

DEER PARK SCHOOL DISTRICT CODE OF CONDUCT/ETHICS

as outlined in School Board Policy

INTRODUCTION – 5300.01

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

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

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

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

SCOPE OF AUTHORITY – 5300.03

The provisions of this policy apply in all situations in which students are involved including: (1) school activities on property owned by the Deer Park School District; (2) travel on school buses; (3) off-site school-sponsored activities; (4) on or off-site related problems which are the result or cause of disruptive behavior on school grounds.

Students who attend school in Deer Park are expected to always act in a manner that will protect the health, safety and welfare of all those with whom they have contact.

A public school must be an orderly environment in which learning is not jeopardized by disruptions.

DEFINITIONS – 5300.05

For purposes of this code, the following definitions apply:

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

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

“School property” means in or within any building, structure, athletic playing field, playground,

parking lot or land contained within the real property boundary line of a public elementary or secondary school, in a school bus or at a bus stop, as defined in Vehicle and Traffic Law 142.

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

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

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

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

STUDENTS RIGHTS AND RESPONSIBILITIES – 5300.10

A. Students Rights

The district is committed to safeguarding the rights given to all students under state and federal law. In addition, to promote a safe, healthy, orderly and civil school environment, all district students have the right to:

1. Take part in all district activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.
4. To be safe in an environment which fosters mutual respect and encourages the acceptance of diversity.

B. Student Responsibilities

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all district policies, rules, and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
12. Conduct themselves in a manner which fosters respect for all members of the school community and refrain from and discourage any action which would humiliate, alienate, demean or disrespect fellow students based on or their race, color, nationality, handicapping condition or sex.
13. Inform teachers and/or administrators of situations that might present danger or harm to themselves or others.

ESSENTIAL PARTNERS – 5300.15

A. Parents

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.

8. Convey to their children a supportive attitude toward education and the district.
9. Build good relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Follow school rules and regulations when on school property or attending a school function.
14. Encourage students to accept and respect diversity.
15. Encourage students to refrain from any act which would humiliate, alienate, demean or disrespect any member of the school community.

B. Teachers: Instructional

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach according to district standards and support district initiatives.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines
 - d. Expectations for students
 - e. Classroom discipline plan
6. Communicate regularly with students, parents, and school personnel concerning growth and achievement.
7. Identify those students in their class who exhibit behaviors related to a suspected disability that impede his or her learning or that of others, and refer those students to administration for potential interventions in accordance with federal and state law.
8. Implement behavioral intervention plans, Section 504 plans, and Individual Education Programs as they relate to discipline of students with disabilities.
9. To ensure an environment in which there is mutual respect among students and staff and to identify and address any acts which may humiliate, alienate, demean or disrespect any member of the school community.
10. To encourage students to accept and respect diversity.
11. Build good relationships with students, parents and other community members to foster the beliefs and vision of the school district.
12. Identify those students who are the victims of harassment either in class or on school grounds and take appropriate action to assist that students end the harassment.
13. Participate in professional development.

C. Teachers: Non-Instructional: (Attendance Teacher, Psychologist, Social Workers, Consultant Service Providers)

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach according to district standards and support district initiatives.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines
 - d. Expectations for students
 - e. Classroom discipline plan
6. Communicate regularly with students, parents, and school personnel concerning growth and achievement.
7. Identify those students in their class who exhibit behaviors related to a suspected disability that impede his or her learning or that of others, and refer those students to administration for potential interventions in accordance with federal and state law.
8. Implement behavioral intervention plans, Section 504 plans, and Individual Education Programs as they relate to discipline of students with disabilities.
9. To ensure an environment in which there is mutual respect among students and staff and to identify and address any acts which may humiliate, alienate, demean or disrespect any member of the school community.
10. To encourage students to accept and respect diversity.
11. Build good relationships with students, parents and other community members to foster the beliefs and vision of the school district.
12. Identify those students who are the victims of harassment either in class or on school grounds and take appropriate action to assist that students end the harassment.
13. Participate in professional development.
14. Establish constructive communication between home and school.
15. Provide direct services to the student
16. Initiate referrals to resources within the communication
17. Conduct evaluations and provide interpretation and guidance to students and their families.
18. Provide crisis assessment and intervention as needed.
19. Present parent workshops regarding issues relating to children.
20. Provide services and accommodations to students with disabilities as listed on their Individualized Education Programs (IEP).

D. Teachers: Guidance Counselors

All guidance counselors are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach according to district standards and support district initiatives.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines
 - d. Expectations for students
 - e. Classroom discipline plan
6. Communicate regularly with students, parents, and school personnel concerning growth and achievement.
7. Identify those students in their class who exhibit behaviors related to a suspected disability that impede his or her learning or that of others, and refer those students to administration for potential interventions in accordance with federal and state law.
8. Implement behavioral intervention plans, Section 504 plans, and Individual Education Programs as they relate to discipline of students with disabilities.
9. To ensure an environment in which there is mutual respect among students and staff and to identify and address any acts which may humiliate, alienate, demean or disrespect any member of the school community.
10. To encourage students to accept and respect diversity.
11. Build good relationships with students, parents and other community members to foster the beliefs and vision of the school district.
12. Identify those students who are the victims of harassment either in class or on school grounds and take appropriate action to assist that students end the harassment.
13. Participate in professional development.
14. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
15. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
16. Regularly review with students their educational progress and career plans.
17. Provide information to assist students with career planning.
18. Encourage students to benefit from the curriculum and extracurricular programs.
19. Monitor student progress towards graduation requirements arranging all appropriate interventions.

E. Student Support Staff (Teaching Assistants and Aides)

All student support staff are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-

- concept and promote confidence to learn.
2. Be prepared to teach according to district standards and support district initiatives.
 3. Demonstrate interest in teaching and concern for student achievement.
 4. Know school policies and rules, and enforce them in a fair and consistent manner.
 5. Communicate to students and parents:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines
 - d. Expectations for students
 - e. Classroom discipline plan
 6. Communicate regularly with students, parents, and school personnel concerning growth and achievement.
 7. Identify those students in their class who exhibit behaviors related to a suspected disability that impede his or her learning or that of others, and refer those students to administration for potential interventions in accordance with federal and state law.
 8. Implement behavioral intervention plans, Section 504 plans, and Individual Education Programs as they relate to discipline of students with disabilities.
 9. To ensure an environment in which there is mutual respect among students and staff and to identify and address any acts which may humiliate, alienate, demean or disrespect any member of the school community.
 10. To encourage students to accept and respect diversity.
 11. Build good relationships with students, parents and other community members to foster the beliefs and vision of the school district.
 12. Identify those students who are the victims of harassment either in class or on school grounds and take appropriate action to assist that students end the harassment.
 13. Participate in professional development.
 14. Provide related services(s) to support students in their educational and non-educational programs.
 15. Support educational goals of the student and the program.
 16. Communicate regularly with students, teachers and other staff.
 17. Be knowledgeable of effective classroom behavior/building management techniques.
 18. Maintain confidentiality about all personal information and educational records concerning students, their families and staff.
 19. Demonstrate dependability, integrity and other standards of ethical conduct.
 20. Following established administrative procedures.
 21. Support the educational program and district initiatives.

F. Other District Staff

All other district staff are expected to:

1. To ensure an environment in which there is mutual respect among students and staff and to identify and address any acts which may humiliate, alienate, demean or disrespect any member of the school community.
2. To encourage students to accept and respect diversity.

3. Build good relationships with students, parents and other community members to foster the beliefs and vision of the school district.
4. Identify those students who are the victims of harassment either in class or on school grounds and take appropriate action to assist that students end the harassment.
5. Participate in professional development.
6. Perform specialized non-instructional duties that support the operational functioning of the school.
7. Know district policies and rules.
8. Maintain confidentiality about all personal information and educational records concerning students and staff.
9. Demonstrate dependability, integrity and other standards of ethical conduct.
10. Follow the established administrative procedures
11. Support the educational program and district initiatives.

G. All Administrators (Building Level and District Wide)

1. To ensure an environment in which there is mutual respect among students and staff and to identify and address any acts which may humiliate, alienate, demean or disrespect any member of the school community.
2. To encourage students to accept and respect diversity.
3. Build good relationships with students, parents and other community members to foster the beliefs and vision of the school district.
4. Identify those students who are the victims of harassment either in class or on school grounds and take appropriate action to assist that students end the harassment.
5. Participate in professional development.
6. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
7. Ensure that students and staff have the opportunity to communicate regularly with the Administrator and approach the Administrator for redress of grievances.
8. Evaluate on a regular basis all instructional programs.
9. Support the development of and student participation in appropriate extracurricular activities.
10. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
11. Implement procedures to provide the building-level procedural protections afforded to students with disabilities or those suspected of having a disability pursuant to federal and state law.
12. Support the educational program and district initiatives.

H. Central Office Administrators

The Central Office Administrators (Superintendent, Deputy Superintendent and Assistant Superintendents are expected to:

1. To ensure an environment in which there is mutual respect among students and staff

and to identify and address any acts which may humiliate, alienate, demean or disrespect any member of the school community.

2. To encourage students to accept and respect diversity.
3. Build good relationships with students, parents and other community members to foster the beliefs and vision of the school district.
4. Identify those students who are the victims of harassment either in class or on school grounds and take appropriate action to assist that students end the harassment.
5. Participate in professional development.
6. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
7. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
8. Inform the board about educational trends relating to student discipline.
9. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
10. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
11. Support the educational program and district initiatives.

I. Other Administrative, Managerial and Technical Staff

All other administrative, managerial, and technical staff are expected to:

1. To ensure an environment in which there is mutual respect among students and staff and to identify and address any acts which may humiliate, alienate, demean or disrespect any member of the school community.
2. To encourage students to accept and respect diversity.
3. Build good relationships with students, parents and other community members to foster the beliefs and vision of the school district.
4. Identify those students who are the victims of harassment either in class or on school grounds and take appropriate action to assist that students end the harassment.
5. Participate in professional development.
6. Provide specialized instructional and non-instructional services within the district.
7. Support the implementation of the Code of Conduct.
8. Assure that the staff under their supervision conform to the Code of Conduct.
9. Maintain confidentiality about all personal information and educational records concerning students and their families.
10. Demonstrate dependability, integrity and other standards of ethical conduct.
11. Follow established administrative procedures.
12. Support the educational program and district initiatives.

J. Board of Education

The Board of Education is expected to:

1. To ensure an environment in which there is mutual respect among students and staff and to identify and address any acts which may humiliate, alienate, demean or disrespect any member of the school community.
2. To encourage students to accept and respect diversity.
3. Build good relationships with students, parents and other community members to foster the beliefs and vision of the school district.
4. Identify those students who are the victims of harassment either in class or on school grounds and take appropriate action to assist that students end the harassment.
5. Participate in professional development.
6. Establish policies for and monitor finances of all district operations.
7. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
8. Adopt and review, at least annually, the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
9. Lead by example by conducting board meetings in a professional, respectful, and courteous manner.
10. Support the educational program and district initiatives.

GUIDELINES FOR DISCIPLINE STANDARDS – 5300.17

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

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

General Statement - All possible infractions of proper school behavior are not listed in the following guidelines. The absence of any single infraction does not mean that disciplinary action will not be taken against the guilty student(s). Indeed, in all cases requiring discipline, the school administration is empowered to evaluate the seriousness of each incident, or combination of same and to administer the punitive action that he/she believes is appropriate under the given circumstances.

PROHIBITED STUDENT CONDUCT – 5300.25

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

- A. Engage in conduct that is **disorderly**. Examples of disorderly conduct include but are not limited to:

1. Running in hallways.
2. Engaging in play fighting, horseplay, or any other activity that puts other students' or staff members' safety in jeopardy.
3. Making unreasonable noise.
4. Using language or gestures that are profane, lewd, vulgar or abusive.
5. Obstructing vehicular or pedestrian traffic.
6. Engaging in any willful act which disrupts the normal operation of the school community.
7. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.

B. Engage in conduct that is **insubordinate**. Examples of insubordinate conduct include:

1. Failing to comply with the lawful directions of teachers, school administrators or other school employees in charge of students.
2. Otherwise demonstrating disrespect.
3. Lateness for, missing or leaving school without permission.
4. Skipping detention.

C. Engage in conduct that is **disruptive**. Examples of disruptive conduct include:

1. Failing to comply with the lawful directions of teachers, school administrators or other school personnel in charge of students.
2. Being late for school or class.
3. Being unprepared for class.
4. Inappropriate public sexual conduct.

D. Engage in conduct that is **violent**. Examples of violent conduct include but are not limited to:

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a student, teacher, administrator or other school employee, or any other person lawfully on school property, or engaging in such conduct off of school property that interferes with the educational process within the district.
2. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function. "Weapon" means a gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, knife, leatherman, pocket knife, switchblade knife, gravity knife, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other dangerous instrument that can cause physical injury or death.
3. Displaying what appears to be a weapon.
4. Threatening to use any weapon.
5. Threatening an act of violence.

6. Intentionally damaging or destroying the personal property of a teacher, administrator, other district employee, student or any person lawfully on school property, including graffiti or arson.
 7. Intentionally damaging or destroying school district property.
- E. Engage in any conduct that **endangers the safety, morals, health or welfare** of others. Examples of such conduct include:
1. Subjecting other students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
 2. Stealing or attempting to steal the property of other students, school personnel or any other person lawfully on school property or attending a school function.
 3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
 4. Lying to school personnel.
 5. Acts of sexual harassment as defined in the district's sexual harassment policy.
 6. Selling, using or possessing obscene material.
 7. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.
 8. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances, including inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs and any substances commonly referred to a "designer drugs."
 9. Inappropriately using or sharing prescription and over-the-counter drugs
 10. Harassment which does or may result in emotional distress, including but not limited to any act which tends to humiliate, alienate, demean or disrespect any fellow student.
 11. Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative manner.
- F. Engage in any form of **academic misconduct**. Examples of academic misconduct include, but are not limited to:
1. Plagiarism
 2. Cheating
 3. Copying
 4. Altering records
 5. Assisting another student in any of the above actions.
- G. Engage in off-campus misconduct that endangers the health and safety of students or staff within the school or adversely affects the educational process. Examples of such misconduct include, but are not limited to:
1. Cyber-bullying (i.e., inflicting willful and repeated harm through the use of electronic text

- and social websites).
2. Threatening or harassing students or school personnel over the phone.
 3. Using message boards to convey threats, derogatory comments or post pornographic or "unauthorized" pictures of students or school personnel.

STUDENT CONDUCT ON SCHOOL BUSES

While the law requires the school district to furnish transportation, it does not relieve parents of students from the responsibility of supervision until such time as the child boards the bus in the morning and after the child leaves the bus at the end of the school day.

Once a child boards the bus - and only at that time - does he or she become the responsibility of the school district. Such responsibility will end when the child is delivered to the regular bus stop at the close of the school day.

In view of the fact that a bus is an extension of the classroom, the Board of Education will require students to conduct themselves in the bus in a manner consistent with established standards for classroom behavior.

Children who become a serious disciplinary problem on the school bus may have riding privileges suspended by the principal. In such cases, the parents of the children involved will be responsible for seeing that their children get to and from school safely.

STUDENT DRESS CODE – 5300.20

- A. The students of Deer Park School District take pride in themselves and their school. They realize that the way they dress and conduct themselves reflects credit on their home and school. No apparel is to be worn during regular and school activities which are either suggestive, disruptive, unsafe or a hindrance to the teaching and learning process.
- B. All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

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

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Ensure that underwear is completely covered with outer clothing.
3. Recognize that extremely brief or revealing garments such as tube tops, halter tops, spaghetti straps, see-through garments, etc., are not appropriate.
4. Not include items that are vulgar, obscene, libelous or that denigrate others on account of race, color, religion, creed, gender, sexual orientation or disability.
5. Not promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or

- encourage other illegal or violent activities.
6. Contain footwear, as it is required on all students while they are on school property.
 - a. Elementary school students' footwear must have straps or shoelaces, closed toes and be appropriate for using outdoor equipment at recess
 - b. Roller blades, roller skates, sneakers with wheels or any other footwear that contains wheels are prohibited.
 7. Not include the wearing, carrying or displaying of hats, headbands, visors, bandanas and other headwear. They will not be permitted in schools.
 8. Not include Walkmen, headphones, beepers, cell phones, iPods, MP3 players or any electronic games, their use are prohibited during school hours.
 9. Be appropriate to a specific educational purpose and not inhibit their full and safe participation. (Ed.Law 12:84).
 10. Not include wearing, carrying or displaying of chains or spikes. They are prohibited.
 11. Not include items or symbols that are used to represent anti-social groups, such as gangs and/or hate groups.
- C. Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item, and if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.
- D. Each building principal shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.
- E. Students shall be required to wear protective gear in certain classes such as family and consumer science, technology, science, and/or physical education. Any student who refuses to wear such protective attire shall be prohibited from participating in that part of the class requiring such attire. Safety gear shall include, but not be limited to, safety glasses, mouth/nose masks, gloves and hair nets.
- F. Employees and visitors to the Deer Park School District shall be dressed appropriately.

GENERAL STATEMENT OF POLICY – 5300.26

- A. No student, teacher, administrator, volunteer, contractor or other employee of the school district shall plan, direct, encourage aid or engage in hazing, harassment or bullying.
- B. No teacher, administrator, volunteer, contractor or other employee of the school district shall permit, condone or tolerate hazing, harassment or bullying.
- C. Apparent permission or consent by a person being hazed, harassed or bullied does not lessen the prohibitions contained in this policy or the enforcement of this policy.

- D. This policy applies to behavior directly connected to school activities that occur on or off school property and before, during and after school hours.
- E. A person who engages in an act that violates school policy or law shall be subject to discipline for the act.

Harassment, Hazing and Bullying

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

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

Hazing Definitions

“Hazing” means committing an act against a student or coercing a student into committing an act, that creates a risk of emotional, physical or psychological harm to a person, in order for the student to be initiated into an affiliated with a student organization*, or for any other purpose. The term includes, but is not limited to:

1. Any humiliating, degrading or dangerous activity demanded of a student to join a group, regardless of the student’s willingness to participate (conduct has the potential to endanger the mental or physical health or safety of a student.)
2. Any hurtful, aggressive, destructive or disruptive behavior such as striking, whipping, sleep deprivation, restraint or confinement, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
3. Substance Abuse - use or abuse of tobacco, alcohol or illegal drugs.
4. Any activity that intimidates or threatens the student with ostracism, that subjects a student to emotional, physical or psychological stress, embarrassment, shame or humiliation, that adversely affects the health or dignity of the students or discourages the students from remaining in school.
5. Any activity that causes or requires the student to perform a task or act that involves violation of state or federal law or of school district policies or regulations.

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

Bullying Definition

“Bullying” consists of inappropriate persistent behavior including threats, or intimidation of others, treating others cruelly, terrorizing, coercing, or habitual put downs and/or badgering others. Bullying, similar to all forms of harassment and hazing, are prohibited behaviors.

Common Characteristics of Bullying

1. Physical - hitting, kicking, taking or damaging a victim's property
2. Verbal - using words to berate, hurt or humiliate
3. Relational - maliciously spreading rumors, and/or actively excluding a person from the peer group to cause emotional harm.

Cyber-Bullying

“Cyber-bullying” is the use of information and communication technologies, such as e-mail, cell phones, text messaging, etc., by an individual or group of individuals to bully another person.

SEXUAL HARASSMENT – 5300.27

Harassment can occur employee to student, student to employee, employee to employee, student to student, male to female, female to male, male to male or female to female. It shall be a violation of this policy for any student, employee or third party (school visitor, vendor, etc.) to sexually harass any student or employee. Words alone can constitute sexual harassment. Words can create an atmosphere that is so severe, pervasive, and offensive that it denies a victim equal access to educational or employment opportunities.

A. Sexual Harassment Definitions

“Sexual harassment” is defined as unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of an employee's employment or a student's education (including any aspect of the student's participation in school-sponsored activities, or any other aspect of the student's education); or
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting an employee's employment or a student's education; or

3. The conduct or communication has the purpose or effect of substantially or unreasonably interfering with an employee's work performance or a student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile or offensive working or educational environment.

B. Unacceptable Conduct

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

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

12. Any other unwelcome gender-or sexually oriented-based behavior that is offensive, degrading, intimidating, demeaning, or that is based on sexual stereotypes and attitudes.

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

C. **Determining if Prohibited Conduct is Sexual Harassment**

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

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

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

D. **Reporting Complaints**

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

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

Any school employee who receives a complaint of sexual harassment from a student shall inform the student of the employee's obligation to report the complaint to the school administration, and then shall immediately notify the Principal and or the Title IX coordinator (Assistant Superintendent for Pupil Personnel Services).

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

E. Confidentiality

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

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

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

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

F. Investigation and Resolution Procedure

Initial (Building-Level) Procedure

The **Principal or the Title IX coordinator** shall conduct a preliminary review when they

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

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

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

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

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

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

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

District-Level Procedure

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

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

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

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

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

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

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

G. **Retaliation Prohibited**

Any act of retaliation against any person who opposes sexually harassing behavior, or who has filed a complaint, is prohibited and illegal, and therefore, subject to disciplinary action. Likewise, retaliation against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a sexual harassment complaint is

prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary actions, up to and including suspension or termination.

H. **Discipline/ Penalties**

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

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

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

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

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

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

I. **False Complaints**

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

J. **Training**

All students and employees shall be informed of this policy in student and employee handbooks and student registration materials and will be posted on the district website. All secondary school student body students shall receive district training about the policy in their health class.

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

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

MEDICATIONS/PRESCRIPTIONS IN SCHOOL – 5300.28

1. For the safety of our children, **no medications are allowed in school** without a written request from each child's doctor. This includes ointments, children's aspirin, eye and nose drops. If your child has a health problem requiring medication during the school day, please obtain an "**Authorization for Administration of Medication**" form from the nurse's office in your school. Follow the procedures as outlined by the form and nurse's office.
2. The pharmacy label does not constitute a written order and cannot be used in lieu of a written order from a licensed prescriber.
3. Medical orders must be reviewed annually or when there is a change in medication or dosage.
4. The medication will be kept locked in the nurse's office at all times.

REPORTING VIOLATIONS OF THE CODE OF CONDUCT – 5300.30

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

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

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

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

DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS – 5300.35

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

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

- a. The student's age
- b. The nature of the offense and the circumstances which led to the offense
- c. The student's prior disciplinary record
- d. The effectiveness of previous forms of discipline
- e. Information from parents, teachers and/or others, as appropriate
- f. Other extenuating circumstances

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

If the conduct of a student is related to a disability or suspected disability, please refer to section Discipline of Student with Disabilities on Page 38.

DISCIPLINARY PROCEDURES AND PENALTIES – 5300.37

A. PENALTIES

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

1. Verbal warning - Any member of the district staff
2. Written warning - Teacher, director, curriculum associate, associate principal, principal, assistant superintendent, deputy superintendent or superintendent
3. Written notification to parent - Teacher, director, curriculum associate, associate principal, principal, assistant superintendent, deputy superintendent or superintendent
4. Detention - Teacher, director, curriculum associate, associate principal, principal, assistant superintendent, deputy superintendent or superintendent
5. In school detention
6. After school detention
7. Before school detention
8. Suspension from transportation - Principal, superintendent

9. Suspension from athletic participation - Principal, superintendent
10. Suspension from social or extracurricular activities - Principal, superintendent
11. Suspension of other privileges - Principal, superintendent
12. In-school suspension - Principal, superintendent
13. Referral to building principal by teacher, bus driver, monitors & aides
14. Removal from classroom by teacher - Teachers, principal, superintendent
15. Short-term (five days or less) suspension from school - principal, superintendent, Board of Education
16. Long-term (more than five days) suspension from school - Principal, Superintendent, Board of Education

B. PROCEDURES

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

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

a. Before/After School Detention

Teachers, directors, curriculum associates, associate principals, principals, assistant superintendents, deputy superintendent and the superintendent may use after/before school detention as a penalty for student misconduct. Detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental objection to the penalty.

b. Suspension from Transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the Building Principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the Building Principal or the Superintendent. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely.

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

c. **Suspension from Athletic Participation, Extra Curricular Activities and Other Privileges**

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

d. **Providing Alternative Learning Experiences**

The Board recognizes that the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes Building Principals and the Superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in an alternative learning setting apart from the regular classrooms. A placement in an alternative setting is the temporary reassignment of students from the classroom to another area of the school building designated for such supervision where students will receive substantially equivalent, alternative education. Students with disabilities will be provided their supportive services and accommodations as listed on their Individualized Education Programs (IEP's.)

A student subjected to an alternative setting is not entitled to a full hearing pursuant to Education Law § 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official assigning students to Alternative Learning Center.

e. **Teacher Assignment to Alternative Setting of Disruptive Students**

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

The teacher must complete a district-established referral form and meet with the principal as soon as possible, but no later than the end of the school day, to explain the circumstances for the request to assign the student to alternative setting because of class disruption and to present the referral forms. If the principal is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal prior to the beginning of classes on the next school day.

Within one school day after the student's reassignment, the Principal or another district administrator designated by the Principal must notify the student's parent that the student has been reassigned from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the Principal or the principal's designee to discuss the reasons for the reassignment.

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

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

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

Each teacher must keep a complete log (on a district provided form) for all cases of reassignment of students from his/her class. The Principal must keep a log of all reassignment of students from class. Removal of a student with a disability may, under certain circumstances, constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the Principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

Nothing in this section of the code of conduct abridges the customary right or responsibility of a principal to suspend a student. Further, nothing in this code abridges the customary right and responsibility of a teacher to refer a student to the principal for disciplinary action or manage student behavior in the classroom. Short-term, time-honored classroom management techniques such as "time out" in a classroom or in an administrator's office are not considered a classroom reassignment to an alternative setting.

f. **Suspension From School**

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

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

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

written report is to be prepared as soon as possible by the staff member recommending the suspension.

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

g. **Short Term (Five Days or Less) Suspension from School**

When the Superintendent or Principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law § 3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

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

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

If the student subject to discipline is classified as a student with a disability or is suspected of having a disability, the Principal shall determine whether a short-term suspension may constitute a change of placement for that student. If so, the Principal shall refer the matter to the Committee on Special Education for a manifestation determination and for review of the student's current IEP to determine whether the placement program and services are appropriate and to develop a behavior intervention plan or to review (and modify, if indicated) the appropriateness of the current behavior intervention plan; and to impose consequences for behavior in compliance with state and federal laws and regulations with respect to student with disabilities.

The parent may file a written appeal to the Superintendent within 10 days, however, this process does not forestall the suspension. An appeal of the decision of the

Superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within 10 business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

h. **Long Term (More Than Five Days) Suspension from School**

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

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

The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof.

If the student subject to discipline is classified as a student with a disability or is suspected of having a disability, the Superintendent shall determine whether a long-term suspension may exceed ten days or otherwise constitute a change of placement for that student. If so, the Superintendent shall refer the matter to the Committee on Special Education for a manifestation determination and for review of the student's current IEP to determine whether the placement, program and services are appropriate and to impose consequences for behavior in compliance with state and federal laws and regulations with respect to student with disabilities.

An appeal of the decision of the Superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within 10 business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

i. **Permanent Suspension**

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

C. **MINIMUM PERIODS OF SUSPENSION**

1. **Students Who Bring a Weapon to School**

Any student, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year, unless the student is classified as a student with a disability, and the suspension would violate the provisions of Section 201 of the Commissioner's regulations. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law § 3214. The Superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the following:

- a. The student's age
- b. The student's grade in school
- c. The student's prior disciplinary record
- d. The Superintendent's belief that other forms of discipline may be more effective
- e. Input from parents, teachers and /or others
- f. Other extenuating circumstances

The Superintendent is required to refer the following students to the County Attorney (or the County presentment agency if not the county attorney) for a juvenile delinquency proceeding before the Family Court:

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

The Superintendent is required to refer students over the age of 16 or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities. A student 14 or 15 years old who possesses a firearm, machine-gun or loaded firearm (as defined in § 265.00 of the Penal Law) on school grounds (as defined in § 220.00 (14) of the Penal Law) qualifies for juvenile offender status under § 1.20 of the Criminal Procedure Law.

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

2. **Students Who Commit Violent Acts Other Than Bringing a Weapon to School**

Any student, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days, unless the student is classified as a student with a disability, and the suspension would violate the provisions of Section 201 of the Commissioner's regulations. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

3. **Students Who Are Repeatedly Substantially Disruptive of the Educational Process or Repeatedly Substantially Interfere with the Teacher's Authority Over the Classroom**

Any student, who engages in conduct which results in the student being reassigned from the classroom by teacher(s) on four or more occasions during a semester, or three or more occasions during a trimester, will be suspended from class or school for at least five days, unless the student is classified as a student with a disability and the suspension would violate the provisions of Section 201 of the Commissioner's regulations. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

ALTERNATIVE INSTRUCTION – 5300.40

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law § 3214, the district will take immediate steps to provide alternative means of instruction by certified staff for the student. In addition, alternative instruction will be made available to any student over the compulsory attendance age who presents a sincere desire to complete his/her high school education.

DISCIPLINE OF STUDENTS WITH DISABILITIES – 5300.45

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities are entitled to certain procedural protections that may be

triggered when school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

The code of conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations. Those procedures are set forth in Part 201 of the Commissioner's Regulations incorporated by reference herein.

Authorized Suspensions or Removals of Students with Disabilities:

1. For purposes of this section of the code of conduct, the following definitions apply:

A **"removal"** means a removal for disciplinary reasons from the student's current educational placement, other than a suspension and change in placement to an interim alternative educational setting (IAES), ordered by an impartial hearing officer because the student poses a risk of harm to himself/herself or others. An in-school suspension, disciplinary referral, or temporary reassignment shall not constitute a suspension or removal, provided that the student is afforded the opportunity to appropriately progress in general curriculum, continues to receive services on his or her I.E.P., and continues to participate with non-disabled students to the extent that he or she would have in the current placement.

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

2. School personnel may order the suspension or removal of a student with a disability to the same extent as a non-disabled student provided that the conduct that resulted in the removal or suspension was not a manifestation of the student's disability.

3. If the student's conduct is determined to be, or may be, a manifestation of the student's disability, the school personnel may order the suspension or removal of a student with a disability provided:

- a. a short term of suspension or removal does not constitute a change in placement. A short term suspension or removal may constitute a change of placement where the total suspensions or removals in a school year cumulate to more than 10 school days and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one

another; and

- b. a long term suspension or removal does not constitute a change in placement or exceed 10 consecutive days for violations of the school code, other than, when a student with a disability possesses a weapon on school grounds, or carries a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
4. **The Superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.**
 - a. **“Weapon”** means a firearm as defined in 18 USC 921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, knife, leatherman, pocket knife, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.
 - b. **“Controlled substance”** means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
 - c. **“Illegal drugs”** means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
5. **Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.**

ESSENTIAL PARTNER FOR STUDENTS WITH DISABILITIES – 5300.46

1. **Committee on Special Education shall:**
 - a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10

school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

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

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

- b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.

REFERRAL TO LAW ENFORCEMENT AND JUDICIAL AUTHORITIES – 5300.48

In accordance with the provisions of IDEA (**Individual Disabilities Education Act**) and its implementing regulations:

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

CORPORAL PUNISHMENT – 5300.50

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

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

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

refrain from further disruptive acts.

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

SEARCHES AND INTERROGATIONS – 5300.55

In recognition of certain societal problems which present themselves from time to time in our schools, the Board authorizes the Superintendent of Schools, Building Principals, Associate Principals and Curriculum Associates to conduct searches of pupils and their possessions for illegal matter or matter which otherwise constitutes evidence of a violation of the law or any school rule, policy or directive.

In authorizing such searches by staff, the Board acknowledges students have state and federal constitutional rights to be free from unreasonable searches and seizures. Accordingly, staff searches of pupils and searches of their possessions (i.e.: pocket contents, bookbags, handbags, etc.) shall not be conducted unless founded upon reasonable suspicion.

Pupils shall be informed by the Administration that school lockers, desks, and other storage areas of the school are not their private property, but the property of the school district. Staff may open those areas, and subject that space to inspection at any time. Pupils do not have a reasonable expectation of privacy for their lockers, desks, or other storage areas. The Superintendent of Schools is authorized to implement a program whereby trained dogs may sniff lockers, desks, or other storage areas to determine whether evidence of a violation of the law, school policy, or rules may be discovered by a search of the area. A positive alert by the trained dog may constitute reasonable suspicion to search the contents of a locker, desk, student's possessions or other areas.

POLICE INVOLVEMENT IN SEARCHES AND INTERROGATIONS OF STUDENTS – 5300.57

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

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

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

1. They must be informed of their legal rights.

2. They may remain silent if they so desire.
3. They may request the presence of an attorney.

CHILD PROTECTIVE SERVICES INVESTIGATIONS – 5300.59

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

All requests by child protective services to interview a student on school property shall be made directly to the principal. The principal shall set the time and place of the interview. The principal shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official.

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

VISITORS TO THE SCHOOLS – 5300.60

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

1. Anyone who is not a regular staff member or student of the school will be considered a "visitor."
2. All visitors should call in advance, whenever possible, and make an appointment with the school employee they wish to visit.
3. All visitors to the school must report to the office of the Principal upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the Principal's office before leaving the building.
4. Visitors attending school functions that are open to the public, such as parent-teacher

organization meetings or public gatherings are not required to register.

5. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the administrator and classroom teacher(s), so that class disruption is kept to a minimum.
6. Visitors should not expect to take class time to discuss individual matters.
7. Any unauthorized person on school property will be reported to the Principal. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
8. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.
9. School facilities and grounds are primarily for the use of students. They are not available for public use during the hours that school programs are in progress.

PUBLIC CONDUCT ON SCHOOL PROPERTY – 5300.65

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property, at school functions, at athletic events on school grounds and designated Deer Park School District athletic sites.

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

A. PROHIBITED CONDUCT

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or remove district property.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass, or discriminate against any person on the basis of race, color, nationality, religion, age, sex, sexual orientation or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles;
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use firearms or other weapons including air guns, pistols, rifles, shotguns, ammunition, explosives, box cutters, knives, gas canisters, pepper spray or other

noxious spray in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.

11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any lawful order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.
16. Smoke on school property.
17. Exhibit spectator conduct detrimental to the safe and orderly functioning of a Deer Park School District event, or function.
18. Skateboard on school property.

B. PENALTIES/Persons who violate this code shall be subject to the following penalties:

1. Visitors: Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection and may be subject to Town of Babylon ordinances.
2. Students: They shall be subject to immediate ejection and to disciplinary action as the facts may warrant including any of the penalties listed in the "Penalties" section of this code of conduct, in accordance with the due process of law requirements.
3. Tenured faculty members: They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law section 75: They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law section 75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 3 and 4: They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.
6. Spectators: They shall be subject to immediate ejection from the athletic or school event and school property, including parking lot. If they refuse to leave, they shall be subject to trespassing violations filed by the Deer Park School District with the Suffolk County Police Department.

C. ENFORCEMENT

The Superintendent shall be responsible for enforcing the conduct required by this code. The Superintendent may designate the other district staff who are authorized to take action consistent with the code.

When the Superintendent or his/her designee sees an individual engaged in prohibited

conduct, the designated school official shall tell the individual that the conduct is prohibited. The school official may have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

D. **TRESPASSING**

The Deer Park Board of Education, exercising its powers under the Town Trespass Ordinance of Babylon and the New York State Penal Law 140 hereby prohibits unauthorized or unlicensed persons to trespass on any school properties under its jurisdiction. To carry out this policy, the board authorizes the Superintendent of Schools to designate, on or before September 1st of each school year, certain personnel for each building and those with jurisdiction over all buildings to issue orders against a person trespassing. Until further notice the Superintendent has designated building principals and assistant superintendents for this purpose.

DISSEMINATION AND REVIEW OF CODE OF CONDUCT – 5300.70

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

1. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
2. Notifying all new employees that a copy of the current code of conduct is available on website.
3. Making copies of the code available for review by students, parents and other community members on website.
4. On an annual basis, the Code of Conduct will be publicized and explained to all students.
5. A copy can be accessed on the district website at www.deerparkschools.org.
6. A copy of the code will be filed in each school building, where it will be available for review by any individual.

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

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

The Board may appoint an advisory committee to assist in reviewing the code and the district's response to code of conduct violations. The committee will be made up of representatives of student,

teacher, administrator, and parent organizations, school safety personnel and other school personnel.

COMPUTER RESOURCES AND DATA MANAGEMENT REGULATION - 8630

The following rules and regulations govern the use of the district's computer network system, employee access to the Internet, and management of computerized records.

I. Administration

- The Superintendent of Schools shall designate a District Administrator of Instructional Technology, Data Warehousing & Information System to oversee the district's computer network.
- The District Administrator of Instructional Technology, Data Warehousing & Information System shall monitor and examine all network activities, as appropriate, to ensure proper use of the system.
- The District Administrator of Instructional Technology, Data Warehousing & Information System shall develop and implement procedures for data back-up and storage. These procedures will facilitate the disaster recovery plan and will comply with the requirements for records retention in compliance with the district's policy on School District Records (1120).
- The District Administrator of Instructional Technology, Data Warehousing & Information System shall be responsible for disseminating and interpreting district policy and regulations governing use of the district's network at the building level with all network users.
- The District Administrator of Instructional Technology, Data Warehousing & Information System shall provide employee training for proper use of the network and will ensure that staff supervising students using the district's network provide similar training to their students, including providing copies of district policy and regulations (including policy 4526, Computer Use in Instruction) governing use of the district's network.
- The District Administrator of Instructional Technology, Data Warehousing & Information System shall take reasonable steps to protect the network from viruses or other software that would comprise the network. All student and employee agreements to abide by district policy and regulations and parental consent forms shall be kept on file in the district office.
- Consistent with applicable internal controls, the Assistant Superintendent of Business in conjunction with the District Administrator of Instructional Technology, Data Warehousing & Information System, will ensure the proper segregation of duties in assigning responsibilities for computer resources and data management.

II. Internet Regulations & Acceptable Use Policy

Student Internet access is addressed in policy and regulation 4526, Computer Use for Instruction and the Deer Park Acceptable Use Policy. District employees and third party users are governed by the following Computer Use for Instruction and the Deer Park

Acceptable Use Policy:

Internet Access

- Employees will be issued an e-mail account through the district's computer network.
- Employees are expected to review their e-mail daily.
- Communications with parents and/or students should be saved and the district will archive the e-mail records according to procedures developed by the District Administrator of Instructional Technology, Data Warehousing & Information System.
- Employees may access the Internet for education-related and/or work-related activities.
- Employees shall refrain from using computer resources for personal use.
- Employees are advised that they must not have an expectation of privacy in the use of the district's computers.
- Use of computer resources in ways that violate the acceptable use and conduct regulation, outlined below, will be subject to discipline.

No Privacy Guarantee

Users of the district's computer network should not expect, nor does the district guarantee, privacy for electronic mail (e-mail) or any use of the district's computer network. The district reserves the right to access and view any material stored on district equipment or any material used in conjunction with the district's computer network.

Sanctions

All users of the district's computer network and equipment are required to comply with the district's policy and regulations governing the district's computer network. Failure to comply with the policy or regulation may result in disciplinary action as well as suspension and/or revocation of computer access privileges.

Any information pertaining to or implicating illegal activity will be reported to the proper authorities. Transmission of any material in violation of any federal, state and/or local law or regulation is prohibited. This includes, but is not limited to materials protected by copyright, threatening or obscene material or material protected by trade secret. Users must respect all intellectual and property rights and laws.

District Responsibilities

The district makes no warranties of any kind, either expressed or implied, for the access being provided. Further, the district assumes no responsibility for the quality, availability, accuracy, nature or reliability of the service and/or information provided. Users of the district's computer network and the Internet use information at their own risk. Each user is

responsible for verifying the integrity and authenticity of the information.

The district will not be responsible for any damages suffered by any user, including, but not limited to, loss of data resulting from delays, non-deliveries, misdeliveries, or service interruptions caused by its own negligence or any other errors or omissions. The district also will not be responsible for unauthorized financial obligations resulting from the use of or access to the district's computer network or the Internet.

Further, even though the district may use technical or manual means to regulate access and information, these methods do not provide a foolproof means of enforcing the provisions of the district policy and regulation.

III. Acceptable Use Policy

Networked resources, including Internet access, are available to students and staff in the school. All users are required to follow the conditions laid down in the policy. Any breach of these conditions may lead to withdrawal of the user's access, monitoring and or retrospective investigation of the users use of services, and in some instances could lead to criminal prosecution. Any breach of the conditions will also be considered a disciplinary matter.

These networked resources are intended for educational purposes, and may only be used for legal activities consistent with the rules of the school. Any expression of a personal view about Deer Park UFSD matters in any electronic form of communication must be endorsed to that effect. Any use of the network that would bring the name of the District into disrepute is not allowed.

The District expects that staff will use new technologies as appropriate within the curriculum and that staff will provide guidance and instruction to pupils in the use of such resources. All computer systems will be regularly monitored to ensure that they are being used in a responsible fashion.

Conditions of Use

- Personal Responsibility
Access to the networked resources is a privilege, not a right. Users are responsible for their behavior and communications. Staff and pupils will be expected to use the resources for the purposes for which they are made available. Users are to take due care with the physical security of hardware they are using. Users will accept personal responsibility for reporting any misuse of the network to the District Administrator of Instructional Technology.
- Acceptable Use
Users are expected to utilize the network systems in a responsible manner. It is not possible to set hard and fast rules about what is and what is not

acceptable but the following list provides some guidelines on the matter:

Network Etiquette and Privacy

Users are expected to abide by the rules of network etiquette. These rules include, but are not limited to, the following:

1. Be polite – never send or encourage others to send abusive messages.
2. Use appropriate language – users should remember that they are representatives of the school on a global public system. Illegal activities of any kind are strictly forbidden.
3. Do not use language that could be calculated to incite hatred against any minority group.
4. Privacy – do not reveal any personal information (e.g. home address, telephone number) about yourself or other users. Do not trespass into other user's files or folders.
5. Password – do not reveal your password to anyone. If you think someone has learned your password then contact the District Administrator of Instructional Technology.
6. Electronic mail – Is not guaranteed to be private. Messages relating to or in support of illegal activities will be reported to the authorities. Do not send anonymous messages.
7. Disruptions – do not use the network in any way that would disrupt use of the network by others.
8. Pupils will not be allowed access to unsupervised and/or unauthorized chat rooms and should not attempt to gain access to them.
9. As part of our E-rate and CIPA compliance, the District uses a filtering system to block inappropriate content from being accessed on the network. Staff or students finding unsuitable websites through the school network should report the web address to the District Administrator of Instructional Technology. In the event that an educational site is blocked, please fill out the appropriate form and send it to the Instructional Technology Department.
10. Do not introduce any laptops, disks or usb drives into the network without having them checked for viruses. Any personal laptop must be registered with the Instructional Technology Department prior to accessing the wireless network. The form can be downloaded from the Instructional Technology eBoard.
11. Do not attempt to visit websites that might be considered inappropriate. (Such sites would include those relating to illegal activity. All sites visited leave evidence in the network and on the computer. Downloading some material is illegal and the police or other authorities may be called to investigate such use.
12. Unapproved system utilities and executable files will not be allowed in pupils' work areas or attached to e-mail.
13. Files held on the school's network will be regularly checked by the

- Instructional Technology Department.
14. Other than eBoards and curriculum/course related blogs or webpages, social interactions between teachers and students are prohibited.
 15. It is the responsibility of the User (where appropriate) to take all reasonable steps to ensure compliance with the conditions set out in this Policy document, and to ensure that unacceptable use of the Internet/Intranet does not occur.

Unacceptable Use

Examples of unacceptable use include but are not limited to the following:

- Users must login with their own user ID and password, where applicable, and must not share this information with other users. They must also log off after their session has finished.
- Users finding machines logged on under other users username should log off the machine whether they intend to use it or not.
- Accessing or creating, transmitting, displaying or publishing any material (e.g. images, sounds or data) that is likely to cause offense, inconvenience or needless anxiety.
- Accessing or creating, transmitting or publishing any defamatory material.
- Receiving, sending or publishing material that violates copyright law.
- Receiving, sending or publishing material that violates the rules of confidentiality and/or education law.
- Transmitting unsolicited material to other users (including those on other networks).
- Adding additional password protection to any computer device owned by the District is prohibited.
- Unauthorized access to data and resources on the school network system or other systems.
- User action that would cause corruption or destruction of other users' data, or violate the privacy of other users, or intentionally waste time or resources on the network or elsewhere.

Additional Guidelines

- Users must comply with the acceptable use policy of any other networks that they access.
- Users must not download software without approval from the Instructional Technology Department.

Services

There will be no warranties of any kind, whether expressed or implied, for the network service offered by the school. The school will not be responsible for any damages suffered

while on the system. These damages include loss of data as a result of delays, non-deliveries, or service interruptions caused by the system or your errors or omissions. Use of any information obtained via the network is at your own risk.

Network Security

Users are expected to inform the District Administrator of Instructional Technology immediately if a security breach is identified. Do not demonstrate this problem to other users. Users must login with their own user id and password, where applicable, and must not share this information with other users. Users identified as a security risk will be denied access to the network.

Physical Security

Staff users are expected to ensure that portable equipment such as laptops, digital cameras and video cameras are securely locked away when they are not being used.

Willful Damage

Any malicious attempt to harm or destroy any equipment or data of another user or network connected to the school system will result in loss of access, disciplinary action and, if appropriate, legal referral. This includes the creation or uploading of computer viruses. The use of software from unauthorized sources is prohibited.

Media Publications

For the safety of our students, District employees should follow these guidelines when posting student-related information to the District's Web site, sites that link from the District Web site, and District eBoards:

- Documents/pictures may not include student last names.
- Family information (address, telephone number, e-mail address, etc.) may not be posted.
- Student location information (schedule, after-school activity participation, bus stop, etc.) may not be posted.

Publishing includes, but is not limited to:

- the school website/eBoards/blogs/wikis
- web broadcasting
- online newspapers

DEER PARK UFSD STAFF USER AGREEMENT FORM

After reading the Deer Park UFSD Acceptable Use Policy, please complete this form to indicate that you agree with the terms and conditions outlined in the above AUP document and agree to compliance with needed future revisions. **Your signature is required before access may be granted to the Deer Park UFSD network.**

As a staff member of Deer Park UFSD and a user of the computer network, I have read and hereby agree to comply with the Deer Park UFSD Acceptable Use Policy.

Staff Name (Please Print): _____

Staff's School: _____

Staff Signature: _____ Date: _____

DEER PARK UFSD STUDENT USER AGREEMENT FORM

After reading the Deer Park UFSD Acceptable Use Policy, please complete this form to indicate that you agree with the terms and conditions outlined in the above AUP document and agree to compliance with needed future revisions. **Your signature is required before access may be granted to the Deer Park UFSD network.**

As a student of Deer Park UFSD and a user of the computer network, I have read and hereby agree to comply with the Deer Park UFSD Acceptable Use Policy.

Student Name (Please Print): _____

Student's School: _____ Grade: _____ Date of Birth: _____

Student Signature: _____ Date: _____

As parent/legal guardian of the student signing above, I grant permission for my child to access networked computer services such as electronic mail and Internet. I have read and agree to the Deer Park UFSD Acceptable Use Policy, and I understand that I may be held responsible for violations by my child. I understand that some materials on the Internet may be objectionable; therefore I agree to accept responsibility for guiding my child, and conveying to her/him appropriate standards for selecting, sharing, and/or exploring information and media.

Parent/Guardian Signature: _____ Date: _____

**Before making 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.*

May 17, 2001

Revision Date: June 28, 2005

Adoption Date: June 28, 2005

Revision Date: November 2007

Adoption Date: January 22, 2008

Revision Date: September 9, 2008

First Reading: September 23, 2008

Adoption Date: October 28, 2008