

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 – 5300.10

For purposes of this code, the following definitions apply:

"Harassment/bullying" means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including Cyber bullying as defined in Education Law §11(8), that

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

- (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or
- (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
- (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

For purposes of this definition, the term "threats, intimidation or abuse" shall include verbal and non-verbal actions. (Education Law §11[7])

"Cyber bullying" means harassment/bullying, as defined above, through any form of electronic communication.

Acts of harassment and bullying that are prohibited include those acts based on a person's actual or perceived membership in the following groups including, but not limited to:

- race
- color
- weight
- national origin
- ethnic group
- religion
- religious practice
- disability
- sex
- sexual orientation
- gender (which includes a person's actual or perceived sex, as well as gender identity and expression).

"Disability" means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law §11 [4] and Executive Law §292[21]).

"Discrimination" means discrimination against any student by a student or students and/or employee or employees on school property or at a school function including, but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

“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.

"Emotional harm" that takes place in the context of "harassment or bullying" means harm to a student's emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

"Employee" means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title 9-B of article 5 of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law §11[4] and §1125[3]).

“Gender” means actual or perceived sex and includes a person’s gender identity or expression. (Education Law §11[6])

“Gender expression” is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

“Gender identity” is one’s self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

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

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

"School Bus" means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law §11[1] and Vehicle and Traffic Law §142).

“School function” means any school-sponsored extra-curricular event or activity (Education §11[2]).

“School property” means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school or in or on a school bus (Education Law §11[1]).

“Sexual orientation” means actual or perceived heterosexuality, homosexuality or bisexuality (Education Law §11[5]).

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

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

“Weapon” means a firearm as defined in 18 USC 921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, knife, leatherman, pocketknife, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, sharp or bladed projectile, electronic stun gun, chains, clubs, batons, 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 – 5300.15

A. Students Rights

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

1. Take part in all district activities on an equal basis regardless of race, weight, color, creed, national origin, ethnic group, religion, religious practice, 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 policies, regulations and 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, supportive 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 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 manage their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems.
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 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 – 5300.20

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 and collaborate with the district to optimize their child's educational opportunities.
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 so that their children can help create a safe, supportive school environment.
8. Convey to their children a supportive attitude toward education and the district.
9. Build positive, constructive 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 for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, gender (which includes a person's actual or perceived sex, as well as gender identity and expression), which will strengthen student's 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. Maintain confidentiality in conformity with federal and state law.
6. 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
7. Communicate regularly with students, parents, and school personnel concerning growth and achievement.
8. 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.
9. Implement behavioral intervention plans, Section 504 plans, and Individual Education Programs as they relate to discipline of students with disabilities.
10. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.
11. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.

12. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
13. Build good relationships with students, parents and other community members to foster the beliefs and vision of the school district.

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

All staff listed above 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. Maintain confidentiality in conformity with federal and state law.
6. 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
7. Communicate regularly with students, parents, and school personnel concerning growth and achievement.
8. Identify those students in their care 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.
9. Implement behavioral intervention plans, Section 504 plans, and Individual Education Programs as they relate to discipline of students with disabilities.
10. 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.
11. Encourage students to accept and respect diversity.
12. Build good relationships with students, parents and other community members to foster the beliefs and vision of the school district.
13. 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.
14. Participate in professional development.
15. Establish constructive communication between home and school.
16. Provide direct services to the student
17. Initiate referrals to resources within the communication
18. Conduct evaluations and provide interpretation and guidance to students and their families.
19. Provide crisis assessment and intervention as needed.
20. Present parent workshops regarding issues relating to children.

21. 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 for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, gender (which includes a person's actual or perceived sex, as well as gender identity and expression),
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. Maintain confidentiality in conformity with federal and state law.
6. 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
7. Communicate regularly with students, parents, and school personnel concerning growth and achievement.
8. Identify those students in their case load 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.
9. Implement behavioral intervention plans, Section 504 plans, and Individual Education Programs as they relate to discipline of students with disabilities.
10. Build good relationships with students, parents and other community members to foster the beliefs and vision of the school district.
11. Make known to students and families the resources in the community that are available to meet their needs.
12. Participate in school-wide efforts to provide adequate supervision in all school spaces.
13. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
14. Address personal biases that may prevent equal treatment of all students.
15. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
16. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
17. Regularly review with students their educational progress and career plans.
18. Provide information to assist students with career planning.
19. Encourage students to benefit from the curriculum and extracurricular programs.
20. 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. Maintain confidentiality in conformity with federal and state law.
6. 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
7. Communicate regularly with students, parents, and school personnel concerning growth and achievement.
8. 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.
9. Implement behavioral intervention plans, Section 504 plans, and Individual Education Programs as they relate to discipline of students with disabilities.
10. 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.
11. Encourage students to accept and respect diversity.
12. Build good relationships with students, parents and other community members to foster the beliefs and vision of the school district.
13. 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.
14. Participate in professional development.
15. Provide related services(s) to support students in their educational and non-educational programs.
16. Support educational goals of the student and the program.
17. Communicate regularly with students, teachers and other staff.
18. Be knowledgeable of effective classroom behavior/building management techniques.
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. Build good relationships with students, parents and other community members to foster the beliefs and vision of the school district.
2. Perform specialized non-instructional duties that support the operational functioning of the school.
3. Know district policies and rules.
4. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, gender (which includes a person's actual or perceived sex, as well as gender identity and expression),
5. Maintain confidentiality in accordance with federal and state law.
6. Be familiar with the code of conduct.
7. Help children understand the district's expectations for maintaining a safe, orderly environment.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces.
9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
10. Address personal biases that may prevent equal treatment of all students.
11. Demonstrate dependability, integrity and other standards of ethical conduct.
12. Follow the established administrative procedures
13. Support the educational program and district initiatives.

G. All Administrators (Building Level and District Wide)

1. 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. 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. Ensure that students and staff have the opportunity to communicate regularly with the principal/administrators and have access to the principal/administrators for redress of grievances.
6. Maintain confidentiality in accordance with federal and state law.
7. Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
8. Support the development of and student participation in appropriate extracurricular activities.
9. Provide support in the development of the code of conduct, when called upon. Disseminate the code of conduct and anti-harassment policies.
10. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
11. Participate in school-wide efforts to provide adequate supervision in all school spaces.

12. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
13. Address personal biases that may prevent equal treatment of all students and staff.
14. 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.
15. Support the educational program and district initiatives.
16. Address violence prevention and mental health by providing professional development to all staff.

H. The Dignity Act Coordinator(s) (*Assistant Superintendent for Pupil Personnel Services*)

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, gender (which includes a person's actual or perceived sex, as well as gender identity and expression),
2. Oversee and coordinate the work of the district-wide and building-level bullying prevention committees.
3. Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
4. Coordinate, with the Professional Development Committee, training in support of the bullying prevention committee.
5. Maintain confidentiality in conformity with federal and state law.
6. Be responsible for monitoring and reporting on the effectiveness of the district's bullying prevention policy.
7. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students and staff.

I. Central Office Administrators

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

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, gender (which includes a person's actual or perceived sex, as well as gender identity and expression),
2. 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.
3. Encourage students to accept and respect diversity.

4. Build good relationships with students, parents and other community members to foster the beliefs and vision of the school district.
5. Maintain confidentiality in accordance with federal and state law.
6. 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.
7. Participate in professional development.
8. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
9. Inform the board about educational trends relating to student discipline.
10. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
11. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
12. Support the educational program and district initiatives.
13. Participate in school-wide efforts to provide adequate supervision in all school spaces.
14. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
15. Address personal biases that may prevent equal treatment of all students and staff.

J. Other Administrative, Managerial and Technical Staff

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

1. 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. 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. Maintain confidentiality in conformity with federal and state law.
6. Participate in professional development.
7. Provide specialized instructional and non-instructional services within the district.
8. Support the implementation of the Code of Conduct.
9. Assure that the staff under their supervision conform to the Code of Conduct.
10. Demonstrate dependability, integrity and other standards of ethical conduct.
11. Follow established administrative procedures.
12. Support the educational program and district initiatives.

K. Board of Education

The Board of Education is expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, gender (which includes a person's actual or perceived sex, as well as gender identity and expression),
2. Maintain confidentiality in accordance with federal and state law.
3. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
4. 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.
5. Encourage students to accept and respect diversity.
6. Build good relationships with students, parents and other community members to foster the beliefs and vision of the school district.
7. 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.
8. Participate in professional development.
9. Establish policies for and monitor finances of all district operations.
10. 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.
11. 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.
12. Lead by example by conducting board meetings in a professional, respectful, and courteous manner.
13. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
14. Address personal biases that may prevent equal treatment of all students and staff.
15. Support the educational program and district initiatives.

L. Committee on Special Education shall:

1. 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.

2. 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.

GUIDELINES FOR DISCIPLINE STANDARDS – 5300.22

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.

SUBSTANCE ABUSE POLICY – 5300.23

Policy Statement

The Board of Education, administration, staff and community of the Deer Park School District are committed to the prevention of substance abuse. This policy describes the philosophy of the District and the program elements the district uses to promote a healthy lifestyle for its students and staff and to inhibit the use/abuse of illegal drugs, prescription drugs, over the counter medications, alcohol and controlled substances.

The District uses the following principles as guides for the development of its substance abuse prevention efforts and for any disciplinary measures related to alcohol and other substances:

- Substance abuse is preventable and treatable.
- Substance abuse inhibits the District from carrying out its central mission of educating students.
- Substance abuse inhibits student's success.
- The behavior of the Board of Education, the administration and all school staff should model the behavior asked of students.

While the District can and must assume a leadership role in substance abuse prevention, this goal will be accomplished only through coordinated, collaborative efforts with parents, students, staff, and the community as a whole.

New York State Education Law, Section 804, requires that all public and non-schools include, as part of their health education program, instruction designed to discourage use/abuse of alcohol, tobacco and other drug substances. Such instruction must be provided for all students; elementary school through high school. (Regulations of the Commissioner of Education 100.3(a)(1)(vi), 100.4(b)12)(viii), 100.5(a)(2)(vi), and 135.3).

In addition, Section 5145 of the Federal Drug-Free School and Communities Act Amendments of 1986 (P.L. 101-226) requires that each local education agency certify that it has adopted and implemented a program to prevent the use/abuse of illegal drugs, prescription drugs, over the counter medications, alcohol and controlled substances by students and employees. Upon request, the Superintendent of Schools will provide certification of a drug free workplace to the Secretary of the Federal Department of Education, the State Education Department and the residents of the Deer Park School District. (Drug-Free Workplace Act of 1988 P.L. 100-690, Title 5, Subtitle D, Sections 5151-5160).

Program Description

This program shall not be limited to curriculum only, but shall include appropriate strategies to address the three components of a comprehensive anti-substance abuse program, namely: prevention, intervention and recovery.

The intent of a prevention program is to prevent or delay the onset of illicit drug, alcohol, tobacco and other controlled substance use by students and employees. The sequential K-12 curriculum will provide for:

- Accurate and age appropriate information about drugs/alcohol/ tobacco and other substances, including the physical, psychological and social consequences of their use/abuse.
- Information about the relationship of alcohol and substance use/abuse to other health compromising issues such as AIDS, teenage pregnancy, eating disorders, child abuse, suicide, dropping out of school and poor performance.
- Helping students develop appropriate life skills to resist the use of alcohol and other substances and to promote healthy lifestyles.

- Helping students identify personal risk factors for alcohol and other substance use/abuse and the steps needed for risk reduction.
- Helping students develop a positive self concept.
- Helping students identify when they are under stress and how to manage or reduce stress through non-chemical means.

The intent of intervention and recovery programming is to eliminate any existing use/abuse of alcohol and other substance, and to identify and provide supportive services to students and employees at high risk for such use/abuse.

Such programming shall include:

- Developing a referral process between the district and community providers
- Identifying and referring students and staff to appropriate agencies when the use/abuse of alcohol and/or other substances requires counseling/treatment.
- Providing support services to those in or returning from treatment to assure that the school/workplace environment supports the process of recovery initiated in the treatment program.
- Providing a safe environment by “sweeping” and monitoring buildings and surrounding areas.

Staff Development

If administrative, instructional, and non-instructional staff are to be responsible for understanding and implementing this policy, they must be trained about the components of an effective drug/alcohol prevention program. Staff training will be an ongoing process including the following:

1. For all staff:
 - a. an understanding of why individuals use and abuse alcohol/drugs and other controlled substances,
 - b. their role in implementing this policy, including how to identify students who exhibit high risk behaviors or who are using/abusing drugs/alcohol, and how to refer these students to the appropriate services established by this policy,
 - c. awareness of personal risk factors for drug/alcohol use/abuse so that they may identify personal use/abuse problems and seek assistance, and
 - d. awareness of the special needs of students returning from treatment.
2. Additionally for teachers:
 - a. knowledge and skills necessary to implement the District’s K-12 drug/alcohol and other substance prevention curriculum.

Prohibitions & Procedures

No student may use, possess, sell, offer, manufacture, or distribute alcohol or other substances, nor may use or possess drug paraphernalia, on school grounds or at school-sponsored events, except drugs as prescribed by a physician. The term “alcohol and/or other substances” shall be construed throughout this policy to refer to the use of all substances including, but not limited to, alcohol, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any synthetic version thereof (whether or not specifically illegal or labeled for human consumption), commonly referred to as “designer drugs.” Designer drugs are those substances which have been designed and synthesized to mimic the intended effects and usages of, and which are chemically substantially similar to, substances controlled by federal and/or state law as exemplified above. The inappropriate use of prescription and over-the-counter drugs shall also be prohibited.

Additionally, the following persons shall be prohibited from entering school grounds or school-sponsored events: any person exhibiting behavior, conduct, or personal or physical characteristics indicative of having used or consumed alcohol and/or other substances, or any person who school personnel have reasonable grounds to suspect has used alcohol and/or other substances.

A. Roles of Personnel

All district employees are responsible for reporting illegal activities (including use, possession, or distribution of alcohol, weapons, drugs and drug paraphernalia) to their immediate supervisor.

The principal/administrator shall be responsible for reporting such policy violations to appropriate law enforcement officials and the Superintendent or his/her designee.

B. Procedures - Students

All employees must report the case (suspected or real) to his/her building administrator.

The principal/building administrator or his/her designee will investigate the situation. All information will be reported and evaluated to determine whether further action should be taken. Depending on the findings, one or more of the following courses of action may be taken:

1. In cases where there is strong suspicion but no outright proof, the building principal along with the school social worker will inform the students’ parents or legal guardians and advise parents/guardians as to where medical/psychological services may be obtained.
2. In cases where it is determined further action is needed, the principal will inform the Assistant Superintendent of Pupil Personnel Services or the Superintendent.
3. If the student is involved in possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances (as defined in this policy to include inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids,

look-alike drugs and any substances commonly referred to as a “designer drug” and inappropriately using or sharing prescription and over-the-counter drugs) or being under the influence of any of the defined substances, the administrator is to take the following steps:

- a. contact the District Office
- b. contact the police
- c. contact the parents of the student
- d. contact the nurse

The student will be suspended by the principal for five (5) days. The student will also be referred to the district office for a Superintendent’s Suspension Hearing. If the student is a student with a disability, a manifestation hearing will also be held. (Please refer to Section 5300.45 Discipline of Students with Disabilities, page 38.)

As a result of the hearing, if the student is found guilty, the superintendent may impose disciplinary action which could remove the student from attending school for up to one (1) year. In accordance with the Code of Conduct, an interim alternative educational setting will be provided for the length of suspension.

The family will be requested to get an evaluation of the student’s alcohol and drug use by a credentialed chemical dependency counselor and to follow all recommendations contained in the evaluation.

A child with a handicapping condition is not immune from disciplinary measures (Matter of Handicapped Child, 20 Ed. Dept. Rep. 470). However, in cases where a handicapped student’s violation of the policy may be due to his or her handicap, he or she is to be referred to the Committee on Special Education in accordance with the requirements of Part 200 of the Regulations of the commission of Education.

A. Procedures - Staff

The District recognizes that the problems of alcohol and other substance use/abuse are not limited to the student population but affect every segment of society. Staff will be informed as to services available to them (EAP) and encouraged to seek voluntary help with alcohol and other substance use/abuse related problems.

The District also recognizes that it has a right to intervene when an employee's personal problems adversely affect his/her job performance. When unsatisfactory performance does occur or if there is a determination that an employee has violated the District's Substance Abuse Policy by putting the welfare of students or other staff in jeopardy, the Superintendent may reassign or suspend the employee until the next regular meeting of the Board of Education. At that meeting, all facts relating to the case shall be submitted to the Board for its consideration and action. (Education Law § 1711(5)(e).

Rights

The rights of students and employees seeking help for alcohol and other drug problems will be respected. It is important that District staff serve in a helping role to students and employees who are seeking to overcome alcohol/drug abuse and/or dependency. All school personnel should be aware of the distinction between persons seeking help and those violating District policy. A self-referral should not be treated as a policy violation.

Every staff member is encouraged to treat a self-referral with discretion, both by protecting the person's right to privacy and by appropriately assisting the student/employee to get help.

Health Care

Emergency health care for students and employees severely affected by alcohol or other drug consumption will be provided by the District in accordance with the following:

A person who exhibits unusual behaviors such as drowsiness, slurred speech, motor imbalance, unaccountable excitability, and/or is unable to function in the classroom or workplace may be experiencing the effects of alcohol and/or drugs.

In all such cases, the principal or designee should be notified immediately about the symptoms observed in the person. In no case should any diagnosis or suggestion that the person has been abusing drugs be made. The principal or designee, with the assistance of the school nurse, will evaluate the state of consciousness and proceed as follows:

A. Emergency Procedure

If the response to external stimuli is significantly decreased or absent:

1. Person should be taken to nurse's office, if possible.
2. The rescue squad or ambulance should be summoned immediately to transport the person to the nearest hospital or medical facility.
3. Notify the student's parent/guardian of action taken. If a parent/guardian is not available, notify the person named on the student's health card or family physician. In cases involving employees, the person designated in the employee's personnel file should be contacted.
4. While awaiting the arrival of the rescue squad or ambulance do not leave the person unattended. Recognized and approved first aid procedures should be followed.

B. Non-Emergency Procedure

If the response to external stimuli is impaired but not significantly decreased:

1. Notify the parent/guardian that the student is ill, describe the symptoms, and urge them to come to the school immediately and take the student to their physician or

other medical facility. If the parent/guardian is not available, the designated responsible party or the family physician should be contacted should be transported to an emergency room.

2. While awaiting the arrival of the responsible adult or transportation to the emergency room, follow standard medical procedure. Do not allow the person to “sleep it off,” remain unattended, or return to the classroom or work area.

Monitoring

The rights of students, parents/guardians, and employees to information regarding the District's alcohol and drug policy will be insured through formal and informal means.

Students, parents/guardians, and District personnel will be notified of all alcohol and drug policies through appropriate District publications and school assemblies. Such information should include: clear definitions of the students' and employees' rights to due process and to confidentiality (when seeking help); a description of the limitations of confidentiality when a student's use of alcohol/drugs presents a clear danger to the student and/or others; a description of services available for substance abuse counseling.

A committee composed of staff, students, parents, administrators and superintendent, will review the policy annually and update all policies and procedures pertaining to the District's Substance Abuse Policy. A statement indicating they have received and read the policy must be signed and kept on file at the school building for students and in the personnel office for all employees.

STUDENT CONDUCT ON SCHOOL BUSES – 5300.24

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 – 5300.25

- 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 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, athletics 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.

MEDICATIONS/PRESCRIPTIONS IN SCHOOL – 5300.28

Cross Ref.: Policy 5420, Medications/Prescriptions in School

COMPUTER RESOURCES AND DATA MANAGEMENT REGULATION – 5300.29

Cross Ref: Policy 4526, Computer Use in Instruction,
Policy 8630, Computer Resources and Data Management,
Policy 8630-R, Computer Resources and Data Management Regulation,

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. It is in its entirety in the District's "Acceptable Use Policy."

1. Administration

- The Superintendent of Schools shall designate a District Administrator of Instructional Technology to oversee the district's computer network.
- The District Administrator for Instructional Technology shall monitor and examine all network activities, as appropriate, to ensure proper use of the system.
- The District Administrator for Instructional Technology 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 shall be responsible for developing a Disaster Recovery Plan in conjunction with the Assistant Superintendent for Business and Operations.
- The District Administrator of Instructional Technology shall ensure IT service continuity within reasonable parameters.
- The District Administrator of Instructional Technology shall ensure proper protocols and safeguards are in place for administrators that have "remote access."
- The District Administrator of Instructional Technology shall ensure discontinuance of service, access and collections of all equipment for employees/students who separate from the district.
- The District Administrator of Instructional Technology 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 governing use of the district's network.
- The District Administrator of Instructional Technology shall ensure that all disks and software loaded onto the computer network have been scanned for computer viruses.
- The District Administrator of Instructional Technology will review staff requests to use 'cloud-based' educational software/applications to ensure that personally identifiable information (PII) is protected in accordance with district standards prior to student use.
- The District Administrator for Instructional Technology will have protocols in place to monitor network security and ensure proper use of the network. This includes blocking software to safeguard against hacking and viruses.

- All agreements to abide by district policy and regulations and parental consent forms shall be kept on file in the IT Department.

2. Internet Access

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

- 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.
- 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.

3. Prohibited Activity and Uses

The following is a list of prohibited activity for all staff and third party users concerning use of the district's computer network. Any violation of these prohibitions may result in discipline or other appropriate penalty, including suspension or revocation of a user's access to the network.

- Using the network for commercial activity, including advertising.
- Infringing on any copyrights or other intellectual property rights, including copying, installing, receiving, transmitting or making available any copyrighted software on the district computer network.
- Using the network to receive, transmit or make available to others obscene, offensive, or sexually explicit material.
- Using the network to receive, transmit or make available to others messages that are racist, sexist, abusive or harassing to others.
- Use of another's account or password.
- Attempting to read, delete, copy or modify the electronic mail (e-mail) of other system users.
- Forging or attempting to forge e-mail messages.
- Engaging in vandalism. Vandalism is defined as any malicious attempt to harm or destroy district equipment or materials, data of another user of the district's network or of any of the entities or other networks that are connected to the Internet. This includes, but is not limited to, creating and/or placing a computer virus, malware on the network, and not reporting security risks as appropriate.
- Using the network to send anonymous messages or files.

- Revealing the personal address, telephone number or other personal information of oneself or another person.
- Using the network for sending and/or receiving personal messages.
- Intentionally disrupting network traffic or crashing the network and connected systems.
- Installing personal software, using personal equipment or downloading files on the district's computers and/or network without the permission of the appropriate district official or employee.
- Using district computing resources for fraudulent purposes or financial gain.
- Stealing data, equipment or intellectual property.
- Gaining or seeking to gain unauthorized access to any files, resources, or computer or phone systems, or vandalize the data of another user.
- Wastefully using finite district resources.
- Changing or exceeding resource quotas as set by the district without the permission of the appropriate district official or employee.
- Using the network while your access privileges are suspended or revoked.
- Using the network in a fashion inconsistent with directions from teachers and other staff and generally accepted network etiquette.

4. 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.

5. 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.

6. 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 the user's 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.

The district will take reasonable steps to protect the information on the network and provide a secure network for data storage and use, including ensuring that contracts with vendors address data security issues and that district officials provide appropriate oversight. Even though the district may use technical and/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.

7. Acceptable Use and Conduct

The following regulations apply to all staff/students and third party users of the district's computer system:

- Access to the district's computer network is provided solely for educational and/or research purposes and management of district operations consistent with the district's mission and goals.
- Use of the district's computer network is a privilege, not a right. Inappropriate use may result in the suspension or revocation of that privilege.
- Each individual in whose name an access account is issued is responsible at all times for its proper use.
- All network users will be issued a login name and password. Passwords must be changed periodically.
- Only those network users with permission from the principal or District Administrator of Instructional Technology may access the district's system from off-site (e.g., from home).
- All network users are expected to abide by the generally accepted rules of network etiquette. This includes being polite and using only appropriate language. Abusive language, vulgarities and swear words are all inappropriate.
- Network users identifying a security problem on the district's network must notify appropriate staff. Any network user identified as a security risk or having a history of violations of district computer use guidelines may be denied access to the district's network.

8. 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. Pupils will not be allowed access to unsupervised and/or unauthorized chat rooms and should not attempt to gain access to them.
8. 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.
9. Any personal laptop must be registered with the Instructional Technology Department prior to accessing the wireless network. The form can be submitted electronically from the Instructional Technology page on the District website.
10. 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.
11. Unapproved system utilities and executable files will not be allowed in pupils’ work areas or attached to e-mail.
12. Files held on the school’s network will be regularly checked by the Instructional Technology Department.
13. Other than eBoards and curriculum/course related blogs or webpages, social interactions between teachers and students are prohibited.
14. 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.

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.

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
- social media sites (Twitter, Facebook, Instagram, Snapchat and all others not listed)

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: _____

*To be completed during hiring process and kept in Personnel file

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: _____

*Form to be completed at each change of building

PROHIBITED STUDENT CONDUCT – 5300.30

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.
 5. Display or use of personal electronic devices, such as, but not limited to, cell phones, I-pods, digital cameras, in a manner that is in violation of District policy.
- D. Engage in conduct that is **violent**. Examples of violent conduct include but are not limited to:
1. Committing or threatening to commit an act of violence (such as hitting, kicking, punching, and scratching) upon a student, teacher, administrator or other school employee, self 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, sharp or bladed projectile, electronic stun gun, chains, clubs, batons, 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, physical or mental health or welfare of self or of others. Examples of such conduct include, but are not limited to:
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. Discrimination, which includes using race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, gender (which includes a person's actual or perceived sex, as well as gender identity and expression) or disability to deny rights, equitable treatment or access to facilities available to others.
 5. Harassment (or Bullying), is the creation of a hostile environment by conduct or threats, intimidation or abuse. (See policy, 0115, Student Harassment and Bullying Prevention and Intervention for a more complete definition.)
 6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
 7. Bullying, which may be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. (See policy 0115 for a more complete definition.)
 8. Hazing, which includes an induction, initiation or membership process involving harassment (see policy 0115 for a more complete definition).
 9. Selling, using, distributing or possessing obscene material.
 10. Using vulgar or abusive language, cursing or swearing.
 11. Possession or use of a cigarette, cigar, pipe, vape device, hookah pen, electronic cigarette use or using chewing or smokeless tobacco.
 12. Possessing, consuming, selling, offering, manufacturing, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal

substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any synthetic version thereof, whether specifically illegal or not, commonly referred to as "designer drugs" which are substances designed and synthesized to mimic the intended effects and usages of, which are chemically substantially similar to, illegal drugs, which may or may not be labeled for human consumption.

13. Inappropriately using or sharing prescription and over-the-counter drugs.
 14. Possession of use of drug paraphernalia not limited to rolling papers, pipes, bongs, etc.
 15. Unauthorized use of any device capable of recording video.
 16. Gambling.
 17. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
 18. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
- F. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on district buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.
- G. Engage in any form of **academic misconduct**. 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.
- H. Engage in off-campus misconduct that interferes with, or can reasonably be expected to substantially disrupt the educational process in the school or at a school function. Examples of such misconduct include, but are not limited to:
1. Committing or threatening to commit an act of violence on a student or school personnel through any means off-campus
 2. Harassing students
 3. Cyber bullying (i.e., inflicting willful and repeated harm through the use of electronic text)
 4. Threatening or harassing students or school personnel over the phone or other electronic medium

GENERAL STATEMENT OF POLICY – 5300.31

Cross Ref.: Policy 0115, Student Harassment, Bullying Prevention & Intervention

SEXUAL HARASSMENT – 5300.32

Cross Ref.: Policy 0110, Prohibition Against Sexual Harassment Misconduct

REPORTING VIOLATIONS – 5300.35

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 – 5300.40

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 – 5300.42

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, curriculum associate, associate principal, principal, assistant superintendent or superintendent
3. Written notification to parent - Teacher, curriculum associate, associate principal, principal, assistant superintendent or superintendent
4. Detention - Teacher, curriculum associate, associate principal, principal, assistant superintendent or superintendent
5. During school detention (i.e. lunch 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
17. Permanent Suspension
18. Referral to Town of Babylon Youth Court (HS and MS only)
19. Referral to substance abuse program
20. Referral to school/community-based service program

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, curriculum associates, associate principals, principals, assistant superintendents 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 an 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 an 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.

All staff members must immediately report and refer a violent student to the principal, principal's designee or the superintendent for a violation of the code of conduct. All 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 making the referral.

The superintendent, principal or principal's designee 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.

j. Town of Babylon (HS only) – Partnering with town of Babylon as an alternative punishment. Information will be available at the high school.

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 aged 16 and over 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 – 5300.45

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. The Board of Education expects students, administrators, teachers and parents to make every effort to maintain student academic progress in the event of removal or suspension, and support student re-entry to the classroom at the conclusion of the disciplinary action.

DISCIPLINE OF STUDENTS WITH DISABILITIES – 5300.50

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, sharp or bladed projectile, electronic stun gun, chains, clubs, batons, 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.
6. 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.
7. 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 AND EMERGENCY INTERVENTIONS – 5300.55

Corporal Punishment

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

Corporal punishment shall not be used as a means of discipline against a student by any teacher, administrator, officer, employee or agent of the Deer Park Union Free School District (“District”).

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

Emergency Interventions

In situations where alternative procedures and methods not involving the use of physical force cannot reasonably be employed, reasonable physical force may be used for the following reasons:

- a. To protect oneself from physical injury;
- b. To protect another pupil or teacher or any person from physical injury;
- c. To protect property; or
- d. To restrain or remove student whose behavior interferes with the orderly exercise and performance of school or school district functions, powers and duties, if that student has refused to comply with a request to refrain from further disruptive acts.

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

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

Whenever an emergency intervention is utilized, the District shall, as soon as practicable, notify the parent of the student either in writing or by telephone of the fact that an emergency intervention was used.

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

- a. the student's name and date of birth;
- b. the setting and location of the incident;
- c. the names of staff or other persons involved;
- d. a description of the incident and the emergency intervention used, including duration;
- e. whether the student has a current behavioral intervention plan; and
- f. details of any injuries sustained by the student or others (including staff) as a result of the incident.

CHILD PROTECTIVE SERVICES INVESTIGATIONS – 5300.59

Cross Ref.: Policy 5460, Child Abuse, Maltreatment or Neglect in a Domestic Setting

STUDENT SEARCHES AND INTERROGATIONS – 5300.60

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

The Board authorizes the Superintendent of Schools, Building Principals, the school nurse and district security officials to conduct searches of students and their belongings, in most instances, with exceptions set forth below in A., if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct.

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

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information

they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

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

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

A. Student Lockers, Desks and other School Storage Places

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

B. Strip Searches

It is the policy of this district not to conduct strip searches. A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat, jacket or shoes.

C. Treatment of Cell Phones

Teachers and administrators are authorized to confiscate student cell phones that are being used in violation of the code of conduct and/or policy 5695, Student Use of Electronic Devices. Teachers and administrators are permitted to look at the screen of the cell phone and can request the student's cooperation to search the cell phone further. Without a student's permission, teachers and administrators should not undertake a more extensive search until conferring with the Superintendent or school attorney for guidance.

D. Documentation of Searches

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

1. Name, age and grade of student searched;
2. Reasons for the search;
3. Name of any informant(s);
4. Purpose of search (that is, what item(s) were being sought);
5. Type and scope of search;
6. Person conducting search and his or her title and position;
7. Witnesses to the search;

8. Time and location of search;
9. Results of search (that is, what item(s) were found);
10. Disposition of items found; and 11. Time, manner and results of parental notification.

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

E. Police Involvement in Searches and Interrogations of Students

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

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

Before police officials are permitted to question or search any student, the Principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted, unless the student is 16 years of age or older. The Principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

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

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

F. Child Protective Services Investigations

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will provide data and assistance to local child protective services workers, or members of a multi-disciplinary team accompanying such workers, who are responding to allegations of suspected child abuse, and/or neglect, or custody investigations. Such data and assistance include access to records relevant to the investigation, as well as interviews with any child named as a victim in a report, or a sibling of that child, or a child

residing in the same home as the victim.

All requests by child protective services to interview a student on school property shall be made directly to Principal or his or her designee. Child protective service workers and any associated multi-disciplinary team members must comply with the district's procedures for visitors, provide identification, and identify the child(ren) to be interviewed.

The Principal or designee shall decide if it is necessary and appropriate for a school staff member, including but not limited to an administrator or school nurse, to observe the interview either from inside or outside the interview room

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 – 5300.65

The Board recognizes that the success of the school program depends, in part, on support by the larger community. The Board wishes to foster a positive climate where members of the community have the opportunity to observe the hard work and accomplishments of the student, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The Principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a "visitor."
2. All visitors 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 enter through the designated single point of entry and show identification before entering. Upon verification of purpose of visit, admission will be granted. Upon entry 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 security desk before leaving the building.
4. Visitors attending school functions after regular school hours 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. 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 – 5300.70

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 at other off ground, district sponsored functions.

The restrictions on public conduct on school property and at school functions at other venues, 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 actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, gender (which includes a person's actual or perceived sex, as well as gender identity and expression),
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, offer, manufacture, distribute or exchange alcoholic beverages, controlled or illegal substances or any synthetic versions (whether or not specifically illegal or labeled for human consumption), or be under the influence of either on school property or at a school function
10. Possess or use firearms or other weapons including but not limited to 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 a cigarette, cigar, pipe, electronic cigarette, vape device, hookah pen, or use chewing or smokeless tobacco.
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 whether the function is on or off site. 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 and the person may be permanently banned from attending any and all school events.

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 – 5300.75

A. Dissemination of Code of Conduct

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

1. Providing copies of an age-appropriate, written in plain language, summary of the code to all students at an assembly to be held at the beginning of each school year.
2. Providing a plain language summary to all parents at the beginning of the school year, and thereafter on request.
3. Posting the complete code of conduct on the district's website.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.
6. Making copies of the complete code available for review by students, parents and other community members.

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. On-going professional development will be included in the district's professional development plan, as needed.

B. Review of the Code of Conduct

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.

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.

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

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