/13/2013
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Comprehensive Student Attendance Policy

Regulation Info 5119R

In the case when a student is absent from school due to circumstances beyond the control of the student and it is considered an illegal absence, principals may make a recommendation to the Assistant Superintendent for Instruction to allow the student to make up the work missed during the absence.

The following criteria will be considered in order for the Assistant superintendent to allow work to be made up:

- There is not a history or pattern of illegal absences;
- The reason for the absence is such that the event could not have been scheduled during a time when school is not in session.

The Assistant Superintendent will review each absence on a case-by-case basis. Building administration, in conjunction with the classroom teacher, will determine if the make-up work will receive full credit.

Policy Information

Series 5000 - Students

Elementary & Secondary Attendance Education of Homeless Children

Policy # 5120

The Board of Education recognizes its responsibility to identify homeless children within the District, encourage their enrollment in the District's schools and eliminate existing barriers to their education, which may exist in District practices. The Board will provide homeless children who attend the District's

schools with access to the same free and appropriate public education, including preschool education, as is provided to other children.

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

A homeless child has the right to attend school in either the district of origin (i.e., where he/she resided before becoming homeless), the district of current location (where the temporary housing is located), or a district participating in a regional placement plan. If the student was not a resident of New York State when he/she became homeless, the student is deemed to be a resident of the District without regard to the district of origin or district of current location.

Admission

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

Homeless children will not be placed in separate schools or programs based on their status as homeless. Homeless children will be provided with access to all District programs, activities and services to the same extent as provided to other resident students.

Transportation

Unless the homeless child is entitled to transportation provided by the Division for Youth or the Department of Social Services, the designated district shall provide transportation services to the child between the temporary residence and school in accordance with applicable law. Transportation must not be provided for more than 50 miles each way unless the Commissioner of Education certifies that the transportation is in the child's best interest. The responsibility for the cost of transportation lies with the district of origin.

School Records

For homeless students attending school outside of the District, the District shall, within five days of receipt of a request for records, forward a complete copy of the homeless child's records including proof of age, academic records, evaluation, immunization records and guardianship papers, if applicable, to the designated District.

The Board of Education shall designate a liaison for homeless children at its annual organizational meeting. The Superintendent shall ensure that this person is aware of his/her responsibilities under the law. Among other responsibilities, the liaison shall ensure that:

- parents of homeless children are informed of the educational and related opportunities available to them, including transportation;
- enrollment disputes involving homeless children are promptly mediated and resolved;
- school personnel in coordination with shelters and social service agencies and other appropriate entities identify homeless children, including homeless preschoolers;
- homeless children receive educational services, including Head Start and preschool services to which they are eligible, as well as referrals to health care and other appropriate service;
- the school of attendance does not separate or segregate the homeless child from the mainstream school environment based on the child's homelessness;

- the child has access to all district programs, activities and services to the same extent as they are provided to resident students;
- if the child resides in a domestic violence shelter, all necessary steps are taken to protect the child's safety, including protecting the child's identity in school database systems, arranging anonymous pick up and drop off locations for school buses and helping the family file copies of protective orders with schools, and; arrangements are made for the child's transportation to and from school.
- for a child who previously attended the District and is designating another district for attendance, a complete copy of the homeless child's records, including but not limited to proof of age, academic records, evaluations, immunizations and medical records and guardianship papers, if any, is sent to the designated district within five days of receipt of a request for school records.

If, after investigation, it is determined that a child is not homeless and does not reside within the boundaries of the District, the Superintendent shall provide written notice to the parent/guardian within two business days that the child is not entitled to attend the District's schools, the basis for the determination, the date as of which the child will be excluded from attendance (a date at least 30 days from the date of the determination) and that the determination may be appealed to the Commissioner of Education. If an appeal is filed and a stay is requested, the District must continue to enroll the student until the Commissioner rules on the stay request.

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

The Superintendent of Schools shall develop procedures to expedite the homeless child's access to the designated school in accordance with law and this policy

Policy References:

Ref: 42 USC §§ 11431, et seq.

School Enrollment Guidelines on the McKinney-Vento Act, 67 Fed. Reg. 10,697-10,701 (March 8, 2002)

Education Law §§207; 305; 3202; 3205; 3209

Executive Law §§532-b; 532-e

Social Services Law §§17; 62; 397

8 NYCRR §§100.2; 175.6

Adoption Date: 12/15/2005, Revised: 5/16/2006
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Progress

Pre-School Special Education

Policy # 5121

The Board of Education recognizes the value of special education and its responsibility in ensuring that all resident preschool children with disabilities have the opportunity to participate in special programs and services from which they may benefit. The Board of Education authorizes the Superintendent of Schools to establish administrative practices and procedures, which shall include:

1. Locating and identifying all preschool children with disabilities pursuant to the relevant provisions of the Education Law. The register of children eligible to attend a preschool special education program is to be maintained and revised annually by the Committee on Preschool Special Education (CPSE);
2. Ensuring that the parents/guardians of preschool age children with disabilities have received and understand the request for consent for evaluation of their child;

3. Developing an individualized education program (IEP) for each preschool age child with a disability;
4. Appointing and training appropriately qualified personnel including the members of a CPSE;
5. Maintaining lists of impartial hearing officers and of State Education Department-approved special education programs within the county and adjoining counties in which the School District is located; and
6. Reporting to the State Education Department the number of children with disabilities that are being served, as well as those not served.

The Board of Education hereby establishes the CPSE as required under the Education Law. Its responsibilities will include the evaluation and recommendation for placement in appropriate approved programs and the provision of appropriate special education programs and services for each preschool child with a disability. The CPSE shall review, at least annually, the status of each preschool child with a disability.

It is ultimately the responsibility of the Board of Education to arrange for the appropriate approved preschool special education program and services for the District children. Should the Board disagree with the CPSE's recommendations, it shall send the recommendation back to the CPSE so that they may schedule a timely meeting to review the Board of Education's concerns and to revise the IEP as deemed appropriate.

Placement may be appealed by a parent/guardian to an impartial hearing officer, appointed by the Board of Education. Mediation shall be offered to such parents/guardians to resolve complaints regarding the education of preschool children with disabilities at the same time notice of the availability of an impartial hearing is provided.

The CPSE shall make an annual report on the status of each preschool child with a disability and report on the adequacy of preschool special education programs and services to the Board of Education.

The Board of Education directs the Superintendent to ensure that the District considers that adequate and appropriate space is made available for such preschool special education programs and services.

The Board of Education further directs the Superintendent of Schools or designee to develop and maintain a plan which incorporates information concerning the provision of services for preschool children with disabilities, pursuant to the Regulations of the Commissioner of Education.

Policy References:

Individuals with Disabilities Education Act, 20 U.S.C. §§1400 et seq.

34 CFR §§300.12; 300.503

Education Law §4410

8 NYCRR Part 200

Adoption Date: 6/21/2007
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Policy Information**Series 5000 - Students****Progress****Student Placement and Evaluation**

Policy # 5122

Placement within the school system, with respect to building, teacher and grade or special class, shall be at the discretion of the school administration and shall be subject to review and change at any time. In

making such decisions, the administrator will be guided by the student's age, social and emotional maturity, performance in class, the student's past record, parent/guardian and teacher recommendations, standardized test scores and any other appropriate sources of information. The final decision shall rest with the school administration.

Students who transfer into the District from other schools will usually be placed at the grade level in which he or she was previously assigned.

The Building Principal shall have the authority to make assignments to secure a more equitable distribution of students, thereby avoiding the overcrowding of particular classrooms.

Promotion and Retention

A student will be promoted to the succeeding grade level when the student has, in the opinion of his/her teachers, Child Study Team and Building Principal, achieved the instructional objectives set for the current grade. The Superintendent will develop procedures to be followed by the staff regarding promotion and retention. Building Principals may establish written standards for promotion or retention of students within their school building consistent with the Superintendent's Regulations.

Testing Program

The Board of Education endorses and supports the use of ability, achievement, diagnostic, readiness, interest and guidance tests as part of the total educational process to the degree to which tests help the District to serve its students. However, it is the policy of the Board of Education not to administer group standardized achievement tests for students in second grade or below unless required by law or regulation.

Alternative Testing Procedures

The use of alternative testing procedures shall be limited to:

1. Students identified by the Committee on Special Education as having a disability; and
2. Students whose native language is other than English, except that alternative testing procedures for the Regents Competency Tests in reading and writing may be used only by students who first enter, after grade eight, schools where the predominant language of instruction is English.

The alternative testing procedures utilized shall be based upon the student's individual needs and the type of test administered.

The District shall report the use of alternative testing procedures to the State Education Department on a form and at a time prescribed by the Commissioner.

Reporting to Parents/Guardians

Parents/Guardians shall receive an appropriate report of student progress at regular intervals. Report cards shall be used as a standard vehicle for the periodic reporting of student progress and appropriate school related data. Other means of reporting student progress, such as conferences, interim progress reports and telephone conversations, may also be used.

When necessary, attempts will be made to provide such reports to parents/guardians in their dominant mode of communication.

Adoption Date: 9/26/1963, Revised: 4/20/2006; 07/14/1993
5000 - Students

Policy Information

Series 5000 - Students

Progress

Student Grading

Policy # 5123

The Board of Education recognizes that a grading system that evaluates a student's achievement and development in each class or subject area helps the students, teachers and parents to assess the student's progress towards personal educational goals. The Board further recognizes that the classroom teacher has the primary responsibility to evaluate students and determine student grades.

The District will establish a uniform grading system that classroom teachers will utilize to evaluate students and assign grades. As part of the grading process, the teacher shall recognize each student's ability, unique characteristics, as well as accepted standards of performance in the educational setting.

All students are expected to complete assigned classwork and homework, as directed. Class participation shall be factored into the student's grade. Students are expected to participate meaningfully in class discussions and activities in order to receive course credit. If work is missed due to excused absence, the student and/or student's parent(s)/guardian(s) should discuss making up the missed work with the student's teacher(s).

The following guidelines will be observed:

1. Parents shall be informed of their child's progress at regular intervals;
2. The use of grading marks and symbols will be explained;
3. For a full year course, the minimum quarterly grade shall be 50 for first three marking periods. Grades for the fourth marking period will reflect the students' actual average. For a semester course, the minimum quarterly grade shall be 50 for the first marking period. The second marking period will reflect the students' actual average.
4. Academic misconduct, such as plagiarism or cheating, will result in an academic sanction which may include a grade of "zero" for the assignment or test.
5. Grading will be based, in part, upon student achievement, improvement and participation in classroom discussions and activities.

Once a grade is assigned to a student by a classroom teacher, the grade may only be changed by the Building Principal after the teacher is notified of the reason for such change. The professional judgment of the teacher will be accorded due respect. If there is a dispute between the Building Principal and teacher regarding changing a student's grade, the Superintendent of Schools shall evaluate the situation and make the final grade determination. The parent/guardian may appeal the Superintendent's determination to the Board of Education, whose decision will be final.

Policy References:

Sections 3202, 3205, et. seq. Education Law

Adoption Date: 7/6/2006, Revised: 10/18/2012
5000 - Students

Policy Information

Series 5000 - Students

Progress

Promotion of Students

Policy # 5124

It is essential that students experience both challenge and success from school programs and activities. Grade placements should enhance the possibility that students will be provided with appropriate

experiences at their particular stages of physical, emotional, and academic growth.

The Board of Education believes that promotion from one grade in school to the next must indicate that students have passed a series of academically challenging courses in the core subject disciplines of English, Mathematics, Science and Social Studies, as well as other areas that contribute to a student's physical, cultural and academic knowledge. Students must attend school regularly and demonstrate academic achievement and a commitment to learning in order to progress to the next grade. Local testing and assessments will be factors considered in making promotion decisions.

The Superintendent of Schools shall develop regulations to implement this policy for the elementary, middle and high schools that includes the criteria to be considered in making determinations regarding promotion or retention of students, including considerations of academic achievement, standardized test scores, the chronological and emotional age of the student, homework/work habits and attendance.

Adoption Date: 12/21/2006, Revised: 6/9/2016
5000 - Students

Promotion of Students

Regulation Info 5124R

In order for a student in grades K-8 to be promoted to the next grade level, it is imperative that he/she pass the core subjects of English, Mathematics, Science, and Social Studies at their current grade level.

In grades K-5, if a student does not demonstrate academic achievement in ELA and math in his/her current grade level, meeting those grade level standards, he/she will be recommended for retention. At that time, standardized test scores, as well as diagnostic assessments will be analyzed. Home work, work habits, and attendance will also be taken into consideration. If it is deemed by the Principal, in consultation with the classroom teacher and/or special education teacher, AIS teacher, and school psychologist, that a student is not academically prepared to move to the next grade level, he/she will be retained.

If a student is scheduled to be retained and he/she receives academic assistance over the summer by way of:

1. Documentation verifying twenty (20) hours or more of tutoring by a NYS certified elementary teacher, combined with a passing score on a comprehensive exit exam. Certification credentials must be submitted to the Building Principal for approval prior to the start of tutoring.
2. Attendance at an approved summer school program.

The student will be asked to take a district approved summative assessment at the end of the summer. The results of that summative assessment will be analyzed to determine whether or not the student is ready to be promoted to next grade.

At the Middle School level (grades 6-8); any student failing two or more core academic subjects will be retained. Core academic subjects include: Humanities, Reading, ELA, Social Studies, Science, Math, and Foreign Language. Students failing two or more subjects at the completion of the school year will have the opportunity to demonstrate proficiency in a number of ways during the summer. Proof of proficiency must be submitted to the building Principal by August 20 (of that summer), whereupon, a final placement determination will be made. A student may prove proficiency in one of three ways:

1. A passing grade in the course in a district approved credit recovery program provided over the summer which focuses on essential content, skills, and competencies.
2. Documentation verifying 20 hours of tutoring by a NYS certified teacher in that content area, combined with a passing grade on a comprehensive exit exam. Certification credentials must

- be submitted to the building Principal for approval prior to the start of tutoring.
3. A passing grade in the corresponding course from a state-approved Summer School Program.

Policy Information

Series 5000 - Students

Progress

Student Records - Confidentiality and Parental Access to Student Records

Policy # 5125.2

The Board of Education recognizes its legal responsibility to maintain the confidentiality of student records. As part of this responsibility, the Board will ensure that eligible students and parents/guardians have the right to inspect and review education records, the right to seek to amend education records and the right to have some control over the disclosure of information from the education record. The procedures for ensuring these rights shall be consistent with state and federal law, including the Family Educational Rights and Privacy Act of 1974 (FERPA) and its implementing regulations.

The District will use reasonable methods to provide access to student educational records only to those authorized under the law and to authenticate the identity of the requestor. The District will document requests for and release of records, and retain the documentation in accordance with law. Furthermore, the District will execute agreements with third party contractors and consultants, who collect, process, store, organize, manage or analyze student personally identifiable information (PII) to ensure that the contractors/consultants comply with the law in using appropriate means to safeguard the data.

The Superintendent of Schools shall be responsible for ensuring that all requirements are carried out by the district.

Definitions

Authorized Representative: an authorized representative is any individual or entity designated by a State or local educational authority or a Federal agency headed by the Secretary, the Comptroller General or the Attorney General to carry out audits, evaluations, or enforcement or compliance activities relating to educational programs.

Education Record: means those records, in any format, directly related to the student and maintained by the district or by a party acting on behalf of the district, except:

- (a) records in the sole possession of the individual who made it and not accessible or revealed to any other person except a substitute (e.g. memory joggers);
- (b) records of the district's law enforcement unit;
- (c) grades on peer-graded papers before they are collected and recorded by a teacher.

Eligible student: a student who has reached the age of 18 or is attending postsecondary school.

Legitimate educational interest: a school official has a legitimate educational interest if they need to review a student's record in order to fulfill his or her professional responsibilities.

Personally identifiable information: is information that would allow a reasonable person in the school or its community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. Such data might include social security number, student identification number, parents' name and/or address, a biometric record, etc.

School official: a person who has a legitimate educational interest in a student record who is employed by the district as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a member of the Board of Education; a person or company with whom the district has contracted to perform a special task (such as attorney, auditor, medical consultant or therapist); or a parent or student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official performing his or her tasks.

Third party contractor/consultant: is any person or entity, other than an educational agency, that receives student data or teacher or principal data from an educational agency pursuant to a contract or other written agreement for purposes of providing services to such educational agency, including but not limited to data management or storage services, conducting studies or audits or evaluations of publicly funded programs.

Annual Notification

At the beginning of each school year, the district will publish a notification that informs parents, guardians and eligible students currently in attendance of their rights under FERPA and New York State law, and the procedures for exercising those rights. A "Parents' Bill of Rights for Data Privacy and Security" will be posted on the District website and included in any agreements with third party contractors/consultants. The notice and "Bill of Rights" may be published in other appropriate publications as well. This notice may be published in a newspaper, handbook or other school bulletin or publication. This notice and Bill of Rights" will also be provided to parents, guardians, and students who enroll during the school year.

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

1. To inspect and review the student's education records;
2. To request that records be amended to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy rights;
3. To consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent; and
4. To file a complaint with the United States Department of Education alleging failure of the district to comply with FERPA and its regulations and/or file a complaint regarding a possible data breach by a third party contractor/consultant with the District and/or the New York State Education Department's Chief Privacy Officer for failure to comply with state law.

The annual notice and "Parents' Bill of Rights" will inform parents/guardians and students:

1. That it is the district's policy to disclose personally identifiable information from student records, without consent, to other school officials within the district whom the district has determined to have legitimate educational interests. The notice will define "school official" and "legitimate educational interest."
2. That, upon request, the district will disclose education records without consent to officials of another school district in which a student seeks to or intends to enroll or is actually enrolled.
3. That personally identifiable information will be released to third party authorized representatives for the purposes of educational program audit, evaluation, enforcement or compliance purposes.
4. That the district, at its discretion, releases directory information (see definition below) without prior consent, unless the parent/guardian or eligible student has exercised their right to prohibit release of the information without prior written consent.
5. That, upon request, the district will disclose a high school student's name, address and telephone number to military recruiters and institutions of higher learning unless the parent or secondary school student exercises their right to prohibit release of the information without prior written consent. The district will not sell directory information.
6. Of the procedure for exercising the right to inspect, review and request amendment of student records.
7. That the district will provide information as a supplement to the "Parents' Bill of Rights" with third parties with which the district contracts that use or have access to personally identifiable student data.

The district may release student education records, or the personally identifiable information contained within, without consent, where permitted by federal law and regulation.

The district shall effectively notify parents, guardians and students who have a primary or home language other than English.

In the absence of the parent or secondary school student exercising their right to opt out of the release of information to the military and/or institutions of higher learning, the district is required to, under federal law, release the information indicated in number five (5) above.

Directory Information and Limited Directory Information

Directory information is information that generally would not be considered harmful if released from a student's record. Limited directory information means that the District may limit disclosure of its designated directory information to specific parties, for specific purposes, or both.

The Board designates the following as "directory information":

- Student's Name
- Participation in officially recognized school activities or sports
- Weight and height of members of athletic teams
- School of attendance
- Most recent/previous school attended
- Degrees and awards received
- Photographs or videotapes created in conjunction with school sponsored activities for use by the School District and media.

In addition to the above designated "directory information", the Board designates the following information as "limited directory information" and may be disclosed only to parent-teacher organizations, other organizations with an official relationship with the School District whose primary purpose is to benefit the School District and governmental agencies.

- Student's address
- Student's telephone listing

Social security numbers or other personally identifiable information will not be considered directory information.

Students who opt out of having directory information shared are still required to wear, display or disclose their student ID cards.

Once the proper FERPA notification is given by the district in the Parent Handbook or other similar publication, a parent/guardian or student will have 14 days to notify the district of any objections they have to the "directory information"/"limited directory information" designations. If no objection is received, the district may release this information without prior approval of the parent/guardian or student for the release. Once the student or parent/guardian provides the "opt-out," it will remain in effect after the student is no longer enrolled in the school district.

The district may elect to provide a single notice regarding both the annual notice/directory information and information disclosed to military recruiters and institutions of higher education.

Policy References:

Ref:

Family Educational Rights and Privacy Act, 20 USC 1232g; 34 CFR Part 99

No Child Left Behind Act, 20 USC §7908 (Military Recruiter Access)

10 USC §503 as amended by §544 of the National Defense Reauthorization Act for FY 2002

Education Law §§2-a; 2-b; 2-c; 2-d; 225

Public Officers Law §87(2)(a)

Arts and Cultural Affairs Law, Article 57-A (Local Government Records Law)

8 NYCRR 185.12 (Appendix I) Records Retention and Disposition, Schedule ED-1 for Use by School Districts and BOCES

"Guidance for Reasonable Methods and Written Agreements,"

http://www2.ed.gov/policy/gen/guid/fpco/pdf/reasonablemt_d_agreement.pdf

Parents' Bill of Rights for Data Privacy and Security

<http://www.p12.nysed.gov/docs/parents-bill-of-rights.pdf>

Family Policy Compliance Office website:

<http://www2.ed.gov/policy/gen/guid/fpco/index.html>

Adoption Date: 11/5/2015

5000 - Students

Student Records - Confidentiality and Parental Access to Student Records

Regulation Info 5125.2R

DEFINITIONS

For the purposes of this Regulation, the School District has used the following definitions of terms:

Student - any person who attends or has attended the School District.

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

Parent - either natural parent of a student, a guardian or an individual designated to act as a parent or guardian in the absence of the student's parent or guardian.

Education Records - any record (in handwriting, print, tapes, film or other medium) maintained by the School District or an agent of the School District which is directly related to a student, except:

1. A personal record kept by a school staff member if it is kept in the personal possession of the individual who made the record, and information contained in the record has never been revealed or made available to any other person except the maker's temporary substitute.
2. An employment record which is used only in relation to a student's employment by the School District and which is maintained in the normal course of business.
3. Alumni records which contain information about a student after he or she is no longer in attendance at the School District and the records do not relate to the person as a student.

In addition, an eligible student may be refused access to psychiatric or treatment records; however, an eligible student may designate a physician or other appropriate professional who the school must permit to inspect the records.

FERPA - Family Educational Rights and Privacy Act of 1974, as amended.

ANNUAL NOTIFICATION

Parents and eligible students in attendance at the School District will be notified of their FERPA rights and the District's policy and procedures governing access to records, annually, by publication in their child's student handbook. In addition, the School District shall send home a bulletin listing these rights, which will be included with a packet of material provided parents or an eligible student when the student enrolls during the school year. This notice shall include:

1. The right of the student's parent or eligible student to inspect and review the student's education records within 45 days from the date of the District's receipt of the request;
2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate or misleading;
3. The right to receive notice of any decision by the School District not to amend a student's education records, as requested by the parent or eligible student, and the right to a hearing regarding the School District's denial of a request for an amendment;

4. The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent (e.g., directory information, upon request to another school district in which a student seeks or intends to enroll);
5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA;
6. The right to obtain a copy of this policy and the locations where they may be obtained.

This notice shall be provided to non-English speaking parents in their native language.

PROCEDURE TO INSPECT EDUCATION RECORDS

Parents of students or eligible students may inspect and review the student's education records upon request. Such request shall be in writing, to the Superintendent of Schools or designee, identifying as precisely as possible, the record or records which s/he wishes to inspect. The student's records will be made available for review promptly, and in any event within 45 days of such written request. The parent or eligible student will be notified of the time and place where the records may be inspected. The School District may require that an official be present during such inspection. No documents may be removed from school premises.

When a record contains information about students other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the portion of the record which pertains to other students.

REFUSAL TO PROVIDE COPIES

The School District will not provide a parent or eligible student with a copy of the student's education record unless failure to do so would effectively prevent the parent or eligible student the right to inspect and review the records.

If the record involves answers to a standardized test, the School District will not provide a parent or eligible student a copy of standardized test questions.

Copies of student education records shall be provided, upon a parent's request, when:

1. Records are transferred to another school;
2. Information is released to a third party designated by the parent or eligible student;
3. Failure to do so would effectively deny the right of inspection.

A parent or eligible student may permit any third person to inspect the student's educational records. Such consent must be in writing, signed and dated, and must specify:

1. Which records are to be disclosed;
2. The purpose or purposes of disclosure; and
3. The individual(s) or group(s) to whom disclosure should be made.

Any third party to whom such records have been made available shall sign a written statement that s/he will not further release such records without the consent of the parent or eligible student.

FEES FOR COPIES OF RECORDS

The fee for copies will be 25 cents per page (or actual cost of reproduction), and postage, if any.

DISCLOSURE OF EDUCATION RECORDS

The School District shall disclose information from a student's education records only with the written consent of the parent or eligible student, except:

1. To school personnel (including administrators, teachers, support staff, board members and persons employed by or under contract with the School District to perform a special task, such as school attorney, auditor, medical consultant, therapist) within the School District who have a legitimate educational interest in the records. A legitimate educational interest shall include performing a task which is specified in his or her job description or by contract, performing a task related to a student's 'education or the discipline of a student, or providing a service or benefit related to the student or student's family, such as health care, counseling or job placement.
2. To school officials of another school in which a student seeks or 'intends to enroll, upon request of such school official.
3. To certain o of the U.S. Department of Education, the U.S. Comptroller General, and the State and local educational authorities, in connection with certain state or federally supported education programs.
4. In connection with a student's request for or receipt of financial aid, as necessary, to determine the eligibility, amount or conditions of the financial aid, or to enforce and terms and conditions of aid.
5. If required by a State law requiring disclosure that was adopted prior to November 19, 1974.
6. To organizations conducting certain studies for or on behalf of the School District for the purpose of developing, validating or administering predictive tests student aid programs and instruction.
7. To accrediting organizations to carry out their accrediting functions.
8. To parents of a dependent student who claim the student as a dependent for income tax purposes.
9. To comply with a judicial order or a lawfully issued subpoena, provided that a reasonable effort is made to notify the parent or eligible student prior to compliance.
10. To appropriate parties in a health or safety emergency.

RECORD OF REQUESTS FOR DISCLOSURE

The School District shall maintain a record of all requests for and/or disclosure of information from a student's education records, excluding requests of school officials and requests for directory information. The record will indicate the name of the party making the request, any additional parties to whom it may be disclosed, and the legitimate interest the party had in requesting or obtaining the information. The record may be reviewed by the parent or eligible student.

CORRECTION OF EDUCATION RECORDS

A parent or eligible student has the right to challenge the contents of the student's education records and to ask to have the records corrected:

1. The parent or eligible student shall submit a request to the Superintendent of Schools, in writing, to amend the record. The record or part of record sought to be amended shall be identified and the reason why s/he believes the record is inaccurate, misleading or violates the privacy or other rights of the student, shall be specified.
2. The School District may comply with the request or decided not to comply. The Superintendent shall provide a written response within ten (10) working days of receipt of the written challenge, indicating whether or not the challenged material will be corrected or deleted. If the request is denied, the Superintendent shall advise the parent or eligible student of their right to a hearing to challenge the decision.

3. Upon request, the School District will, arrange for a hearing before an impartial hearing officer and notify the parent or eligible student, reasonably in advance, of the date, place and time of the hearing. The hearing officer may be an official of the School District.
4. The parent or eligible student will be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The parent or eligible student may be assisted by one or more individuals, including an attorney.
5. The hearing officer will prepare a written decision based solely on the evidence presented at the hearing, summarizing the evidence presented and stating the reasons for the decision.
6. If the hearing officer decides that the challenged information is inaccurate, misleading or in violation of the student's right of privacy, the School District will amend the record and notify the parent or eligible student, in writing, that the record has been amended.
7. If the hearing officer decides that the challenged information is not inaccurate, misleading or in violation of the student's right of privacy, the School District will notify the parent or eligible student of his/her right to place a statement in the student's education record explaining the challenged information and/or setting forth reasons for disagreeing with the decision. This statement shall be maintained as part of the student's education records as long as the contested portion is maintained. If the School District discloses the contested portion of the records, it will also disclose the statement.

COMPLAINT PROCEDURE

A person may file a complaint with the U.S. Department of Education if s/he feels that the School District has violated FERPA, by sending a written complaint to:

Family Policy Compliance Office
U.S. Department of Education
600 Independence Avenue, S.W.
Washington, D.C. 20202-4605

TYPES, LOCATIONS AND CUSTODIANS OF EDUCATION RECORDS

The following is a list of the types of records that the School District maintains, their locations and their custodians:

[NOTE: THESE ARE ILLUSTRATIVE ONLY AND WOULD BE FILLED IN BY YOU.]

TYPE	LOCATION	CONTACT PERSON
Cumulative School Record	School Building Office	Building Principal
Cumulative School Records (Former Students)	Office of Director of Pupil Personnel Services	Director of Pupil Personnel Services
Health Reports	School Nurse's Office	School Nurse
Speech Therapy Records	Special Education Office	Director of Pupil Personnel Services
Psychological Records	Special Education Office	Director of Pupil Personnel Services
Transportation Records	School Bus Garage	Director of Transportation

Occupational and Physical Therapy Records	Special Education Office	Director of Pupil Personnel Services
District Standardized Testing	School Building Office	Building Principal
Educational Evaluations	Special Education Office	Director of Pupil Personnel Services
Guidance Files Counselor	Building Guidance Office	Building Principal or
Occasional Records (student educational records not identified above)	School Building Office	Building Principal

DIRECTORY INFORMATION

The School District designates the following items as Directory Information: student's name, major field of study, participation in recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received. The School District may disclose any of these items without prior written consent, unless notified to the contrary, in writing, by the parent or eligible student by end of the first 30 days of the school year.

The School District's policy regarding release of Directory Information shall apply equally to military recruiters, the media, colleges and universities, and prospective employers.

Policy Information

Series 5000 - Students

Progress

Student Privacy Rights

Policy # 5126

1. Student Surveys

In accordance with the Protection of Pupil Rights Amendment (PPRA) of the No Child Left Behind Act, the District is committed to protecting the rights and privacy interests of parents/guardians and students with regard to administering surveys to students, which include one or more of the following items:

- Political affiliations or beliefs of students toward the student's parent/guardian;
- Mental or psychological problems of the student or the student's family;
- Sex behavior or attitudes;
- Illegal, anti-social, self-incriminating or demeaning behavior;
- Critical appraisals of other individuals with whom the student has close family relationships;
- Legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers;
- Religious practices, affiliations or beliefs of the student or the student's parent/ guardian;
- Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

A. U.S. Department of Education Funded Surveys

The District shall make instructional materials available for inspection by parents/guardians if the materials will be used in connection with a U.S. Department of Education funded survey, analysis or evaluation in which their children participate and it addresses one or more of the above issues. In addition, the District shall obtain prior written parent/guardian consent before minor students are required to participate in any such survey, analysis or evaluation.

B. Surveys Funded by Other Sources

The parent/guardian has a right to inspect, upon request, a survey created by a third party (other than the U.S. Department of Education) which addresses one or more of the above issues before the survey is administered or distributed by the School to the student. Such request must be submitted by the parent/guardian to the building principal at least 10 days prior to the administration or distribution of any survey.

2. Instructional Materials

Parents/guardians shall be granted, upon request, reasonable access and the right to inspect instructional materials used as part of the educational curriculum for the student within a reasonable period of time after such request is received by the District. Requests shall be submitted by the parent/guardian, in writing, to the building principal. "Instructional Materials" is defined as instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual materials and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.

3. Physical Examinations or Screening

The District shall provide parents/guardians with the opportunity to opt their child out of any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the School and scheduled by the School in advance and that is not necessary to protect the immediate health and safety of the student and/or other students. The term "Invasive Physical Examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion or injection in the body, but does not include any physical examination or screening that is permitted or required by law (e.g., hearing, vision or scoliosis screening).

4. Collection, Disclosure or Use of Personal Information

Unless required or authorized by federal or state law and/or regulation, it is the policy of the Board of Education not to permit the collection, disclosure or use of personal information collected from students for the purpose of marketing or selling that information or otherwise providing that information for that purpose, unless otherwise exempted pursuant to law. "Personal Information" is defined as individually identifiable information including a student's or parent/guardian's first and last name, home address, telephone number or Social Security number).

This provision shall not apply to the collection, disclosure or use of personal information collected from students for the exclusive purpose of developing, evaluating or providing educational products or services for, or to, students or educational institutions such as:

- A. College or other post-secondary education recruitment or military recruitment;
- B. Books, clubs, magazines and programs providing access to low cost literary products;
- C. Curriculum and instructional materials used by elementary and secondary schools;
- D. Tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments)

and the subsequent analysis and public release of the aggregate data from such tests and assessments;

E. The sale by students of products or services to raise funds for school-related or education-related activities;

F. Student recognition programs.

5. Notification to Parents

The District shall provide parents with a copy of this policy at the beginning of each school year, and within a reasonable period of time after adoption or substantive change in this policy.

The District shall provide parents/guardians with notification, at least annually, at the beginning of school year, or when enrolling students for the first time in District schools, of the specific or approximate dates during the school year when the above activities are scheduled or expected to be scheduled.

The District shall providing notification to parents/guardian and offer them the opportunity to opt their child out of participation in the following activities:

A. Activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or selling that information;

B. The administration of any survey containing one or more of the items listed above.

C. Any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the School and scheduled by the School in advance, and not necessary to protect the immediate health and safety of the student and/or other students.

6. Miscellaneous

The provisions of PPRA and this policy do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA). In addition, PPRA does not supersede any of the requirements of the Family Educational Rights and Privacy Act (FERPA).

The rights provided to parents/guardians under PPRA transfer to the student when he/she turns 18 years of age or is an emancipated minor under applicable state law.

Adoption Date: 2/26/2004
5000 - Students

Policy Information

Series 5000 - Students

Progress

High School Diploma - Individualized Education Program

Policy # 5127

The Committee on Special Education will make every effort to incorporate in a student's Individualized Education Program as many of the requirements for a High School Diploma as set forth in Section 100.5 of the Regulations of the Commissioner of Education as are appropriate. All students, including those with disabilities, shall be given the opportunity to earn a Regents or local diploma or an Individualized Education Program diploma.

A student with a disability shall be eligible for a High School Individualized Education Program diploma if the student has attained age twenty-one and has achieved the educational goals contained in his or her

current Individualized Education Program.

Upon application of a student with disabilities or the student's parent or guardian, the Board of Education may award a High School Individualized Education Program diploma to a student who has attended school or received substantially equivalent education elsewhere in accordance with Section 3204(2) of the Education Law, for at least twelve years, exclusive of kindergarten; and, provided that the student has achieved the educational goals specified in his or her current Individualized Education Program.

If the student receiving a High School Individualized Education Program diploma is less than twenty-one years of age, the diploma shall be accompanied by a written assurance of the student's continued right to attend public school until the end of the school year in which the student reaches age twenty-one or until the student has received a Regents or local high school diploma, whichever is earlier.

The Committee on Special Education shall review the progress of all students who are eligible for a High School Individualized Education program diploma prior to the end of the school year and shall notify the Superintendent of Schools of those students eligible to receive such diplomas.

Each High School Individualized Education Program diploma shall clearly indicate on the front that it is awarded on the basis of the student's successful achievement of the educational goals specified in the student's current Individualized Education Program as recommended by the Committee on Special Education.

The Superintendent of Schools shall notify the Board of Education, prior to graduation ceremonies in June, which students are eligible to receive High School Individualized Education Program diplomas. The board shall authorize the issuance of if Individualized Education Program diplomas to eligible students.

The Superintendent of Schools shall file a report with the Commissioner of Education, within 15 days of the June graduation, containing the information required by the Commissioner.

Adoption Date: 1/15/1987, Revised: 3/17/2000; 01/14/1993
5000 - Students

Policy Information

Series 5000 - Students

Progress

State and Local Assessments

Policy # 5128

The Board of Education is committed to providing a quality educational program for the students of the District. The Board believes that standardized testing programs, when used properly, can provide one meaningful source of information about the District's curriculum and overall student achievement. While the Board is opposed to the over-testing of students, particularly when tests are given for non-pedagogical reasons, the Board recognizes its responsibility to comply with the laws and regulations governing public school districts. Therefore, it is the policy of this District that students must complete the requirements of the public school program, which includes taking quizzes, tests, as well as other state and local assessments, to help accomplish the following objectives:

- To evaluate strengths and weaknesses of the curriculum and methods of instruction;
- To provide a standardized means to evaluate student growth through individual, inter-district and intra-district comparison; and
- To provide teachers with diagnostic information which will enable them to better address the instructional needs of their students and to differentiate instruction.

The Education Law and Commissioner's Regulations do not provide parents with the opportunity to "opt-out" their child from required local or state assessments.

The Board recognizes that tests provide only a limited source of information regarding a student, and should be used in conjunction with all other information known about a student, and to assist the student in improving his/her learning.

State Assessments

All public school students are required by Commissioner's Regulations to participate in state assessments that reflect the knowledge, skills and understandings that all students are expected to know and are able to perform at certain specified grade levels. If a student is in attendance at school on mandated test days, tests will be administered to him/her. If a student is legally absent on these days in accordance with the District's Comprehensive Student Attendance Policy, he/she will be marked "absent" and the test will be administered on the make-up day. If the student refuses to take the test or the parent has provided a written refusal for the student prior to take the test prior to the day of the test, the student will be required to follow the district's plan for all other non-tested students.

All students will be accounted for and reported to the State Education Department (SED) in accordance with SED's Validity Rules.

Local Assessments

All District students are required to take local tests and assessments. Local assessments are intended to test students on their knowledge of the curriculum, monitor their progress, assess their achievement, and enable the District to modify existing programs and develop new programs aligned with specific student needs. Student grades will reflect, in part, the results of these tests and assessments. If a student is legally absent on the day of an assessment, he/she will be given a make-up test upon return to school. If the student refuses to take the test or a make-up test where the test is used as an interim or final examination in a course by the end of the marking quarter, the student will be given an "Incomplete" or a grade of "zero" for the assessment, which will be factored into the student's final grade, unless there are extenuating circumstances that render the student unable to make up the test by the end of the marking quarter (e.g., serious illness).

Policy References:

Ref:No Child Left Behind Act

8 NYCRR §§100.3, 100.4, 100.5

SED Memo to Superintendents of Public Schools, "Information on Student Participation in State Assessments" dated January 2013

Policy Cross References:

- » 5122 - Student Placement and Evaluation
- » 5123 - Student Grading

Adoption Date: 3/6/2014, Revised: 3/17/2016
5000 - Students

Policy Information

Series 5000 - Students

Activities

Closed Campus at High Schools

Policy # 5130

The Board of Education believes that it is in the best interests of the students of the District to restrict students from leaving the High School campuses during the school day. Therefore, it is the policy of the Board of Education to have closed campuses at the District's High Schools for all students.

Adoption Date: 9/20/2001, Revised: ; Reviewed: April 28, 2014
5000 - Students

Policy Information

Series 5000 - Students

Activities

Interscholastic Athletic Handbook for Athletes and Parents

Policy # 5131

LAKELAND CENTRAL SCHOOL DISTRICT
INTERSCHOLASTIC ATHLETIC HANDBOOK FOR
ATHLETES AND PARENTS
2016-2017



Dr. George E. Stone
Superintendent of Schools

Jean Miccio
Assistant Superintendent for Instruction

Daniel Belfi
Director of Physical Education, Health, & Athletics

Lakeland Central School District
Athletic Department

Daniel Belfi
Director of Physical Education, Health, & Athletics
Phone: 914-739-2823 ext. 318
dbelfi@lakelandschools.org

Dear Parent and Student Athletes,

Congratulations on making the decision to participate in the Lakeland Central School District Interscholastic Athletic Program. Your involvement in our sports program will give you the opportunity to meet and work with our diverse, talented student body and our outstanding, dedicated coaching staff.

Our coaching staff cares about our athletes. They encourage academic achievement and character development. They believe that a truly educated individual is intellectually knowledgeable as well as physically educated. Our fine coaches serve as excellent, positive role models for our students, and we are very proud of them and their achievements. I look forward to working with coaches, athletes, and parents during the 2016-2017 school year and hope the experiences for students are meaningful and memorable.

When your daughter/son chooses to participate in one of our sports programs, we feel he/she will have made a commitment to certain responsibilities and obligations. This handbook will acquaint you with some specific policies that are necessary for a well-organized program of interscholastic athletics. The

program is governed by the regulations established by the Commissioner of Education's basic code for extra-class athletic activities.

Lakeland High School and Walter Panas High School are members of the New York State Public High School Athletic Association (NYSPHSAA) and Section 1 BOCES Athletics. If you have questions regarding Interscholastic Athletics please contact the athletic department:

Lakeland High School (914) 528-0600 x225 (Rebecca DiSisto, Athletic Coordinator)

Walter Panas High School (914) 739-2823 x226 (Daniel Belfi, Director of PE, Health & Athletics)

Lakeland Copper Beech Middle School (914) 245-1885 (Sharon Sarsen, Athletic Coordinator)

Sincerely,
Daniel Belfi
Director of Physical Education, Health, & Athletics

Adoption Date: 6/11/2009, Revised: 7/7/2017; 07/02/2015, 11/05/2015
5000 - Students



RELATED FILES

 INTERSCHOLASTIC ATHLETIC HANDBOOK (pdf file - 1,145kb)

Policy Information

Series 5000 - Students

Activities

Interscholastic Athletic Program/Co-Curricular Activities

Policy # 5131.8

The Board of Education fully recognizes and supports the importance and value of the interscholastic athletic and co-curricular programs of the District to all students as part of their overall educational program. Students are encouraged to participate in order to benefit from the physical, intellectual and emotional growth arising from the development of self-discipline and a sense of teamwork.

Student eligibility for participation on interscholastic athletic teams shall include:

1. The student and parents agree to this participation. (Parent permission form)
2. The student passes the physical fitness test and examination required to acquire a sports card.
3. The student's participation is also approved by School Principal.
4. Student meets eligibility requirements as specified in Policy #5131.8.

The Superintendent, or his/her designee, shall establish guidelines for the purpose of strengthening good sportsmanship, fair play, cooperation, respect, courtesy and dignity. These guidelines are to be stressed by individual coaches and advisors to strike a proper balance between individual development and team and club success and to provide a role model in building and upholding proper decorum and good sportsmanship.

In addition, the Board of education recognizes the importance of active participation by team and club members in each athletic program and co-curricular activity. To this end, the goal of each coach and advisor shall be to assure such participation within the provisions of safety, scheduling, substitution rules and District regulations.

Adoption Date: 3/20/1984, Revised: 2/11/1993
5000 - Students

Policy Information

Series 5000 - Students

Activities

Vandalism

Policy # 5131.5

The Superintendent shall establish procedures for notification of police and the maintenance of accurate records of acts of vandalism on or to School District property.

The Superintendent is authorized, in accordance with law, in instances of willful damage or destruction of School District property, to initiate civil action to recover damages from the parents or legal guardian of the student. The Superintendent is further authorized, where appropriate under the law, in those instances of willful damage or destruction of School District property where a student's actions bring him or her under the jurisdiction of the Family Court or the provisions of the penal law, to cooperate with the court in bringing charges and seeking restitution in an amount and manner of performance as determined by the court.

Records will be maintained according to School District building and shall include information on the date, time and nature of the incident, the estimated amount of the loss, individuals apprehended and actions taken.

Summaries of the reports shall be provided to the Board of Education at the conclusion of each school semester and at such other times as deemed advisable by the Superintendent of Schools.

Adoption Date: 6/10/1976, Revised: 3/13/1980
5000 - Students

Policy Information

Series 5000 - Students

Activities

Drug/Alcohol Policy

Policy # 5131.6

The Board of Education of the Lakeland Central School District is committed to the prevention of alcohol, tobacco products and/or other substance use/abuse. This policy describes the philosophy of the District and the program elements the Board of Education will use to promote healthy lifestyles for its students and staff and to prevent the use/abuse of alcohol, tobacco products and other substances on School District premises.

No person may use, possess, sell or distribute alcohol, tobacco products or other substances, as specified herein, nor may s/he use or possess drug paraphernalia on School District premises, in school vehicles or at school-sponsored events, whether on or off school premises, except medications as prescribed by a physician. The terms "alcohol and other substances, including but not limited to alcohol, tobacco

products, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alikes, and any of those substances commonly referred to as “designer drugs”. The inappropriate use of prescription and over-the-counter drugs shall also be prohibited.

Additionally, any person who has consumed or used or is in possession of or under the influence of any of the aforementioned substances shall be prohibited from entering or remaining upon School District premises or at school-sponsored events, whether on or off of school premises.

PHILOSOPHY

The District shall use the following principals as guides for the development of its substance use/abuse prevention policy and for any disciplinary measures related to alcohol and other substances:

- Alcohol, tobacco products and other substance use/abuse is preventable and treatable.
- Alcohol, tobacco products and other substance use/abuse inhibits the Board of Education from carrying out its central mission of educating students.
- The behavior of the Board of Education, the administration and all school staff should model the behavior asked of students.
- While the Board of Education will assume a leadership role in alcohol, tobacco products and other substance use/abuse prevention, this goal may be accomplished only through coordinated, collaborative efforts with parents, students, staff, and the community as a whole.

PRIMARY PREVENTION

The intent of primary prevention is to prevent the use of alcohol, tobacco products and other substance use/abuse by students. The components of this programming shall include:

1. A sequential K-12 prevention curriculum that provides for:
 - Accurate and age-appropriate information about alcohol, tobacco products and other substances, including the physical, psychological and social consequences of their use/abuse.
 - Information about the relationship of alcohol and other substance use/abuse to other health compromising situations such as AIDS, child abuse, suicide and dropping out of school.
 - Helping students develop appropriate life skills to resist the use of alcohol, tobacco products and other substances and to promote healthy lifestyles.
 - Helping students identify personal risk factors from alcohol, tobacco products and other substance use/abuse and the steps needed for risk reduction.
 - Helping students develop a positive self-concept.
 - Helping students identify when they are under stress and how to manage or reduce stress through non-chemical means.
1. Provide opportunity for parents and guardians to gain information necessary to reinforce the components of this policy in the home and community, thereby providing a consistent message to School District youth.
2. Positive alternatives to alcohol, tobacco products and other substance use/abuse, such as peer leadership programs, service projects and extra-curricular activities. Such activities will be planned collaboratively with students, parents and community members.

INTERVENTIONS

Students

The intent of intervention programming is to attempt to eliminate any existing use/abuse of alcohol, tobacco products and other substances, and to identify and provide supportive services to kindergarten through 12th grade students at high risk for such use/abuse. The components of such programming shall include:

1. Providing limited alcohol, tobacco products and other substance use/abuse assessment and counseling services for students.

2. Developing a referral process between the School District and community providers.
3. Attempt to identify and refer students to appropriate agencies, cessation programs and services when their use/abuse of alcohol, tobacco products and/or controlled substances requires counseling and/or treatment.
4. Assist in coordinating the communications between student, family, school and therapist/agency, relative to the treatment process.
5. Providing short term services to students in or returning from treatment to assist in the process of recovery initiated in the treatment program.
6. Providing educational opportunities for parents on when and how to access the District's intervention services.
7. Confidentiality: The intent of the Board of Education is to work with parents to maintain the health and safety of their children. Therefore, parents will be informed of use/abuse of alcohol, tobacco products and/or other substances of their children, unless prohibited by law.

Employees

The District shall provide information to employees about available drug, tobacco products and alcohol counseling, rehabilitation and re-entry programs.

STAFF DEVELOPMENT

The Board of Education recognizes that if the administrative and instructional staff are to be responsible for implementing and modeling this policy during the school day, they should be encouraged to gain an understanding of an effective alcohol, tobacco products and other substance prevention program. Staff training should be an on-going process. The Board of Education will encourage the administrative and instructional staff to develop skills appropriate to the implementation of this policy.

IMPLEMENTATION, DISSEMINATION AND MONITORING

The Board of Education charges the Superintendent with the responsibility to coordinate School District staff, parents, students and community members in developing the specific programs and strategies necessary to implement this policy.

Upon adoption, copies of this policy will be made available to all District staff, students and parents.

The Superintendent is responsible for providing the Board with periodic reviews of this policy and his/her recommendation for revisions in this policy.

DISCIPLINARY ACTION

Students

Students found to be in violation of this Policy shall be subject to disciplinary action in accordance with the policies of the Board of Education, the regulations of the District and the Code of Conduct. The student's disciplinary records will note the cause and duration of any disciplinary action resulting from a violation of this Policy. Students who are disciplined for violation of this Policy will also be referred to the intervention services established by this policy.

Employees

Employees found to be in violation of this Policy shall be subject to disciplinary action, up to and including termination from employment and referral for prosecution, in accordance with law and applicable collectively negotiated agreements.

Policy Cross References:

- » 4115 - Drug/Alcohol Policy

Adoption Date: 9/13/1990, Revised: 6/9/2016; 09/20/2001, 12/18/1992, 02/11/1993, 12/16/1999, 02/17/2000
5000 - Students

Policy Information

Series 5000 - Students

Activities

Tobacco Prohibition

Policy # 5131.7

Due to the health hazards associated with the use of tobacco products (defined to include but not be limited to any lighted or unlighted cigarette, cigar, cigarillo, pipe, bidi, clove cigarette, electronic cigarette, spit/spitless tobacco and any other smoking or tobacco product (such as smokeless, dip, chew, snus and/or snuff) in any form as well as any nicotine delivery system (such as hookah, vaporizer), and in accordance with Federal and State law, the Board of Education prohibits smoking or other tobacco use in all school buildings, on school property, in school vehicles and at school-sponsored activities, whether on or off school property. School grounds shall include areas within 100 feet of the entrances, exits or outdoor areas of any elementary or secondary school, but shall not include smoking in a residence or within the real property boundary lines of such residential real property.

Employees in violation of this policy may be subject to discipline in accordance with law and applicable collectively negotiated agreements.

Students in violation of this policy will be subject to discipline in accordance with the Student Code of Conduct.

The District's tobacco prohibition policy shall be prominently posted in each building. The Board designates the Superintendent of Schools or his/her designee as agent responsible for informing individuals who are smoking or using tobacco products, that they are in violation of Article 13-E of the Public Health Law and/or Federal Pro-Children Act of 1994.

The Board also prohibits tobacco promotional items (e.g., brand names, logos and other identifiers) on school grounds, in school vehicles, at school-sponsored events, whether on or off campus, in school publications, on school equipment, uniforms and school supplies. In addition, tobacco advertising is also prohibited in all school sponsored publications and at all school sponsored events, whether on or off campus. The District will request, whenever possible, tobacco free editions of periodical publications for school libraries and classroom use.

Policy References:

District Code of Conduct

Policy Cross References:

- » 1315 - Tobacco Prohibition
- » 4116 - Tobacco Prohibition

Adoption Date: 4/14/1993, Revised: 11/18/2013; 12/13/1994, 12/17/1999, 11/19/2009
5000 - Students

Policy Information

Series 5000 - Students

Activities

Middle School Student Athlete Participation in Interscholastic Athletic Program

Policy # 5132

The determination of middle school students for participation in the athletic program at the high school level shall be at the discretion of the Director of Physical Education, Health and Athletics and in accordance with the "selection/classification" athletic placement process for all secondary school interscholastic athletic team membership. The athletic placement process ensures that students are placed at levels of competition appropriate to their physical and emotional maturity, physical fitness and ability and skills in that sport in relationship to other students on those teams. The District Medical Director and the Director of Physical Education, Health and Athletics are responsible for implementing the athletic placement process consistent with the Commissioner's Regulations.

It is the policy of the Lakeland Central School District that middle school students will not participate in high school interscholastic athletic programs unless it is determined, in accordance with this Policy, that:

1. There is a combined team (grades 7-12), no modified team (e.g., track, golf, gymnastics) and middle school students will not bump high school students from the team.

OR

2. There are an insufficient number of high school students to field a particular sport and more aggressive recruitment for high school players has occurred. The determination to recruit middle school students shall not take place until at least one week after the start of a season.

OR

3. The student is an exceptional athlete in a particular sport. Each student will be evaluated individually on his or her merits to determine whether he or she is considered to be an exceptional athlete. In this situation prior to the student being evaluated under the athletic placement process:

A. The student and parents must agree to this participation. (Parent Permission Form)

B. The Director of Physical Education, Health and Athletics will confirm that the student is appropriate for consideration, including the likelihood that the student would play at least 50% of the games, the student's academic performance is at or above grade level and the student is emotionally ready to socialize with high school students.

C. The District's Medical Director will determine a student's physical maturity level and compare the physical size of the student in relation to that of the students against whom the student would be competing. If the student is determined not to have attained the physical maturity level for the particular sport and level, the process will not be continued.

D. The sport coach will consider past personal observations of the student and input from the student's former coaches or may observe the student in a physical education class.

E. The student must have a physical fitness test and examination by a certified physical education teacher who is not the coach of the sport for which the student will be trying out (with limited exceptions for swimming, bowling and golf). The President's Physical Fitness Test will be administered.

F. The results of the three evaluations will be sent to the Director of Physical Education, Health and Athletics, who shall maintain all records of students who successfully complete the athletic placement process. Only students who pass all part of the athletic placement process will be permitted to try out.

G. The student's participation must be approved by a review board consisting of the Middle School Principal, Middle School Athletic Coordinator, High School Athletic Coordinator or designees and the Director of Physical Education, Health and Athletics. The review board shall consider the student's ability in the particular sport and whether or not there is comparable competition for the student at their current level of play in such sport. Only students whose level of excellence is so high that he or she cannot receive adequate competition at their level of play shall be allowed to participate at the high school level, at the

appropriate level of competition. The review board shall make a recommendation to the Superintendent of Schools.

H. A list of the scores of all athletes who successfully complete the process and have been approved through the athletic placement process after the try-out period has been completed must be sent to:

- The Director of Physical Education, Health and Athletics
- Athletic governing board or section office

4. All high school teams will be comprised of a minimum number of high school students, the regulated team numbers, as determined by the Director of Physical Education, Health and Athletics in consultation with the high school coaches for each sport, prior to permitting the exceptional middle school student to become a member of that team.

5. No middle school student shall miss school or be released from school early to participate in practice or a game except for sectional competitions at the end of the season. If a middle school student is pulled out of school to practice or play during the regular season, the coach will not permit such student to play.

The Director of Physical Education, Health and Athletics, in consultation with the high school coaches, will establish regulated team numbers by sport, by June of the prior school year, for the next following school year. Regulated team numbers shall be the number required to normally and typically field the team. Regulated team numbers will be filled with high school students in order to assure that high school students are not deprived of the opportunity to participate on high school interscholastic athletic teams. Any remaining places on the team may be filled with high school or qualified middle school students.

Notwithstanding the above, in the event there is an insufficient number of high school students to field a team in a particular sport, qualified middle school students may be brought up for that season only.

Policy References:

(Section 135.4[c][7][11][a & b] of the Revised Regulations effective October 29, 1980)

Adoption Date: 5/10/1990, Revised: 11/5/2015; 03/20/2014, 07/06/2006, 04/24/2003, 09/09/1994, 02/11/1993
5000 - Students

Policy Information

Series 5000 - Students

Activities

Alternative Physical Education Options

Policy # 5132.1

Interscholastic Athletics

A student in grades 10, 11 or 12 who participates in the District's interscholastic athletic program by participating and competing in a Varsity sport and who has demonstrated acceptable levels of physical fitness, physical skills and knowledge of physical education activities, as determined by the District, with parent permission, may request to opt-out of the physical education program for one quarter of interscholastic athletic participation, provided that the student (1) has passed physical education during the previous school year; (2) must have successfully completed all alternative programs; (3) must be in good standing each quarter preceding enrollment in the alternative program; and the time spent participating in the Varsity team is equivalent to the time the student would otherwise be required to spend in physical education class. The request is subject to the prior approval of the Director of Physical Education, Health and Athletics and the High School Principal, based upon the Regulations of the Commissioner of Education. The student seeking approval must continue to attend and participate in physical education classes until approval is granted.

Standards for determining a student's fitness, skills and competence shall be developed by the Director of Physical Education, Health and Athletics. The determination of whether a student has met such standards shall be in the sole discretion of the District.

Credit for physical education will be awarded on a pass/fail basis when the student athlete successfully completes the sports season. Once the request is approved, the student is excused from physical education for the approved quarter provided that the student remains on the Varsity team. A student may only participate in the alternative program for one quarter of the school year (for Fall sports, the first quarter only; Winter sports, the third quarter only; and Spring sports, the fourth quarter only). Tenth grade students participating in this alternative program who are assigned to a study hall, must report to the study hall. Failure to do so may result in removal from the alternative program.

Out-of-District Athletics

A student in grade 12 who will not be able to complete the physical education requirements for graduation as a result of, for example, the need to complete a BOCES technical skills program, employment skills program, or other similar program that will enable the student to be career ready after graduation, may apply for physical education credit on a pass/fail basis in an out-of-school physical or athletic program. The proposal must be submitted for approval to the Building Principal and the Director of Physical Education, Health and Athletics. This option may be utilized for one semester only.

The proposal must:

1. Describe in detail the out-of-district physical activity proposed to earn High School credit, including frequency, intensity and duration.
2. Provide the name and contact information of the proposed activity supervisor.
3. Include the supervisor's qualifications for instruction of that physical activity.
4. Include a minimum of twenty-seven (27) hours of participation, per semester, during the school year.
5. Maintain an activity log, including attendance, to be submitted to and reviewed with the student's physical education teacher of record once each quarter.
6. Include acknowledgement by the student's High School counselor that participation in the District's physical education program would preclude participation in a BOCES technical or similar program.

The student seeking approval must continue to attend and participate in physical education classes until approval is granted.

If the student discontinues participation in an approved out-of-District activity, the student must return to physical education immediately.

Miscellaneous

Any student approved for participation in either of the above alternative physical education options must comply with the School's rules for students not assigned to a course during the physical education period.

Any irregularities in the fulfillment of the alternative programs will result in automatic removal from the program and a failing grade for that quarter or semester, as applicable.

Adoption Date: 1/21/2016
5000 - Students

Policy Information

Series 5000 - Students

Activities

Services to Students Not Enrolled in the School District

Policy # 5133

The Board of Education acknowledges that resident parents or guardians have the right and may elect to provide educational requirements mandated by New York State Law for their child in nonpublic schools, in their homes or otherwise outside of the public or non-public schools. However, nonpublic school students and home schooled students may not attend the public schools on a part-time basis.

A student who is not enrolled in the schools of the Lakeland Central School District may not participate in the School District's interscholastic athletics program, nor may the student participate in intramural, extracurricular and other school-sponsored clubs and activities.

The District shall provide to such students those services required under the Education Law.

Policy References:

The Board of Education acknowledges that resident parents or guardians have the right and may elect to provide educational requirements mandated by New York State Law for their child in nonpublic schools, in their homes or otherwise outside of the public or non-public schools. However, nonpublic school students and home schooled students may not attend the public schools on a part-time basis.

A resident child who is not enrolled in the schools of the Lakeland Central School District may not participate in the School District's interscholastic athletics program, nor may the child participate in intramural, extracurricular and other school-sponsored clubs and activities.

The District shall provide to such students those services required under the Education Law.

Adoption Date: 8/16/2001, Revised: 11/21/2013
5000 - Students

Policy Information

Series 5000 - Students

Activities

Cross- School Participation on Athletic Teams

Policy # 5133.1

It is the policy of the Board of Education that District students may try-out for and participate on athletic teams only at the school he or she attends, except for cross-District teams, which are open to all eligible District students. Where a District student attends a BOCES program or other educational program full-time, he or she may try-out and participate on athletic teams only at the school located within the attendance zone of the student's residence.

Adoption Date: 4/20/2006
5000 - Students

Policy Information

Series 5000 - Students

Activities

Fund Raising and Public Sales on School Property

Policy # 5134

In accordance with Regents Rule §19.6, the Board of Education prohibits the direct solicitation of charitable donations (funds or goods) from students on school property during school hours. Notwithstanding the above, the following fund raising activities may be permitted, upon the prior approval of the Superintendent of Schools or designee:

1. Fund raising activities which take place off school premises or outside of regular school hours, including recruitment for such activities. The School District may not serve as a conduit for the collection of money for an organization.
2. Sale of goods or tickets for social, musical, theatrical or athletic events where the proceeds go to charity;
3. Indirect forms of charitable solicitation which do not involve coercion, such as a bin or collection box in a hallway or common area for donation of food, clothing or money.

No door-to-door solicitations shall be permitted.

Soliciting Funds from Staff

No solicitor, salesman, vendor or agent shall come into any school building or upon any school property and solicit business, other than school business, from any employee. In the case of school business, the vendor shall obtain permission from the building principal or designee before soliciting any school employee in any building.

Policy Cross References:

- » 1333 - Fund Raising and Public Sales on School Property

Adoption Date: 6/19/2003
5000 - Students

Policy Information

Series 5000 - Students

Activities

Management of Student Extra-Classroom Activity Funds

Policy # 5135

An organization within the School District whose activities are conducted by students and whose financial support is raised other than by taxation or through charges of the Board of Education shall be known as extra-classroom activity funds. Funds received from the conduct, operation or maintenance of the extra-classroom activity funds shall be deposited with the Treasurer of Student Activity Accounts. All other funds for which the Board of Education is responsible must be deposited with the District Treasurer for deposit in the General Fund or other appropriate fund.

The Superintendent of Schools shall establish regulations and procedures for the conduct, operation and maintenance of student activity funds and for the safeguarding, accounting and audit of all monies received and derived therefrom in accordance with the Commissioner's Regulations.

Adoption Date: 1/1/1952, Revised: 6/8/2000; 07/10/1962, 02/13/1975, 02/11/1993
5000 - Students

Policy Information

Series 5000 - Students

Activities

Student Activity Fees

Policy # 5135.1

Each building principal shall submit any proposed student activity fees to the Superintendent of Schools for prior review and approval.

Reviewed: 11/26/2012

Adoption Date: 4/14/1977, Revised: 2/11/1993; 02/11/1993
5000 - Students

Policy Information

Series 5000 - Students

Activities

Student Publications and Expression

Policy # 5136

Students shall enjoy the constitutional right of freedom of expression, in speech, writing or through any other medium or form, limited only by those restrictions imposed on all citizens generally and those specifically applicable to children and youth in a public school setting.

The Board of Education encourages student expression in its many forms, including the school newspaper, yearbook, literary magazine, concerts, shows, art exhibits etc. The Board believes these activities are an important part of student learning and enrich the life of the school community. Student publications, for example, offer educational activities through which students gain experience in reporting, writing, editing, and understanding responsible journalism. They also provide an opportunity for students to express their views in a responsible manner and offer a means of communicating both within and beyond the school community. Each school-sponsored activity offers unique opportunities for students to engage in creative and educational modes of expression.

All school-sponsored opportunities for student expression will comply with the rules set forth in this policy and in the Code of Conduct. All student publications will comply with rules for responsible journalism. Libelous statements, unfounded charges and accusations, obscenity, false statements; materials or performances advocating racial, religious **or other** prejudice, hatred, violence, the breaking of laws and school policies and/or regulations, or materials **or activities** designed to disrupt the educational process will not be permitted. Expressions of personal opinion must be clearly identified as such and bear the name of the author. Opportunity for the expression of opinions differing from those of the student publishers must be provided.

In addition, the school-sponsored activities listed above which are paid for by the School District and/or produced under the direction of a teacher or other advisor as part of the school curriculum are not considered public forums. In such cases, the Board reserves the right to edit or delete such student expression which it believes is inconsistent with the district's basic educational mission.

Procedural Due Process

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

Distribution of Literature

Students have a right to distribute school related literature on school grounds and in school buildings provided such distribution does not interfere with or disrupt the educational process. No literature may be

distributed unless a copy is submitted and approved in advance, to the building principal.

Policy References:

Morse v. Frederick, 127 S. Ct. 2618 (2007)

Hazelwood School District v. Kuhlmeier, -484 US 260, 108 S. Ct. 562, (1988) (limits on student free speech rights in school-sponsored student publications)

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

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

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

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

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

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

Policy Cross References:

» 5144.2 - Code of School Conduct and Discipline

Adoption Date: 4/19/1995, Revised: 11/21/2013
5000 - Students

Policy Information**Series 5000 - Students****Activities****Use of Electronic Devices**

Policy # 5137

Students in grades Kindergarten through 8 may not use any personal electronic communication device (ECD) (including but not limited to cell phone, PDA, MP3 player) during the school day.

Students in grades 9 through 12 are permitted to bring personal electronic communication devices to school; however, they must be turned-off and put away during any instructional time, except when used with the teacher's prior permission or direction for purposes such as calendaring, calculating and noting assignments. ECDs may be used by students at other times and places as long as such use is not disruptive to the educational process or the operation of the school. It is never appropriate to make or receive telephone calls, text message or send e-mails during instructional time. The inappropriate use of ECDs (such as threatening, vulgar or sexual messages) and the use of an ECD as a weapon are also prohibited.

The Board of Education prohibits the use of recording functions and capabilities of ECDs by students on school property, except for the purpose of photographing or videotaping public events (e.g., athletic events, plays, concerts, awards ceremonies) or, with prior permission from a teacher or activity advisor, for taking photographs for the Yearbook or School District publications.

If a student uses an ECD in violation of this policy, the following actions will generally be taken:

1. For the first violation, the teacher or other staff member will confiscate the ECD and return it to the student at the end of the school day;
2. For a subsequent violation, the teacher or other staff member will confiscate the ECD and may notify the parent/guardian of the violation;
3. The ECD will be returned to the parent/guardian after a meeting with the student and the teacher or building administrator.

If a student continues to violate this policy, the student will be considered as insubordinate and subject to discipline in accordance with law and the District Code of Conduct.

In order to ensure examination security, students may not use a cell phone or other ECD or technology or wear headphones during Regents Examinations either in the room where the test is administered or while on a supervised break and until the examination has been completed, handed in and the student has left the examination room. If any such ECD or related technology is used for any reason and under any circumstances in violation of this Policy, the student's examination will be invalidated and no score will be calculated for the student.^[1]

Privacy

The Board of Education prohibits any form of photography, tape recording or video recording of any individual on school property or in school facilities without that individual's knowledge, as well as the dissemination of any photograph or recording without the individual's permission. In no event shall any individual take photographs or make a recording in a zone where an individual has a reasonable expectation of privacy, including but not limited to locker rooms, lavatories, nurse's office. In addition, the Board prohibits possessing, viewing, sending or sharing pictures or text having sexual content ("sexting") in school or at school activities, or from off-campus sites and which are received at school or school activities. A student who violates this policy shall be subject to discipline in accordance with law and the District Code of Conduct.

Responsibility

The decision to bring ECDs to school or school sponsored events rests with the individual student and his/her parents/guardians, and therefore the responsibility for such devices rests solely with the individual student. The School District discourages bringing ECDs to school. The School District assumes no responsibility or liability whatsoever in the event that an ECD is damaged, misplaced or stolen during the school day, when on school property or when in attendance at a school sponsored event, whether on or off of school property. The School District further assumes no responsibility or liability for any communication bill associated with the authorized or unauthorized use of said devices.

^[1] Section 225 of the Education Law makes fraud in examinations, such as obtaining aid from or giving aid to another person during a Regents Examination, a misdemeanor.

Adoption Date: 11/18/2004, Revised: 8/19/2010
5000 - Students

Policy Information

Series 5000 - Students

Activities

Student Driving and Parking

Policy # 5138

Driving to school and parking on school grounds is a privilege, not a right. If a student does not behave responsibly while driving on and/or parking on school grounds, the privilege may be suspended or revoked. In addition, disciplinary action may be taken in accordance with the District Code of Conduct.

It is the policy of the District that a student who drives to school must still use District provided transportation to and from any school program, athletic competition or organized activity (except athletic practices). Notwithstanding this provision, a parent/guardian may submit a notarized letter to the Building Principal requesting that permission be granted for his/her child to drive between high schools or to and from a BOCES program. The letter must specify a valid reason for the student to drive between the schools or BOCES and provide explicit permission for the student to do so. The Building Principal will review the circumstances surrounding the request and determine if permission will be granted. If

permission is granted, the parent/guardian and student must also sign a statement acknowledging that the student will not allow passengers in his/her car when driving between the schools or BOCES. If the student does not comply with this requirement, the privilege of driving between the schools or BOCES may be suspended or revoked.

Adoption Date: 3/19/1959, Revised: 12/21/2006; 02/13/1975
5000 - Students

Policy Information

Series 5000 - Students

Welfare

Health -- HIV-Related Illness

Policy # 5141.2

The Board of Education is mindful of the concern expressed by the public over the health issues surrounding Acquired Immune Deficiency Syndrome (AIDS) and Human Immunodeficiency Virus Infection (HIV). The Board also recognizes, based upon the current state of medical knowledge, that the virus associated with AIDS is not easily transmitted and there is no evidence that AIDS or the HIV virus can be transmitted by casual social contact in the school setting.

The Board acknowledges the rights of those students diagnosed as having AIDS or HIV infection to continue their education, the rights and interest of those employees diagnosed as having AIDS or HIV infection to continue their employment, as well as the rights and interests of all students and employees in the School District to learn and work without being subjected to significant risks to their health. The Board also takes notice that under current law and regulations, the disclosure of confidential AIDS and/or HIV-related information must be strictly limited.

Therefore, it is the policy of the Board:

- a) To ensure, insofar as feasible, that each student attending school in the Lakeland Central School District and each employee of the District is in a state of physical health which does not endanger the student's or employee's own health or the health of others; and
- b) That no student shall be denied the opportunity to attend school, continue his/her education or participate in school-related activities solely on the basis of being diagnosed as having AIDS or HIV infection; and
- c) That no employee shall be prevented from continuing his/her employment solely on the basis of being diagnosed as having AIDS or HIV infection; and
- d) To prevent any student or employee from being subjected to discriminatory treatment or stigma solely because he or she has been diagnosed as having AIDS or HIV infection.

The Superintendent of Schools is directed to develop and maintain an updated District-wide exposure control plan which includes:

- a) Routine sanitary hygiene procedures for dealing with all spills of blood and other body fluids in or on school premises and grounds. The Superintendent shall consult with the school physician and/or public health officials, as appropriate, for the most current methods and information regarding these procedures; and
- b) In-service education and training for school personnel concerning AIDS and HIV infection and the routine sanitary hygiene procedures to be followed in the case of spills of blood and other bodily fluids; and

c) Confidentiality of HIV-related information.

An educational program regarding AIDS and HIV infection will be provided for employees on an annual basis.

Policy References:

Ref: Public Health Law, Article 27-F

Executive Law, § 296

§ 504 of the Rehabilitation Act

29 CFR 1910.1030

Policy Cross References:

» 4114.2 - Health - HIV-Related Illness

Adoption Date: 8/18/1988, Revised: 11/19/2009; 10/08/1992, 12/17/1999, Reviewed: 03/16/2015, Reviewed: 11/23/2015
5000 - Students

Health -- HIV-Related Illness

Regulation Info 5141.2R

Confidentiality

A. Definitions

1. "HIV-related illness" means any clinical illness that may result from or be associated with HIV infection, including AIDS.
2. "Protected individual" shall mean a person who is the subject of an HIV related test or who has been diagnosed as having HI V-related illness.
3. "Capacity to consent" means an individual's ability, determined without regard to such individual's age, to understand and appreciate the nature and consequences of a proposed health care service, treatment or procedure, and to make an informed decision concerning such service, treatment or procedure.

B. Release of Information

School officials and employees shall keep HIV-related information confidential, however obtained. The information shall not be disclosed to any person unless:

- The protected individual (or a person with the capacity to consent) has completed and signed the Health Department Authorization to Release form ("Authorization Form") and the information is only released to the individual(s) indicated on the Authorization Form, for the time period specified and only for the purpose stated on the form; or
- A court order under Public Health Law §2785 has been issued .and the information is only released to the individual(s) indicated in the order, for the time period specified and only for the purpose stated in the order; or
- The person to whom the information has been furnished is authorized to receive .such information under Public Health Law §2782 without an Authorization Form (e.g., physicians providing care, agencies monitoring such care and insurance companies for payment purposes).

Disclosure of such information to any officer, employee or agent of the School District requires an Authorization Form or court order.

Any questions regarding the Authorization Form or court order shall be referred to the School Attorney.

C. Testing

No student or employee shall be required to undergo HI V-related testing. No such testing of any student or employee shall take place without first receiving the v informed consent of the person to be tested on a form approved by the State Health Department. Such consent shall only be given by an individual with the capacity to consent, as defined above.

D. Procedures - Students

The procedures set forth herein shall be followed in all instances where the School

District receives confidential HI V-related information concerning a student from the student and/or person in parental relation to the student, with or without benefit of an Authorization Form or court order.

- a. The employee to whom the HIV-related information is given is prohibited from disclosure of confidential HIV-related information without authorization for release of such information. Unauthorized disclosure made by a school employee to other employees, students or members of the public will result in penalties pursuant to Article 27-F of the Public Health Law and disciplinary procedures in accordance with law and any applicable collectively negotiated agreement.
- b. The person in parental relation or student should be encouraged to sign an Authorization Form and identify other individuals to whom this information may be disclosed.
- c. If the employee to whom the information has been given is a teacher or administrator, he or she shall request a meeting with the person in parental relation and/or the student for the purpose of discussing the student's condition, concerns and, should the situation arise, educational alternatives. Such alternatives may include home instruction during periods of short-term illness, as well as the provision of educationally related support services.

E. Additional Matters

In the event of the presence of any contagious or communicable disease (such as chicken pox, measles, etc.) in the school population which may constitute a risk to an infected individual, the Superintendent or school nurse with authorization to obtain the confidential HIV-related information may inform the student, the student's parent or person in parental relation, or the employee about such risk. Any temporary decision or recommendation in such circumstances should be made by the individual's personal physician and the student's parents or person in parental relation or the employee, in consultation with the Superintendent, School Physician and/or school nurse.

Students diagnosed as having AIDS or HIV infection may not be suspended from school or school-related activities solely on the basis that he or she is HIV infected and shall be in accordance with applicable due process of law procedures.

Employees diagnosed as having AIDS or WV infection may not be suspended from employment until the Superintendent of Schools or Board determines on the basis of competent medical evidence after consulting with the school physician and/or county health officials and the school attorney, that the employee is incapable of satisfactorily performing his/her job even with reasonable accommodations or that the physical and/or mental condition of the employee makes his/her presence on the job an endangerment to the health, safety or welfare of the employee and/or others in the schools.

Policy Information

Series 5000 - Students

Welfare

Student Health Services

Policy # 5141.3

The Board of Education recognizes the importance of student health services in both the prevention of and education about student health concerns. The Board believes that good student health is vital to successful learning.

In accordance with law, the District will provide vision, hearing, scoliosis and other required screening. Problems will be referred to the parent/guardian who shall be encouraged to seek appropriate care from their family physician.

The District shall also provide emergency care for students in accidental or unexpected medical situations. Parents/guardians will be notified of any emergency medical situation as soon as is practicable.

Each student's cumulative school record shall include a permanent student health record, which should follow the student from grade to grade and school to school along with his/her academic record. This medical record folder shall be maintained by the school nurse.

Immunizations

In order to safeguard the school community from the spread of certain communicable diseases and in recognition that prevention is a means of combating the spread of disease, the Board requires all students to be immunized against certain diseases in accordance with State statutes and rules of the New York State Department of Health.

Upon registration, all new students are required to present a record of required immunizations from a licensed physician, as set forth in Section 2164 of the Public Health Law. No child will be admitted to school or allowed to attend school without certification of the child's immunizations.

Notwithstanding the above, students may be admitted to school or continue attendance without proof of the required immunizations if:

- a) A duly licensed physician, physician assistant or nurse practitioner will certify in writing that administering a vaccine or vaccines to a specific student will be detrimental to that student's health, specifying the duration of the exemption and a specific date for review of the determination.
- b) A physician, physician assistant or nurse practitioner certifies in writing that the student has had the disease in question.
- c) A physician, physician assistant or nurse practitioner provides written results of an antibody test for the disease in question which shows immunity;
- d) A student or his/her parent/guardian requests an exemption from immunization based upon true and sincere religious beliefs which are contrary to the practice of immunization. This request must be in writing, notarized and submitted to the School Nurse and the Assistant Superintendent of Pupil Personnel Services.

The Board believes that immunization is the primary responsibility of the parent/guardian. The School District will refer those students who cannot afford such immunizations to the Westchester or Putnam County Health Department. Except as provided above, no student shall be admitted to the School District who is not immunized at the time of admission or, if multiple doses are required, is in progress, in which case the parent/guardian must provide the next scheduled date for the immunization to the School Nurse.

In the event that a parent/guardian is unable to provide an immunization record, the School Nurse or other authorized District official, will access the New York State Immunization Information System (NYSIIS) to determine if the child has met the immunization requirements. If the system indicates that the child has

received the required immunizations, the information will be entered as part of the student's record, the source and date noted, and the documentation requirement will have been met.

If the Principal determines to deny a religious exemption from immunization, the denial shall be appealable directly to the Commissioner of Education pursuant to §310 of the Education Law. A Principal's denial must be immediately issued to the parent/guardian in writing, setting forth the specific reason(s) for the denial.

When a student transfers out of the District, the parent/guardian will be provided with an immunization transfer record showing the student's current immunization status which will be signed by the School Nurse or District's Chief Medical Officer. A transcript or photocopy of the immunization portion of the cumulative health record will be provided to the new educational institution upon request.

Communicable Diseases

As part of the District's responsibility to provide students with a safe and healthy school environment it may be necessary to exclude students with contagious and infectious diseases, as defined in the Public Health Law, from attendance in school. Students will be excluded during periods of contagion for time periods as indicated by the District's Chief Medical Officer.

It is the responsibility of the Superintendent of Schools or designee, working with District health personnel, to contact the New York State Department of Health and the Westchester or Putnam County Board of Health immediately upon notification of an outbreak of a communicable disease, as required by the Department of Health.

Students Residing Outside of United States

All children who have resided outside of the United States for more than two (2) months prior to entering or returning to the District, must submit medical documentation of current tuberculosis screening through either a PPD skin test or an Interferon Gold blood test in order to ascertain exposure to or active tuberculosis disease.

Return to School after Illness/Surgery or Injury

Prior to a child's return to school after a communicable, contagious or infectious illness, other prolonged illness, injury or surgery, or condition that poses a risk to the health, safety or welfare of the student or others, a note from the child's health care provider is required to advise that (1) the child is cleared to return to school; (2) whether or not there are any restrictions on the child's return to school (e.g., participation in physical activities or after-school activities); and (3) whether or not the child is required to use crutches or other equipment and for how long. Upon receipt of a writing clearing a child to return to school, the District may, in an appropriate case, require that the child's health care provider advise, in writing, whether or not the child is a danger to him/herself or others

Student Medical Examinations

In accordance with Section 903 of the Education Law, each student must ~~also~~ have a physical examination within 12 months prior to the commencement of the school year in which the examination is required and present a health certificate describing the student's condition including an assessment of the student's Body Mass Index (BMI) and a determination of weight status category based upon BMI-for-age percentiles, signed by a duly licensed physician, physician assistant or nurse practitioner in the state of New York, upon entrance to school and upon entering the second, fourth, seventh and tenth grades. If the required health certificate is not furnished at these times, the principal shall notify the student's parent/guardian, in writing, that the District's Chief Medical Officer would perform the physical examination.

A student may be excluded from the medical examination requirements because the child's parent/guardian holds a genuine and sincere religious belief which is contrary to medical examinations. The request for exemption must be in writing, notarized, and submitted to the Principal or designee.

An examination of any child may be required at any time by the School District, in its discretion, to promote the educational interests of the child.

All students participating in interscholastic sports must have a physical examination, which may be reviewed by the District's Chief Medical Officer.

Dental Health Certificates

The School District shall request that a dental health certificate be submitted for each student within 30 days after his/her entrance into school and within 30 days after entrance into the 2nd, 4th, 7th and 10th grades. The dental health certificate shall be signed by a licensed dentist and shall describe the health condition of the student when the examination was conducted, which must be within 12 months prior to the beginning of the school year in which the examination is requested. The dental health certificate, if submitted, shall be filed in the student's cumulative health record.

The School District shall submit a notice of request for dental health certificates at the same time that the notice of health examination requirements are distributed to parents/guardians, including a statement that a list of dentists to which students who need comprehensive dental examinations may be referred for treatment on a free or reduced cost basis, is available upon request at the student's school

Administering Medication to Students

The District shall not be responsible for the diagnosis or treatment of student illness. The administration of prescribed medication to a student during school hours is permitted only when the medication is necessary to allow the student to attend school or when failure to administer the medication would adversely affect the student's health or when it is done pursuant to law requiring accommodation of a student's special medical needs (e.g., Section 504 of the Rehabilitation Act of 1973). "Medication" will include all medicines prescribed by a physician, physician assistant or nurse practitioner, over-the-counter medications/remedies, cough drops and herbal remedies.

Before any medication may be administered to or by any student during school hours, the following is required:

- a) The child's parent/guardian must bring the medication to school in the original labeled container, which must include the student's name, name of medication, dosage, frequency, and prescribing medical provider.
- b) There must be a written signed request of the parent/guardian, which shall give permission for such administration by the School Nurse, teacher or other staff member, and shall relieve the District, its officers, employees and agents, of liability for administration of medication; and
- c) There must be the original written order of the prescribing physician, physician assistant or nurse practitioner (hereinafter "physician") which includes the student's name; the date; the name of the medication; the purpose of the medication; the dosage; frequency; the time at which or special circumstances under which the medication is to be administered; the period for which the medication is prescribed; and a list of possible side effects of the medication.

In order for a student to carry and use a rescue inhaler, an epinephrine auto-injector (e.g., epi-pen), insulin or glucagon and associated diabetes testing supplies, written permission must be provided both by the parent/guardian and the prescribing authorized medical provider in accordance with law and regulations, as follows:

- a) An authorized medical provider must provide written permission that includes (1) an attestation that the student's diagnosis requires the medication; (2) the student has demonstrated that he/she can self-administer the prescribed medication effectively; (3) the name of the medication, the dose, and the times when it is to be taken; (4) the circumstances which may warrant use; and (4) the length of time during which the student may use it.

b) Written permission from the child's parent/guardian.

If a student is authorized to carry and use medication, as described above, the parent/guardian is permitted to give extra medication and supplies that the district will maintain in accordance with the written directions of the authorized medical provider. The extra medication and supplies shall be readily available to the student.

All permission slips shall be kept on file in the office of the School Nurse. All medication orders must be reviewed annually by the School Nurse or whenever there is a change in dosage.

Students are permitted to carry and apply parent provided sunscreen without a prescription from a medical provider, as long as the sunscreen is FDA approved, the sunscreen is not treating a medical condition and the parents have provided the District with written permission for their child to use sunscreen.

The procedures to be followed for the administration of medication are dependent upon the status of the student as "nurse dependent", "supervised" or "independent". A "nurse dependent" student requires the assistance of a licensed health professional to administer medication; a "supervised student" may self-administer medication under the supervision of licensed health professional or trained unlicensed school personnel; an "independent student" with the appropriate provider orders and attestation and written parent/guardian consent, may carry and self-administer their medication to prevent negative health consequences.

a) All medications shall be administered by the School Nurse or other staff member, as appropriate unless the child is a supervised student or an independent student;

b) Medications shall be securely stored in the School Nurse's Office, unless the student is an independent student, and kept in their original labeled container, which specifies the type of medication, the dosage to be given and the times of administration;

c) The School Nurse shall maintain a record of the name of the student to whom medication may be administered, the prescribing physician, the dosage and timing of medication and a notation of each instance of administration; and

d) It is the responsibility of the parent(s)/guardian to bring all medications to school and to pick up all medications at the end of the school year or the end of the period of medication, whichever is earlier. If not picked up within five days of the period of medication, the medication shall be discarded.

e) It is the responsibility of the parent(s)/guardian to ensure that medicines are refilled on a timely basis and that the District is notified of any change in dosage. A new written order of the prescribing physician, physician assistant or nurse practitioner must be presented for any dosage change.

In accordance with Section 919 of the Education Law, the District shall make a nebulizer available on-site in school buildings where nursing services are provided. Students with a patient-specific order, who require inhaled medications, shall have access to the nebulizer provided that the student has their own labeled spacer or their own labeled tubing and facemask or mouthpiece to be used with the nebulizer.

No student, other than an independent student, may have any other type of medication, prescription or over-the-counter, on his/her person in school under any circumstances,

A request to permit a student to be a supervised student shall be considered on an individual basis and a decision made based upon an assessment of the student's cognitive and/or emotional development. A student may be considered a supervised student only if he/she is consistently able to do all of the following::

a) Administer the medication to him/herself via the correct route;

b) Identify the correct medication (e.g., color, shape);

- c) Identify the purpose of the medication;
- d) Identify the correct dosage is handed to him/her if they cannot pour their own medication for dexterity issues;
- e) Identify the time the medication is needed during the school day;
- f) Know the parameters or condition(s) under which the medication is to be taken, and will refuse to take the medication if the parameters or condition(s) are not met;
- g) Describe what will happen if medication is not taken; and
- h) Refuse to take medication if the student has any concerns about its appropriateness.
- i) School administration and parents will be notified of any unauthorized use of medication by the student.

Other considerations for the School Nurse to consider in determining whether or not a student is a supervised student is the student's particular diagnosis and the type of medication prescribed.

Each student who is permitted to self-carry and self-administer medication should have an emergency care plan developed by the School Nurse or Medical Director on file with the District. The student should be instructed how to obtain help from school personnel as needed.

Field Trips and After-School Activities

Taking medication on field trips and at after-school activities is permitted if a student is a supervised student or an independent student administering their own medication. On field trips or after-school activities, teachers or other school staff may carry the medication so that the supervised student can take it at the proper time.

If a student is going on a field trip but is not a supervised student or an independent student (i.e., fully aware and capable of understanding the need and assuming responsibility for taking medicine), then the District may:

- a) Permit the parent/guardian to attend the activity and administer the medication;
- b) Permit the parent to personally request another adult who is not employed by the District to voluntarily administer the medication on the field trip or at the activity and inform the District in writing of such request;
- c) Allow the student's health care provider to be consulted and, if he/she permits, order the medication time to be adjusted or the dose eliminated;
- d) If no other alternative can be found, a School Nurse or licensed person, or a person trained in administering the medication in an appropriate case, must administer the medication.

The Superintendent of Schools in collaboration and consultation with the Chief Medical Director and the School Nurse will develop regulations to implement this policy.

Policy References:

Public Health Law Section 2164

Education Law Sections 912 and 914

SED Memo dated July 31, 2012 (Updated Information Regarding the Use of Sunscreen)

SED Guidance dated June 2012, (Guidelines for Concussion Management in the School Setting)

SED Memo dated March 2012 (Clarification on Insulin Pumps)

SED Memo dated August 23, 2011 (New Policy for Stocking Albuterol Metered Dose Inhalers (MDIs)

SED Guidance dated August 2010 (Clarification on Medication Storage in Schools)

SED Guidance dated September 10, 2009 (Administration of Medications to Students During School-Sponsored Events by Parent/Guardian Designee)

Making the Difference: Caring for Students with Life-Threatening Allergies, New York State Department of Health, New York State Education Department, New York Statewide School Health Service Center, June 2008

SED Memo dated March 2004 (Training of Unlicensed Individuals in the Injection of Glucagon in Emergency Situations)

SED Guidance dated June 2002 (Use of Epinephrine Auto-Injector Devices in the School Setting)

SED Memo dated April 2002 (Guidelines for Administration of Medication in Schools)

SED Memo dated February 27, 2001 (New Provisions of Law Concerning the Administration of Immunizations and Anaphylactic Agents by Registered Professional Nurses Utilizing Non-Patient Specific Orders and Protocols) and SED Memo dated October 3, 2001 (Clarification about Administering Immunizations and Anaphylactic Agents by Registered Professional Nurses using Non-Patient Specific Orders and Protocols)

SED EMSC School Executive's Bulletin dated January 2001 (Blood Glucose Monitoring)

Policy Cross References:

- » 5141.6 - Life Threatening Allergies
- » 5141.7 - Concussion Management Policy
- » 5143 - Head Lice (Pediculosis)

Adoption Date: 1/11/1979, Revised: 3/17/2016; 03/17/2000, 04/20/2006, 05/16/2006, 06/14/2012, 10/18/2012, 11/21/2013
5000 - Students

Policy Information

Series 5000 - Students

Welfare

Use of Potassium Iodide

Policy # 5141.5

The Lakeland Central School District recognizes that the dispensing of Potassium Iodide (KI) in the event of a nuclear emergency may protect the thyroid gland from the effects of exposure to radioactive iodine. Therefore, as part of the School District's Safety Plan to be put into effect in the event of a nuclear or radiologic emergency, as identified and communicated to the Lakeland Central School District by the New York State Department of Health and/or the Westchester County Department of Health, the School District will administer Potassium Iodide (KI) pills to children whose parents/guardians have consented, in writing, to the administration of Potassium Iodide.

The School District will notify parents, in writing, of their ability to opt-in for the administration of Potassium Iodide to their child(ren) in the event of any such emergency. This consent shall remain in full force and effect for as long as the child(ren) continue to attend the Lakeland Central School District. A parent/guardian may revoke this permission at any time by notifying the School District, in writing, of their choice to opt-out of such program. The Building Principal or designee will be responsible for maintaining a record of all children and their status with regard to such program and for implementing the provisions of this policy.

The School District, in consultation with the District's Chief Medical Officer shall develop guidelines for the administration of Potassium Iodide to students in the event of emergency circumstances.

Adoption Date: 2/27/2003
5000 - Students

Policy Information

Series 5000 - Students

Welfare**Life Threatening Allergies**

Policy # 5141.6

The Board of Education recognizes that certain allergies, including but not limited to food, latex, medication and insect stings, can be life threatening and that the School District, in accordance with federal and state law, must work with students, parents, school personnel and medical professionals, on a case-by-case basis, in order to reduce the likelihood of serious, life-threatening allergic reactions in school. It is recognized, however, that the School District cannot guarantee the elimination of allergens from the school environment.

The Board also recognizes the importance of creating an allergen-safe school environment to the extent practicable in order to reduce the likelihood of exposure to offending allergens and prevent life-threatening reactions, including anaphylaxis (a severe, life-threatening allergic reaction that involves the entire body and is characterized by breathing difficulties, a drop in blood pressure, or shock). The Board encourages students, parents/guardians, school personnel and health care providers to work cooperatively so that children with life-threatening allergies can participate fully and safely in school.

It is the parent's responsibility to notify the School of the child's life-threatening allergies as documented by a healthcare professional, and to provide the School with as much medical documentation as possible regarding the nature and severity of the allergy, and recommended treatment. It is also the parent's responsibility to assist school staff (e.g., school nurse, student's teacher) in development of a plan for the care, management and treatment of the child throughout the instructional day. In an appropriate case, the School District shall assemble a Section 504 Team, including the school nurse, principal, food service director (if appropriate) and student's teacher, and schedule a Section 504 Meeting to review the student's health records and to develop an Allergy Action Plan. The School Physician shall be consulted prior to finalizing the Allergy Action Plan and may be requested to attend the 504 Meeting. Each Allergy Action Plan shall be developed on a case-by-case basis, taking into consideration the child's individual needs and requirements.

No student with a severe allergy shall be denied participation in any school activity based solely on the student's severe allergy.

The Superintendent of Schools shall develop regulations to implement this policy in collaboration with the School Physician.

Policy References:

Cross-ref: Policy 3544 (Use of Epinephrine Auto-Injector Devices)

Policy Cross References:

» 3544 - Use of Epinephrine Auto-Injector Devices

Adoption Date: 1/22/2009, Revised: 10/20/2011
5000 - Students

Policy Information**Series 5000 - Students****Welfare****Concussion Management Policy**

Policy # 5141.7

Concussion Management

The Board of Education recognizes that concussions and head injuries are commonly reported injuries in children and adolescents who participate in sports and recreational activity but they may also occur in school under other circumstances, and can have serious consequences if not managed carefully. A sports

concussion or Mild Traumatic Brain Injury (MTBI) is any injury to the brain as a result of traumatic forces such as a direct blow to the head, face, neck or body. Signs and symptoms include but are not limited to loss of consciousness, dizziness, headache, vomiting, blurred vision, amnesia, convulsions and seizures as well as personality changes, short-term memory deficits and difficulties with problem solving and general academic functioning in certain cases. Signs and symptoms can be subtle and may not be readily apparent to the student or other individuals without training or may not be reported by students due to the desire to continue participation and lack of awareness of the effects of concussion. The effects of repeated concussions can be cumulative and, after a concussion, there is a period in which the brain is particularly vulnerable to further injury which can result in severe injury and even death. Therefore, it is the policy of this District to support the proper evaluation and management of head injuries and concussions, whether as a result of participation in sports and other school-related activities or attendance in school. It is the further policy of this District to prohibit a student who is believed to have suffered or is determined to have suffered a concussion from return to play or participation in activities until he or she has been evaluated and cleared by a licensed physician and has been symptom free for seven (7) full days (returning to practice or play, or other participation on day eight). Prior to return to practice or play, or other participation, the School Nurse must receive a written and signed physician's statement that the student has been asymptomatic for seven (7) or more days. The note will be kept in the student's medical file. The District's Chief Medical Officer has the final authority to determine whether or not a student may return to practice or play, or other activity participation.

Concussion Management Team

The District will establish and maintain a concussion management team to oversee the implementation and delivery of the District's Concussion Management Policy. The team will consist of the Athletic Director, the School Nurse, a Physical Education Teacher, a coach, the District's Athletic Trainer and the District's Chief Medical Officer.

Training

All District coaches (including volunteer coaches), physical education teachers, nurses, the Athletic Trainer and the Director of Physical Education, Health and Athletics will be required to participate in a course of instruction regarding the recognition and management of concussions on a biennial basis. The District's Athletic Department will offer, on an annual basis, instruction and training to enable such District employees to understand how such injuries occur and how to prevent them, to recognize the signs and symptoms of concussions, and to respond appropriately if a student has suffered or may have suffered from a concussion. This instruction may be provided by a qualified medical professional or by taking an approved online Concussion Management course. Every employee, volunteer coach or other specified individual that completes the online course must present a certificate of completion to the Director of Athletics, to be kept on file.

The District will provide, at the start of each sports season, information for parents and students regarding concussions, including but not limited to: (1) the definition of the term "concussion"; (2) signs and symptoms of simple and complex concussions; (3) how these injuries occur; and (4) guidelines for return to school and athletic participation after suffering a concussion. This information will be made available on the District website as well as communicated to parents prior to a student's participation in interscholastic and other athletics.

Before participating in a District interscholastic athletic program, all student-athletes must establish a neurological baseline record through imPACT assessment, which will be administered by District personnel. The information established will be used by District staff and the Athletic Trainer to assist them in determining an athlete's ability to return to play after suffering a concussion. Students who are not assessed through the ImPACT system will not be allowed to participate in District interscholastic athletics.

Management

Any student who is believed to have sustained or who has sustained a concussion or other mild traumatic brain injury shall be immediately removed from the athletic, cognitive or other activity and monitored. In an appropriate case, 911 shall be called. The student's parents will be contacted as soon as is practicable,

with a recommendation for evaluation by a licensed physician. A student who is symptomatic requires mental and physical rest and may require academic accommodations such as limited computer work, reading activities, assistance to class, etc.) until symptoms subside. The student shall not be permitted to resume athletic activity until he or she has been symptom free for at least seven (7) days, has been evaluated and has received written and signed authorization from a licensed physician. This authorization shall be kept on file in the student's permanent health record. If a student is receiving academic accommodations of any kind due to the presence of symptoms, the student cannot be considered symptom free for purposes of return to play. Therefore, a successful return to learn (e.g., full school day with no accommodations) is necessary before consideration of approval of return to play (including athletics, physical education class, recess) progression. The District's Chief Medical Officer has the final authority to decide whether or not the student may return to practice or play, or other activity participation.

Notwithstanding the above, the Chief Medical Officer may return a child to practice, play or other participation prior to the eighth day, after his/her review of neurocognitive testing (such as ImPACT).

Reporting

All incidences of concussion or suspected concussion shall be immediately reported by the coach, advisor or other supervising staff member, in writing, to the District Health Office and Director of Physical Education, Health and Athletics (Athletic Director") within 24 hours. The Athletic Director or School Nurse, as applicable, shall report incidents of concussion or suspected concussion, in writing, to the Building Principal and Superintendent of Schools within 24 hours of receiving a report.

If a student sustains a concussion at a time other than when in school or engaged in a school sponsored activity, the District expects the parent/guardian to report the condition to the School Nurse and/or the coach so that the District can support the appropriate management of the condition.

The Superintendent of Schools shall develop regulations and procedures, in collaboration and/or consultation with the Athletic Director and Chief Medical Officer, to implement this policy.

Policy References:

Ref: Sections 207; 305(42) and 2854, Education Law

8 NYCRR 135.4 and 136.5

SED Guidance dated June 2012, (Guidelines for Concussion Management in the School Setting)

Adoption Date: 6/14/2012, Revised: 3/17/2016; 03/14/2014
5000 - Students

Concussion Management Policy Regulation Info 5141.7R

CONCUSSION MANAGEMENT PROTOCOL REGULATION

Definition

A "concussion" is a traumatic brain injury, caused by a blow to the head, face or neck, or a blow to the body that cause a sudden jarring of the head, that alters the way the brain functions.

A concussion may be "simple" meaning that the concussion resolves without complication over 7-10 days. It is estimated that 80% to 90% of concussion are of this severity. Simple concussions can be managed appropriately by primary care physicians or by certified athletic trainers working under medical supervision. Management of a simple concussion includes rest until all symptoms resolve, followed by a step-by-step program of exertion before return to sport. All concussions require evaluation by a licensed physician and medical clearance by the District's Chief Medical Officer for return-to-play/physical activity.

A "complex" concussion involves cases when the student suffers persistent symptoms, including persistent symptoms that recur with exertion. A complex concussion may have characteristics such

as concussion convulsions, prolonged loss of consciousness (longer than one minute) or prolonged cognitive impairment. Students who suffer complex concussions should be referred to and managed by physicians with specific expertise in the management of concussive injury, such as sports physicians, sports neurologists or neurosurgeons.

A concussion cannot be graded until all symptoms have resolved and the student returns to practice/competition/physical activity.

Evaluation and Management of Concussions

When a student shows ANY features of a concussion, proper protocol is:

1. To remove the student from practice or play, medically evaluate onsite using standard emergency principles, and call 911 if indicated.
2. The parent will be contacted immediately, but after 911 is contacted in an emergency.
3. A student should not be left alone following the injury and should be monitored over the initial few hours following injury.
4. A student with a diagnosed concussion requires mental and physical rest until complete resolution of symptoms. This means a quiet environment and avoiding exposure to stimulation such as television, electronic devices, video games, computers or heavy reading.
5. A student with a diagnosed concussion will not be allowed to return to play or physical activity on the day of injury. The student will not be permitted to return to play or physical activity at all until he or she has been symptom free for at least seven (7) days, has been evaluated and received written and signed clearance from a licensed health care provider, and has completed the return physical activity protocol symptom free.
6. The School Nurse will consult with the District Chief Medical Officer for confirmation of the clearance.
7. The School Nurse will notify school personnel, as appropriate, including but not limited to:
 - Guidance/Team
 - Teacher (elementary level)
 - Principal and/or Assistant Principal
 - Physical Education teacher and Coaches will be notified that the student is excluded from Physical Education classes and any athletic activity until further notice.

These individuals will receive a symptoms checklist and recommendations for student accommodations (such as limited computer work, reading activities, assistance to class, etc.) until symptoms subside. A student who demonstrates signs and symptoms during class should be attended to promptly and, if necessary, should be directed to the School Nurse. If the student is symptomatic, the Parents should be contacted.

8. Parents will be advised to:

- Access the CDC Parent Fact Sheet available on the District website (http://www.lakelandschools.org/files/filesystem/concussion_factsheets_PARENTS.pdf)
- Notify the School Nurse and Guidance/Teacher if there are any changes in symptoms
- Obtain a note from the student's health care provider stating that the student has been symptom free for at least seven (7) days and may return to physical activity/sports. This note must be given to the School Nurse and confirmed by the District Chief Medical Officer.

ImPACT Program

The implementation of baseline and/or post-injury neurocognitive testing, such as ImPACT (Immediate Post Concussion Assessment and Cognitive Test), can help to objectively evaluate the individual's post-injury condition and track recovery for safe return to cognitive and physical activities.

Return-to-Play/Physical Activity

The return-to-play/physical activity protocol is a progressive program designed to incrementally increase the student's level of exertion. The protocol may be administered by the coach, physical education teacher, athletic director, school nurse or athletic trainer. If the student experiences any signs or symptoms of a concussion during the progression, all activities will be stopped and will not resume until authorized to do so, in writing, by a licensed health care provider.

1. For the first concussion, when ImpACT testing is available, after 48 hours symptom free and review of the ImpACT by the District's Chief Medical Officer and a determination that the child is stable, he/she can proceed to Return to Play/Physical Activity protocol.
2. When ImpACT testing is available, for a child with a history of a recent concussion or after a second concussion, the Chief Medical Officer shall evaluate the injury, the child's condition and review follow-up ImpACT test results prior to determining whether the child can proceed to return to play/physical activity protocol prior to the eighth day.
3. A student who sustains three or more concussions in any school year must be reviewed by the Chief Medical Officer in conjunction with the recommendations of the student's physician before being allowed to resume physical activity (e.g., physical education) and athletics participation.
4. When ImpACT testing is unavailable (e.g., middle school and elementary school levels), a minimum of seven (7) days out of sports/physical activity shall be required before consideration of return to play/physical activity protocol. In such cases, the School Nurse must receive a written and signed health care provider's statement that the student has been asymptomatic (of symptoms consistent with concussion) for seven (7) or more days, and is cleared to return to play/physical activity.
5. The School Nurse will consult with the District's Chief Medical Officer regarding confirmation of the clearance. The District's Chief Medical Officer will make the final determination regarding return to play/physical activity.
6. The School Nurse will notify the Teacher (elementary level), Physical Education teacher, Guidance, Coaches and Athletic Trainer(as applicable) when the student has been cleared to return to progressive activity.
7. Any return of symptoms of concussion (as outlined in the CDC Parent Fact Sheet – see link above) such as difficulty thinking or remembering, physical, emotional or sleep alterations, should be reported to the School Nurse and the Teacher (elementary) and Guidance (secondary).
8. Failure of a student athlete or his/her family to report a concussion or other injury may result in the student's disqualification from that sports season.

Return-to-Play/Physical Activity Protocol

This protocol will be started once the student is symptom free for 24 hours, and cleared by the District's Chief Medical Officer. If there are any signs/symptoms, the activity must stop. When the student is asymptomatic after successful completion of each day of the protocol, the student may proceed to the next day.

Day 1: Low impact, non-strenuous, light aerobic activity (e.g., fast walking, stationary bike - under supervision)

Day 2: Higher impact, higher exertion, moderate aerobic activity (e.g., jogging/running for 20 minutes). No resistance training.

Day 3: Sport specific non-contact activity. Low resistance weight training with a spotter.

Day 4: Sport specific activity, non-contact drills. Higher resistance weight training with a spotter.

Day 5: Full contact training drills and intense aerobic activity.

Day 6: Return to full activity with clearance from the District's Chief Medical Officer.

Policy Information

Series 5000 - Students

Welfare

Eye Safety

Policy # 5142.2

The Lakeland School District shall require that eye safety devices be worn by students, employees or visitors whenever they are in proximity to a potential eye hazard.

In shop or laboratory situations where the activity is such that potential for hazards exists, safety devices must be worn by all persons.

Acceptable eye safety devices shall include face shields, goggles, safety glasses, welding helmets, hoods or other specialized equipment in compliance with the standards promulgated by the American National Standards Institutes, Inc., as well as all applicable federal, state and local laws and regulations.

Said devices are to be properly repaired, cleaned and stored.

Adoption Date: 3/10/1966, Revised: 2/17/2000; 07/08/1982, 02/11/1993
5000 - Students

Policy Information

Series 5000 - Students

Welfare

Head Lice (Pediculosis)

Policy # 5143

The Board of Education recognizes that management of head lice depends upon prompt case identification, effective treatment and education regarding preventing the spread of them. It is the policy of this school district that when a student is identified with head lice, the parents will be notified and asked to pick up the child at school, and will be provided with instructions regarding the treatment of head lice. The student may be readmitted to school the following day, provided that appropriate treatment has been given and no evidence of live lice is found upon examination by the school. In recognition of the fact that the management of head lice should not substantially disrupt the education process, the school district does not have a "no nit" policy. Notwithstanding the "no nit" policy, the school district reserves the right, in the event of a widespread infestation in a class or school, upon the recommendation of the School Physician, to exclude students from school if there are viable lice eggs (nits) in their hair.

Adoption Date: 11/17/2011
5000 - Students

Head Lice (Pediculosis)

Regulation Info 5143R

The following are the Nurse Protocols for the identification, treatment and management of head lice.

Lice Information

Head lice are small external parasites of the human host (generally heads). Head lice do not spread disease and do not hop or fly. They can, however, spread easily from one person to another. There are three forms of head lice: nits (eggs), nymphs (immature lice) and adults (lice). Symptoms of head lice infestation may include a feeling of something moving in the hair; itching caused by an allergic reaction to the bites; irritability; and sores on the head caused by scratching that can become infected.

No “No Nit” Policy

In accordance with the recommendation of the American Academy of Pediatrics and in order not to disrupt the educational process, the Lakeland Central School District does not have a “no nit” policy. However, in the event of a widespread infestation, upon the recommendation by the School Physician, students with viable nits may be excluded from school until the infestation is managed.

Lice Protocol

When a possible case of head lice comes to the attention of the School Nurse, the following protocols shall be followed:

- Identify if active head lice exist (infested with live lice or viable nits);
- Maintain confidentiality;
- Contact parent/guardian;
- Screen siblings;
- Treatment at home as recommended by healthcare provider;
- All other family members should be examined. Only those infested should be treated. Parents are encouraged to notify families who may have been exposed.
- Educate the family regarding the importance of treatment and systematic combing to remove nits;
- Instruct family to wash clothing, linens in hot water that have been in contact with the head of the person with lice;
- Student will be rechecked on return to school and may be examined periodically thereafter.

Classroom Protocol

- Screen the affected classroom;
- Remind students not to share combs, brushes, hats, etc.;
- Send informational letter home to inform parents/guardians of a “confirmed case” without identifying student, including tips on what to look for to affected class.
- Provide School Nurse telephone number in case the parent/guardian has any questions.

Newsletter

General information shall be provided in School Newsletter reminding parents to periodically check their child’s head and report any cases of head lice found to the School Nurse.

Message to Parents

The following is a suggested message to be sent to parents via e-news:

A student has been identified in the building with a case of head lice. Head lice are not a health hazard, do not spread disease or are a sign of poor hygiene. Head lice are usually transmitted by head-to-head contact, parents should carefully check a child’s head before and after a sleepover where children share sleeping quarters. Children should also be checked periodically at home and the school nurse should be called if head lice are found. Call your health care provider for best treatment. One percent permethrin lotion is recommended by the American Academy of Pediatrics as initial treatment for most head lice infestations with a second application 7-10 days after the first.

Please inform the parents of your child's playmates so that they can check their children's head. As a precaution, the student's class will be checked. A note will go home to inform the parents of that class.

See Lakeland Central School District website for further information.

Policy Information

Series 5000 - Students

Welfare

Disciplinary Records

Policy # 5144

The Superintendent shall establish procedures for the maintenance of accurate records of student discipline infractions.

Records will be maintained at each school building which shall provide information on the date and nature of the incident and disciplinary action taken and any other information deemed appropriate by the Superintendent.

Adoption Date: 6/10/1976, Revised: 2/17/2000; 02/11/1993
5000 - Students

Policy Information

Series 5000 - Students

Welfare

Corporal Punishment and Emergency Interventions

Policy # 5144.1

Corporal Punishment and Emergency Interventions

The Board of Education of the Lakeland Central School District prohibits the use of corporal punishment against a student by any teacher, administrator, officer, employee or agent of this School District.

As used in this policy, corporal punishment means any act of physical force upon a student for the purpose of punishing that student, except as otherwise provided herein.

For purposes of this policy, an emergency means a situation in which an immediate emergency intervention involving the use of reasonable physical force for one of the following purposes is necessary:

- a. To protect oneself from physical injury;
- b. To protect another person from physical injury
- c. To protect the property of the school district or others
- d. To restrain or remove a student whose behavior is interfering with the orderly exercise an performance of school function, powers or duties, if the student has failed to comply with a request to refrain from further disruptive acts

Use of Emergency Interventions:

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

Staff Training:

Staff persons who may be called upon to implement emergency interventions shall be provided with appropriate training in safe and effective restraint procedures.

Documentation and Parental Notice Required:

Personnel involved in the use of emergency interventions shall be directed by their immediate supervisor to prepare a written report for each student upon whom emergency interventions are used. This report shall include the name and date of birth of the student; the setting and the location of the incident; the name of the staff or other persons involved; a description of the incident and the emergency intervention used, including duration; a statement as to whether the student has a current behavioral intervention plan; and details of any injuries sustained by the student or others, including staff, as a result of the incident. This written report shall be forwarded to the Superintendent of Schools and the school nurse or physician. The parent of the student shall be notified of the emergency intervention by the Superintendent of Schools or his/her designee.

Reporting Requirements:

Whenever a school employee uses physical force against a student, the school employee shall report the incident to the building principal within the same school day. The building principal shall immediately investigate the incident and shall make a report to the Superintendent describing in detail the circumstances and the nature of the action taken, if any.

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

Policy References:

Rules of the Board of Regents §19.5, 8 NYCRR Section 100.2(1)(3)(I)

Adoption Date: 6/11/1981, Revised: 10/18/2007; 02/17/2000, Reviewed: 9/29/2014
5000 - Students

Policy Information

Series 5000 - Students

Welfare

Code of School Conduct and Discipline

Policy # 5144.2

INTRODUCTION:

The Lakeland Central School District is committed to maintaining high standards of education for students in the schools. Because the District believes that order and discipline are essential to being educated effectively, the District is also committed to creating and maintaining high behavioral standards and expectations. An orderly educational environment requires that everyone in the school community play a role in contributing to an effective environment. It also requires the development and implementation of a code of discipline that clearly defines individual responsibilities, describes unacceptable behavior, and provides for appropriate disciplinary options and responses.

The District believes that order and discipline must be a shared responsibility between school, home and community. This Code of Conduct was developed in collaboration with student, teacher, administrator and parent organizations, school safety personnel and other Board-approved school personnel. Finally, it is our belief that, to be effective, such a code must:

- Identify, recognize and emphasize acceptable behavior;
- Identify, recognize and prevent unacceptable behavior;
- Promote self-discipline;
- Consider the welfare of the individual, as well as, that of the school community as a whole;
- Promote a close working relationship between parents/guardians and school staff;
- Distinguish between minor and serious offenses, as well as, between first time and repeated offenses;
- Provide disciplinary responses that are appropriate to the misbehavior;
- Outline procedures to ensure that it is administered in a way that is fair, firm, reasonable, and consistent;
- Encourage a high regard for every person's right to reasonable hearing procedures and due process when accused of misconduct;
- Comply with the provisions of federal, state and local laws, as well as, the guidelines and directives of the New York State Department of Education and the Board of Regents.

A school's primary concern in establishing a code of discipline is to enable our young people to become responsible, respectful and caring citizens within the school and community settings. The Board of Education is responsible for ensuring that essential regulations are established and adequate discipline is maintained in the operation of the schools to effectively promote safety, as well as the social and educational growth of the students. Administrative regulations are developed and enforced by the school administration and staff.

The parent/guardian is expected to assume primary responsibility for control of his or her child. The parent/guardian may be called upon to actively cooperate with the school in providing the necessary structure to promote his or her child's social and education growth. To this end, a high degree of parent-school communication will be fostered by the school.

Disciplinary measures available to the administration of each school building include conferences, detention, in-school suspension, out-of-school suspension and administrative hearings with the designated hearing officer. Administrative hearings can result in out-of-school suspensions of more than five days and, in particularly serious cases, a student may be permanently suspended from school.

DEFINITIONS:

For the purposes of this Code, the following definitions apply:

Bullying – has the same meaning as harassment under the Dignity for All Students Act (DASA) (see below).

Cyberbullying – means harassment or bullying through any form of electronic communications.

Discrimination – means 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.

Disruptive Student – an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

Gender – actual or perceived sex and includes a person's gender identity or expression.

Gender Expression – the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

Gender Identity – one’s self-concept as being male or female, as distinguished from actual biological sex or sex assigned at birth.

Harassment – means the creation of a hostile environment by conduct or by threats, intimidation or abuse 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/her physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; 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.

Parent – the parent, guardian or person in parental relation to a student.

Removal – the act of a teacher in discontinuing the presence of the student in his/her classroom for being disruptive or interfering with the teacher’s authority over the class.

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

School Function – any school sponsored extra-curricular or other event or activity, whether on or off school property.

Sexual Orientation – actual or perceived heterosexuality, homosexuality or bisexuality.

Suspension – the act of a Building Principal (or acting building principal), Superintendent of Schools, District Superintendent or Board of Education in discontinuing the presence of a student from his/her regular classes.

Violent Student – a student under the age of 21 who:

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

Weapon – a firearm, as defined in the Gun-Free Schools Act (18 USC §921) [any firearm, including a starter gun which will, or is designed to, or may readily be converted to, expel a projectile by the action of an explosive; the frame or receiver of such firearm; any firearm muffler or silencer; or any destructive device as defined in that law], as well as, any other gun (including water guns, imitations and look-alikes), BB gun or pellet gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray; explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death. “Weapon” shall also include any other instrumentality or device defined as a “weapon” under any provision of the New York State Penal Law, or under the U.S. Code.

STUDENT BILL OF RIGHTS AND RESPONSIBILITIES:

The Lakeland Central School District believes in the right of each child, between the ages of five and 21 years or until the child receives a high school diploma, whichever comes first, to receive a free and appropriate education. All students in this state between the ages of six and the school year through

which he or she becomes 16 are required by law to regularly attend school, either in the public schools, non-public schools that are approved for equivalency of instruction by the appropriate school authorities, or in the home in accordance with the Regulations of the Commissioner of Education.

The right to a free public school education extends to all students, including those with disabilities. However, this right is not unconditional. As long as due process of law requirements are met, a student may be removed from the classroom, suspended temporarily or suspended permanently from school. Only students within the compulsory education ages (age six through the school year in which the student turns 16) are entitled to alternative, equivalent instruction following suspension.

RIGHTS OF STUDENTS:

Education in a free society demands that students be aware of their rights and learn to exercise them responsibly. To this end, students have a right:

- To be provided with an education that is intellectually challenging and relevant to demands of the 21st century;
- To learn in an environment free from interruption, harassment, discrimination, intimidation and fear;
- To participate in district activities on an equal basis regardless of race, weight, color, creed, national origin, ethnic group, religion, religious practice, gender, disability or sexual orientation;
- To be informed of all school rules;
- To be guided by a discipline policy which is fairly and consistently implemented.

In addition, students in this District are afforded the following rights:

1. **Student Expression** – Students shall be allowed the opportunity for the free expression of ideas consistent with rights established by the federal and state constitutions. However, a student’s freedom is subject to limitation in that the constitutional protections will not extend to libelous, slanderous, vulgar, lewd, indecent or obscene words or images or to words or images which by their very use incite others to damage property or physically injure persons. Any assembly or public expression on school grounds or at school activities that advocates the use of drugs or other substances that are illegal to minors is prohibited. Furthermore, speech which materially and substantially disrupts the work and discipline of the school may be subject to limitation.
2. **Symbolic Expression** – Students, in light of constitutionally protected free speech rights, may wear political buttons, arm bands or badges of symbolic expression so long as the same conform to the limits set forth herein under “dress code.”
3. **Student Activities** – All students shall enjoy equal access to the extent of their capabilities for participation in the various extra-curricular and co-curricular activities sponsored by the school district. The privilege of participating in such activities shall be conditioned upon appropriate conduct as established by the student Code of Conduct and any rules promulgated specifically for participation in extra and/or co-curricular activities.
4. **Student Government** – Students are encouraged to participate in the various student governmental bodies which have been or may be established in our schools. It shall be the duty of the student governmental body to establish reasonable standards for qualification of candidates to serve in offices of the government. Elections for student government shall be conducted in accordance with the principles of our democracy and elected student representatives shall work with the faculty, administration and student body in identifying cooperatively those areas of appropriate student responsibility. All student governmental bodies shall have a faculty advisor and shall be organized pursuant to a specific written constitution which the students shall participate in formulating.
5. **Student Clubs and Other Student Organizations** – The District encourages students to participate in curriculum related extra-curricular activity clubs and/or organizations. To the extent that the District authorizes meetings of non-curriculum related clubs or organizations, the same shall be subject to the constitution of the student government and shall be conducted in accordance

with any applicable federal or state law, as well as, Board of Education policy or regulations.

6. **Privacy Rights [Search and Seizure]** – Students in attendance in our public schools are protected against illegal or unreasonable personal searches or seizures of their property by both the federal and state constitutions. In light of these protections, no student’s person or property shall be searched for illegal substances or materials unless the school authorities conducting the search have reasonable suspicion to do so. Lockers, desks, storage spaces and computers assigned to or used by students may be subject to inspection at any time by school officials since such places are not the property of the student, but rather are owned by the school district and shared with the student.

For privilege activities, such as the prom, students, their guests and any possessions (including vehicles) brought to the event location shall be subject to search for illegal substances (e.g., weapons, alcohol, drugs). In addition, since driving to school and parking on school grounds is a privilege, school officials have the right to search a student’s vehicle while it is parked on campus if there is a reasonable suspicion that it may contain anything that may endanger the health, safety or welfare of students and/or school personnel.

7. **Pregnant Students** – The Board of Education will provide instruction to pregnant students in the same manner as instruction is provided to other students unless the student’s physician determines that the student is disabled and certifies that the student requires home instruction.
8. **Student Grievances and Complaints** – If a student has a grievance or a complaint about a school-related matter, a school employee or other school official, he/she may submit it, in writing, to the Principal of the school who shall respond within ten (10) school days with a written answer or proposed resolution. Grievances or complaints may be appealed in writing to the Superintendent of Schools if the Principal’s answer or proposed resolution is not deemed satisfactory by the student. The Superintendent of Schools shall respond to all grievances and complaints within a reasonable period of time following receipt of the written appeal document.
9. **Video Surveillance** – Video surveillance cameras may be used in school buildings in areas where there is no “reasonable expectation of privacy” and on school buses in order to assist the District to maintain student discipline, to safeguard facilities and property of the District and for the safety of students, staff and visitors while on District property.

THE RESPONSIBILITIES OF STUDENTS:

Students attend school so that they may develop to their fullest potential. With this in mind, each student is expected:

- To accept responsibility for his/her actions;
- To respect the rights of others, including his/her right to secure an education in an environment that is orderly and disciplined;
- To attend school on a regular and punctual basis;
- To complete class assignments and other school responsibilities by established deadlines;
- To show evidence of appropriate progress toward meeting course and/or diploma requirements;
- To respect school property, e.g. lockers, and help to keep it free from damage;
- To obey school regulations and rules made by school authorities and by the student governing body;
- To recognize that teachers assume the role of a surrogate parent in matters of behavior and discipline when at school, as well as, during any school-sponsored activities;
- To contribute toward establishing and maintain a safe and supportive atmosphere that generates mutual respect and dignity for all;
- To become familiar with this code and seek interpretation of parts not understood;
- To actively discourage inappropriate behavior of other students and report eh incidents to the administration;
- To use their own ideas, works, creations and knowledge in completing examinations, projects, reports. Students who cheat and/or plagiarize (use the ideas or words or another without full acknowledgment or attribution) will receive an academic sanction, which may include a zero on the assignment.

THE RESPONSIBILITY OF PARENTS:

A cooperative relationship between home and school is essential to each student's successful development and achievements. To achieve this wholesome relationship, parents are urged:

- To show an enthusiastic and supportive attitude toward school and education;
- To build a good working relationship between themselves and their child;
- To teach their child self-respect, respect for the law, respect for others and for public property;
- To insist on prompt and regular attendance;
- To listen to the views and observations of all parties concerned;
- To recognize that teachers merit the same consideration and respect that parents expect from their child;
- To encourage their child to take pride in his/her appearance;
- To insist that their child promptly bring home all communications from school;
- To cooperate with the school in jointly resolving any school related problem;
- To inform school officials of changes in the home situation that may affect student conduct or performance;
- To inform and update school officials on medical, legal and other matters that relate to the student in the school setting;
- To set realistic standards of behavior for their child and resolve to remain firm and consistent;
- To help their child learn to deal effectively with negative peer pressure;
- To provide a place conducive for study and completion of homework assignments;
- To demonstrate desirable standards of behavior through personal example;
- To foster a feeling of pride in their child for their school;
- To provide support and positive reinforcements to their child;
- To read, support and help their child to understand the District Code of Conduct and school rules.

Parents should be aware that they are responsible for any financial obligations incurred by their child in school. This includes lost books, damage to property, etc.

THE RESPONSIBILITY OF SCHOOL PERSONNEL:

School personnel play an important role in the education of students. In view of this responsibility, school personnel must:

- Promote a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen each student's positive self-image;
- Teach the common courtesies by precept and example;
- Treat students in an ethical and responsible manner;
- Help students to reach their maximum potential;
- Demonstrate desirable standards of behavior through personal example;
- Report violations of the Code of Conduct to the building principal or acting building principal;
- Immediately report and refer violent students to the Principal or Superintendent of Schools;
- Address issues of harassment (including bullying) or any situation that threatens the emotional or physical health or safety of any student, employee or other person lawfully on school property or at a school function;
- Address personal biases that may prevent equal treatment of all students and staff;
- Maintain confidentiality in accordance with federal and state law.

THE RESPONSIBILITY OF TEACHERS:

Every teacher knows that he/she works every day with this nation's most precious commodity – the future generation. In view of this responsibility, the teacher must:

- Promote a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen each student's positive self-image;
- Plan and conduct a program of instruction that will make learning challenging and stimulating;

- Recognize that some disciplinary problems are caused by a student's personal and academic frustrations;
- Utilize classroom routines which contribute to the total instructional program and to the student's development of civic responsibility;
- To read, understand and comply with a student's individualized education plan or §504 plan;
- To read, understand and comply with a student's behavior improvement plan;
- Seek to develop close cooperative relationships with parents for the educational benefit of the student;
- Distinguish between minor student misconduct best handled by the teacher and major problems requiring the assistance of the administrator;
- Teach the common courtesies by precept and example;
- Handle individual infractions privately and avoid punishing the group for the misbehavior of one or two;
- Help students cope with negative peer pressure;
- Identify changing student behavior patterns and notify appropriate personnel;
- Enable students to discuss their problems with them;
- Send communications home promptly;
- Immediately report to the principal any student who jeopardizes his/her own safety, the safety of others or of the teacher, or who seriously interferes with the instructional program or the classroom;
- Treat students in an ethical, responsible and nondiscriminatory manner;
- Help students to reach their maximum potential;
- Serve as a surrogate parent in matters of behavior and discipline in accordance with New York State School Law;
- Explain and interpret the discipline code and other school rules to students;
- Maintain student confidentiality in accordance with federal and state law;
- Enforce the code in all areas of the school;
- Demonstrate desirable standards of behavior through personal example;
- Know the support services available to students and refer students who are in need of such services;
- Comply with state education law and regulations regarding corporal punishment, mandated reporting of suspected child abuse in the domestic setting and in the educational setting;
- In the event of removal from class, inform the student and the Principal of the reason for the removal;
- Immediately report and refer violent students to the Principal or Superintendent of Schools;
- Address issues of harassment (including bullying) or any situation that threatens the emotional or physical health or safety of any student, employee or other person lawfully on school property or at a school function;
- Address personal biases that may prevent equal treatment of all students and staff.

THE RESPONSIBILITY OF BULLYING PREVENTION COORDINATORS:

It is the responsibility of Bullying Prevention Coordinators to:

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

THE ROLE OF BUILDING ADMINISTRATORS:

As the educational leaders of the school, the Principal and his/her assistant(s) set the disciplinary climate for the school, not only for students, but for staff as well. Therefore, they must:

- Promote a safe, sound and healthful atmosphere of mutual respect supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex;
- Evaluate the program of instruction in their school to achieve a meaningful educational program and the infusion of civility education in the curriculum;
- Help their staff self-evaluate their procedures and attitudes in relation to the interaction within their classrooms;
- Develop procedures which reduce the likelihood of student misconduct;
- Provide the opportunity for students and staff to approach the Principal directly for redress of grievances;
- Work with students and staff to formulate school regulations;
- Assist staff members to resolve problems which may occur;
- Work closely with parents to establish a wholesome relationship between home and school;
- Utilize all appropriate support staff and community agencies to help parents and students identify problems and seek solutions;
- Establish necessary building security;
- Assume responsibility for the dissemination and enforcement of the “Code of Discipline and Responsibilities” and ensure that all discipline cases referred are resolved promptly;
- Ensure that students are provided with fair, reasonable, and consistent discipline;
- Comply with pertinent state laws governing hearings, suspensions, and student rights;
- Develop behavior guidelines and appeals procedures specific to each assigned school in harmony with this “Code of Student Conduct and Responsibilities.”
- Demonstrate desirable standards of behavior through personal example;
- Comply with state education law and regulations regarding corporal punishment, mandated reporting of suspected child abuse in the domestic setting and in the educational setting;
- Address issues of harassment (including bullying) or any situation that threatens the emotional or physical health or safety of any student, employee or other person lawfully on school property or at a school function;
- Address personal biases that may prevent equal treatment of all students and staff;
- Maintain confidentiality in accordance with federal and state law.

THE RESPONSIBILITY OF DISTRICT ADMINISTRATORS:

As the educational leaders of the school system, the Superintendent of Schools and central administrators must:

- Promote a safe, sound and healthful atmosphere of mutual respect supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex;
- Reinforce and extend the indicated responsibilities of the Principals and make them applicable to the school system for grades K-12;
- Recommend to the Board of Education appropriate policy, regulations and actions to achieve optimum conditions for positive learning and a safe and supportive environment for students;
- Develop and implement an effective “Code of Conduct” supportable by students, parents, staff and community and ensure that all cases are resolved promptly and fairly;
- Endeavor to provide adequate supervision in all school spaces;
- Demonstrate desirable standards of behavior through personal example;
- Comply with state education law and regulations regarding corporal punishment, mandated reporting of suspected child abuse in the domestic setting and in the educational setting;
- Address issues of harassment (including bullying) or any situation that threatens the emotional or physical health or safety of any student, employee or other person lawfully on school property or at a school function;
- Address personal biases that may prevent equal treatment of all students and staff;
- Maintain confidentiality in accordance with federal and state law;
- Disseminate the Code of Conduct and anti-harassment policies to staff.

THE ROLE OF THE BOARD OF EDUCATION:

As the elected officials in charge of our schools, the Board of Education:

- Promotes a safe, sound and healthful atmosphere of mutual respect supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex;
- Adopts the policies governing the District, including this Code of Conduct;
- Ensures that the Code of Conduct contains clear behavioral expectations and disciplinary consequences for students, staff and visitors;
- Ensures that the Code of Conduct is clearly communicated to students, staff and visitors;
- Ensures that the Code of Conduct is implemented and enforced in a consistent, reasonable, fair and equitable manner;
- Annually reviews the Code of Conduct and updates it as necessary;
- Comply with state education law and regulations regarding mandated reporting of suspected child abuse in the educational setting;
- Addresses issues of harassment (including bullying) or any situation that threatens the emotional or physical health or safety of any student, employee or other person lawfully on school property or at a school function;
- Addresses personal biases that may prevent equal treatment of all students and staff;
- Maintains confidentiality in accordance with federal and state law.

CONDUCT OF VISITORS:

In an effort to maintain a safe, orderly, and healthy educational environment that is conducive to learning, all visitors to the District must sign-in at the Main Office of the building visited, display a picture ID or other acceptable ID, and receive and display a Visitor's Identification Badge. Visitors are expected to conduct themselves in a manner that does not disrupt the order of schools or the educational process and in accordance with the law and this Code of Conduct.

REPORTING CODE VIOLATIONS:

1. To School District Personnel:

Students, teachers and other District personnel are expected to report any violation of the Code of Conduct to the Building Principal or, in his/her absence, the Acting Building Principal. Such individuals are required to report any threat of violence, including but not limited to, bomb threats, threats to persons or property, whether by oral, written or electronic means, possession of a weapon, alcohol or illegal substance on school property or at a school function to a teacher, the Building Principal or, in his/her absence, the Acting Building Principal.

Teachers and other District personnel shall immediately report violent students to the Building Principal or Superintendent of Schools.

Any weapon, alcohol, illegal substance or similar item (such as synthetic drugs) found shall be confiscated immediately, if possible, maintained in a secure location, followed by notification to the student's parent and law enforcement as appropriate.

2. To Local Law Enforcement Agencies:

The District will report any acts of violence against persons that constitute a crime, threatened acts of violence, and other violations of the Code of Conduct which constitute a crime and affect the order and security of the school to the appropriate local law enforcement agency (e.g., theft; destruction of school property; assault; false fire reports; arson; bomb threats; use, possession, distribution or sale of drugs or alcohol; use, possession, distribution or sale of a dangerous or deadly object or a potentially dangerous or deadly object) when the child is over the age of 16 or is 14 or 15 years old and qualifies for juvenile offender status. This report shall be made as soon as practical but in no event later than the close of business the day the Principal or Acting Building Principal learns of the violation.

When necessary, the District will file a complaint in criminal court against the actor.

3. To Human Services Agencies:

The District will report any violations of the Code of Conduct which constitute a crime when the actor is under the age of 16 to the appropriate human services agencies. When necessary, the District will file:

- A juvenile delinquency petition before the Family Court for a student under the age of 16 who is found to have brought a weapon to school or a student 14 or 15 years old who qualifies for juvenile offender status.
- A person in need of supervision (PINS) petition in Family Court for a student under the age of 18 who is habitually truant and not attending school as required by law, engages in an ongoing or continual course of conduct which makes the student ungovernable or habitually disobedient, or knowingly and unlawfully possesses marijuana.

GUN-FREE SCHOOLS ACT

ANY STUDENT WHO COMES ONTO SCHOOL PROPERTY (OR A SCHOOL EVENT, WHETHER ON OR OFF SCHOOL PROPERTY) WITH A FIREARM, AS DEFINED UNDER THIS ACT (SEE DEFINITION OF "WEAPON" ON PAGE 3), WILL RECEIVE A MINIMUM ONE-YEAR SUSPENSION FROM SCHOOL, SUBJECT TO THE DISCRETION OF THE SUPERINTENDENT OF SCHOOLS TO MODIFY THE PENALTY FOR A STUDENT IF THE SUPERINTENDENT BELIEVES THAT THE ONE YEAR OR LONGER SUSPENSION PENALTY IS EXCESSIVE. THE SUPERINTENDENT SHALL MAKE THE DECISION ON A CASE-BY-CASE BASIS, BASED UPON CRITERIA, INCLUDING BUT NOT LIMITED TO:

1. The age of the student;
2. The student's grades in school;
3. The student's prior disciplinary record;
4. The Superintendent's belief that other forms of discipline may be more effective;
5. Other relevant information from the parent(s), guardian(s), teacher(s), an/or others;
6. Other extenuating circumstances.

DIGNITY FOR ALL STUDENTS ACT

The Board of Education recognizes that a learning environment that is 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, hazing and intimidation. The District will, therefore, 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 school employees or students on school property or at schools-sponsored events which can reasonably be expected to materially and substantially disrupt the educational process may be subject to discipline (DASA – Policy #5151)

REMOVAL OF A STUDENT FROM THE CLASSROOM:

The School District has determined that certain acts of misconduct interfere with instruction and/or the safety and welfare of students and staff. Although some incidents of misconduct may require removal from the classroom or suspension from school, effort will be made to deal with misconduct without removal from the classroom or suspension from school. This is in keeping with the District goal of avoiding consequences that interrupt or interfere with learning. However, no child will be allowed to continue disrupting the instruction of the class or interfering with the safety of the school, its staff, students and visitors.

Teachers shall have the authority to remove a student from their classrooms whenever the student substantially disrupts the educational process or substantially interferes with the teacher's authority over the classroom. "Substantially disruptive" shall mean that the course of instruction has to be discontinued more than momentarily such that it breaks the continuity of the lesson, to address the disruptive conduct of the student. "Substantially interferes" with the teacher's authority over the classroom shall mean that the student has been insubordinate to the teacher in the presence of the class and has failed to obey the teacher's directives to cease and desist (e.g., at least two directives).

A secondary teacher may remove a student for the remainder of the class upon the first event and for two days of class upon the second or third event. An elementary teacher may remove a student for one class period or one hour upon the first event and for two class periods or two hours upon the second or third event. Upon the occurrence of a fourth event, a Principal's suspension shall occur.

Notwithstanding the above, in light of circumstances that warrant suspension, a Principal's suspension for substantially disruptive behavior may be implemented in addition to or in lieu of removal of the student from the classroom by the teacher.

Once the teacher determines that the student has been substantially disruptive or substantially interferes with the teacher's authority over the classroom:

- The teacher must confront the student in class (or within 24 hours of removal where the student is unmanageable at the time of initial removal) to inform the student of the reason(s) for the removal;
- Prior to removal from the classroom (or within 24 hours of removal where the student presents an ongoing threat of disruption or a continuing danger at the time of removal), the teacher shall inform the student of the basis for the removal and allow the student to informally present his/her version of the relevant events;
- The Building Principal or designee must be notified immediately, in writing, by the teacher of the student's removal from the teacher's class;
- The Building Principal or designee must inform the student's parent of the removal and the reasons therefor within 24 hours of the student's removal;
- Upon request, the student and his/her parent must be given an opportunity for an informal conference with the Principal or designee to discuss the reasons for removal. If the student denies the charge(s), the Principal or designee must provide an explanation of the basis for the removal and allow the student and/or his/her parent an opportunity to present the student's version of the relevant events within 48 hours of the student's removal;
- The Principal or designee may not set aside the removal unless he/she finds that the charges against the student are not supported by substantial evidence or the student's removal otherwise violates law or the conduct warrants suspension from school and a suspension will be imposed;
- The Principal's or designee's determination on whether or not to support the teacher's removal of the student shall be made by the close of business on the day succeeding the 48-hour period for the informal Principal's removal conference. The teacher who causes the removal may be required to attend the Principal's conference at the Principal's discretion.

The District shall provide continued educational programming and activities for students who are removed from their classrooms.

An appeal brought by the parent or student over the age of 18 of a Principal's removal decision must be presented to the Superintendent of Schools or designee within 10 calendar days, prior to any further appeal.

STUDENT SUSPENSION PROCESS:

The Board of Education, District Superintendent, Superintendent of Schools, a Building Principal and in his/her absence, an action Building Principal, may suspend a student from school where it is determined that the student:

- Is insubordinate, disorderly or violent, or exhibits conduct which endangers the safety, morals, health or welfare of others; or

- Is removed from a classroom for substantially disrupting the educational process or substantially interfering with the teacher's authority in the classroom four or more times in one semester.

In addition to the statutory grounds for suspension from school for conduct or health condition, students shall also be subject to suspension based upon a violation of the specific disciplinary infractions listed below:

A. Pre-suspension Process:

Prior to being suspended from school, the student shall be confronted by a school official empowered to suspend, as referenced above, at which time the evidence upon which the decision to suspend is based shall be stated to the student and the student shall be given the opportunity to explain his/her version of the facts. The student shall also be afforded the right to present other persons to the suspending authority in support of his/her version of the facts. If 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, such confrontation shall occur following suspension, as soon thereafter as is reasonably practicable. In all cases, there shall be no suspension until after the informal Principal's conference, unless waived, as described in paragraph "C", below.

B. Short-Term Suspension Process:

Prior to a proposed suspension from school for between one and five days by a Building Principal or an Acting Principal in the absence of the Building Principal, the student and his/her parent shall be notified, in writing, by personal delivery. Such written notice shall include a description of the incident(s) resulting in the suspension and shall inform the parent of their right to request an immediate informal conference with the Principal at which the student and/or his/her parent may present the student's version of the event and ask questions of complaining witnesses. Upon such request, an informal conference with the Principal and other parties involved shall be convened as soon as possible, [at which time the evidence, including the witness(es) relied upon by the Principal in making the suspension determination, may be questioned by the parent or guardian.] The right to an informal conference with the Principal shall also extend to a student if 18 years of age or older. The notice and informal conference shall be in the dominant language or mode of communication used by the parent. If 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, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

Any appeal brought by the parent or student over the age of 18 of a Principal's suspension must be presented to the Board of Education within 10 calendar days of the suspension and prior to filing any further appeal.

C. The Long-Term Suspension Process: Suspension for More than Five Days:

Any suspension from school in excess of five school days shall be considered a long-term suspension. Unless there is a written agreement between the person requesting the suspension and the parent, a long-term suspension may be imposed only after the Superintendent of Schools or the Board of Education has conducted a hearing.

When a student is subject to a long-term suspension, a hearing shall be conducted by the Superintendent if the Building Principal, Acting Building Principal or the Superintendent has made the original suspension or before the Board where that body has made the original suspension. The Superintendent of Schools or Board of Education may designate a Hearing Officer to make findings of fact with respect to the charges of infractions under this Code of Conduct, as well as, penalty recommendation pursuant to the penalty parameters described herein.

D. Hearing Procedures:

1. Notice of Hearing:

In the event of the suspension of a student under the age of 18 years, the notice of suspension will be mailed or delivered to the parent, who shall have a minimum of 48 hours' notice of

the time and place of the hearing, as well as, the nature of the charge(s) and the facts, sufficiently stated so that a proper defense may be placed upon the record on behalf of the student.

In the event of the suspension of a student over the age of 18, the notice, as described above, shall be delivered or mailed to the student, as well as to the student's parent(s), if any. Emancipated minors shall be entitled to the same notice rights as a student beyond the age of 18 years.

All notices of long-term suspension hearings shall contain provisions indicating that the student has the right to be represented by an attorney or lay counsel, that a transcript of the hearing will be prepared (tape recording or stenographic record) and that the student has the right to subpoena witnesses or otherwise present witnesses in his/her defense. The time, date and location of the hearing shall also be prominently set forth in the notice.

If the student is 18 years of age or older, the letter described above will be mailed to the student, as well as, his/her parent.

2. The Long-Term Suspension Hearing:

The Hearing shall be conducted by the Superintendent or a designated Hearing Officer in the event of a suspension by a Building Principal, Acting Building Principal; or the Superintendent. The Hearing shall be conducted by the Board or its designated Hearing Officer in the event that the suspension originated by Board action.

At the beginning of the Hearing, the Hearing Officer shall inform the student and the student's representative(s):

That the District's and the student's representatives shall have the right to examine and cross-examine witnesses;

That the student has the privilege against self-incrimination, but that if the student does not testify, he/she shall be subject to cross-examination;

That the District has the burden of proving the charges by a preponderance of the credible evidence;

That a transcript of the proceedings shall be maintained and made available to the student's representative upon request; and

That the Hearing shall be private or open to the public, as determined by the student's representative.

The person conducting the Hearing shall not have intimate knowledge of the details of the charges to assure an impartial, unbiased hearing of the case. The Hearing Officer shall inform the parties:

That the case will proceed by having the District present its evidence through witnesses and other evidence first;

That the District's witnesses shall be subject to cross-examination by the student's representative; and

That the student will then have the opportunity to present witnesses on his/her behalf, subject to cross-examination by the District's representative.

Following the conclusion of the testimony and the introduction of other evidence matters, the parties shall be afforded the opportunity to present oral arguments to the Hearing Officer indicating the reasons why the charges should be sustained or dismissed.

The Hearing Officer shall then reach findings of fact upon the charges. In the event that one or more of the charges is sustained, the Hearing Officer shall then entertain statements from the parties regarding the appropriate penalty outcome. In the event that the parent and/or the student, in an appropriate case, have been served with a copy of the student's past disciplinary anecdotal record in a timely fashion (at least 48 hours before the hearing), for consideration at the hearing, such record may be considered by the Hearing Officer in determining an appropriate penalty. The incidents contained within the past anecdotal record shall be subject to proof to the extent that they are denied by the student, as expressed by the student's representative.

The Hearing Officer, upon the conclusion of the portion of the proceedings dealing with penalty determinations, shall make findings of fact and penalty recommendations, if any, to the person or body which designated him/her immediately upon the conclusion of the long-term suspension hearing. The Superintendent or Board, whichever designated the Hearing Officer, shall make its own findings of fact and penalty decision, by adopting those of the designated Hearing Officer, where applicable, in whole or in part, or by reaching independent findings of fact and penalty determinations. This process shall be concluded within the five school day period from the time of the initial suspension if the student is to be continuously suspended. The decision may be communicated to the student's representative and/or student (where over the age of 18) beyond the five school day period in cases where the student has been reinstated to attendance in school pending the final determination on the charges and penalty by the Superintendent or the Board, in cases to be decided by them, respectively.

3. Alternative Instruction:

Pursuant to the Education Law, no student of compulsory education age shall be suspended from school in his/her regularly scheduled classes without being provided alternative equivalent instruction, either in the form of home instruction or instruction in an alternative setting. Such instruction shall be of a reasonably equivalent nature to that provided in the student's regularly scheduled classes. A good faith effort shall be made to provide such alternative instruction immediately, giving due regard for the nature and circumstances of each particular case.

In the event that a student within the compulsory education ages of six and the school year in which he/she becomes 16 is suspended from school in excess of five school days, alternative equivalent instruction shall be provided for the duration of the period of suspension.

4. Appeals Process:

The decision of the Superintendent with respect to the findings of fact sustaining charges in a long-term suspension hearing and/or penalty determination shall be subject to appeal to the Board of Education within 30 calendar days of receipt of the Superintendent's determination. The Board shall review the record of the proceedings before the Superintendent or his/her designated Hearing Officer, including a review of the transcript of the proceedings, documentary evidence and written arguments of the representatives of the respective parties, if any. The Board does not provide the representatives of the respective parties with the opportunity either to present evidence not previously in the record or to make arguments in person or before the Board.

The Board may review findings of fact, uphold the penalty, reduce the penalty or condition a suspended student's voluntary participation in counseling or (2) voluntary participation in special classes, such as those addressing anger management or dispute resolution.

In the event that the initial long-term suspension hearing was conducted by the Board or its designated Hearing Officer, or where the Board has ruled on an appeal from a Superintendent's long-term suspension hearing, the matter may be further appealed to the Commissioner of Education.

E. Off-Campus Misconduct:

A student may be subject to discipline for conduct constituting a crime which is committed off of school premises or at non-school sponsored activities to the extent that the Superintendent of Schools or Board of Education reasonably believes that the continued attendance in school of the student would adversely affect the educative process (e.g., disrupts the operation of the school) or constitutes an endangerment to the health, safety, welfare or morals of the student and/or others in our schools.

A student may be subject to discipline for off-campus misconduct that does not involve criminality that the Superintendent of Schools or Board of Education reasonably believes has a nexus to the educative process (i.e., student-student, student-personnel, interactions that foreseeably would have a detrimental or disruptive effect upon school programs or activities).

A student may also be subject to discipline for cyberbullying that 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.

F. Dress and Grooming:

Students are expected to dress and groom themselves in an appropriate manner. Student must be dressed in appropriate clothing and protective equipment as required for physical education classes, participation in athletics, science laboratories and home and careers skills classes.

The following are considered to be inappropriate dress, grooming and appearance and are prohibited in school or at school functions:

- Any dress or appearance which constitutes a threat or danger to the health and safety of students (e.g., heavy jewelry or jewelry with spikes which can injure the student or others);
- Any dress or appearance which is vulgar, lewd, obscene or indecent or profane or which exposes to sight the private parts of the body (e.g., t-shirts with phallic symbol and messages consisting of sexual metaphors; see-through garments, extremely plunging necklines or waistlines);
- Any dress or appearance which encourages or advocates the use of illegal drugs, alcohol and/or tobacco;
- Any dress or appearance which advocates or encourages the other illegal or violent activities;
- Any dress or appearance which advocates discrimination or denigrates others based upon actual or perceived race, color, creed, weight, religion, religious practice, ethnic group, national origin, gender, sexual orientation or disability;
- The wearing of hats in the classroom as this is a sign of disrespect (unless worn for religious or medical reasons);
- Any dress or appearance which constitutes a disruption to the educational process.

A dress code for employees is a mandatory subject of collective bargaining and, as such, may not be imposed upon employees who are members of unions without negotiations. Nevertheless, employees are responsible to ensure that their dress is safe and appropriate, and does not disrupt or interfere with the educational process.

G. Computer and Internet Use:

The following prohibited use of District-owned technology resources (including but not limited to computer drives, network facilities, the Internet and Internet links) may give rise to disciplinary action against users of such equipment and/or facilities:

1. E-mail or other electronic or digital communications or mobile communications (e.g., texts) created by a student or another individual at a student's request, which originates from the school premises or which is received at the school premises or school event or activity or which affects the operation of the school or a school event or activity which:
 - Is lewd, vulgar, obscene, indecent or inappropriate for student recipients of certain ages;
 - Conveys a threat of violence, including sexual violence, to a specific individual or individuals or to the school district;

Constitutes a state and/or federal crime;

Is the cause of or a substantial contributing factor to a substantial interference with the orderly functioning of the school(s);

Attributes the text of e-mail or text message to school officials or that the text is school endorsed, unless there is such official endorsement or consent from school officials.

2. Technology/Internet use that circumvents access restrictions placed upon the District's computer systems by the Board of Education or its administrative designee(s).
3. Technology and/or Internet use that is not school related or is unauthorized.
4. Permitting the use of a student's log-in credentials by any other person and such student shall assume responsibility for occurrences in violation of this Code of Conduct that occurs under the student's log-in credentials.
5. E-mails or other electronic, digital or mobile communications created by a student or another individual at a student's request, which originates from an off-campus computer or site and which is received at the school premises or by one or more District students or staff members at their homes or other off-campus sites which conveys threats of violence to or harasses or bullies a specific individual or individuals or to the school district may give rise to disciplinary action against such student. Local law enforcement agencies will be contacted in an appropriate case.

H. Suspension from Transportation Service:

Students may be suspended from transportation services for an infraction or infractions listed herein upon the conducting of an informal hearing by the Superintendent of Schools or his/her designee, at which time the student's parent/guardian or other representative shall be allowed to confront the witnesses relied upon by the District in determining the appropriateness of such suspension of service. If such informal hearing is conducted before the Superintendent's designee, the designee shall make a recommendation to the Superintendent as to the action to be taken.

I. Suspension from Extra-Curricular and Co-Curricular Activities, and School Functions:

Extra-curricular and co-curricular activities, as well as, school functions (including dances, prom, and graduation) are privileges, not rights. A student may be suspended from participating in extra-curricular or co-curricular activities (including a sports team) for an infraction of any of the provisions herein, for violating a code of conduct issued to participants in the activity by the activity supervisor or for fighting at games. Upon the request of the student's parent/guardian, the Building Principal shall allow the parent/guardian or other representative of the student the right to appear before him/her informally, to discuss the conduct which led to suspension from the activity.

If a student is suspended from school pursuant to §3214 of the Education Law, he/she shall not be permitted to participate in any extra-curricular or co-curricular activities, as well as, any other school events or activities (including but not limited to dances, the prom, and graduation) which take place on the days of suspension (including intervening weekends). In addition, a student's disciplinary record may have an impact on the student's participation in graduation ceremonies and other school-sponsored activities such as the senior trip and the prom.

J. BOCES Students:

If a student who attends a BOCES program for part of the day receives an out-of-school suspension either at the BOCES or at the District, the student will also be suspended from the other program as well.

K. Discipline of Students with Disabilities:

A principal may suspend a student with an educational disability for a short-term (5 days or less) in the same manner as non-disabled students may be suspended. A principal's designation of an Interim Alternative Educational Setting must be made in consultation with the student's special education teacher.

In the event that a student has a known disability or when school officials can be deemed to know, in accordance with law, that a student has a disability or meets the “suspected of having a disability” standard, the District will first proceed to conduct a §3214 long-term disciplinary proceeding for any suspension of more than five days. The §3214 disciplinary proceeding will be held in two parts, first to determine the student’s guilt or innocence on the charges and the second to determine the penalty.

If guilt is determined on a violation of a provision of the District’s Code of Conduct, before a penalty may be imposed, the following rules shall apply:

1. Section 504/Title II ADA Disability:

Before discipline may be meted out for a student with a disability or suspected disability founded solely under §504 of the Rehabilitation Act of 1973 (hereinafter §504)/Title II of the Americans with Disabilities Act (hereinafter the ADA), the §504 multi-disciplinary committee (hereinafter the §504 Committee) must make a determination of whether the conduct underlying the charge(s) was a manifestation of the disability.

- If a nexus is found between the disability and the conduct, no additional discipline shall be imposed and the record of discipline imposed to date shall be expunged. The §504 Committee shall consider any appropriate evaluations and/or modifications to the student’s accommodation plan.
- If no nexus is found, yet nonetheless a disability is indicated or has been identified, discipline may be imposed in the same manner as it would be for nondisabled students, upon remand to the §3214 hearing officer. Any penalty imposed may not be based on past behavior for which a nexus determination was not made. A change in placement; i.e. a suspension, removal or transfer, in excess of 10 school days must be preceded by notice and an evaluation conducted by the §504 team.
- Students with a recognized §504/ADA disability who are currently using or in possession of alcohol or drugs may be disciplined, regardless of their disability status in the same manner and to the same extent as non-disabled students, provided that same students are currently engaged in the illegal use of drugs or use of alcohol.
- The School District must continue to provide a free appropriate public education to students who have been suspended from school as required by the regulations implementing §504(34 CFR §104 et. Seq.) until the end of the school year in which the student reaches the age of 21.

2. IDEA Disability:

For students classified or presumed to have disabilities under the Individuals with Disabilities Act (hereinafter referred to as “IDEA”) (a student with an educational disability), a Manifestation Team must make a Manifestation Determination prior to a student’s suspension for 10 or more consecutive school days or prior to a suspension of 10 days or less, if it has been determined that a suspension for less than 10 consecutive school days would constitute a disciplinary change in placement.

A series of suspensions that are each 10 or fewer days in duration may create a pattern of exclusions that constitutes a disciplinary change in placement. That determination will be made on a case-by-case basis in accordance with applicable law and regulation. Among the factors considered in making this determination are the length of each suspension, the proximity of the suspensions to one another, and the total amount of time the student is excluded from school.

A student shall be presumed to have a disability if prior to the time the behavior occurred:

- The parent or guardian of the child has expressed in writing to supervisory or administrative personnel of the appropriate educational agency or to a teacher of the student that the student is in need of special education, provided that such

notification may be oral if the parent does not know how to write or has a disability that prevents a written statement; or

- The parent of the student has requested an evaluation of the student; or
- A teacher of the student or other personnel of the District has expressed specific concern about a pattern of behavior demonstrated by the student to supervisory personnel in the District in accordance with the District's child-find procedures.

A student shall not be presumed to have a disability for discipline purposes, despite satisfaction of one or more of the above criteria, if:

- The parent of the student has not allowed a relevant evaluation of the student by the Committee on Special Education ("CSE");
- The parent of the student has refused special education services; or
- It was determined by the CSE or Committee on Preschool Special Education ("CPSE") that the student is not a student with a disability; or
- It was determined that an evaluation was not necessary and the District provided appropriate notice to the parents of such determination.

3. **Manifestation Determinations:**

A Manifestation Team, which shall include a representative of the school district knowledgeable about the student and interpretation of information about child behavior, the parent and relevant members or the Committee on Special Education as determined by the parent and the school district. The parent must receive written notification prior to any Manifestation Team Meeting to ensure that the parent has an opportunity to attend and inform the parent(s) of their right to have relevant members of the CSE participate at the parent's request.

- When making a manifestation determination, the Manifestation Team shall review all relevant information in the student's file including the student's IEP, any teacher observations and any relevant information provided by the parents to determine if:
 - a. The conduct in question was caused by or had a direct and substantial relationship to the student's disability; or
 - b. The conduct in question was a direct result of the school district's failure to implement the IEP

If either of the aforementioned criteria listed as "a" and "b" above are answered affirmatively, the conduct in question shall be deemed to be a manifestation of the student's disability.

When a Manifestation Team determines that the conduct in question was a manifestation of a student's disability, the CSE shall meet to recommend and conduct a Functional Behavioral Assessment and implement a Behavior Intervention Plan in accordance with 8 NYCRR §201.3 and 201.4(d)(2)(a)).

A meeting for the sole purpose of making a manifestation determination does not require five calendar days' notice to the student's parent or guardian at the meeting. However, if the CSE meets to consider a change in placement in conjunction with the manifestation determination, the five-day notice requirement of §200.5(a)(3) of the Commissioner's Regulations is applicable and parental participation in all CSE meetings is expected and strongly encouraged.

- **Discipline of Students with Disabilities When the Manifestation Team has made an Affirmative "Manifestation Finding"**

When an educationally disabled student's conduct is a manifestation of the child's disabling condition, a student classified under IDEA may only be suspended from school for more than 10 consecutive school days, if one of the following applies:

- a. The CSE recommends a change in placement on the student's Individualized Education Plan (IEP) and/or Behavior Intervention Plan and the parent, guardian or eighteen-year or older student consents to such change in writing following receipt of their Procedural Safeguards Notice.
 - b. A court order or order from an impartial hearing officer of suspension/removal of a dangerous student pursuant to 8 NYCRR 201.8 is obtained.
 - c. The violation involves weapons, drugs or serious bodily injury.
- **Suspension for Misconduct Involving Weapons and/or Drugs and/or Serious Bodily Injury**

A student classified or deemed to be known as having an educational disability under IDEA may be suspended and placed in an Interim Alternative Educational Setting ("IAES") for up to 45 school days (less if the discipline is for a non-disabled student would be less), if the student is found guilty of: 1) carrying or possessing a weapon while at school, on school property or while at a school function; 2) knowingly possessing or using illegal drugs, or selling or soliciting the sale of a controlled substance while at school, on school premises or while at school function; or 3) inflicting a serious bodily injury to another person while at school or a school function.

a. In accordance with law, the term "weapon" means "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2-1/2 inches in length." While a pocket knife with a blade of less than 2-1/2 inches in length is not a weapon for purposes of Commissioner's Regulation §201.7, the student will, however, be subject to discipline under the Code of Conduct, including suspension from school.

b. In accordance with law, the term "illegal drugs" means controlled substances but not those legally possessed or used under the supervision of a licensed health care professional or other permitted authority under the Federal Controlled Substances Act or under any other provision of Federal law. Controlled substances are drugs and other substances identified under schedules set forth in applicable Federal law provisions.

c. In accordance with law, the term "serious bodily injury" means bodily injury which involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

Before a student is suspended and placed in an IAES for up to 45 school days for behavior involving weapons and/or drugs and/or serious bodily injury, the Manifestation Team must conduct a manifestation determination. Placement in an IAES as a result of conduct involving weapons and/or drugs and/or serious bodily injury is not contingent upon a Manifestation Team determination that the misconduct is not related to the student's disability.

- a. If the student is or may be placed in an IAES, the CSE shall as appropriate, recommend functional behavioral assessment and behavior

intervention, or review any such pre-existing plan for modification; and

b. A CSE shall determine and recommend an IAES reasonably calculated to enable the child to continue to receive educational services, participate in the general curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction.

- **Dangerous Students**

To continue the suspension of a student classified or deemed to be known as having an education disability under IDEA for more than 10 consecutive school days, the School District may commence an expedited hearing before a special education impartial hearing officer to demonstrate that a student is “dangerous” and is substantially likely to cause injury to himself or others if returned to his last agreed upon placement. An impartial hearing officer may order the placement of the student in an interim alternative setting for up to 45 school days in accordance with 8 NYCRR §201.8 and 201.11.

a. The Manifestation Team must still conduct a manifestation determination within 10 consecutive school days of the initial disciplinary action.

b. If the student is or may be placed in an IAES, the CSE shall as appropriate, recommend Functional Behavioral Assessment and Behavior Intervention Plan, or review an such pre-existing, plan for modification; and

c. An impartial hearing officer’s determination allowing a student’s placement in an IAES as a result of dangerous behavior is not contingent upon a Manifestation Team determination that the misconduct is not related to the student’s disability.

- **Discipline of Students with Disabilities when the Manifestation Team has made a “No Manifestation Finding”**

Where a student with a disability’s conduct is found not to be a manifestation of his/her disability he/she may be disciplined in the same manner and to the same extent as nondisabled students. In such instances, the CSE shall meet upon proper notice to determine any appropriate evaluations which must be performed, changes to a student’s IEP and to recommend an appropriate IAES where the child can continue to receive educational services, although in another setting, that enable the child to participate in the general curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction.

- **Pendency Placement**

An IAES shall be deemed the student’s “stay put” placement for up to 45 school days, during the pendency of any expedited due process proceedings commence by parents to contest 1) a finding that a student is not “presumed to have a disability”, and/or 2) a finding that the student’s misconduct was not a manifestation of the student’s disability, and/or 3) a decision to place a student in a CSE recommended IAES for misconduct involving weapons and/or drugs and/or serious bodily injury, and or 4) the decision of an impartial hearing officer in a dangerousness hearing and/or 5) the appropriateness of an IAES program recommended by the CSE in the context of one of the four categories of action listed above.

- **Declassified Students**

In accordance with law, the CSE must conduct a manifestation determination in the case of a student with an educational disability who has been declassified if the disciplinary matter involves behavioral problems.

I. Disciplinary Measures:

The following shall constitute appropriate disciplinary measures authorized by this student Code of Conduct:

1. Warnings (oral or written) and/or Notification to Parent
2. Detention
3. Removal from class
4. In-school suspension
5. Suspension from school for up to five (5) school days
6. Suspension from school in excess of five (5) days
7. Suspension from school for at least one (1) year for possession of a weapon pursuant to the Gunn-Free Schools Act of 1994 (subject to the right of the Superintendent to modify such penalty) or, in the case of a student with a disability whose possession of a weapon is determined not to be related to his/her disability, placement in an interim alternative educational setting for a period of up to 45 school days.
8. Placement in an interim alternative educational setting for a period of up to 45 school days, in the case of a student with a disability whose knowing possession or use of illegal drugs, or sale or solicitation of the sale of a controlled substance or inflicting a serious bodily injury to another person at a school or a school function is determined not to be related to his/her disability.
9. Suspension from school and notification of police
10. Permanent suspension (Expulsion)

The following are other consequences that may be taken independently or concurrently with the above disciplinary measures:

1. Suspension from transportation
2. Suspension from athletics, extra-curricular activities and/or social activities
3. Suspension of other privileges

M. Infractions with Penalty References:

Schools may use one or more of the following, as appropriate:

NOTE: BEING MINDFUL OF THE AGE AND UNDERSTANDING OF ELEMENTARY AND MIDDLE SCHOOL STUDENTS AND NOTWITHSTANDING THE LEVELS OF DISCIPLINE SET FORTH IN THIS SECTION, BUILDING ADMINISTRATORS IN THE ELEMENTARY AND MIDDLE SCHOOLS SHALL HAVE THE DISCRETION TO IMPOSE ANY OF THE LESSER DISCIPLINARY MEASURES SET FORTH ABOVE.

INFRACTION	LEVEL OF DISCIPLINE
1. Disturbances which disrupt instruction and/or school environment (including but not limited to instigating or inciting others to commit any of the acts prohibited by this Code)	1, 2, 3, 4, 5
2. Substantially disruptive and/or substantially interferes with teacher's authority in class	3
3. Repeatedly disruptive and/or substantially interferes with the teacher's authority in class giving rise to removal on four or more occasions per semester.	5, 6
4. Abusive language and/or gestures directed at staff, students or visitors on school grounds or at school functions.	4, 5

5. Carelessness in failure to follow school rules and staff directions.	1, 2
6. Dress or grooming which is inappropriate as described in this Code of Conduct	1, 2
7. Possession or dissemination of obscene materials.	2, 4, 5, 6
8. Smoking (including electronic cigarettes) or other tobacco use on campus and within 100 feet of the entrances, exits or outdoor areas of any elementary or secondary school, or at school functions.	2, 4
9. Possession of and/or dissemination and/or use of tobacco, tobacco products and accessories, e.g. lighters and matches, including lighting a match or lighter, electronic cigarettes or any nicotine delivery system, e.g., hookah sticks, vaporizers).	1, 2, 4,5
10. Cheating in any academic or extra-curricular or co-curricular activity.	1, 2, 4, 5
11. Abusive and/or insubordinate gestures at school employees or peers that could or does provoke a fight.	4, 5
12. Willful failure to obey the reasonable directives of school staff (insubordination), including directives not to engage in conduct otherwise referenced as an infraction herein and for failing to notify a parent of assignment to detention.	1, 2, 4, 5, 6
13. Fighting between students where no dangerous instruments are involved and no person is injured in the altercation.	5, 6
14. Fighting between students where harm is caused to one or more of the combatants.	5, 6, 8
15. A fight involving the use or threatened use of a dangerous or deadly weapon.	5, 6, 7, 8, 9, 10
16. Any violent act against a teacher or other staff member, as described in this Code of Conduct.	6, 8, 9
17. Any violent act against another student or person in the schools, on school property or at a school function, as described in this Code of Conduct.	6, 9
18. An unprovoked assault against another student or person in the schools, on school property or at a school function.	5, 6, 9
19. An unprovoked assault against another student or person in the schools, on school property or at a school function that causes bodily harm.	5, 6, 9
20. Possession and/or use and/or sale and/or distribution of dangerous or deadly weapons or other potentially dangerous objects on school property or at school functions.	7, 8, 9
21. Possession of illegal drugs, dangerous drugs, counterfeit drugs, synthetic drugs (such as synthetic cannabinoids) whether specifically illegal or not, unauthorized prescription medication or alcohol, or a substance which the individual believes or represents to be such drugs or alcohol, or dangerous or deadly substances (including but not limited to chemicals and inhalants) in school, on school property or at school functions.	6, 8, 9
22. Use or being under the influence of illegal drugs, dangerous drugs, synthetic drugs whether specifically illegal or not, counterfeit drugs, unauthorized prescription medication or alcohol, or a substance that the individual believes or represents to be such drugs or alcohol, or dangerous or deadly substances (including but not limited to chemicals and inhalants) at school, on school property or at school functions.	6, 8, 9
23. Sale or other distribution of illegal drugs, dangerous drugs, synthetic drugs whether specifically illegal or not, counterfeit drugs, unauthorized prescription medication or	6, 8, 9

alcohol, or a substance which the individual believes or represents to be such drugs or alcohol, at school, on school property or while at school functions.	
24. Possession and/or sale and/or distribution of drug paraphernalia on school property or at school events.	4, 5, 6
25. Possession and/or sale and/or distribution and/or use of fireworks on school property or at school events.	5, 6
26. Commission of conduct that constitutes a misdemeanor while on school property or at a school event.	5, 6
27. Commission of conduct that constitutes a felony while on school property or at a school event.	5, 6, 9
28. Gambling	4, 5
29. Hazing	5, 6
30. Obscene, lewd, vulgar or indecent conduct or speech that is oral or written and/or physical expressed or distributed on school property or at a school.	4, 5, 6
31. Public displays of affection beyond hand holding.	1, 2, 4, 5, 6, 9
32. Theft of personal property.	2, 4, 5, 6, 9
33. Theft of school property.	5, 6, 9
34. Extortion.	5, 6, 9
35. Plagiarism.	4, 5
36. Arson	6, 9
37. Intentional destruction of school property (vandalism).	4, 5, 6, 9
38. Use or possession of a light or laser pointer.	2, 4 and/or confiscation
39. Use of a cellular phone or any electronic communication device during instructional time without authorization.	2, 3, 4 and/or confiscation
40. Violation of computer use policy.	1, 2, 4, 5, 6, 9 and/or suspension of computer privileges.
41. Class, study hall, homeroom, teacher detention, administration detention cuts.	2, 4
42. Eating or drinking where prohibited.	1, 2
43. Driving recklessly, speeding, failing to follow campus monitor's directives on school grounds.	4, 5 suspension or revocation of driving and parking privileges
44. Activation of a false alarm, bomb threat or other disaster alarms.	6, 7, 8
45. Forgery or Fraud	4, 5, 6

46. Harassment (any word, communication or action based in whole or in part upon actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, as well as marital status, veteran status, appearance or other physical attribute for which there is no legitimate purpose).	4, 5, 6, 7, 8
47. Bullying, intimidation or coercion (the act of threatening, verbally, in writing, by electronic/digital/mobile communication or by gesture, the well-being, health, safety, freedom or property of any person).	4, 5, 6, 7, 8
48. Leaving a school building and/or campus without authorization.	4, 5
49. Parking and/or standing in unauthorized areas.	1, 2, 4
50. Tardiness to class or school.	1, 2, lunch detention
51. Unauthorized absence from school.	2, 4
52. Trespassing while suspended from school.	5, 6
53. Any threat of violence, whether against another student, staff member or other person connected with the schools, the school district or school property, communicated verbally, in writing or by electronic/digital means, whether from an on-campus or off-campus location.	4, 5, 6, 9, 10
54. Use of any electronic/digital device to photograph and/or video record anyone (without their knowledge) on school property and/or in violation of privacy rights of others on school property or at school activities.	4, 5, 6, 9 and/or confiscation
55. Lighting or attempting to light a fire in school, on school property or at a school function, whether or not damage results (includes lighting a match or lighter if not authorized).	5, 6
56. Disorderly conduct (intentionally causing public inconvenience, annoyance, alarm, or recklessly creating a risk thereof, or someone who obstructs, fails to disperse, or disrupts others.)	4, 5, 6

Notes:

- **The repeating of an infraction may lead to the imposition of the next measure of discipline.**
- **Chronic repeating of infractions may lead to long-term suspension or permanent suspension (expulsion).**
- **The above listing is not intended to be all-inclusive. The Administration reserves the right to implement disciplinary action for incidents not specifically identified above. Students who engage in behavior determined to be inappropriate and/or disruptive to the school environment will be subject to disciplinary consequences.**

PUBLIC CONDUCT ON SCHOOL PROPERTY:

The Board of Education recognizes that the primary purpose of the School District is to provide a superior atmosphere for learning and education. Any action by an individual or group(s) aimed at disrupting, interfering with or delaying the education process or having such effect, is prohibited. The Board also recognizes its responsibility to protect school property and declares its intent to take any and all legal action to prevent its damage or destruction. The Board will also seek restitution from, and prosecution of, any person or persons who willfully damages school property.

These rules govern the conduct of students, parents, faculty and other staff, other visitors, licensees, invitees, and all other persons, whether or not their presence is authorized, upon district property, and also upon or with respect to any other premises or property (including school buses) under control of the District and activities, whether or not conducted on school premises.

PROHIBITED CONDUCT:

No person, either singly or in concert with others, shall:

- Willfully cause physical injury to any other person, or threaten to do so;
- Intimidate, harass or discriminate against any person on the basis of actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, gender (including gender identity and gender expression), age, marital status, sexual orientation or disability;
- Physically restrain or detain any other person, or remove such person from any place where he/she is authorized to remain;
- Willfully damage or destroy property of the District or under its jurisdiction or the personal property of a district employee or any person lawfully on school property (including graffiti or arson), or remove or use such property without authorization;
- Without permission, expressed or implied, enter into any private office of an administrative officer, member of the faculty or staff member;
- Enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others;
- Without authorization, remain in any building or facility after it is normally closed;
- Refuse to leave any building or facility after being required to do so by an authorized administrative officer, member of the faculty or staff member, or member of the Board of Education;
- Obstruct the free movement of persons and vehicles in any place to which these rules apply;
- Deliberately disrupt or prevent the peaceful and orderly conduct of classes, school programs or other school activities;
- Deliberately interfere with the freedom of any person to express his/her views, including invited speakers;
- Knowingly have in his/her possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm or weapon without written authorization of the Superintendent of Schools or designee, whether or not a license to possess the same has been issued to such person;
- Drive recklessly, speed or fail to follow school crossing guard or traffic directions on school grounds, or park in unauthorized areas;
- Use or distribute any cigarettes, electronic cigarettes, tobacco or tobacco related products;
- Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous or obstruct the rights of others;
- Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances or illegal substances (including synthetic drugs such as synthetic cannabinoids, whether specifically illegal or not) or be under the influence of any such items on school property or at a school function;
- Loiter on or about school property;
- Litter on school property;
- Spit or engage in other unhygienic behavior on school property or at a school function;
- Gamble on school property or at school functions, unless conducted pursuant to the Games of Chance laws;
- Refuse to comply with the reasonable order or directive of identifiable school district officials performing their duties;
- Willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so; and/or
- Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

PENALTIES AND PROCEDURES:

A person who violates any of the provisions of these rules shall be subject to the following penalties and procedures:

- If a licensee or invitee, his/her authorization to remain upon the grounds or other property shall be withdrawn and he/she shall be directed to leave the premises. In the event of failure to do so, he/she shall be subject to ejection.
- If a trespasser or visitor without specific license or invitation, he/she shall be subject to ejection and/or arrest.
- If a student, he/she shall be subject to disciplinary action as the facts of the case may warrant, as prescribed by §3214 of the Education Law and the Student Code of Conduct
- If a faculty member, he/she shall be subject to disciplinary action as prescribed by and in accordance with procedures of the Education Law and the applicable collectively negotiated agreement.
- If a staff member in the classified service of the civil service, described in §75 of the Civil Service Law, he/she shall be guilty of misconduct and subject to the penalties and procedures prescribed in said section and applicable collectively negotiated agreement, and be subject to ejection.
- If a staff member other than one described above, he/she shall be subject to discipline in accordance with law and any applicable collectively negotiated agreement.

ENFORCEMENT PROGRAM:

The Superintendent of Schools and designees shall be responsible for the enforcement of these rules, and he/she shall designate the other personnel who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect.

1. In the case of any apparent violation of these rules by such persons, which, in the judgment of the Superintendent or his/her designee, does not pose any immediate threat of injury to person or property, such officer may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for resolution of any issues which may be presented. In doing so such officer shall warn such persons of the consequences or persistence in the prohibited conduct, including their ejection from any district properties where their continued presence and conduct is in violation of these rules.
2. In any case where violation of these rules does not cease after such warning and in other cases of willful violation of such rules, the Superintendent or his/her designee shall cause the ejection of the violator from any premises which he/she occupies in such violation and shall initiate disciplinary action hereinbefore provided.
3. The Superintendent or his/her designee may apply to the public authorities for any aid which he/she deems necessary in causing the ejection of any violator of these rules and he/she may request the Board's Counsel to apply to any court of appropriate jurisdiction for any injunction to restrain the violation or threatened violation of such rules.

This code and the penalties set forth herein are not considered to be inclusive or to preclude in any way the prosecution and conviction of any person for the violation of any federal or state law or local ordinance and the imposition of a fine or penalty provided for therein.

DISSEMINATION AND REVIEW

A. Dissemination of Code of Conduct

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

1. Providing copies of a summary of the code to all students at the beginning of each school year.
2. Making copies of the code and a summary of the code available to all parents at the beginning of the school year.
3. Providing all current teachers and other staff members with access to or a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
4. Providing all new employees with access to or a copy of the current Code of Conduct when they are first hired.

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

The Board of Education directs the Policy Management Committee to review this Code of Conduct every year and update it as necessary. In conducting the review, the Committee will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.

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

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

Adoption Date: 11/4/2002, Revised: 7/7/2015; 07/ 26/2007, 06/14/2012, 07/08/2013, Reviewed 04/20/2015
5000 - Students

Policy Information

Series 5000 - Students

Welfare

Dangerous Weapons Policy

Policy # 5144.3

The possession of a weapon in school buildings, in school vehicles, upon school grounds (including in personal vehicles) or at School sponsored events and activities, whether on or off school premises, is strictly prohibited, except by authorized law enforcement personnel (e.g., New York State Peace Officers and Police Officers). Any other individual in possession of a weapon will be asked to leave the premises and the proper police authorities will be immediately notified. If such individual is an employee of the School District, s/he will be subject to discipline pursuant to the provisions of law and any applicable provision in a collectively negotiated agreement. Any student violating this policy shall be subject to suspension in accordance with the New York State Education Law, the Gun-Free Schools Act of 1994, if applicable, and the District Code of Conduct, as well as referral to the proper police authorities.

For general purposes of this policy, a weapon is defined pursuant to the provisions of Section 265.01 of the New York State Penal Law and includes, but is not limited to: any firearm (including water guns, imitations and look-alikes), BB gun, pellet gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, electronic dart gun, dagger, dirk, knife, sword, billy blackjack, bludgeon, metal knuckles, razor, stiletto, brass knuckles, sling shot, , box cutter, Kung Fu star, electronic stun gun, laser pointing device, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death, or any other dangerous weapon or deadly instrument or object which is not necessary for school purposes (e.g., bow and arrows for an archery class; rifle for a riflery class) and which could be used as a weapon (e.g., explosive, dangerous chemicals, ice pick, pellet gun, etc.)

Gun-Free Schools Act of 1994

Any student who is in possession of a weapon (defined as a firearm) on school premises or at a school event, whether on or off school premises, as defined in the Gun-Free Schools Act of 1994,¹ shall be subject to suspension from school, after a hearing has been held pursuant to Section 3214 of the New York State Education Law, for a period of not less than one year, subject only to the right of the Superintendent of Schools to modify such penalty for a student if the Superintendent believes that the one-year or longer suspension penalty is excessive. The Superintendent shall make such decision on a case-by-case basis, based upon criteria, including but not limited to:

1. The age of the student;

2. The student's grades in school;
3. The student's prior disciplinary record;
4. The Superintendent's belief that other forms of discipline may be more effective;
5. Other relevant information from the parent(s), guardian(s), teacher(s) and/or others;
6. Other extenuating circumstances.

A student with a disability who is in possession of a weapon on school premises or at school activities may be suspended for up to five (5) school days, during which time the Committee on Special Education shall convene to determine whether the student's possession of the weapon is related to the student's disability. If determined to be unrelated to the student's disability, the student may be placed in an interim alternative educational setting for not more than forty-five (45) *school* days. Such an interim placement shall be deemed to be the student's "stay put" placement during the pendency of any due process proceedings contesting the interim placement for the duration of the interim placement. If determined to be related to the student's disability, the student may be suspended from school for not more than ten (10) consecutive school days.

The Superintendent shall refer a pupil under the age of sixteen (16) who has been determined to have brought a weapon to school to a presentment agency for a juvenile delinquency proceeding consistent with Article 3 of the Family Court Act. The Superintendent shall refer any pupil sixteen (16) years of age or older who has been determined to have brought a weapon to school to the appropriate law enforcement officials.

¹*Any firearm, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such firearm; any firearm muffler or silencer; or any destructive device.

Policy References:

§265.01 Penal Law;

Goals 2000, Education America Act P.L. 103-227 (Gun-Free Schools Act of 1994)

18 U.S.C. §921

Adoption Date: 8/9/1994, Revised: 2/17/2000; 12/06/2012
5000 - Students

Policy Information

Series 5000 - Students

Welfare

Zero Tolerance for Violence

Policy # 5144.4

It is the policy of the Board of Education that violence in any form will not be tolerated in the School District, including in all school buildings, grounds and facilities, on school buses, and at all school activities and events, whether on campus or off campus.

For purposes of this policy, "Violent Act" shall mean any intentional act by a student involving force or the threatened use of force, or an intentional act by a student that supports or assists the use or the threatened use of force:

1. Against any other person or group of persons with the intent to injure, intimidate, harass, physically intimidate or otherwise harm when the act occurs on school premises, during school hours, on a school vehicle or at any school sponsored program, activity or event; or

2. To prevent, inhibit or otherwise interfere with the conduct or operation of any educational or other school sponsored program, activity or event.

If an incident involving a violent act occurs, the Building Principal may use his/her discretion to assign penalties, such as detention, in-school suspension, out-of-school suspension for up to five days, parent notification and/or conferences, warning letters. The Principal may recommend counseling and/or may refer the student for a Superintendent's disciplinary hearing. Repeated incidences of violent acts will result in referral for a Superintendent's disciplinary hearing.

If a violent act occurs in which there is serious injury inflicted or force used, or a student refuses to take redirection from supervisors, the student will be suspended for five days and referred for a Superintendent's disciplinary hearing.

Any single occurrence of a violent act arising from gang conflict, use of weapons, mental condition as a result of drug or alcohol use, third party participation or physical assault will result in a five-day suspension and referral for a Superintendent's disciplinary hearing, and may also result in notification to the police.

This policy shall be posted in appropriate places in the District and shall be placed in all student handbooks.

Reviewed: 11/26/2012

Adoption Date: 5/18/2000
5000 - Students

Policy Information

Series 5000 - Students

Welfare

Drug-Sniffing Dogs

Policy # 5144.5

It is the policy of the Lakeland School District to apply a "Zero Tolerance" standard regarding persons, including students, who bring illegal drugs or any other substance that is illegal for them to possess in the school buildings, at other school district facilities, and on transportation vehicles. The District's Code of Conduct shall be strictly enforced with respect to any violations of the anti-drug provisions.

One method which may assist the District in the effective implementation of the District's "Zero Tolerance" standard is the use of drug-sniffing dogs. The District may arrange for drug-sniffing dogs to conduct searches of lockers (including student lockers), hallways, classrooms, closets, common areas and transportation vehicles.

The Superintendent of Schools is hereby authorized to establish administrative regulations for implementing searches carried out by drug-sniffing dogs, consistent with this policy and constitutional law standards.

Policy Cross References:

- » 4115.2 - Drug Sniffing Dogs

Adoption Date: 11/15/2001, Revised: 6/9/2016
5000 - Students

Drug-Sniffing Dogs

Regulation Info 5144.5R

Whenever a building administrator or transportation supervisor seeks to conduct a search by the utilization of drug-sniffing dogs, prior to police contact, the approval of the Superintendent of Schools shall be required. The procedures for the search shall be as follows:

1. Prior to the first utilization of drug-sniffing dogs each school year, the building administration will provide 24-hour notice to students and staff that drug-sniffing dogs will be on the premises.
2. No student shall be present in the area where a dog will be sniffing and there shall be no sniffing of students or other persons.
3. The dog will be walked up and down the hallways, in the classrooms, common areas, other facilities or transportation vehicle to be searched.
4. If the dog stops at a specific locker, desk, closet or other location two or more times, the same shall be opened by an administrator.
5. If there is contraband (in the nature of drugs in plain sight), the same may be removed by the administrator.
6. If no contraband is in plain sight, prior to searching the contents of an enclosing article, the dog's qualifications as a reliable informant for a particular form of contraband shall be determined (e.g., training, success record in locating similar types of drug contraband).
7. If the dog's reliability cannot be determined while on-site, the search shall be deemed concluded.
8. If the dog's reliability is established:
 - In the case of a locker, desk or closet search, the occupant, where ascertainable, shall be brought to the location and asked to voluntarily go through the contents of the article, including pockets of jackets, compartments in backpacks, in the presence of the administrator while the dog and police are not in the area. Voluntary participation shall be sought by asking questions such as: "would you please empty the pockets of your jacket?"; "would you please empty the compartments of your backpack?"; "would you please empty the contents of your pocketbook?".
 - If the individual refuses to cooperate with the administration, in the case of a student, the next step shall be to contact the parent to come to school to attempt to secure the student's cooperation or to do so through telephone communications.
 - If there is a refusal to cooperate after the efforts described above, then the administrator may go through the contents of any article that was not in plain view in reliance upon the reliability of the dog's qualification. In the case of a student, the parent should be given an opportunity, if practicable, to be present at the time of an involuntary search.
9. If contraband is discovered during the search, the individual shall be questioned to be given an opportunity to admit the nature of the substance.
10. If the individual does not make an admission, the contraband shall be given to the police in order to preserve the chain of custody and the same shall be sent out for testing to determine the nature of the substance found.

Policy Information

Series 5000 - Students

Welfare

Use of Time Out Rooms

Policy # 5144.8

A time out room is an area for a student to safely de-escalate, regain control and prepare to meet expectations to return to his or her education program. Time out rooms are to be used in conjunction with a behavioral intervention plan in which a student is removed to a supervised area in order to facilitate self-control or to remove a student from a potentially dangerous situation.

When a student's behavior intervention plan includes the use of a time out room, the maximum amount of time a student will need to be in a time out room as a behavioral consequence shall be recommended by the CSE, on an individual basis in consideration of the student's age and individual needs. Except for unanticipated situations that pose an immediate concern for the physical safety of a student or others, the use of a time out room shall be used only in conjunction with a behavioral intervention plan that is designed to teach and reinforce alternative appropriate behaviors.

The use of time-out rooms in the District shall be governed by the following rules:

1. The physical space used as a time-out room must provide a means for continuous visual and auditory monitoring of the student.
2. The room shall be of adequate width, length and height to allow the student to move about and recline comfortably
3. Wall and floor coverings should be designed to prevent injury to the student and there shall be adequate lighting and ventilation.
4. The temperature of the room shall be within the normal comfort range and consistent with the rest of the building.
5. The room shall be clean and free of objects and fixtures that could be potentially dangerous to a student and shall meet all local fire and safety codes.
6. The time out room shall be unlocked and the door must be able to be opened from the inside. The use of locked rooms or spaces for purposes of time out is strictly prohibited.
7. A student's parents will be informed in writing, prior to the initiation of a behavioral intervention plan that will incorporate the use of a time out room for a student.
8. A student's parents shall be given an opportunity to see the physical space that will be used as a time out room and shall also be provided with a copy of this policy and its corresponding regulation.

The Superintendent is directed to establish and implement procedures to document the use of time-out rooms and monitor the effectiveness of the use of the time-out room to decrease specified student behaviors.

Adoption Date: 10/18/2007
5000 - Students

Policy Information

Series 5000 - Students

Welfare

Title IX/Title VII/Section 504/Title II ADA

Policy # 5145

Grievance Procedure – Title IX Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act and Title II of the Americans with Disabilities Act

The Board of Education of the Lakeland School District of Shrub Oak in compliance with Section 86.8(b) of the Regulations implementing Title IX of the Education Amendments of 1972, Section 84.7 of the Regulations implementing Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act and Title II of the Americans with Disabilities Act, which laws and regulations require the adoption and publication of a grievance procedure providing for prompt and equitable resolution of student and

employee complaints alleging any action which would be prohibited by Title IX, Section 504, Title VII or Title II/ADA, does hereby adopt the following procedure for the resolution of such complaints.

I. DEFINITIONS

1. Grievant shall mean a student, his or her parent, guardian or an employee who alleges that there has been a violation as to him or her of the following statutes or regulations promulgated thereunder: Title IX, Section 504, Title VII or Title II/ADA.
2. Grievance shall mean any alleged violation of Title IX, Section 504, Title VII or Title II/ADA or the regulations promulgated under such statutes.
3. Compliance Officer(s) shall mean the employee(s) designated by the Board to coordinate its efforts to comply with and carry out its responsibilities under Title IX, Section 504, Title VII or Title II/ADA, or the Regulations promulgated under such statutes.
4. Chief Executive Officer shall mean the Superintendent.
5. Representative shall mean any person designated by the grievant as his or her counsel or to act in his or her behalf.

II. BASIC PRINCIPLES

It is the intent of this procedure to provide for the prompt and equitable resolution of student and employee complaints alleging that as to them, there has been an action prohibited by Title IX, Section 504, Title VII or Title II/ADA, or the Regulations promulgated thereunder.

1. A student, his or her parents or guardian, or an employee shall have the right to present grievances in accordance with this procedure free from coercion, interference, restraint, discrimination or reprisal.
2. A grievant shall have the right to be represented at any stage of the procedure by a person or persons of his or her own choice.
3. It shall be the responsibility of the Chief Executive Officer to take such steps as may be necessary to give force and effect to this procedure.

III. STAGES

A. Stage I-Compliance Officer

1. Within thirty (30) days after the events giving rise to the grievance, the grievant shall file a grievance in writing with the appropriate Compliance Officer on a form to be provided by him or her. The Compliance Officer may informally discuss the grievance with the grievant. He or she shall promptly, impartially and comprehensively investigate the complaint. All employees of the School District shall cooperate with the Compliance Officer in such investigation.
2. Within twenty (20) days of the receipt of the grievance, the Compliance Officer shall make a finding in writing that there has or has not been a violation of Title IX, Section 504, Title VII or Title II/ADA, or that the findings are inconclusive. In the event that the Compliance Officer finds that there has been a violation, he or she shall propose a resolution of the complaint.
3. If the grievant is not satisfied with the finding of the Compliance Officer, or with the proposed resolution of the grievance, the grievant may, within fifteen (15) days after he or she has received the report of the Compliance Officer, file with the Chief Executive Officer or his or her designee, a written request for review by the Chief Executive Officer or his or her designee.

B. Stage II- Chief Executive Officer

1. The Chief Executive Officer may request that the grievant, the Compliance Officer, any member of the School District staff or any other person with relevant information, present a written statement to him or her setting forth any information that such person has relative to the grievance and the facts surrounding it.
2. The Chief Executive Officer or his or her designee shall notify all parties concerned in the case of the time and place when an informal hearing will be held where such parties may appear and present oral and written statements supplementing their position in the case. Such hearing shall be

held within fifteen (15) days of the receipt of the appeal by the Chief Executive Officer or his or her designee.

3. Within fifteen (15) days of the hearing, the Chief Executive Officer or his or her designee shall render his or her determination in writing. Such determination shall include a finding that there has or has not been a violation of Title IX, Section 504, Title VII or Title II/ADA or that the findings are inconclusive and, if there has been a violation of Title IX, Section 504, Title VII or Title II/ADA, a proposal for equitably resolving the complaint.
4. If the grievant is not satisfied with the determination of the Chief Executive Officer or his or her designee, the grievant may, within fifteen (15) days after its receipt, file with the Clerk of the Board of Education, a written request for review by the Board.

C. Stage III- Board of Education

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

IV. AMENDMENTS

This procedure may be amended at any time by the Board of Education.

V. DISTRIBUTION OF GRIEVANCE PROCEDURE

A copy of this procedure shall be distributed to all employees and to all students and their parents/guardian. A copy of this procedure shall be available for public inspection at reasonable times with the Clerk of the Board or at the office of the appropriate Compliance Officer.

Title IX and Title VII grievances shall be filed with the Title IX/Title VII Compliance Officer, the Director of Personnel, Lakeland Central School District, Shrub Oak, New York 10588.

Policy Cross References:

- » 4116.11 - Title IX/Title VII/Section 504/Title II ADA

Adoption Date: 1/13/1983, Revised: 12/17/1999; 10/08/1992
5000 - Students

Policy Information

Series 5000 - Students

Welfare

Student Searches and Interrogations

Policy # 5145.1

Searches

The Board of Education recognizes that students retain some legitimate expectations of privacy within the school. Against a student's privacy expectations must be set the substantial interests of the teachers and administrators in maintaining discipline in school, on school grounds, at school events and activities, and safeguarding the safety and well-being of the students in their care. The Board directs that no student be

searched by school officials unless reasonable suspicion exists that the search will reveal evidence that the student has violated or is violating either the law or the rules of the school.

The reasonableness of the search will depend upon: the student's age; the student's history and record in school; the prevalence and seriousness of the problem to which the search is directed; the urgency requiring an immediate search; and the probative value and reliability of information used as justification for the search.

The request for a search of a student or a student's possessions will be directed to the Building Principal who shall attempt to obtain an admission from the student of possession of the illegal matter or voluntary consent to the search.

Whenever practicable, the search should be conducted in the presence of the student in the privacy of the Principal's office, with at least two staff members present. The search shall be limited to the extent necessary to locate the illegal matter. Involuntary personal searches of students shall only be conducted by the police unless a serious and immediate danger exists to those in our schools and probable cause exists for an administrative search. No strip searches may be conducted without the prior authorization of the school attorney.

The Principal shall be responsible for the prompt recording in writing of each student search, including the name, age and grade of the student searched; the reason(s) for the search; information received that established the need for the search and the name of the informant (school district employees will be considered reliable; informants other than school district employees will be considered reliable if they have previously supplied information which was accurate and verified); the purpose of the search (what item[s] were being sought); type and scope of the search; the persons present when the search was conducted, including name and title of the person who conducted the search and any witnesses, if any, to the search; time and location of the search; results of the search (what substances or objects were found); the disposition of the item(s) found and the matter; and the time, manner and results of parent notification.

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

A search based upon the reasonable belief that the health and safety of others is immediately threatened may be conducted with as much speed as is required to protect persons and property.

Desks, school lockers and storage spaces, and computers are the property of the School District over which school officials retain complete control and, therefore, students have no reasonable expectation of privacy in such locations. This means that student lockers, desks and other storage spaces may be subject to search at any time by school officials, without prior notice to students and without their consent. Students shall be informed by the administration that desks, lockers, storage spaces and computers are not their private property, but are the property of the School District and, as such, may be opened and subject to inspection at any time by school officials. Further, the School District may invite the police with K-9 units for the purpose of detecting the presence of illegal drugs and/or other illegal substances in such spaces.

No police officer shall perform a student search unless authorized by a search warrant or court order or upon demonstrating probable cause to establish that the commission of an illegal act is occurring on school premises or at a school event (hot pursuit doctrine).

When authorized to search a student by a warrant, the Principal shall first attempt to inform the student's parent/guardian of the police demand to search the student in order to afford the parent/guardian an opportunity to be present at the search. In the event that the parent/guardian cannot be contacted prior to a police search, the search shall not be conducted unless the student is 16 years of age or older. In addition, the parent or guardian shall be informed of the search in writing by the Principal immediately thereafter.

Police Questioning/Interrogations

It is the policy of the District to cooperate with law enforcement agencies. While police do not have general powers to interview children in school or to use school facilities in connection with police department work, the police may enter the schools of the School District or a school event, if a crime has been committed on school property or at a school event or if they have a warrant for arrest or search. The police may not remove a student from school for questioning without parental permission, regardless of the child's age.

When the police have properly entered the school and desire to interview students in the school, the students must be afforded the same rights they have outside the school. They must be informed of their legal rights, for example, to remain silent if they so desire, to request the presence of an attorney and to be protected from coercion and illegal restraint (*Miranda* rights). In general, the police may not interrogate students in school without parental permission. When the police are present for an interview or investigation, school officials must make every reasonable effort to notify the student's parent/guardian, and if the parent/guardian cannot be contacted, the police may not question the student unless he or she is 16 years of age or older, unless the police indicate that such interview concerns a student's parent(s) or other household member and it is pursuant to a report regarding suspected child abuse, maltreatment or neglect.

Privilege Activities

While reasonable suspicion is generally required to conduct searches of students and their property for illegally possessed items, for privilege activities, such as the prom, students, their guests and any possessions (including vehicles) brought to the event location shall be subject to search by school officials for illegal substances, including but not limited to weapons, alcohol and drugs. If any illegally possessed item is found as a result of the search, the student (and his/her guest if applicable) will be removed from the prom or other privilege activity, the parents/guardian will be contacted and the student (and his/her guest if applicable) will be sent home with a parent/guardian. The student will also be prohibited from participation in graduation exercises and may be subject to other disciplinary action in accordance with the Code of Conduct.

Since driving to school and parking on school grounds is a privilege, not a right, school officials have the right to search a student's vehicle while it is parked on campus if there is reasonable suspicion that it may contain anything that may endanger the health, safety or welfare of students and/or school personnel.

Students and their parents/guardians will be informed, in writing, of the special rules that apply to privilege activities.

Miscellaneous

The Superintendent of Schools shall establish regulations regarding personal searches and interrogations of students, with due regard for the need for parental knowledge and involvement, in accordance with law and this policy.

Policy References:

Opinion of Counsel, 1 EDR 800 (1959)

Policy Cross References:

» 5138 - Student Driving and Parking

Adoption Date: 9/25/1969, Revised: 6/12/2014; 03/21/2013
5000 - Students

Policy Information

Series 5000 - Students

Welfare**Child Abuse in a Domestic Setting**

Policy # 5146

The Board of Education recognizes the duty of school officials, as mandated reporters, to report suspected incidents of domestic child abuse, maltreatment or neglect (including educational neglect) to the Statewide Central Register for Child Abuse and Maltreatment orally or by facsimile, on an immediate basis and with a follow-up report in writing, within 48 hours to the County Department of Child Protective Services.

Mandated Reporters

Pursuant to law, school officials who are mandated reporters include all administrators, teachers, teaching assistants, guidance counselors, social workers, psychologists, school nurses, and any other school personnel required to hold a teaching or administrative license or certificate. Such individuals are under a duty to report as set forth below in this policy.

Other Reporters

The Board expects employees other than the mandated reporters to report suspected incidents of child abuse and maltreatment to the Building Principal at the school in which the child attends.

Reporting

Mandated reporters shall call the Statewide Central Register telephone number to report an incident of suspected child abuse. They shall ask for the call identification number, the name of the person to whom reporting and the time the report is logged to keep in the School District's record. A personal copy may be retained. The mandated reporter will immediately inform the Building Principal of such reporting and, also, complete the LDSS-2221-A form and provide the completed and signed form to the Building Principal. The Building Principal is responsible for ensuring that any follow-up administrative activities as a result of the report are performed, and shall notify the Superintendent of Schools or Acting Superintendent of the report, by telephone and writing.

Within 48 hours of the report, the Building Principal will transmit the completed and signed LDSS-2221-A form to the County Department of Social Services, Office of Child Protective Services and provide notice of the transmittal to the Building Principal. The report shall also be maintained in the student's cumulative health record in an envelope marked "Confidential."

The Superintendent of Schools or designee can request a summary investigative report of any case referred to Child Protective Services.

School personnel may request that individual identifying information be withheld if documenting such information might prove detrimental to the safety or interest of that individual.

In instances when the Building Principal receives information that constitutes reportable child abuse or maltreatment from any non-mandated reporter, he or she shall become responsible to report and follow the process described above for incident reporting and follow-up administrative action.

Only one report per incident is required from the school district.

Suspecting Child Abuse, Maltreatment or Neglect

Mandated reporters shall and other reporters are expected to report suspected incidents of child abuse, maltreatment or neglect, as described in Regulations that accompany this policy. It is not the duty or responsibility of mandated or other reporters to conduct an investigation once evidence of suspected child abuse or maltreatment is presented or is apparent. The district will cooperate, consistent with privacy laws, to the extent possible, with authorized child protective services workers and law enforcement officials in investigations of alleged child abuse.

No Family Contact

School employees and officials will not contact the child's family or any other person to determine the

cause of the suspected abuse or maltreatment. It is not the responsibility of the school official or employee to prove that the child has been abused or maltreated.

Incidents Involving Death

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

Penalty for Failure to Report

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

School employees will not be subject to retaliatory action as a result of making a report when they reasonably suspect that a child has been abused, mistreated or neglected.

Training

The school district shall conduct on an on-going basis training programs for the identification and reporting of child abuse and mistreatment. Attendance at sessions of this training program shall be required of all district employees who come in contact with students. Attendance records shall be kept, and notations will be made in personnel files as to the dates of attendance.

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

School District Relationship with Local Social Services Agencies

The School District will cooperate to the extent possible with authorized child protective service workers in the investigation of alleged child abuse, maltreatment or neglect. The Superintendent or his/her designee will represent the School District when collaborating with local social services agencies to address instances of abuse, maltreatment or neglect.

Policy Dissemination

A copy of this policy, along with the administrative regulations explaining the reporting requirements, shall be distributed to all members of the professional staff.

Policy References:

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

Policy Cross References:

» 4220 - Child Abuse in a Domestic Setting

Adoption Date: 2/28/2008, Revised: 11/17/2011
 5000 - Students

Child Abuse in a Domestic Setting
 Regulation Info 5146R

Pursuant to Board of Education policy and Section 41.1 of the Social Services Law, school district staff should be on the alert for the purpose of identifying abused and maltreated children and reporting such findings as required in paragraph "2" below, For the purpose of discerning whether or not a child is abused or maltreated the following definitions should be considered:

DEFINITIONS

An "abused child" means a child less than 18 years of age whose parent or other person legally responsible for care; inflicts or allows to be inflicted upon such child physical injury, by other than accidental means, which causes or creates a substantial risk of death, serious protracted disfigurement, protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ. Child abuse also refers to the situation where the parent, or other person legally responsible, creates or allows to be created a substantial risk of physical injury to a child, by other than accidental means, which would be likely to cause death or serious protracted disfigurement; or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ. Sex offenses against a child, as defined in the Penal Law, shall also constitute a basis for finding that a child has been abused.

A "maltreated child" includes a child under the age of 18 defined as a neglected child under the Family Court Act or who has had serious physical injury inflicted upon him by other than accidental means. In general terms, a neglected child is one whose physical, mental or emotional condition has been impaired or is imminent danger of becoming impaired as a result of neglect by a parent, or other person legally responsible for his care, to exercise a minimum degree of care in the areas of providing food, clothing, shelter, education, medical, dental, optometric or surgical care.

Child neglect is also indicated where there has been the unreasonable infliction of harm, or substantial risk thereof, including the infliction of excessive corporal punishment, drug misuse or abuse, alcohol abuse or abandonment of the child.

1. PERSONS OBLIGATED TO REPORT CASES OF SUSPECTED CHILD ABUSE OR MALTREATMENT

School officials and registered nurses working in the School District are under an obligation, pursuant to Section 413 of the Social Services Law, to report such cases by immediately notifying the Building Principal. All professional staff members (including superintendents, teachers, administrative officers, guidance counselors, coaches and substitute teachers) should consider themselves to be under a duty to report suspected cases of child abuse, maltreatment and neglect to the Building Principal or School Nurse. (Sections 413 and 414, Social Services Law).

2. REPORTING PROCEDURE

ALL REPORTS TO THE STATE AND LOCAL CHILD PROTECTIVE SERVICES SHALL BE MADE BY THE BUILDING PRINCIPAL AFTER CONSULTATION WITH THE SUPERINTENDENT OF SCHOOLS OR HIS/HER DESIGNEE.

Reports of suspected child abuse, maltreatment or neglect shall be made immediately, by telephone and in writing, within 48 hours after such oral report or by telephone facsimile machine on a form supplied by the Commissioner of Social Services. The oral report shall be made to the Statewide Registry and to the Local Child Protective Service. The written report shall be made to the appropriate Local Child Protective Service on forms prescribed by and supplied by the Commissioner of Social Services. The telephone facsimile report shall be made to a special telephone facsimile number for use only by persons mandated by law to make reports, as set forth below. (Section 415, Social Services Law)

Oral Report to: New York State Central Registry of Child Abuse and Maltreatment 1-800-342-3720; and Westchester County Department of Social Services, Child Protective Services 914-734-4500; Mandated Reporter's Hotline 1-800-635-1522.

Written Report to: Westchester County Department of Social Services, Child Protective Service, 750 Washington Avenue, Peekskill, New York 10566.

Telephone Facsimile Report to: Special telephone facsimile number: 1-800-635- 1554.

3. REPORT REQUIREMENTS

Each report shall include the following information:

The name and address of the child and his/her parents or other person responsible for his/her care, if known; the child's age, sex and race; the nature and extent of the child's injuries, abuse or maltreatment, including any evidence, of prior injury, abuse or maltreatment to the child or his siblings; the name of the person or persons responsible for causing the injury, abuse or maltreatment, if known; family composition; the source of the report; the person making the report and where he can be reached; the actions taken by the reporting source, including the taking of photographs and any other, information which the Commissioner may, by regulation, require or the person making the report believes might be helpful in the furtherance of the investigation.

4. TAKING PHOTOGRAPHS

The law allows for the photographing at public expense of the areas of trauma visible on a child who has been abused or maltreated. All photographing should be conducted with the authorization of the Building Principal who shall, to the extent practicable, do so upon notification of the Superintendent or his/her designee. All photographs shall be sent to the Child Protective Service at the time that the written report, referenced in paragraph 3 above, is sent or as soon thereafter as possible.

5. ACCESS TO SCHOOL RECORDS BY THE CHILD PROTECTIVE SERVICES

The District may disclose personally identifiable information from the educational records of a student to Child Protective Services personnel when it is necessary to protect the health or safety of the student or other individuals. In deciding whether or not the disclosure should be made, the seriousness of the threat to the health or safety of the student or other individuals, the need for the information to meet the emergency and the extent to which time is of the essence should be considered. (Federal Family Educational Rights and Privacy Act of 1974, "Buckley Amendment")

6. STUDENT INTERVIEWS BY CHILD PROTECTIVE SERVICES PERSONNEL ON SCHOOL PROPERTY

The Building Principal may allow a Department of Social Services Child Protective Services employee to interview, in school, any student concerning whom a report of suspected abuse or maltreatment has been made regardless of the source of the report. A school official should be present during the interview unless it is decided that the presence of the school official is not essential to protect the interests of the pupil and that the Department of Social Services worker's job can best be accomplished by conducting the interview without the school official present.

7. TAKING A CHILD INTO PROTECTIVE CUSTODY

School officials and staff members do not have the power to take a child into protective custody under the Social Services Law or Education Law. A peace officer, police Officer, law enforcement official, agent of a duly incorporated society for the prevention of cruelty to children or a designated employee of the County Department of Social Services may take a child into protective custody without the consent of a parent or guardian. The Building Principal shall cooperate with any of the officials referenced above who produces official documentation indicating that a student be taken into protective custody. Release of a child to such official(s) must be authorized by the Superintendent of Schools.

8. CONFIDENTIALITY OF REPORTS

Reports of suspected child abuse and maltreatment are confidential and may only be made available to those individuals who are specified by law. Prior to the release of a report, the Freedom of Information Law Records Access Officer should consult with the Superintendent of Schools and the

school attorney regarding the propriety of releasing the report even to one specified by law as being entitled to receive the report. The Commissioner of Social Services may intervene to prohibit the release of a report by determining that to do so would be detrimental to the safety or interests of the reporter.

9. REPORTING OF A CHILD'S DEATH

A post-mortem report must be made to the medical examiner or coroner in the event that a child dies as a result of abuse or maltreatment. If such death occurs at school, the report shall be made by the Superintendent of Schools to the appropriate medical authority. (Section 418, Social Services Law).

10. IMMUNITY FROM LIABILITY

The law provides school officials who act in good faith in the making of a report or the taking of photographs with immunity from liability. The immunity from liability extends to civil or criminal liability that might otherwise result from such actions. The law establishes a presumption of immunity from liability. (Section 419, Social Services Law)

11. PENALTIES FOR FAILURE TO REPORT

The penalty for failure to report a suspected case of child abuse, maltreatment and neglect is a Class A Misdemeanor. In addition, there may be civil liability for damages proximately caused by such failure to report. (Section 420, Social Services Law)

12. OBLIGATIONS FOR PROVISION OF SERVICES AND PROCEDURES TO SAFEGUARD LIFE AND HEALTH

If, during the course of an investigation of suspected child abuse, the Building Principal determines that a child's health or safety is threatened, the Building Principal shall immediately contact the Superintendent who will immediately contact the Child Protective Service and police to recommend having the child placed in protective custody pursuant to paragraph "7", above.

13. TRAINING PROGRAMS FOR STAFF AND NEW HIREES

The Superintendent shall establish and implement, on an ongoing basis, a training program for all current employees and newly hired employees regarding child abuse and the procedures described hereinabove. (Section 3209-a, Education Law)

14. GENERAL INFORMATION

General information about child abuse, maltreatment or welfare, other than for the purpose of making a report of child abuse or maltreatment, can be obtained by calling: 1-518-474-9516.

15. DISTRIBUTION OF POLICY AND REGULATIONS

The Superintendent shall distribute copies of the policy and regulations regarding child abuse reporting requirements to all current employees and new employees. (Section 413, Social Services Law)

Policy Information

Series 5000 - Students

Welfare

Child Abuse in an Educational Setting

Policy # 5147

The Board of Education, its officers and employees, shall endeavor to maintain an educational environment that is free from child abuse in an educational setting in accordance with the requirements of Article 23-B of the Education Law and Section 100.2(hh) of the Regulations of the Commissioner of Education. Child abuse in an educational setting by school personnel and school volunteers is strictly prohibited. Required reporters shall promptly report any and all written or oral allegations of child abuse in an educational setting, as required by law and regulations implementing this policy. Such report shall be received by the Building Principal, who shall thoroughly and promptly investigate the allegations to determine whether or not reasonable suspicion exists that an act of child abuse in an educational setting has occurred. The police authorities shall be immediately notified in any case where reasonable suspicion of child abuse in an educational setting by school personnel or volunteers has occurred. The Building Principal shall notify the Superintendent where there is a finding of reasonable suspicion that an act of child abuse in an educational setting has occurred. The Superintendent of Schools or designee shall send all requisite notices to parents and the State Education Department when there is a finding of such reasonable suspicion.

For purposes of this policy, “required reporter” is defined as any:

- school board member
- teacher
- school nurse
- school guidance counselor
- school psychologist
- school social worker
- school administrator
- other school personnel required to hold a teaching or administrative license or certificate.

“Educational setting” is defined as the buildings and grounds of the district, the vehicles provided by the district to transport students to and from school buildings, field trips, co-curricular and extra-curricular activity sites and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

The Superintendent of Schools shall develop regulations consistent with the requirements of Article 23-B of the Education Law and Section 100.2(hh) of the Commissioner’s Regulations for the purpose of implementing this policy and to assure the notification and annual training of school district officials and employees.

Adoption Date: 12/16/2004
5000 - Students

Child Abuse in an Educational Setting

Regulation Info 5147R

This law is intended to cover the specific allegation of an incident of child abuse in an educational setting by an employee or volunteer. A reasonable belief that child abuse or maltreatment committed by parents, guardians and other persons legally responsible for a child must still be reported to the statewide child abuse registry pursuant to the Social Services Law.

The law broadly defines an “educational setting” to include:

- Buildings and grounds of a public school district
- Vehicles provided by a school district for the transportation of students to and from school buildings, field trips, co-curricular and extra-curricular activities
- All other locations where direct contact between an employee or volunteer and a child has allegedly occurred

The law broadly defines “child abuse” to include any of the following acts committed in an educational setting by an employee or volunteer against a child:

- Intentional or reckless infliction of physical injury, serious physical injury or death
- Intentional or reckless conduct which creates a substantial risk of physical injury, serious physical injury or death
- Child sexual abuse, defined as an conduct prohibited by Articles 130 or 263 of the Penal Law (i.e., rape, sodomy, sexual abuse, course of sexual conduct against a child, and sexual performance by a child)
- The commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Article 235 of the Penal Law

A child is defined as a person under 21 enrolled in a New York school district, other than New York City.

An employee is defined as any person receiving compensation from a school district or employee of a contractual service provider or worker under Title 9-B of Article 5 of the Social Services Law. A volunteer is defined as any person, other than an employee, who provides services to a school or school district which involve district student contact.

DUTIES OF EMPLOYEES

The duties of employees are as follows:

In any case where an oral or written allegation of child abuse by an employee or volunteer in an educational setting is made to a teacher, school 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, such person shall:

- Promptly fully complete a written report on a form prepared by the Commissioner of Education; and
- Promptly personally deliver a copy of such written report to the principal or other chief school officer of the school in which the child abuse allegedly occurred; or
- Where the allegation involves an allegation of child abuse by an employee or volunteer of a school other than a school within the school district of the child’s attendance, promptly forward the report to the Superintendent of Schools of the school district of the child’s attendance and to the Superintendent of Schools where the abuse allegedly occurred.

DUTIES OF PRINCIPALS AND SUPERINTENDENTS

The duties of principals and Superintendents of Schools are as follows:

Where there is reasonable suspicion to believe that an act of child abuse has occurred upon receipt of a written report, the principal shall, unless such action is to be undertaken by the superintendents of schools:

- Promptly notify the parent of the child that such allegation has been made
- Promptly provide the parent with a written statement of parental rights which shall include, but not limited to:
 - The duties of the employees upon receipt of an allegation of child abuse in an educational setting
 - The duties of principals and Superintendents of Schools upon receipt of a written report alleging child abuse in an educational setting
 - Additional duties of Superintendents of Schools
 - Notification by district attorneys¹ to Superintendents of Schools and actions to be taken upon criminal conviction of a licensed or certified school employee
 - Duties of the Commissioner of Education
 - Confidentiality of records

- Penalties for failure to comply with the requirements regarding written reports
 - Prohibition and penalty against agreements relating to unreported resignation of an employee or volunteer involved in an allegation of child abuse
- Promptly provide a copy of such report to the Superintendent of Schools; and promptly forward such report, without delay by reason of the inability to contact the Superintendent of Schools, to appropriate law enforcement authorities.
 - In cases where a person other than the child or the parent of the child has made the allegation, in addition to the requirements above, the principal or Superintendent of Schools shall ascertain from the person making the report, the source, and basis for the allegation.
 - Maintain confidentiality of written reports, materials and photographs submitted or taken concerning allegations of child abuse in an educational setting
 - Maintain the prohibition against unreported resignations

ADDITIONAL DUTIES OF SUPERINTENDENTS OF SCHOOLS

When a Superintendent of Schools forwards to law enforcement a report of child abuse in an educational setting, the Superintendent of Schools shall also refer such report to the Commissioner of Education where the employee or volunteer holds a certificate or license issued by the Department of Education.

The Superintendent of Schools shall expunge from any record kept by a school or school district, after five (5) years from the date of making of a report or at such earlier time as may be determined, a report made pursuant to this law which, after investigation, does not result in criminal conviction.

SCHOOL DISTRICT DUTIES

Each school district shall establish, and implement on an ongoing basis, a training program regarding the procedures set forth in the law for all current and new teachers, school nurses, school counselors, school psychologists, school social workers, school administrators, other personnel required to hold a teaching or administrative certificate or license, and school board members.

The training program shall include, but is not limited to, training regarding:

- Duties of employees, identified in the law, upon receipt of an allegation of child abuse in an educational setting
- Confidentiality of records
- Duties of school administrators and Superintendents upon receipt of a report of an allegation of child abuse in an educational setting
- Additional duties of a Superintendent of Schools
- Penalties for failure to comply with the law
- Notification by district attorneys, and actions taken upon conviction of a licensed or certified school employee
- Prohibition against unreported resignations or voluntary suspension of employees against when an allegation is made
- Immunity provisions

¹This refers to the district attorneys who investigate and prosecute criminal matters, not to the school district's legal counsel.

Each school district shall annually provide to each teacher and all other school officials a written explanation, pursuant to Education law, Section 3028-b, concerning the reporting of child abuse in an educational setting, including the immunity provisions of the law.

UNREPORTED RESIGNATION AGAINST PUBLIC POLICY

Neither a school administrator nor a Superintendent of Schools shall make any agreement to withhold from law enforcement authorities, the Superintendent of Schools or the Commissioner of

Education, where appropriate, the fact of an allegation of child abuse in an educational setting against an employee or volunteer in return for the resignation or voluntary suspension of the employee.

A violation, of such prohibition shall constitute a Class E Felony, and shall also be punishable by a civil penalty not to exceed \$20,000.00.

CONFIDENTIALITY OF RECORDS

Reports and other written material submitted pursuant to the laws and regulations, and photographs taken concerning a report of alleged child abuse in an educational setting, in the possession of any person authorized to receive such information, shall be confidential and shall not be re-disclosed except to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or pursuant to a court-ordered subpoena.

A school administrator or superintendent of Schools shall exercise reasonable care in preventing such authorized disclosure.

Willful disclosure of a written record required to be kept confidential to a person not authorized to receive or review such record is a Class A misdemeanor.

PENALTIES

The willful failure of an employee to prepare and submit a written report at an allegation of child abuse in a public setting shall be a Class A misdemeanor.

The willful failure of a school administrator or Superintendent of Schools to submit a written report of child abuse to an appropriate law enforcement authority shall be a Class A misdemeanor; and shall also be punishable by a civil penalty not to exceed \$5,000.00 upon an administrative determination by the Commissioner of Education.

The willful disclosure of a written record required to be kept confidential to a person not authorized to receive or review such record is a Class A misdemeanor.

IMMUNITY PROVISIONS

Any employee or volunteer who reasonably and in good faith makes a report of allegations of child abuse in an educational setting to a person and in a manner described in the law shall have immunity from civil liability which might otherwise result from such actions.

Any school administrator or Superintendent of Schools 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 report to a person or agency and in a manner required by the law, shall have immunity from civil liability which might otherwise result from such actions.

Any Superintendent of Schools who reasonably and in good faith reports to law enforcement official's information regarding a resignation of an employee against whom an allegation has been made shall have immunity from any liability, civil or criminal, which might otherwise result by reason of such action.

NOTIFICATION BY DISTRICT ATTORNEY AND ACTIONS UPON CRIMINAL CONVICTION OF A LICENSED OR CERTIFIED EMPLOYEE

Where a criminal investigation is undertaken of an allegation of child abuse in an educational setting, and law enforcement authorities have provided such report to the district attorney and requested assistance, as soon as practicable, the district attorney shall notify the Superintendent of Schools of the district where the acts allegedly occurred and of the school district where the child is attending, if different, of an indictment or the filing of an accusatory instrument against the

employee or volunteer; and the district attorney shall make such same notification of the disposition of the criminal investigation.

In the event that a licensed or certified school employee is convicted of any crime involving child abuse in an educational setting, the district attorney shall provide notice thereof to the Commissioner of Education, the Superintendent of Schools where the child abuse acts occurred and to the Superintendent of Schools where the child is attending, if different.

ACCUSED EMPLOYEE'S OR VOLUNTEER'S RIGHTS

Nothing in the law creates any authority to take adverse action against an employee or volunteer by virtue of a report of alleged child abuse in an educational setting which has not been substantiated.

An employee or volunteer who has adverse action taken against him or her by virtue of or in connection with a report pursuant to the law shall be entitled to receive a copy of such report and to respond to the allegations therein. Any employee or volunteer, in addition, shall be entitled to seek disclosure of such report pursuant to Public Officers Law, Article 6.

STATEMENT OF PARENTAL RIGHTS, RESPONSIBILITIES AND PROCEDURES UPON THE REPORTING OF AN ALLEGATION OF CHILD ABUSE IN AN EDUCATIONAL SETTING

In accordance with Education Law, Section 1128 and Commissioner of Education regulation 8-A N.Y.C.R.R. Part 100.2 (hh), please be advised of the following:

1. As the parent of, or the guardian or person in parental relation to, a child under the age of twenty-one (21) enrolled in a New York school district, you have the right to: prompt notification of our receipt of an allegation that your child has been abused in an educational setting; to be made aware of our responsibilities to report such allegation; and the procedures to be followed upon the receipt of such allegation.

a. Child abuse in an educational setting means: intentional or reckless infliction of physical injury, serious physical injury or death; or intentional or reckless conduct which creates a substantial risk of physical injury, serious physical injury or death; or child sexual abuse, defined as conduct prohibited by Article 130 or 263 of the Penal Law; or the commission or attempted commission against a child of the crime disseminating indecent materials to minors pursuant to Article 235 of the Penal law, occurring on or in the building and grounds of a public school district, the vehicles provided by the school district for the transportation of students to and from school buildings, field trips, co-curricular and extra-curricular activities both on and off school district grounds, all co-curricular and extra-curricular activity sites, and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

2. In any case where an oral or written allegation is made to a teacher, school nurse, school guidance counselor, school psychologist, school social worker, school administrator, school board member or other teaching or administratively licensed or certified employee that a child has been subjected to child abuse in an educational setting by an employee or volunteer, the individual to whom such oral or written allegation is made must:

a. Promptly complete a written report of such allegation setting forth:

- i. The full name of the child alleged to be abused;
- ii. The name of the child's parent'

- iii. The identity of the person making the allegation and their relationship to the alleged child victim;
 - iv. The name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in the educational setting.
 - b. Except where the school administrator is the person receiving the oral or written allegation, the individual receiving the oral or written report must promptly personally deliver a copy of the written report described above to the school administrator of the school in which the child abuse allegedly occurred.
 - c. In the case where it is alleged that 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 will be promptly forwarded to both the Superintendent of Schools of the child's attendance and the Superintendent of Schools where the abuse allegedly occurred, and both superintendents shall meet their obligations under the law.
3. Upon the administrators receipt of the written report described above, for which there is a reasonable suspicion to believe an act of child abuse has occurred, the administrator or superintendent of Schools shall:
 - a. Promptly notify the parent, unless the parent is the one who has made the allegation, that an allegation of child abuse in an educational setting has been made regarding their child;
 - b. Promptly provide the parent with this Statement of Parental Rights, Responsibilities and Procedures Upon the Reporting of an Allegation of Child Abuse in an Educational Setting;
 - c. Promptly provide a copy of the received written report described above to the Superintendent of Schools; and
 - d. Promptly forward the received written report described above to appropriate law enforcement authorities;
 - e. Where the person other than the subject child or the parent of the subject child has made the allegation, the administrator shall ascertain from the person making the report the source and basis for the allegation.
4. Where the Superintendent of Schools forwards to the law enforcement authorities the written report described above, the Superintendent of Schools shall also refer such report to the Commissioner of Education if the employee alleged to have committed an act of child abuse in an educational setting holds a certificate or license issued by the Department of Education.
5. Where a criminal investigation of alleged child abuse in an educational setting by an employee or volunteer is undertaken in response to a report received from a school administrator or Superintendent of Schools, and law enforcement authorities have provided such report to the District Attorney and requested assistance, the District Attorney, as soon as practicable, shall notify the Superintendent of Schools of the District where the acts of child abuse allegedly occurred and of the school district where the child is attending, if different, of an indictment or the filing of an accusatory instrument against the employee or volunteer; and shall further notify such Superintendent(s) of the disposition of the criminal case or of the suspension or termination of the criminal investigation.

6. Upon the conviction of a licensed or certified employee, against whom an allegation of child abuse in an educational setting has been made, for any crime involving child abuse in an educational setting, the District Attorney shall provide notice thereof to the Commissioner of Education and to the Superintendent of Schools where the act of child abuse occurred, and to the superintendent of Schools where the child is attending, if different. The Commissioner of Education shall, without delay, proceed to determine whether the individual possesses good moral character, in accordance with the regulations of the Commissioner of Education governing such determination.

7. The Commissioner of Education shall prepare a form to be used for the recording and transmitting of allegations of child abuse in an educational setting; and, shall also promulgate rules and regulations for training of individuals necessary for the implementation of this law.

8. Reports and other written materials submitted, and photographs taken concerning reports of alleged child abuse in an educational setting, in the possession of any person authorized to receive such information shall be kept confidential and shall not be re-disclosed except to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or pursuant to a court-ordered subpoena.

A school administrator or Superintendent of Schools shall exercise reasonable care in preventing unauthorized disclosure.

9. The willful failure of an employee to prepare and submit a written report of an allegation of child abuse in an educational setting, as required by law, shall be a Class A misdemeanor.

The willful failure of a school administrator or Superintendent of Schools to submit a written report of child abuse in an educational setting to an appropriate law enforcement authority, as required by law, shall be a Class A misdemeanor; and shall be punishable by a civil penalty not to exceed \$5,000.00 upon an administrative determination of the Commissioner of Education.

The willful disclosure of a written record required to be kept confidential, pursuant to law, to a person not authorized to receive or review such record shall be a Class A misdemeanor.

10. A school administrator or Superintendent of Schools shall not make any agreement to withhold from law enforcement authorities, the Superintendent of Schools, or the Commissioner of Education, where appropriate, the fact that an allegation of child abuse in an educational setting against any employee or volunteer in return for the employee's or volunteer's resignation or voluntary suspension from their position.

Each violation of the above prohibition shall constitute a Class E Felony, and shall also be punishable by a civil penalty not to exceed \$20,000.00.

11. A Superintendent of Schools who reasonably and in good faith reports to law enforcement officials information regarding allegations of child abuse in an educational setting or a resignation as required by law shall have immunity from any liability, civil or criminal, which might otherwise result from such actions.

An employee or volunteer who reasonably and in good faith makes a report of allegations of child abuse in an educational setting to a person and in a manner described in the law shall have immunity from civil liability which might otherwise result by reason of such actions.

A school administrator or Superintendent of Schools who reasonably and in good faith makes a report or transmits a report of allegations of child abuse in an educational

setting in a manner described in the law shall have immunity from civil liability which might otherwise result by reason of such actions.

CHILD ABUSE IN AN EDUCATIONAL SETTING
CONFIDENTIAL REPORT OF ALLEGATION

SUBJECT CHILD						PARENT OF SUBJECT CHILD					
Name						Name					
		Last	First	MI			Last	First	MI		
Address						Address (if different)					
School											
Grade		Sex (M,F, Unknown)									
Age or Birthday (Mo/Day/Yr)											

SOURCE OF ALLEGATION (Check as Appropriate)	
<input type="checkbox"/> Child <input type="checkbox"/> Parent <input type="checkbox"/> Other – Name _____	Relationship to Child (if any) _____

ALLEGED PERPETRATOR (EMPLOYEE OR VOLUNTEER)	
Name	School
	District
School Building	School
	Position

SPECIFIC ALLEGATION
Use this space to provide information to describe or explain the circumstances surrounding the allegation (attach additional sheets if necessary)

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REPORTER INFORMATION							
Name				School District			
School Address				School/Telephone			
Relationship to Child (if any)							
Teacher	School Guidance Counselor		School Nurse		School Psychologist		
Administrator	School Board Member		School Social Worker				
School personnel required to hold teaching or administrator license or certification							
Date Submitted to Administrator ___/___/___/				Signature: _____			

FOR ADMINISTRATOR USE ONLY	FOR SUPERINTENDENT OF SCHOOL USE ONLY
Reasonable Suspicion Yes No	Reasonable Suspicion Yes No
Date Submitted to Superintendent ___/___/___/	Date Submitted to Law Enforcement ___/___/___/
Name/Signature _____	Name/Signature _____
Date Submitted to Law Enforcement ___/___/___/	Date Submitted to Commissioner ___/___/___/
Name/Signature _____	Name/Signature _____

Policy Information

Series 5000 - Students

Welfare

Sexual Harassment

Policy # 5148

The Board of Education is committed to safeguarding the right of all students within the school district to learn in an environment that is free from all forms of sexual harassment. Therefore, the Board, consistent with State and Federal law, condemns all unwelcome and/or unwarranted behavior of a sexual nature which may impose a requirement of sexual cooperation as a condition of academic advancement, or which has the purpose or effect of creating an intimidating, hostile or offensive learning environment. The Board specifically prohibits all student-employee relationships of a sexual or quasi-sexual nature, whether or not consensual.

Generally, sexual harassment is defined as unwelcome and/or unwarranted sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made, either explicitly or implicitly, a condition for evaluating the student's academic progress or the student's successful completion of any course of study, educational or extra-curricular activity, including the acceptance into or rejection from such course or activity;
2. Submission to or rejection of such conduct by a student is used as the basis for academic or extra-curricular decisions affecting such student, including the acceptance into or rejection from a course or activity;
3. Such conduct has the purpose or effect of unreasonably interfering with a student's academic performance, evaluation of a student's academic progress or participation in an educational or extra-curricular activity, or creating an intimidating, hostile or offensive learning environment.
4. Conditions exist within the school environment that allow or foster harassing activities of a sexual nature, including but not limited to obscene pictures, lewd jokes, sexual comments and innuendo, sexual advances.

The Board recognizes that sexual harassment of students can originate from a person of either sex against a person of the opposite or same sex; from peers, employees, officers, agents or any

Individual who might foreseeably come into contact with students on school grounds or at school-sponsored activities.

The Board acknowledges that in determining whether sexual harassment has occurred, the perspective of the complainant and/or victim shall be considered. While the accused conduct and/or intention may be considered, sexual harassment may be found even where the accused had no intent to sexually harass another individual.

Complaint Procedure:

Any student who believes that he or she has been subjected to sexual harassment or any person who believes that s/he has witnessed an incident(s) of sexual harassment shall report all incidents of such conduct to any staff member with whom the complainant feels comfortable (e.g., a teacher, the building principal, school nurse, guidance counselor or the District's designated Title IX Complaint Officer). The staff member to whom the complaint is made shall promptly report the complaint to the Title IX Complaint Officer(s), who shall make a determination as to who will investigate the complaint (e.g., building principal in the case of an elementary student, high school principal in the case of a high school student, outside investigator) through informal and/or formal complaint procedures developed by the District. Any staff member who fails to report a sexual harassment complaint may be subject to disciplinary action in accordance with law and any applicable collectively negotiated agreements.

All complaints of sexual harassment will be held in confidence to the extent practicable to enable the District to conduct a thorough investigation and as permitted by law. While the District respects the privacy and anonymity of all parties and witnesses to complaints brought under this policy, it cannot guarantee absolute confidentiality. At the conclusion of the investigation and at such time when the written report is issued and becomes a final agency determination (30 days after the issuance of the report if no appeal is made or after the issuance of the appeal determination), the report may become public.

If the District has knowledge of or reason to know of the occurrence of any alleged sexual harassment, the District shall, even in the absence of a complaint, cause a prompt and thorough investigation of any such incident to be made.

Upon receipt of any complaint of sexual harassment, the District will cause a thorough, prompt and impartial investigation of the charges to be conducted within 30 calendar days of receipt of a complaint. It is the policy of the District that all complaints of sexual harassment shall be taken seriously and that an investigation shall be conducted to the extent possible. The investigator shall prepare a written report of the investigation. The report shall be filed with the Title IX Complaint Officer(s). The outcome of any investigation of a sexual harassment complaint shall be related to the student and his/her parent as well as to the accused.

If the result of the District's investigation indicates that sexual harassment or other inappropriate behavior has occurred, immediate and appropriate corrective action will be taken. It is the policy of the District to appropriately discipline the offending individual in accordance with law, District policy and any applicable collectively negotiated agreements. If the alleged behavior constitutes or may constitute a crime, the police authorities or District Attorney's office shall be immediately notified.

If the student, or his/her parent/guardian, or the accused is not satisfied with the results of the investigation, an appeal of the findings may be made to the Board of Education within 30 calendar days from receipt of the investigation report, for its review and action. Such review shall occur promptly, within 30 calendar days of the filing of the appeal.

The Board prohibits any retaliatory behavior directed against a complainant for the good faith reporting of an incident pursuant to this policy, as well as against any witness who testifies in a sexual harassment investigation. Follow-up inquiries by the Title IX Complaint Officer(s) shall be made to ensure that the complainant and/or witnesses have not suffered retaliation.

The District shall provide appropriate training to staff and students regarding awareness of and sensitivity to issues involving sexual harassment, including condemnation of such conduct, the sanctions for harassment and preventive measures to help reduce incidents of sexual harassment.

The Superintendent of Schools is directed to develop and implement specific procedures for reporting, investigating and resolving sexual harassment complaints.

A copy of this policy and its accompanying regulations shall be distributed to all personnel, students and parents/guardians and posted in appropriate places within the District.

Sexual Harassment

Regulation Info 5148R

DISTRICT COMPLAINT PROCEDURES:

I. Complaint Officer(s)

The Board of Education shall appoint Title IX Complaint Officer(s) at its annual reorganization meeting, or as needed during the year. Reasonable attempts shall be made to appoint at least one male and one female Complaint Officer.

II. Reporting of Complaints

All complaints of sexual harassment must be reported to one of the Title IX Complaint Officers appointed by the Board of Education.

1 A student (or his/her parent/guardian) who believes that s/he has been subjected to sexual harassment should immediately consult with any staff member with whom the student (parent/guardian) feels comfortable (e.g., a teacher, guidance counselor, school nurse, building principal, the Superintendent of Schools or a Title IX Complaint Officer).

2. Any staff member who is consulted with in accordance with paragraph "1", above, shall:

- A. Provide a copy of the Student Sexual Harassment Policy and Re to the student or parent/guardian.
- B. Promptly report the complaint or inquiry to one of the Title IX Complaint Officers.
- C. Maintain complete confidentiality and secrecy that a complaint or inquiry has been made.
- D. NOT attempt to influence any further actions on the part of the student, except to tell the student to talk to his/her parents/guardian.

3. Any staff member who becomes aware of a possible incident of sexual harassment shall promptly report it to a Title LX Complaint Officer.

4. Any staff member who fails to report a possible incident or complaint of sexual harassment may be subject to disciplinary action in accordance with law and any collectively negotiated agreement.

III. Investigation of a Complaint

1. Upon receipt of a complaint, the Title IX Complaint Officer shall:

- A. Conduct a preliminary investigation to determine whether to proceed personally or to designate or request a different investigator.
- B. Determine whether or not the complaint can be handled in an informal manner with the Title IX Complaint Officer acting as a mediator.
- C. Discuss the above actions with the Superintendent, unless the Superintendent is the subject of the complaint, in which case the Title IX Complaint Officer should consult with the President of the Board of Education.
- D. Report the incident to the police and/or to other appropriate authorities if the behavior constitutes or may constitute a crime.
- E. Ensure that any investigation or mediation is conducted within 30 calendar days from receipt of the complaint.

2. If, after consultation, the Title IX Complaint Officer determines that a more formal investigation is warranted, any investigation must adhere to the following:

- A. During the investigation, the investigator must protect the confidentiality of the complainant the victim, the accused and all witnesses to the extent practicable. The investigator shall inform all parties of the need for confidentiality.
- B. The investigator must immediately notify the parents/guardian of any child, other than witnesses, that an investigation is taking place, the nature of the complaint and the nature of the child's involvement.
- C. The investigator must conduct a thorough, prompt and impartial investigation.
- D. The investigator must seek out relevant documents.
- E. The investigator must interview any and all witnesses, including the accused, the victim and the complainant.
- F. The investigator must keep accurate documentation and records.
- G. The complainant, victim and accused may bring their attorney or union representative (if applicable) to any meetings, and children may also be accompanied by their parents/guardian.
- H. The investigator must notify the accused that s/he is the subject of a sexual harassment complaint investigation when appropriate.

3. As soon as possible upon completion of any investigation, the investigator shall issue a written factual report containing:

A. A summary report for distribution to the parties and School District officials as needed. This report shall contain:

- a. A summary of the complaint and findings.
- b. A determination of whether or not the behavior constitutes sexual harassment. (The investigator may find that the evidence is inconclusive.)
- c. Recommended action, if any.

B. The investigative information shall be sealed and kept on file by a Title IX Complaint Officer so designated by the Superintendent to maintain such files, including:

- a. Copies of all related written documents, including the summary report.
- b. Copies of any handwritten notes taken during the investigation and interviews.
- c. Any further written details deemed by the investigator to be informative or useful to a better understanding of his/her findings.

4. The following individuals shall be given a copy of the summary report:

- A. The victim
- B. The complainant (if applicable)
- C. The accused

If any of the above individuals is a minor, the summary report shall be sent to their parents/guardian.

The Superintendent (or President of the Board of Education, if the Superintendent is the subject of the investigation) shall review the summary report and shall determine whether or not formal disciplinary action is needed. Formal discipline of students or staff shall be in accordance with law, District Policy and any applicable collectively negotiated agreement.

IV. Appeal Procedure

The victim (or his/her parents/guardian if a minor) and/or the accused may appeal the findings and/or recommendations of the investigation, as contained in the summary report.

- A. The appeal must be in writing.
- B. The appeal must be made within 30 calendar days from the date of receipt of the written results of the investigation.
- C. The appeal is made to the Board of Education, who shall review all relevant information within 30 calendar days of the date of the filing of the appeal.
- D. The determination of the Board of Education is final insofar as the District Policy is concerned.

V. District Training and Distribution of Policy

A. The Superintendent of Schools shall implement specific and continuing actions to notify students, parents/guardians, employees and prospective students and employees that the District does not discriminate on the basis of sex in the education programs or activities which it operates, as required by Title IX. Such actions may include, but are not limited to:

1. Annual publication in local newspapers and/or School District publications.
2. Announcements in school sponsored publications.
3. Memoranda or other written communications distributed to students and employees.

B. The Superintendent shall provide for student and staff training in accordance with Policy.

C. The Superintendent shall insure that all students, parents/guardians and staff are informed of the name, office address and office telephone numbers of any and all Title IX Complaint Officers and that such information is posted conspicuously and updated, as needed.

D. The District Policies on sexual harassment of students/employees shall always be distributed with a copy of the applicable regulations.

Policy Information

Series 5000 - Students

Welfare

Bias Harassment of Students

Policy # 5149

The Board of Education is committed to safeguarding the rights of all students within the school district to learn in an environment that is free from all forms of bias discrimination, including bias harassment. Therefore, the Board, consistent with law, condemns all forms of bias discrimination and harassment (e.g., based upon race, color, religion, ethnicity or national origin including, but not limited to, discrimination or harassment based upon anti-Semitism).

Bias harassment of students consists of different treatment on the basis of race, color, religion, ethnicity or national origin (including, but not limited to, discrimination or harassment based upon anti-Semitism) and is recognized in two different forms:

1. when the district's employees or agents, acting within the scope of official duties, treat a student differently than other students solely on the basis of race, color, religion, ethnicity or national

origin; or

2. when the education environment is not kept free from discrimination because the harassing conduct is so severe, pervasive or persistent that it interferes with or limits the ability of a student to participate in or benefit from the services, activities or privileges provided.

The Board recognizes that bias harassment of students can originate from a person of the same or different race, color, religion, ethnicity or national origin of the victim, including peers, officers, employees, agents or other individuals who foreseeably might come in contact with students on school grounds or at school-sponsored activities.

Complaint Procedure:

Any student who believes that he or she has been subjected to bias harassment or any person who believes that s/he has witnessed an incident(s) of bias harassment shall report all incidents of such conduct to any staff member with whom the complainant feels comfortable (e.g., a teacher, the building principal, school nurse, guidance counselor, designated Title VI Complaint Officer). The staff member to whom the complaint is made shall promptly report the complaint to the Complaint Officer who shall make a determination as to who will investigate the complaint (e.g., building principal in the case of an elementary student, high school principal in the case of a high school student, Complaint Officer, outside investigator) through informal and/or formal complaint procedures developed by the District. Any staff member who fails to report a bias harassment complaint may be subject to disciplinary action in accordance with law and any applicable collectively negotiated agreements.

All complaints of bias harassment will be held in confidence to the extent practicable to enable the District to conduct a thorough investigation and as permitted by law. While the District respects the privacy and anonymity of all parties and witnesses to complaints brought under this policy, it cannot guarantee absolute confidentiality. At the conclusion of the investigation and at such time when the written report is issued and becomes a final agency determination (30 days after the issuance of the report if no appeal is made or after the issuance of the appeal determination), the report may become public.

If the District has knowledge of or reason to know of the occurrence of any alleged bias harassment, the District shall, even in the absence of a complaint, cause a prompt and thorough investigation of any such incident to be made.

Upon receipt of any complaint of bias harassment, the District will cause a thorough, prompt and impartial investigation of the charges to be conducted within 30 calendar days of receipt of a complaint. It is the policy of the District that all complaints of bias harassment shall be taken seriously and that an investigation shall be conducted to the extent possible. The investigator shall prepare a written summary report of the investigation. The report shall be filed with the Complaint Officer. The outcome of any investigation of a bias harassment complaint shall be related to the student and his/her parent/guardian, as well as to the accused.

If the results of the District's investigation indicate that bias harassment or other inappropriate behavior has occurred, immediate and appropriate corrective action will be taken. It is the policy of the District to appropriately discipline the offending individual in accordance with law, District policy and any applicable collectively negotiated agreements. If the alleged behavior constitutes or may constitute a crime, the police authorities or District Attorney's office, or any other appropriate agency shall be immediately notified.

If the student, or his/her parent/guardian, or the accused is not satisfied with the results of the investigation, an appeal of the findings may be made to the Board of Education within 30 calendar days from receipt of the investigation report, for its review and action. Such review shall occur promptly, within 30 calendar days of the filing of the appeal.

The Board prohibits any retaliatory behavior directed against a complainant for the good faith reporting of an incident pursuant to this policy, as well as against any witness who testifies in a bias harassment investigation. Follow-up inquiries by Complaint Officer shall be made to ensure that the complainant and/or witnesses have not suffered retaliation.

The District shall establish appropriate training programs for staff and students to raise awareness of and sensitivity to issues involving bias harassment, including condemnation of such conduct, the sanctions for harassment and preventive measures to help reduce incidents of bias harassment.

The Superintendent of Schools is directed to develop and implement specific procedures for reporting, investigating and resolving bias harassment complaints.

A copy of this policy and its accompanying regulations shall be distributed to all personnel, students and parents/guardians and posted in appropriate places within the District.

Adoption Date: 2/17/2000, Revised: 10/16/2008; 02/15/2007
5000 - Students

Bias Harassment of Students

Regulation Info 5149R

DISTRICT COMPLAINT PROCEDURES:

I. Complaint Officer

The Board of Education shall appoint a Title VI Complaint Officer at its annual reorganization meeting, or as needed during the year.

II. Reporting of Complaints

All complaints of bias harassment or discrimination (including based on race, color, religion, ethnicity or national origin) must be reported to the Title VI Complaint Officer appointed by the Board of Education.

1. A student (or his/her parent/guardian) who believes that s/he has been subjected to bias harassment should immediately consult with any staff member with whom the student (parent/guardian) feels comfortable (e.g., a teacher, guidance counselor, school nurse, building principal, the Superintendent of Schools or the Complaint Officer).

2. Any staff member who is consulted with in accordance with paragraph "1", above, shall:

A. Provide a copy of the Student Bias Harassment Policy and Regulations to the student or parent/guardian.

B. Promptly report the complaint or inquiry to the Complaint Officer.

C. Maintain complete confidentiality and secrecy that a complaint or inquiry has been made.

D. NOT attempt to influence any further actions on the part of the student, except to tell the student to talk to his/her parents/guardian.

3. Any staff member who becomes aware of a possible incident of bias harassment shall promptly report it to the Complaint Officer.

4. Any staff member who fails to report a possible incident or complaint of bias harassment may be subject to disciplinary action in accordance with law and any collectively negotiated agreement.

III. Investigation of a Complaint

1. Upon receipt of a complaint, the Title VI Complaint Officer shall:

- A. Conduct a preliminary investigation to determine whether to proceed personally or to designate or request a different investigator.
- B. Determine whether or not the complaint can be handled in an informal manner with the Complaint Officer acting as a mediator.
- C. Discuss the above actions with the Superintendent, unless the Superintendent is the subject of the complaint, in which case the Complaint Officer should consult with the President of the Board of Education.
- D. Report the incident to the police and/or to other appropriate authorities if the behavior constitutes or may constitute a crime.
- E. Ensure that any investigation or mediation is conducted within 30 calendar days from receipt of the complaint.

2. If, after consultation, the Complaint Officer determines that a more formal investigation is warranted, any investigation must adhere to the following:

- A. During the investigation, the investigator must protect the confidentiality of the complainant, the victim, the accused and all witnesses to the extent practicable. The investigator shall inform all parties of the need for confidentiality.
- B. The investigator must immediately notify the parents/guardian of any child, other than witnesses, that an investigation is taking place, the nature of the complaint and the nature of the child's involvement.
- C. The investigator must conduct a thorough, prompt and impartial investigation.
- D. The investigator must seek out relevant documents.
- E. The investigator must interview any and all witnesses, including the accused, the victim and the complainant.
- F. The investigator must keep accurate documentation and records.
- G. The complainant, victim and accused may bring their attorney or union representative (if applicable) to any meetings, and children may also be accompanied by their parents/guardian.
- H. The investigator must notify the accused that s/he is the subject of a bias harassment complaint investigation when appropriate.

3. As soon as possible upon completion of any investigation, the investigator shall issue a written factual report containing:

- A. A summary report for distribution to the parties and School District officials as needed. This report shall contain:
 - a. A summary of the complaint and findings.
 - b. A determination of whether or not the behavior constitutes bias harassment. (The investigator may find that the evidence is inconclusive.)
 - c. Recommended action, if any.
- B. The investigative information shall be sealed and kept on file by the Complaint Officer, including:
 - a. Copies of all related written documents, including the summary report.

b. Copies of any handwritten notes taken during the investigation and interviews.

c. Any further written details deemed by the investigator to be informative or useful to a better understanding of his/her findings.

4. The following individuals shall be given a copy of the summary report:

- A. The victim
- B. The complainant (if applicable)
- C. The accused

If any of the above individuals is a minor, the summary report shall be sent to their parents/guardian.

5. The Superintendent (or President of the Board of Education, if the Superintendent is the subject of the investigation) shall review the summary report and shall determine whether or not formal disciplinary action is needed. Formal discipline of students or staff shall be in accordance with law, District Policy and any applicable collectively negotiated agreement.

IV. Appeal Procedure

The victim (or his/her parents/guardian if a minor) and/or the accused may appeal the findings and/or recommendations of the investigation, as contained in the summary report.

- A. The appeal must be in writing.
- B. The appeal must be made within 30 calendar days from the date of receipt of the written results of the investigation.
- C. The appeal is made to the Board of Education, who shall review all relevant information within 30 calendar days of the date of the filing of the appeal.
- D. The determination of the Board of Education is final insofar as the District Policy is concerned.

V. District Training and Distribution of Policy

A. The Superintendent of Schools shall implement specific and continuing actions to notify students, parents/guardians, employees and prospective students and employees that the District does not discriminate on the basis of race, color, religion, ethnicity or national origin in the educational programs or activities which it operates, as required by Title VI. Such actions may include, but are not limited to:

- 1. Annual publication in local newspapers and/or School District publications.
- 2. Announcements in school sponsored publications.
- 3. Memoranda or other written communications distributed to students and employees.

B. The Superintendent shall provide for student and staff training in accordance with Policy.

C. The Superintendent shall insure that all students, parents/guardians and staff are informed of the name, office address and office telephone numbers of the Title VI Complaint Officer, and that such information is posted conspicuously and updated, as needed.

D. The District Policy on bias harassment of students shall always be distributed with a copy of the applicable regulations.

Policy Information

Series 5000 - Students

Welfare

Provision of a Free Appropriate Public Education to Students Pursuant to Section 504

Policy # 5150

The Board of Education shall ensure that no student is discriminated against in programs or activities receiving federal financial assistance. Students protected by Section 504 of the Rehabilitation Act of 1973 are those individuals who have a physical or mental impairment which substantially limits one or more major life activities; both those who have a record of such impairment; or are regarded as having such an impairment.

The Board has appointed the Director of Pupil Personnel Services to serve as the District's Student Section 504 Coordinator and directs said individual to:

1. Establish a team comprised of a group of persons knowledgeable about the child and person(s) familiar with the meaning of the evaluative data and program access options. This team shall consider students' eligibility for and recommend the provision of regular education and/or related aids and services and/or other accommodations, as appropriate, to provide a student with a disability with a free appropriate public education.
2. Implement procedures to ensure the dissemination of the contents of each student's 504 Plan to the persons on the District's staff who will be charged with implementing the program and any recommended accommodations, related services and/or aids.
3. Implement procedures and efforts to identify all school-age residents of the District who are not receiving a public education, who have or are suspected to have, a physical or mental impairment which substantially limits one or more major life activities.
4. Provide a copy of this policy, together with the attached "Notice of Student Rights," at least annually to all families of students residing in the District, at the time of a student's referral, prior to the student's evaluation or reevaluation and prior to actions involving the educational placement of a student.
5. Create procedures to insure that each student who is believed to have such a disability shall be evaluated prior to the provision of special education and/or related services and/or other reasonable accommodations and prior to any subsequent significant change in placement.
6. Reevaluate students who receive related services and/or other reasonable accommodations pursuant to Section 504 at least once every three years.
7. Provide students who have a physical or mental impairment which substantially limits one or more major life activities, with services, reasonable accommodations and transportation necessary to afford each student a free appropriate public education.
8. Afford students who have a physical or mental impairment which substantially limits one or more major life activities with an equal opportunity to participate in non-academic and extracurricular services, pre-school education and adult education to the extent offered to non-disabled person, to the maximum extent appropriate.
9. Inform parents that they have the right to inspect relevant student records.

Disputes

Any disputes by parents/guardians or students relating to decisions of the Section 504 team, shall be made in writing within 30 days of the decision complained of. A written description of the dispute should be sent by the parent/guardian or student to the District's Section 504 Coordinator at the Administrative Office, 1086 East Main Street, Shrub Oak, New York 10588.

1. Any dispute regarding whether the School District has made a free appropriate education available to the student shall be heard by an impartial hearing officer.
2. Parents shall have an opportunity to participate in the hearing and be represented by counsel.
3. The impartial hearing officer shall be directed to issue a written decision following the close of the hearing. A copy of the decision shall be sent to both the Section 504 Coordinator and the Parent/Guardian and/or Student.
4. A parent may appeal the hearing officer's decision to the Board of Education within 30 days following the parent's receipt of the hearing officer's decision.
5. Complaints may also be made to the United States Department of Education, Office of Civil Rights, Washington, D.C. 20201.

Policy Cross References:

» 4167 - Provision of a Free Appropriate Public Education to Students Pursuant to Section 504 of the Rehabilitation Act of 1973

Adoption Date: 4/20/2006
5000 - Students

Policy Information**Series 5000 - Students****Welfare****Dignity for All Students**

Policy # 5151

The Board of Education is committed to providing an educational and working environment that promotes respect, dignity and equality. The Board recognizes that discrimination, such as harassment, hazing and bullying, are detrimental to student learning and achievement. 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 and witness such acts.

To this end, the Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events, whether on or off of school property.

Reported material incidents of discrimination, harassment, hazing or bullying that take place at locations outside of school grounds, such as cyberbullying, which create or could foreseeably create a risk of substantial disruption within the school environment are similarly prohibited and actionable under the Dignity Act.

Definitions

Bullying: Bullying is a form of harassment (see "Harassment" below). The accompanying regulation provides more guidance regarding the definition and characteristics of bullying.

Cyberbullying: Cyberbullying is harassment or bullying through any form of electronic communication. In order to be actionable under this Policy, cyberbullying that occurs off campus must create 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.

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

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.

Harassment: Harassment has been defined in various ways in federal and state law and regulation. The Dignity for All Students Act defines harassment as the creation of a hostile environment by conduct or by threats, intimidation or abuse, whether verbal or non-verbal, including cyberbullying, 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 student; 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. The harassing or discriminating behavior may be based on any characteristic, including but not limited to a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).

For purposes of this Policy and its implementing Regulation, the term "bullying" will encompass harassment, intimidation, cyberbullying and hazing behaviors.

Prevention

The school setting provides an opportunity to teach children, and emphasize among staff, that cooperation with and respect for others is a key district value. A program geared to prevention is designed to not only decrease incidents of bullying but to help students build more supportive relationships with one another by integrating the bullying prevention program into classroom instruction. Staff members and students will be sensitized, through district-wide professional development and instruction, to the warning signs of bullying, as well as to their responsibility to become actively involved in the prevention of bullying before overt acts occur.

Curricular material that raises awareness and sensitivity to discrimination or harassment and civility in the relationships of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, sexes or gender expression or identities will be included in the instructional program K-12.

In order to implement this program the Board will designate at its annual organizational meeting a Dignity Act Coordinator (DAC) for each building to coordinate and enforce this policy in the school to which assigned. In addition, the Board will annually designate a district wide DAC to oversee and enforce this policy throughout the District.

Intervention

Intervention by adults and bystanders is an important step in preventing escalation and resolving issues at the earliest stages. Intervention will emphasize education and skill-building, and may involve remediation. Remedial responses to bullying and harassment include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target. Remediation may be targeted to the individual(s) involved in the bullying behavior or systemic approaches which are targeted to the school or district as a whole.

In addition, intervention will focus upon the safety of the target. Staff is expected, when aware of bullying, to either refer the student to designated resources for assistance, or to intervene in accordance with this policy and regulation.

Provisions for Students Who Do Not Feel Safe at School

The Board acknowledges that, notwithstanding actions taken by district staff, intervention may require a specific coordinated approach if the child does not feel safe at school. Students who do not feel safe at

school are limited in their ability to learn and reach their academic potential. Staff, when aware of bullying, should determine if accommodations are needed in order to help ensure the safety of the student and bring this to the attention of the building principal. The building principal, other appropriate staff, the student and the student's parent will work together to define and implement any needed accommodations.

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

Training

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent, the DAC professional development team will incorporate training to support this program in new teacher orientation and the annual professional development plan, as needed. Training opportunities will be provided for all staff, including but not limited to bus drivers, cafeteria and hall monitors and all staff who have contact with students. The DAC will be trained in accordance with state requirements and will continue their professional development so as to successfully support this policy and program.

Incident Reporting and Investigation

The district cannot effectively address bullying if incidents are not reported. Students who have been bullied, parents whose children have been bullied or other students who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided.

There shall be a duty for all school personnel to report any incidents of bullying that they observe or of which they become aware to their building principal, the DAC or other administrator who supervises their employment. An oral report shall be made within one school day and the district reporting form must be completed within two school days. The individual to whom the report is made will refer the information to appropriate district staff for investigation in accordance with the regulation. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with their supervisor. A district employee may be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident, whether or not the target complains.

At all times, complaints will be documented, tracked and handled in accordance with the regulations or, if applicable, the District's Code of Conduct. The Building Principal shall maintain a log of bullying incidents as a record for the purpose of tracking repeat offenders, as well as identifying trends. Written records should also capture what action, if any, was taken, or why no action was taken. Material incidents that result in corrective and/or disciplinary action will follow the district and state guidelines for records retention and included in the Violent and Disruptive Incident Reporting (VADIR) system when applicable.

An equitable and thorough investigation will be carried out by the appropriate personnel in accordance with the regulation. The results of the investigation shall be reported back to both the target and the accused in accordance with the accompanying regulation. If either of the parties disagrees with the results of the investigation, they can appeal the findings in accordance with the regulations that accompany this policy.

Disciplinary Consequences/Remediation

While the focus of this policy is on prevention, bullying acts may still occur. In these cases, offenders will be given the clear message that their actions are wrong and the behavior must improve. Student offenders will receive in-school guidance in making positive choices in their relationships with others. If appropriate, corrective and/or disciplinary action will be taken by the administration in accordance with

the district's Code of Conduct, as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted.

Consequences for a student who commits an act of bullying shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors, and must be consistent with the district's Code of Conduct. The District shall ensure the safety of the student or students against whom such bullying was directed and take reasonable measures to prevent recurrence of the offending behavior.

Non-Retaliation

All complainants and those who participate in the investigation of a complaint in conformity with state law and district policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

Dissemination, Monitoring, Review, and Reporting

This policy, or a plain language summary, shall be published in student registration materials, student, parent and employee handbooks, and posted on the district's website. A bullying complaint form will be available on the district's website. The district will ensure that the process of reporting bullying is clearly explained to students, staff and parents on an annual basis.

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.

The Board will receive the annual VADIR report, for each building and for the district as whole, with particular attention to the trends in the incidence of bullying. In addition, the Board will receive on an annual basis a more detailed report of the number of bullying incidents that occur, disaggregated by school, student demographic information and type of incident. Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy and additional training.

The district will ensure that 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).

Policy References:

Dignity for All Students Act, Education Law, §10 – 18

Americans with Disabilities Act, 42 U.S.C. §12101 et seq.

Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d et seq.

Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e et seq.; 34 CFR §100 et seq.

Title IX, Education Amendments of 1972, 20 U.S.C. §1681 et seq.

§504, Rehabilitation Act of 1973, 29 U.S.C. §794

Individuals with Disabilities Education Law, 20 U.S.C §§1400 et seq.

Executive Law §290 et seq. (New York State Human Rights Law)

Education Law §§313(3), 3201, 3201-a

Tinker v. DesMoines Independent Community School Dist., 393 US 503, (1969) Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)

Faragher v. City of Boca Raton, 524 U.S. 775 (1998)

Burlington Industries v. Ellerth, 524 U.S. 742 (1998)

Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)

Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)

Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)

Policy Cross References:

- » 4110 - Equal Opportunity/Nondiscrimination
- » 4120 - Sexual Harassment
- » 5144.2 - Code of School Conduct and Discipline

Adoption Date: 6/14/2012, Revised: 12/5/2013; 06/13/2013
5000 - Students

Student Discrimination and Harassment Prevention and Intervention Regulation Info 5151R

The Board strictly prohibits all forms of discrimination, harassment, hazing, intimidation, taunting and bullying on school grounds, school buses and at all school-sponsored activities, programs and events. The Board further recognizes that discrimination and harassment may originate outside of school grounds or school sponsored events, and create, or would foreseeably create, a substantial disruption of student behaviors within the school environment; such harassment or discrimination, when identified, will be addressed under the same provisions.

Definitions

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

Harassment - The Dignity for All Students Act (DASA) defines harassment as the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived: race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).

Notes:

- 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.
- Race is the grouping of people based on a shared set of physical characteristics that may be self-asserted or presumed by the larger community.
- Ethnicity is one's identification with a group of people based on shared cultural traits and/or traditions.

Hazing - 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.

Bullying – A form of harassment, which is understood to be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. Bullying may be premeditated or a sudden activity. It may be subtle or easy to identify, done by one person or a group. True bullying behavior generally does not occur between students who are friends, and may be demonstrated by the following characteristics:

1. **Power imbalance** – demonstrated by an individual using his/her physical or social power over another.
2. **Intent to harm** – demonstrated by negative, aggressive behavior designed to inflict injury or discomfort, to humiliate or insult.
3. **Threat of further aggression** – demonstrated by verbal or physical behaviors that communicate the likelihood of continued aggression without remorse for prior acts.
4. **Terror** – demonstrated by an escalation in harassing behaviors, it becomes “systematic violence or harassment used to intimidate and maintain dominance.”

(Barbara Coloroso, *The Bully, The Bullied & The Bystander*, 2003; Olweus Bullying Prevention Program, *Similarities and Differences between Rough-and-Tumble Play, Real Fighting, and Bullying*, 2007)

There are at least four kinds of bullying:

- Verbal bullying includes name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, anonymous notes, etc.
- Physical bullying includes poking, slapping, hitting, tripping or causing a fall, choking, kicking, punching, biting, pinching, scratching, spitting, twisting arms or legs, damaging clothes and personal property, or threatening gestures.
- Social or relational bullying includes excluding someone from a group, isolating, shunning, spreading rumors or gossiping, arranging public humiliation, undermining relationships, teasing about clothing, looks, giving dirty looks, aggressive stares, etc.
- Cyberbullying includes online and electronic forms of bullying, such as sending mean, vulgar, or threatening messages or images; posting sensitive, private information about another person; pretending to be someone else in order to make that person look bad; (or) intentionally excluding someone from an online group.

Prevention

Harassment has been defined in various ways in federal and state law (including the penal law) and regulation. The Board recognizes that these definitions are important standards, but the Board’s goal is to prevent behaviors from escalating to violations of law and, instead, to promote a positive school environment through ongoing social/emotional educational efforts.

Prevention is the cornerstone of the district’s effort to address discrimination and harassment. The components of such an effort involve, but are not limited to, the following:

- Ensuring district programs and curriculum (where appropriate), will incorporate lessons in the development of empathy, tolerance and respect for others.
- Educating all students and staff about the Dignity for All Students Act, and communicating clear school wide and classroom rules about discrimination and harassment that is consistent with the district’s code of conduct.
- Gathering information about discrimination and harassment at school directly from students (through surveys and other mechanisms) in order to identify and address specific student issues.
- Raising awareness among adults of marginalized student populations (as enumerated in the *Definitions* section above), and offering strategies to intervene in observed instances of discrimination and harassment.
- Providing educational opportunities for students so that they have a better understanding of safe and appropriate electronic communications.

Role of the Dignity Act Coordinator (DAC)

The Board of Education will annually designate staff members who have been trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious

practice, disability, sexual orientation, gender (including gender identity and expression), and sex, as Dignity Act Coordinators (DACs) for each school building, and at the district level. The district and building level DACs will be responsible for coordinating and enforcing this policy and for regulation in each school building, including but not limited to coordination of:

- the work of the building and district-level DASA committees
- the professional development for staff members
- the implementation of school-wide educational programs
- the reporting, investigation and documentation process

Reporting and Investigation

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

The Building Principal shall maintain a log of DASA incidents of discrimination or harassment as a record for the purpose of tracking repeat offenders, as well as identifying trends. Specifically, all confirmed incidents of discrimination or harassment must be documented in the file of the student offender. Written records should also capture what action, if any, was taken, or why no action was taken. Any founded reports shall remain in the student's file, in addition to being noted in the electronic Student Management System, and will travel with the student from elementary school through high school. This information will not be shared with potential future colleges or employers. In the event that a district employee is found to have engaged in harassing or discriminatory behaviors towards a student, this record will be designated to the employee's personnel record in the Human Resources Department.

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

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

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

Confidentiality

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

member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

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

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

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

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

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

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

- Reviewing any written documentation provided by the targeted student(s).
- Conducting separate interviews of all students involved, including witnesses, if any, and documenting the conversations.
- Providing the accused individual(s) a chance to respond and notify him/her that if objectionable behavior has occurred, it must cease immediately. The individual will be made aware of remediation opportunities as well as potential disciplinary consequences.
- Determining whether a formal school safety plan must be established that may include, but is not limited to:
 - A school-based stay away agreement;
 - Increased program supervision in specified locations;
 - Classroom changes or seating changes;
 - Peer supports;
 - Education regarding positive response strategies;
 - Routine check-ins with a trusted staff member for a specified period of time.

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

Parents or guardians of students who have been targeted and accused should be notified within one school day of allegations that are serious or involve repeated conduct.

Where appropriate, and after a documented investigation, school administration may employ informal methods to resolve the complaint, including but not limited to:

- a. discussion with the accused, informing him or her of the district's policies and indicating that the behavior must stop;
- b. suggesting counseling, skill building activities and/or sensitivity training;
- c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
- d. requesting a letter of apology to the targeted student;
- e. writing letters of caution or reprimand; and/or
- f. separating the parties.

An informal resolution must include a documented summary communication with the parent or guardian of both the student(s) who have been targeted and the accused.

Where formal action is necessary, as determined by school administration, appropriate disciplinary action shall be imposed in accordance with district policy, the applicable collective bargaining agreement or state law. School districts should make every effort to attempt to first resolve the misconduct through non-punitive measures.

In such an instance that requires formal action, the investigator shall report back to both the targeted student and the accused, within 10 school days, notifying them in writing, and also in person, as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The actions taken will be in conformance with the *Remediation /Discipline/ Penalties* section of this regulation. The targeted student shall report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against him/her. Disciplinary action taken as a result of code of conduct violations related to the reported incident may not be communicated in conjunction with this report.

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

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

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

B. District-level Procedure

The District Dignity Act Coordinator shall promptly investigate and equitably resolve all discrimination or harassment complaints that are referred to him/her. In the event the complaint involves the District DASA Coordinator, the Superintendent or his/her designee will conduct the investigation. In the event the complaint involves the Superintendent, the complaint shall be filed with or referred to the Board President, who shall refer the complaint to an appropriate independent individual for investigation.

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

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

If a district level investigation results in a determination that discrimination or harassment did occur, prompt and appropriate corrective action will be taken to end the misbehavior in accordance with the *Remediation/Discipline/Penalties* section of this regulation. No later than 30 days following receipt of the complaint, the District DASA Coordinator or Superintendent (or in cases involving the District DASA Coordinator or Superintendent, the Board-appointed investigator) will notify the targeted and accused student(s) and parent(s), in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, investigators will provide all parties with a written status report within 30 days following receipt of the complaint.

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

C. Board-level Procedure

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

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

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

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

Retaliation Prohibited

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

Remediation/Discipline/Penalties

Any individual who violates this policy by engaging in discriminating or harassing behaviors will be subject to appropriate action, which may include disciplinary action. Remedial responses to discrimination or harassment include measures designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. Appropriate remedial measures may include, but are not limited to:

- Corrective instruction or other relevant learning or service experience;
- Changes in class schedule
- Supportive intervention;
- Behavioral assessment or evaluation;
- Behavioral management plan, with benchmarks that are closely monitored;
- Student counseling;
- Parent conferences; or
- Student treatment or therapy;
- Restorative conferences.

Environmental remediation may include, but is not limited to:

- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- Modification of schedules;
- Targeted use of monitors;
- Parent education seminars/workshops;
- Peer support groups.

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

- Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the Code of Conduct and applicable law.
- Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.
- Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.
- Vendors: Penalties may range from a warning up to and including loss of district business.
- Other individuals: Penalties may range from a warning up to and including denial of future access to school property.

Policy Dissemination

All students and employees shall be informed of this policy in student and employee handbooks, on the district website and student registration materials. A poster summarizing the policy shall also be posted in a prominent location at each school.

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

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

Training

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