

SMITHTOWN CENTRAL SCHOOL DISTRICT

KEY POLICIES FOR STAFF



(See Board Policy Manual on the school website for all BOE policies)

**Smithtown Central School District
Equal Opportunity Employer**

Updated July 2023

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Revised July 27, 2023

The Board of Education of the Smithtown Central School District establishes policies that govern aspects of the functioning of the school district. Enclosed here are some key policies that we would like all employees, and particularly new employees, to review on a regular basis. If you have any questions about any of the policies contained within, please contact your immediate supervisor and/or the Assistant Superintendent for Personnel.

The full Policy Manual is available on the District website, www.smithtown.k12.ny.us under the Board of Education tab. Please review the full policy manual at your earliest convenience, but within two weeks of employment.

EDUCATIONAL PHILOSOPHY

The Board of Education is dedicated to educating students to develop desired moral, ethical, and cultural values, to stimulate and expand a continual learning process and to cultivate an understanding and appreciation of the rights and responsibilities of American citizens, which will enable them to function effectively as independent individuals in a democratic society.

The educational program will provide each child with the fundamental academic skills and basic knowledge required for his/her maximum educational development, the opportunity for each child to develop his/her interests and abilities to the fullest extent according to his/her individual potential, and special services to promote the physical, mental and emotional development of each child. It is the district's goal to foster in students good work habits, integrity, self-discipline, good sportsmanship, self-confidence and a sense of purpose. Extracurricular activities will be offered when possible to enhance the academic program.

The Board encourages parents and teachers to offer their expertise in helping to develop a school environment that is academically challenging, psychologically satisfying and socially fulfilling for students at all levels. The objectives of an educational program are best realized when mutual understanding, cooperation, and effective communications exist among the home, community and school.

Adoption date: February 9, 1999

EQUAL OPPORTUNITY, NONDISCRIMINATION AND ANTI-HARASSMENT

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The Board of Education is committed to providing equal opportunities to all students and staff in the School District. Racism, discrimination, and marginalization of any individual or groups of individuals, whether intentional or not, have no place in the School District setting. The Board of Education is committed to addressing issues of equity, diversity and inclusivity in the School District so that students and staff have equitable access to learning and employment opportunities in the School District.

In addition, the Board of Education recognizes the presence of culturally diverse students in the School District community and the need for students to find relevant connections in the School District environment. Finally, the Board of Education recognizes that equity, diversity and inclusivity is an ongoing process that requires shared commitment and leadership by the School District to meet unique learning needs of all students and staff.

The Board of Education, its officers and employees, shall not discriminate against any individual on the basis of actual or perceived age, race (including hair texture and protective hairstyles), color, national origin, creed, religion, marital status, sex, age, sexual orientation, gender (including gender identity and expression), pregnancy, disability, military status, veteran status, predisposing genetic characteristic or carrier status, reproductive health decisions or domestic violence victim status or any other status protected by applicable law. Since sexual violence is a form of sexual harassment, the term sexual harassment when used in District policy includes sexual violence even if the term sexual violence is not explicitly stated.

The Board affirms the right of all students, staff and applicants to be treated with respect and to be protected from unlawful discrimination or harassment, without regard to the student or staff member's race, color, national origin, creed, religion, marital status, sex, age, sexual orientation, gender (including gender identity and expression), pregnancy, disability, military status, veteran status, predisposing genetic characteristic or carrier status, or any other status protected by applicable law. The School District will provide notice of this policy in accordance with federal and state law and regulation.

The School District will provide equal opportunities for access by students to educational programs, counseling services, course offerings and student programs and activities, community and youth programs, including but not limited to the Boy Scouts and Girl Scouts. The School District will provide equal opportunities to all individuals in the recruitment and appointment of employees, employment pay, benefits and terms of employment, advancement and/or terminations.

Additionally, to promote the School District's policy of non-discrimination, the School District will maintain a website that is accessible (or contains accessible alternative) on perceivability, operability and understandability principles. The Superintendent of Schools shall designate an individual who is responsible for considering the following when developing or updating the School District website:

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- Adding the text equivalent to every image;
- Posting documents in a text-based format such as HTML or RTF in addition to PDFs;
- Avoiding dictating colors and font settings;
- Including audio descriptions and captions to videos;
- Identifying other barriers to access; and
- Making other considerations when developing the School District's website.

The District will maintain a working and learning environment free from unlawful discrimination and intimidation. Nothing in this policy will be construed to prohibit a denial of admission into, or exclusion from, a course of instruction or activity based on a person's gender that would be permissible under the law, or to prohibit, as discrimination based on disability, actions that would be permissible under the law.

Unlawful harassment or discriminatory behavior that denies civil rights or access to equal educational opportunities includes but is not limited to comments, name-calling, physical conduct or other expressive behavior directed at an individual or group that intentionally demeans the race (including hair texture and protective hairstyles), color, national origin, creed, religion, marital status, sex, age, reproductive health decisions, sexual orientation or disability of the individual or individuals or creates an intimidating, hostile or demeaning environment for education.

A finding that an individual has engaged in conduct in violation of this policy may result in disciplinary action and/or filing of a report with third parties in the manner prescribed by the School District code of conduct, the law or applicable contract.

Annual Notification

At the beginning of each school year, the School District will publish a notice of the established grievance procedures for resolving complaints of unlawful discrimination and harassment to parents/guardians, employees, eligible students, all unions or professional organizations which have a collective bargaining agreement or profession agreement with the School District, and the community. The public notice shall:

- a. Inform parents, employees, students and the community that education programs, including but not limited to vocational programs, are offered in a non-discriminatory fashion.;
- b. Provide the name or title, office address, electronic mail address and telephone number of the person designated to coordinate activities and inquiries concerning discrimination, i.e. the Title IX Coordinator and/or Compliance Officer;
- c. Provide that inquires concerning the application of the Title IX and its regulations to the

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School District may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights, or both ; and

- d. Be included in announcements, bulletins, catalogues, the school calendar, student and staff handbooks and applications for employment and shall be posted in each school and facility in the school district and on the School District's website .

In order to ensure compliance with Title IX of the Educational Amendments of 1972 ("Title IX"), Section 504 of the Rehabilitation Act of 1973 ("Section 504") and the Americans with Disabilities Act ("ADA"), the Superintendent will annually designate a Compliance Officer. The Assistant Superintendent for Pupil Personnel Services has been designated as the District's Compliance Officer for purposes of Title IX. The Administrator for Guidance and Related Student Services has been designated as the District Coordinator for Section 504/ADA. . The Title IX Compliance Officer has also been designated to handle inquiries regarding the District's equal opportunity, non-discrimination and anti-harassment policies. Contact information for the Compliance Officer is available on the District's website and will be published in the District's Annual Notification as the person designated to coordinate activities and inquiries concerning discrimination and harassment.

Student complaints of discrimination, harassment or bullying may be made pursuant to policy 0115 "Student Harassment and Bullying Prevention and Intervention." Student, staff and applicant complaints of illegal harassment or discrimination may be made pursuant to policy 0110 "Policy Against Discrimination and Harassment of Students and Staff" and any accompanying regulation(s).

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

All complainants and those who participate in the investigation of a complaint in conformity with federal or state laws, regulations, or School District policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

Grievance Procedure

Definitions

1. Grievant shall mean an individual who alleges that they have been discriminated against in violation of the law.
2. Grievance shall mean any allegation of discrimination in violation of state or federal law.
3. Compliance Officer/Title IX Coordinator shall mean the employee designated by the Board of Education to coordinate efforts to comply with and carry out responsibilities in connection with a claim of discrimination under applicable law.
4. Representative shall mean any person designated by the grievant as his/her counsel or to act in his/her behalf.

Individual complaints and grievances shall be handled in accordance with the following guidelines:

Stages

A. Stage I – Compliance Officer/Title IX Coordinator

1. Within thirty (30) days after the events giving rise to the grievance, the grievant shall file a grievance in writing with the Compliance Officer or Title IX Coordinator. The Compliance Officer or Title IX Coordinator may informally discuss the grievance with the grievant. He/she shall promptly investigate the complaint. All employees of the School District shall cooperate with the Compliance Officer and/or Title IX Coordinator in such investigation.
2. Within fifteen (15) days of the receipt of the grievance, the Compliance Officer or Title IX Coordinator shall make a finding in writing that there has or has not been a violation of applicable law. In the event the Compliance Officer or Title IX Coordinator finds that there has been a violation, he/she shall propose a resolution of the complaint.
3. If the grievant is not satisfied with the finding of the Compliance Officer or Title IX Coordinator, or with the proposed resolution of the grievance, the grievant may, within fifteen (15) days after he/she has received the report of the Compliance Officer or Title IX Coordinator, file a written request for review by the Superintendent of Schools.

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B. Stage II – Superintendent of Schools

1. The Superintendent of Schools may request that the grievant, the Compliance Officer or Title IX Coordinator, or any member of the school district staff present a written statement to him/her setting forth any information that such person has relative to the grievance and the facts surrounding it.
2. The Superintendent of Schools shall notify all parties concerned as to the time and place when an informal hearing will be held where such parties may appear and present oral and written statement supplementing their position in the case. The Superintendent of Schools shall hold such conference within fifteen (15) school days of the receipt of the appeal by the Superintendent.
3. Within fifteen (15) days of the hearing, the Superintendent of Schools shall render his/her determination in writing. Such determination shall include a finding that there has or has not been a violation of applicable law and a proposal for equitably resolving the complaint.
4. If the grievant is not satisfied with the determination of the Superintendent of Schools, the grievant may, within fifteen (15) days after its receipt, file with the Clerk of the Board of Education, a written request for review by the Board.

C. Stage III – Board of Education

1. When a request for review by the Board of Education has been made, the Superintendent of Schools shall submit all written statements and other materials concerning the case to the President of the Board of Education to be made available to the members of the Board of Education for their respective review.
2. The Board of Education shall render a decision in writing within fifteen business (15) days after the hearing has been concluded.

In addition to the above, individuals may contact the Office for Civil Rights at:

United States Department of Education
Office for Civil Rights
32 Old Slip, 26th Floor
New York, New York 10005
(646) 428-3800

Distribution of the Grievance Procedure

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A copy of the procedure shall be distributed to all employees and to all students or their parents/guardians. A copy of this procedure shall be available for public inspection at reasonable times with the District Clerk and/or at the office of the Compliance Officer or Title IX Coordinator.

Ref: Age Discrimination in Employment Act of 1967 29 U.S.C. §621 et seq.
Americans with Disabilities Act, 42 U.S.C. §12101 et seq.
Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d et seq. (nondiscrimination based on race, color, and national origin in federally assisted programs) Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e et seq. (nondiscrimination based on race, color, and national origin in employment) Title IX, Education Amendments of 1972, 20 U.S.C. §1681 et seq. (nondiscrimination based on sex)
Boy Scouts of America Equal Access Act 20 U.S.C. § 7905 et seq.
§504, Rehabilitation Act of 1973, 29 U.S.C. §794
Individual with Disabilities Education Law, 20 U.S.C §§ 1400 et seq. Genetic Information Nondiscrimination Act of 2008 P.L. 110-233
34 C.F.R. §§ 100.6, 104.8, 106.9, 110.25
Executive Law §290 et seq. (New York State Human Rights Law) Education Law §§10-18 (The Dignity for All Students Act) Education Law §§313(3), 3201, 3201-a

Cross Ref: 0115 - Student Harassment, Discrimination and Bullying Prevention and Intervention
5300 - Code of Conduct
9140.1 - Staff Complaints and Grievances
0110 - Policy Against Discrimination and Harassment of Students and Staff

Adoption date: September 24, 2012
Revised date: January 12, 2016
Revised date: January 14, 2020
Revised date: January 12, 2021

POLICY AGAINST WORKPLACE DISCRIMINATION AND HARASSMENT

The District is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered illegally harassing, coercive or disruptive. Discrimination or harassment based on race (including hair texture and protective hairstyles), color, national origin, creed, age, genetic information, reproductive health decisions, marital status, familial status, domestic violence victim status, religion, disability, pregnancy-related condition, arrest (not pending), criminal conviction, military or veteran service status, or any other characteristic or basis protected by applicable law is strictly prohibited and will not be sanctioned or tolerated. The Board further recognizes that preventing and remedying illegal harassment and discrimination is essential to ensure a nondiscriminatory environment in which employees can work productively.

This policy prohibits unlawful workplace discrimination and harassment based upon any characteristic or status protected by applicable law other than sexual harassment (including sexual orientation, gender identity, gender expression and the status of being transgender). Complaints or concerns about workplace sexual harassment are addressed separately in the District's Policy Against Workplace Sexual Harassment (Policy # 0110.1). Student complaints or reports of harassment, including sexual harassment, discrimination or bullying, in violation of Policy # 0115 (Student Harassment, Discrimination and Bullying Prevention and Intervention) must be made and investigated pursuant to that Policy.

Prohibited Conduct

Harassment on the basis of any protected characteristic is strictly prohibited. Harassment is considered verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of race (including hair texture and protective hairstyles), color, national origin, creed, age, genetic information, reproductive health decisions, marital status, familial status, domestic violence victim status, religion, disability, pregnancy-related condition, arrest (not pending), criminal conviction, military or veteran service status, or any other characteristic or basis protected by applicable law. This includes, but is not limited to: any conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment. This prohibition extends to conduct by school employees, officers, board members, volunteers, students and non-employees such as agents, contractors and vendors, which occurs on school grounds or at school-sponsored events, programs or activities, including those that take place at locations off school premises or in another state.

Harassing conduct includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating or hostile acts; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the District's premises, circulated in the workplace, or on the internet.

Discrimination is the act of treating or allowing similarly situated employees or applicants for employment to be treated differently with respect to hiring, firing, promotion or any other term or condition of employment because of any characteristics or bases protected by applicable law or this Policy. In addition, the School District shall not require an employee to sign a waiver or other document which purports to deny an employee the right to make their own reproductive health care decisions, including the use of a particular drug, device or medical service.

Complaint Procedure

Any employee who believes that he or she has been subjected to prohibited harassment or discrimination or who has witnessed anyone engaging in prohibited harassment or discrimination should immediately contact a Compliance Officer. If the complaint involves or the employee is hesitant to bring the matter to the attention of a Compliance Officer, a report can be made to the Superintendent of Schools. If the complaint involves or the employee is hesitant to report to the Superintendent of Schools, the individual should report the behavior to the President of the Board of Education.

The contact information for the District's Compliance Officer(s), Superintendent of Schools and Board of Education President are listed on the District's website and will be distributed to all employees each school year.

It is the responsibility of all supervisors to ensure that no employee is subjected to any form of prohibited harassment or discrimination. Should a supervisor become aware of the occurrence of harassment or discrimination, irrespective of whether the affected employee has filed a complaint, it is the responsibility of that supervisor to follow the procedures set forth below in order to ensure that appropriate action is taken to eliminate the harassment or discrimination and rectify the situation.

The following procedure must be followed when there is any indication that harassment or discrimination has taken, or is taking, place:

- An employee who raises a question or concern regarding harassment or discrimination should be encouraged to file a written complaint with a Compliance Officer. A form for filing the complaint is attached to this Policy. If the complaint involves or if the employee is hesitant to file the complaint with a Compliance Officer, the employee should file the complaint directly with the Superintendent of Schools. If the employee's complaint involves or the employee is hesitant to report to the Superintendent of Schools, the employee should file a complaint with the President of the Board of Education.
- In the event that a supervisor becomes aware of an occurrence of harassment or discrimination, but discovers that no complaint has been filed by the affected employee or that the employee is unwilling to file a complaint, the supervisor must immediately notify a Compliance Officer.

- All complaints about suspected harassment or discrimination will be investigated, whether that information was reported in oral or written form.
- All complaints of harassment or discrimination will be investigated by the Compliance Officer, or a designee of the Compliance Officer, Superintendent of Schools or the Board of Education (which may include a third party). The investigation will include, but not be limited to, interviewing the complaining party, the accused, any supervisors, and any other personnel, as necessary, to obtain sufficient factual information upon which to make a determination. All records of this investigation will be maintained in an independent and confidential file. Third parties may be designated to investigate the complaint or assist with any investigation.
- At the conclusion of the investigation, the investigator will report the findings to the Superintendent of Schools or, if the complaint involves the Superintendent of Schools, to the Board President. If it is found that prohibited harassment or discrimination has, in fact, occurred, appropriate corrective action will be taken.
- Where appropriate, the affected employee and the accused will be separately advised by the investigator as to the final disposition of the investigation.
- All investigations will be conducted in a prompt, thorough and impartial manner.

Confidentiality

At all stages of this process, the confidentiality and privacy of all parties, including complainants, informants, witnesses and the accused, will be respected to the extent possible and consistent with law while still conducting a thorough investigation of the complaint and taking appropriate corrective action as necessary.

Retaliation is Prohibited

Any act of retaliation against anyone who, in good faith, reports an incident of harassment or discrimination, or provides information or assists in an investigation of suspected harassment or discrimination as a witness or otherwise is prohibited and will not be tolerated.

For purposes of this Policy, retaliation includes, but is not limited to: adverse employment action(s) (*e.g.*, being discharged, disciplined, discriminated against; *etc.*), verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Anyone who retaliates against another in violation of this Policy is subject to appropriate corrective action including, but not limited to, disciplinary action, as warranted, in accordance with District policy, the District's Code of Conduct, and applicable laws, regulations and contractual provisions.

Any individual who believes that he or she has been subjected to any acts of retaliation should immediately report that conduct to a Compliance Officer. If the complaint involves or the individual is hesitant to bring the matter to the attention of a Compliance Officer, the report should be made to the Superintendent of Schools. If the complaint involves or the individual is hesitant to bring the matter to the attention of the Superintendent of Schools, the report should be made to the President of the Board of Education.

Interim Measures

If the complainant reports that (s)he feels unsafe at work due to the nature of the complaint, the District will determine if interim measures or accommodations need to be made pending the investigation and resolution of the complaint.

Corrective Action

If, after appropriate investigation, the District finds that there has been prohibited harassment, discrimination or retaliation in violation of this Policy or law, appropriate corrective action will be taken in accordance with an applicable collective bargaining or other agreement, District policy, the District's Code of Conduct and applicable laws and regulations.

If the accused is an employee, consequences may include, but are not limited to, disciplinary action up to, and including, termination of employment. If the accused is not a District employee, consequences may include, but are not limited to, termination of any contractual or other relationship between the District and the individual. If the accused is a student, appropriate disciplinary measures may be applied up to, and including, suspension in accordance with the District's Code of Conduct and applicable laws and regulations.

Bad Faith Claims

If, after investigating a complaint of harassment or discrimination, it is determined that an individual has intentionally made a claim of harassment or discrimination in bad faith, or intentionally provided false information regarding a harassment, discrimination or retaliation complaint, legal action and/or appropriate corrective action including, but not limited to, disciplinary action, termination of employment and/or termination of any contractual or other relationship with the District may be taken against that individual.

Regulations

The Superintendent of Schools may develop and implement regulations regarding allegations of harassment or discrimination.

Dissemination and Training

This Policy will be available in each District facility, on the District's website, in

employee handbooks and will also be published annually in appropriate school publications. All new employees will receive information about this Policy at new employee orientation. All other employees will be provided information at least once a year regarding this Policy. The District's employees will be required to annually acknowledge receipt of this Policy.

The District's employees will be trained annually with regard to their rights and obligations pursuant to this Policy.

Review and Revision of Policy

A review of this Policy will be conducted periodically to consider its effectiveness and compliance with applicable State and federal law. Revisions will be recommended to the Board when appropriate.

Ref: Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*
 Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 *et seq.*
 Americans with Disabilities Act
 Section 504 of the Rehabilitation Act of 1973
 Age Discrimination in Employment Act
 New York State Human Rights Law
Davis v. Monroe County Board of Education, 526 U.S. 629, 652 (1999)
Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)
Faragher v. City of Boca Raton, 524 U.S. 775 (1998)
Burlington Industries v. Ellerth, 524 U.S. 742 (1998)
Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)
Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)
Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)
 Office for Civil Rights, *Dear Colleague Letter: Bullying* (October 26, 2010)

Adoption date: September 24, 2012 (formerly Sexual Harassment)

Revised date: January 12, 2016

Revised date: October 9, 2018

Revised date June 11, 2019

Revised date January 14, 2020

WORKPLACE DISCRIMINATION/HARASSMENT COMPLAINT FORM

Use this form to file an internal claim of workplace discrimination or harassment (other than sexual harassment, which should be filed in accordance with Policy #0110.1), including hostile work environment, based on race, color, national origin, creed, age, genetic information, marital status, familial status, domestic violence victim status, religion, disability, pregnancy-related condition, arrest (not pending), criminal conviction, military or veteran service status, or any other characteristic or basis protected by applicable law.

PERSONAL INFORMATION

Name: _____ Building/Department: _____
 Home Address: _____ Business Address: _____
 _____ Zip _____ _____ Zip _____

SUPERVISORY INFORMATION

Immediate Supervisor's Name: _____
 Title: _____
 Business Phone: _____

DETAILS OF CLAIM

1. Claim of discrimination/harassment is based on (check one or more that apply):
- | | | |
|------------------------------------------|-------------------------------------------------------------|--------------------------------------------------------------------------|
| <input type="checkbox"/> RACE | <input type="checkbox"/> RELIGION | <input type="checkbox"/> DISABILITY |
| <input type="checkbox"/> COLOR | <input type="checkbox"/> MARITAL STATUS | <input type="checkbox"/> PREGNANCY OR
PREGNANCY -RELATED
CONDITION |
| <input type="checkbox"/> NATIONAL ORIGIN | <input type="checkbox"/> FAMILIAL STATUS | <input type="checkbox"/> ARREST (NOT PENDING) |
| <input type="checkbox"/> CREED | <input type="checkbox"/> DOMESTIC VIOLENCE
VICTIM STATUS | <input type="checkbox"/> CRIMINAL CONVICTION |
| <input type="checkbox"/> AGE | <input type="checkbox"/> GENETIC INFORMATION | <input type="checkbox"/> MILITARY STATUS |
| <input type="checkbox"/> VETERAN STATUS | | |

Signature

Print Name

Signature

Print Name

The Smithtown Central School District is committed to maintaining a workplace that is free from sexual harassment. Sexual harassment is a form of workplace discrimination and will not be tolerated. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the District's commitment to a discrimination-free work environment.

Sexual harassment is against the law. All employees, applicants for employment, Board members, student teachers, interns, non-employees (as defined below) and other persons conducting business with the District have a legal right to a workplace that is free from sexual harassment.

The District is equally committed to maintaining a workplace that is free from discrimination and other types of prohibited harassment. For more information, please see Policy 0100, Equal Opportunity, Nondiscrimination and Anti-Harassment; Policy 0110, Policy Against Workplace Discrimination and Harassment; and Policy 0115, Student Harassment, Discrimination and Bullying Prevention and Intervention.

Policy

This Policy applies to all employees, applicants for employment, Board members, student teachers, interns, non-employees (see definition below), and other persons conducting business with the District, regardless of immigration status, ("covered individuals") with respect to conduct by other persons, including parents, students and visitors.

For purposes of this Policy, a "non-employee" is an independent contractor, agent or someone who is (or who is employed by) a contractor, subcontractor, vendor, consultant or anyone providing services in the workplace. Non-employees also include temporary workers, persons providing equipment repair, cleaning services or any other service pursuant to a contract, or other relationship with the District.

All covered individuals must follow and uphold this Policy.

Sexual harassment is a form of misconduct and will not be tolerated. Sexual harassment is offensive, a violation of the District's Policies, unlawful, and may subject the District to liability for harm to targets of sexual harassment. Sexual harassers may also be individually subject to liability.

Following receipt of a complaint about sexual harassment or of knowledge regarding possible sexual harassment that is occurring or has occurred, the District will conduct a prompt, thorough and confidential investigation that ensures due process for all parties. Appropriate corrective action, subject to any statutory or contractual limitations, will be taken whenever sexual harassment is found to have occurred.

What is "Sexual Harassment?"

Sexual harassment is a form of sex discrimination and is unlawful pursuant to federal, State and (where applicable) local law. Sexual harassment includes harassment or discrimination on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

“Sexual harassment” includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct and/or other verbal or physical aggression, intimidation or hostility that is based on a perceived gender and sexual stereotypes.

Sexual harassment includes unwelcome conduct that is of a sexual nature or that is directed at an individual because of his/her sex, sexual orientation, gender identity, gender expression or transgender status when:

- the conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- the conduct is made either explicitly or implicitly a term or condition of employment; or
- submission to or rejection of the conduct is used as the basis for employment decisions affecting an individual’s employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence that are of a sexual nature, or that are directed at an individual because of his/her sex, sexual orientation, gender identity, gender expression or transgender status. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone that are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation or that interfere with his/her job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. Job benefits may include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called “quid pro quo” harassment.

“Sexual Violence” means physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. A person may be incapable of giving consent due to age, drug or alcohol use, or an intellectual or other disability. Sexual violence includes but is not limited to, acts such as rape, sexual assault, sexual battery and sexual coercion. All such acts of sexual violence are forms of sexual harassment.

“Dating violence” means violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the

persons involved in the relationship.

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

Any covered individual who believes that he/she is being or has been sexually harassed should report the sexual harassment so that any violation of this Policy can be promptly corrected. Any sexually harassing conduct, even a single incident, can be addressed pursuant to this Policy.

Examples of Sexual Harassment

The following describes some of the types of acts that are strictly prohibited and that may constitute unlawful sexual harassment:

- Physical acts of a sexual nature including:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another person’s body or poking another person’s body; and
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions including:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target’s job performance evaluation, a promotion or other job benefits or detriments; and
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person’s sexuality or sexual experience that creates a hostile work environment.
- Sex stereotyping which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people’s ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace including:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes displays on workplace computers, cell phones or other electronic devices and sharing these displays while in the workplace.
- Hostile actions taken against an individual because of his/her sex, sexual orientation,

gender identity or transgender status, including:

- Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the person's ability to perform the job;
- Sabotaging a person's work; and
- Bullying, yelling or name-calling.

Who Can be a Target of Sexual Harassment?

Sexual harassment can occur between or among any individuals, regardless of their sex or gender. New York Law protects covered individuals from sexual harassment. Sexual harassers can be a superior, a subordinate, a co-worker or anyone in the workplace including another covered individual or any other person, including a visitor.

Where Can Sexual Harassment Occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can also occur outside of the workplace while covered individuals are traveling for work or at employer-sponsored events, programs, activities or parties. Calls, texts, emails, and social media usage can constitute unlawful workplace harassment even if they occur away from the workplace premises, on personal devices or outside of work hours.

Retaliation is Prohibited

Retaliation against anyone who, in good faith, complains, provides information or assists in an investigation of suspected sexual harassment as a witness or otherwise will not be tolerated. Appropriate corrective action, subject to any statutory or contractual limitations, including, but not limited to, disciplinary action, termination of employment and/or termination of any contractual or other relationship with the District will be implemented.

No covered individual will be subject to adverse action(s) (e.g., being discharged, disciplined, discriminated against; etc.) because that person, in good faith, reports an incident of sexual harassment, provides information, or otherwise participates in any investigation of a sexual harassment complaint.

Unlawful retaliation can be any action that could discourage a covered individual from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Retaliation is unlawful pursuant to federal, State and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity."

Protected activity occurs when a person has, in good faith:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment pursuant to the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report sexual harassment.

Even if the alleged sexual harassment does not rise to the level of a violation of law, the individual is protected from retaliation if he/she had a good faith belief that the practices were unlawful. The retaliation provision is not intended, however, to protect persons making intentionally false charges of sexual harassment.

Any covered individual who believes that he/she has been a target of any acts of retaliation in violation of this Policy should immediately report that conduct to an immediate supervisor or Building Principal and/or a Title IX Compliance Officer. If the complaint involves or the individual is hesitant to report to an immediate supervisor, Building Principal or Title IX Compliance Officer, the individual should report the conduct to the Superintendent of Schools. If the complaint involves or the individual is hesitant to report to the Superintendent of Schools, the individual should report the behavior to the President of the Board of Education. Contact information for these individuals can be found on the District's website.

Anyone who believes that he/she has been a target of prohibited retaliation may seek legal remedies, as explained below in the section on "Legal Protections and External Remedies."

Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. The District cannot prevent or remedy sexual harassment unless we know about it.

All covered individuals are encouraged to report any behavior that may constitute sexual harassment in violation of this Policy to an immediate supervisor or Building Principal and/or a Title IX Compliance Officer. If the complaint involves or the individual is hesitant to report to an immediate supervisor, Building Principal or Title IX Compliance Officer, the individual should report the conduct to the Superintendent of Schools. If the complaint involves or the individual is hesitant to report to the Superintendent of Schools, the individual should report the behavior to the President of the Board of Education. Contact information for these individuals can be found

on the District's website.

Anyone who witnesses or becomes aware of a potential instance of sexual harassment should also report this behavior to one of the above individuals.

Reports of sexual harassment may be made in person, by mail, by telephone or by electronic mail, using the contact information listed for the Title IX Coordinator and/or Compliance Officer, or by any other means that results in the Title IX Coordinator and/or Compliance Officer receiving the person's verbal or written report. . A form for submission of a written complaint is attached to this Policy, and all covered individuals are encouraged to use this complaint form. If a covered individual reports sexual harassment on behalf of someone else, he/she should use the written complaint form and note that he/she is submitting the complaint on someone else's behalf. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator or Compliance Officer.

Anyone who believes that he/she has been a target of prohibited sexual harassment may seek legal remedies, as explained below in the section on "Legal Protections and External Remedies."

Supervisory Responsibilities

Any supervisor or manager who receives a complaint or information about suspected sexual harassment, observes what may be sexually harassing behavior or for any reason becomes aware of or suspects that sexual harassment is occurring or has occurred, is required to report that suspected sexual harassment to the Building Principal and/or a Title IX Compliance Officer, irrespective of whether the affected individual files a complaint. If the complaint or information involves the Building Principal or Title IX Compliance Officer, the supervisor/manager must report the suspected sexual harassment to the Superintendent of Schools. If the complaint or information involves the Superintendent of Schools, the supervisor/manager must report the suspected sexual harassment to the President of the Board of Education. Contact information for these individuals can be found on the District's website.

In addition to potentially being subject to appropriate corrective action, subject to any statutory or contractual limitations, if they engage in sexually harassing conduct or retaliation themselves, supervisors and managers will be subject to appropriate corrective action, subject to any statutory or contractual limitations, for failing to report suspected sexual harassment or for otherwise knowingly allowing sexual harassment to continue. Corrective action includes, but is not limited to, disciplinary action or termination of employment.

Complaint and Investigation of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in oral or written form. An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced

immediately and completed as soon as possible. All persons involved, including complainants, witnesses and alleged sexual harassers will be afforded due process, as outlined below, to protect their rights to a fair and impartial investigation.

All covered individuals, including supervisors and managers, may be required to cooperate as needed in an investigation of suspected sexual harassment to the extent permitted by law. Anyone who participates in an investigation will not be retaliated against for that reason. The District will not tolerate retaliation against anyone who files a complaint, supports another's complaint or participates in an investigation regarding a violation of this Policy.

While the process may vary from case to case, the following investigation procedure must be followed when there is any indication that sexual harassment has taken, or is taking, place:

- The Title IX Compliance Officer, or designee, will investigate all complaints of sexual harassment, except as otherwise outlined herein. Third parties may be designated to investigate a complaint or assist with any investigation.
- Upon receipt of a complaint or report of suspected sexual harassment, the Title IX Compliance Officer, or designee, will conduct an immediate review of the allegations. If the complaint is oral, the Title IX Compliance Officer, or designee, will encourage the complainant or informant to complete the written complaint form, a copy of which is attached to this Policy. If he or she refuses, the Title IX Compliance Officer, or designee, will prepare a complaint form based on the oral reporting.
- If documents, emails, phone records or other paper or electronic records are relevant to the allegations, the District will take steps to obtain and preserve them.
- The Title IX Compliance Officer, or designee, will request and review all relevant documents, including all electronic communications.
- The Title IX Compliance Officer, or designee, will interview all parties involved, including any relevant witnesses. Inform the harasser that he/she is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the investigation process.
- All known parties involved in the alleged harassment, including the alleged harasser, shall be notified of the allegations as soon as is reasonably practicable after receiving the complaint.
- All records of the investigation will be maintained in a secure and confidential location.
- The Title IX Compliance Officer, or designee, will notify the individual who complained and the alleged perpetrator of the outcome of the investigation.
- The Title IX Compliance Officer, or designee, will inform the individual who complained

of his/her right to file a complaint or charge externally, as outlined below.

A determination of responsibility shall be made in writing by a decision-maker(s), who is (are) not the Title IX Coordinator or the investigator, by using the clear and convincing evidence standard to determine whether the alleged harasser is responsible for the alleged conduct. At the conclusion of the investigation, the Title IX Compliance Officer, or designee, will report the findings to the Superintendent of Schools. Such written determination must be provided to all parties simultaneously. Furthermore, such determination becomes final on either (1) the date that the parties are provided with written determination of the result of the appeal, or (2) if no appeal is filed, the date on which an appeal would no longer be considered timely. If it is found that prohibited sexual harassment has, in fact, occurred, the Compliance Officer, or designee, will make a recommendation to the Superintendent of Schools and appropriate corrective action will be taken.

The School District will also ensure that all individuals designated as a Title IX Coordinator, Compliance Officer, investigator, decision-maker, and any person facilitating the informal resolution process has received training regarding the definition of sexual harassment and how to conduct an investigation and grievance process.

Corrective Action

Any person, including covered individuals of every level, who is determined to have engaged in impermissible sexual harassment or retaliation in violation of this Policy, will be subject to appropriate corrective action, subject to any statutory or contractual limitations, including, but not limited to, disciplinary action (e.g., suspension or termination of employment). If the accused is a non-employee or other individual, then other consequences may be implemented up to and including termination of any contractual or other relationship between the District and the non-employee or other individual.

If the accused is a student, appropriate disciplinary measures will be applied up to, and including, suspension in accordance with the District's Code of Conduct and applicable laws and regulations.

Confidentiality

The confidentiality and privacy of all parties involved in a complaint, report or investigation of suspected sexual harassment or retaliation in accordance with this Policy will be respected to the extent possible while permitting the District to conduct a thorough investigation of the complaint or report and take appropriate corrective action as necessary.

Bad Faith Claims

If, after investigating a complaint of sexual harassment, it is determined that a person has made a claim of sexual harassment or retaliation in bad faith, or intentionally provided false information regarding a claim of sexual harassment or retaliation, legal action and/or appropriate corrective action including, but not limited to, disciplinary action, termination of employment and/or termination of any contractual or other relationship with the District may be taken against that person, subject to any statutory or contractual limitations.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by the District, but it is also prohibited by State, federal and (where applicable) local law. Aside from the internal process at the District, covered individuals may also choose to pursue legal remedies including, for example, in court and/or with the below governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

New York State Human Rights Law (HRL)

The HRL, codified as N.Y. Executive Law, Art. 15, § 290 et seq., applies to employers in New York State with regard to sexual harassment and protects employees, paid and unpaid interns and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the DHR or in New York State Supreme Court.

Complaints with the DHR may be filed any time within one year of the harassment. If an individual did not file at the DHR, they can sue directly in state court pursuant to the HRL within three years of the alleged harassment. An individual may not file with the DHR if they have already filed a HRL complaint in State court. Complaining internally to the District does not extend your time to file with the DHR or in court. The one-year and three-year time periods outlined above are counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with the DHR, and there is no cost to file. The DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, the DHR has the authority to award relief, which varies but may include requiring an employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorneys' fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400. The contact information for DHR's Suffolk County Office is: State Office Building, 250 Veterans Memorial Highway, Suite 2B-49, Hauppauge, New York 11788, (631) 952- 6434, www.dhr.ny.gov. Individuals can contact the DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to the DHR. The website also contains contact information for DHR's regional offices across New York

State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. You do not need an attorney to file a complaint with the EEOC and there is no cost to file. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov. If an individual filed an administrative complaint with the DHR, the DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

United States Department of Education Office for Civil Rights (OCR)

OCR enforces Title IX of the federal Education Amendments of 1972 (codified as 20 U.S.C. §§ 1681-1688), which prohibits discrimination on the basis of sex, pregnancy, marital or parental status in employment, recruitment, consideration or selection for employment including recruitment, hiring, promotion, compensation, grants of leaves or benefits, as well as retaliation. Individuals whose employment is covered by Title IX can file a complaint with OCR, ordinarily within 180 days of the last act of harassment/discrimination. You do not need an attorney to file a complaint with OCR and there is no cost to file. OCR can be contacted at: 32 Old Slip, 26th Floor, New York, NY 10005-2500, (646) 428-3800.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live or work to find out if one or more of these laws exist.

For example, anyone who lives or works in Suffolk County may file complaints of sexual harassment with the Suffolk County Human Rights Commission at: H. Lee Dennison Building, 100 Veterans Memorial Hwy, Third Floor, Hauppauge, NY 11788, (631) 853-5480.

Contact the Police Department

If the sexual harassment involves physical touching, coerced physical confinement or coerced sexual acts, the conduct may constitute a crime and affected individuals should contact the police department.

Other District Policies

Employee complaints or reports of harassment (based on a status other than sex) or discrimination should be reported pursuant to Policy 0110, Policy Against Workplace Discrimination and Harassment. Student complaints or reports of harassment, including sexual harassment, discrimination, hazing or bullying should be made pursuant to Policy 0115, Student Harassment, Discrimination and Bullying Prevention and Intervention.

Dissemination and Training

This Policy should be posted prominently in all work locations to the extent practicable (for example, in a main office, but not an off-site work location). The District will provide this Policy to all employees and will provide this Policy to new employees upon hire.

All employees will receive sexual harassment prevention training at least annually.

We trust that everyone will continue to act responsibly to establish a working environment free of sexual harassment. We encourage you at any time to raise any questions you may have about this Policy.

Adopted: October 9, 2018

Revised June 11, 2019

Revised January 12, 2021

SEXUAL HARASSMENT COMPLAINT FORM

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to your immediate supervisor or Building Principal and/or a Title IX Compliance Officer. If your complaint involves or you are hesitant to submit this form to your immediate supervisor, Building Principal or a Title IX Compliance Officer, you should submit the form to the Superintendent of Schools. If your complaint involves or you are hesitant to submit this form to the Superintendent of Schools, you should submit this form to the President of the Board of Education. Contact information for these individuals can be found on the District's website. This form can be submitted in person or by email. Retaliation against anyone who, in good faith, files a sexual harassment complaint form is prohibited. If you are more comfortable reporting orally or in another manner, the District will complete this form, provide you with a copy of it and follow its Policy Against Workplace Sexual Harassment by investigating the claims.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name: _____
Work Address: _____
Work Phone: _____
Job Title: _____ Email: _____
Select Preferred Communication Method: Email Phone In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name: _____ Title: _____
Work Phone: _____ Work Address: _____

COMPLAINT INFORMATION

1. The complaint of Sexual Harassment is made about:

Name: _____ Title: _____
Work Address: _____ Work Phone: _____

Relationship to you: Supervisor Subordinate Co-Worker Other

2. Please describe what happened and how it is affecting you and your work.
Please use additional sheets of paper if necessary and attach any relevant documents or evidence. _____

3. Date(s) sexual harassment occurred: _____

Is the sexual harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the investigation.

5. Have you previously complained or provided information (oral or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you retained legal counsel and would like us to work with them, please provide their contact information.

I hereby affirm that the information contained in this complaint is true and correct to the best of my knowledge, information and belief.

Signature: _____ Date: _____

STUDENT HARASSMENT, DISCRIMINATION AND BULLYING PREVENTION AND INTERVENTION

The Board of Education is committed to providing an educational environment that promotes respect, dignity and equality. The Board recognizes that discrimination, such as harassment, hazing and bullying, are detrimental to student learning and achievement. These behaviors interfere with the mission of the District to educate its students and disrupts the operation of the schools. Such behavior affects not only the students who are targets but also those individuals who participate in and witness such acts.

The Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events. Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds, such as cyberbullying, which creates or can be reasonably expected to create a material and substantial interference with the educative process, the operation of the school, the requirements of appropriate discipline in the operation of the school or impinges on the rights of others are prohibited, and may be subject to disciplinary consequences. Violators of this Policy and regulation may be subject to disciplinary consequences in accordance with legal guidelines and applicable contractual mandates.

This Policy prohibits unlawful harassment (including sexual harassment), discrimination, hazing and bullying against students. Complaints or concerns about workplace sexual harassment are addressed separately in the District's Policy Against Workplace Sexual Harassment (Policy # 0110.1). Complaints or concerns about workplace harassment (other than sexual harassment) or discrimination are addressed separately in the District's Policy Against Workplace Discrimination and Harassment (Policy # 0110).

Definitions

Bullying

Bullying, under the amended Dignity for All Students Act, has the same meaning as harassment (see below). The accompanying regulation provides more guidance regarding the definition and characteristics of bullying to help the school community recognize the behavior.

Cyberbullying

Cyberbullying is defined as harassment (see below) that occurs through any form of electronic communication.

Discrimination

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

Hazing

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

Harassment

Harassment has been defined in various ways in federal and state law and regulation. The Board recognizes that these definitions are important standards, but the Board's goal is to prevent misbehavior from escalating in order to promote a positive school environment and to limit liability. The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived:

- Race (including hair texture and protective hairstyles),
- color,
- weight,
- national origin,
- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression).
- gender identity is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.
- gender expression is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.

For the purpose of this definition the term "threats, intimidation or abuse" will include verbal and non-verbal actions.

In order to streamline the wording of this policy and regulation, the term "bullying" will be used throughout to encompass discrimination, harassment (including sexual harassment), intimidation, cyberbullying and hazing behaviors.

Student

Student is defined as a person over five and under twenty-one years of age who has not received a high school diploma and is entitled to attend the public schools maintained in the District pursuant to New York State Education Law Section 3202. The term student includes children who reside within the District and are eligible to attend the District's public schools but opt to attend a private school.

Prevention

The school setting provides an opportunity to teach children, and emphasize among staff, that cooperation with and respect for others is a key District value. A program geared to prevention is designed to not only decrease incidents of bullying but to help students build more supportive relations with one another by integrating the bullying prevention program into classroom instruction. Staff members and students will be sensitized, through District-wide professional development and instruction, to the warning signs of bullying, as well as to their responsibility to become actively involved in the prevention of bullying before overt acts occur.

Curricular material that raise awareness and sensitivity to discrimination or harassment and civility in the relationships of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, sexes or gender expression or identities will be included in the instructional program K-12.

In order to implement this program, the Board has designated the Administrator for Guidance and Related Student Services as the District-Wide *Dignity Act Coordinator* ("District-Wide Coordinator"). The District-Wide Coordinator's responsibilities are described in the accompanying regulation. The Board will also designate at its annual organizational meeting a *Dignity Act Coordinator* for each school in the District ("Building DAC"), and each Building DAC will be supported by a building-level *Dignity Act Coordination Team* ("DAC Team"). The role of the DAC Team is to oversee and enforce this policy in the school to which it is assigned.

Each Building DAC and each DAC Team will serve as *Bullying Prevention Coordinating Committees* in their respective schools. These teams will be overseen by the District-Wide Coordinator. DAC teams will include representation from staff, administration, and if needed, students and parents. The DAC Teams, working with the District-Wide Coordinator will assist the administration in developing and implementing specific prevention initiatives, including early identification of bullying and other strategies. In addition, the program will include reporting, investigating, remedying and tracking allegations of bullying. The accompanying regulation provides more detail on the specific programs and strategies implemented by the District.

Intervention

Intervention by adults and bystanders is an important step in preventing escalation and resolving issues at the earliest stages. Intervention will emphasize education and skill-building.

Successful intervention may involve remediation. Remedial responses to bullying include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target. Remediation may be targeted to the individual(s) involved in the bullying behavior or environmental approaches which are targeted to the school or District as a whole.

In addition, intervention will focus upon the safety of the target. Staff is expected, when aware of bullying, to report it in accordance with this policy, refer the student to designated resources for assistance, or to intervene in accordance with this policy and regulation.

Provisions for students who do not feel safe at school

The Board acknowledges that, notwithstanding actions taken by District staff, intervention may require a specific coordinated approach if the child does not feel safe at school. Staff, when aware of bullying, should determine if accommodations are needed in order to help ensure the safety of the student and bring this to the attention of the *building principal*. The *building principal*, other appropriate staff, the student and the student's parent/guardian will work together to define and implement any needed accommodations.

The District recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually. The student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

Incident Reporting and Investigation

Although it can be difficult to step forward, the District can't effectively address bullying if incidents are not reported. Students who have been bullied, parents whose children have been bullied or other students or staff who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided. Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to make an oral report to the *building principal* within one school day and to submit the District reporting form to the building principal within two school days. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with his/her supervisor. A District employee may be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident, whether or not the target complains.

At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this Policy, or, if applicable other District Policies, including the District's Code of Conduct. The *Building Principal* will prepare a report for the Superintendent based on complaints filed.

An equitable and thorough investigation will be carried out by the *Building Principal* and/or his/her designee in accordance with the accompanying regulation. In addition, the results of the investigation will be reported back to both the target and the accused as specified in the accompanying regulation. If either of the parties disagrees with the results of the investigation, they can appeal the findings in accordance with the regulations that accompany this policy. Verified bullying incidents that meet the criteria established by the state will be included in the statewide reporting system when applicable, in accordance with law and regulation.

The Board will receive the annual VADIR report, as well as any other state-required report relevant to bullying and/or school climate, for each building and for the District as whole. Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy and additional training.

Disciplinary Consequences/Remediation

While the focus of this Policy is on prevention, acts of bullying may still occur. In these cases, offenders will be given the clear message that their actions are wrong and the behavior must improve. Student offenders will receive in-school guidance in making positive choices in their relationships with others. If appropriate, disciplinary action that is measured, balanced and age-appropriate will be taken by the administration in accordance with the District's Code of Conduct, as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted.

Consequences for a student who commits an act of bullying will be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors, and must be consistent with the District's Code of Conduct.

Non-Retaliation

All complainants and those who participate in the investigation of a complaint in conformity with state law and District policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind. The District strictly prohibits retaliation of any kind against a complainant or person who participates in the investigation of a complaint in conformity with state law and District policies and who has acted reasonably and in good faith.

Training

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent, the District-wide DAC and the District Professional Development Team will incorporate training to support this program in new teacher orientation and the annual professional development plan, as needed. Training opportunities will be provided for all staff, including but not limited to cafeteria and hall monitors and all staff who have contact with students. The DAC Teams will be trained in accordance with state requirements and will continue their professional development so as to successfully support this policy and program.

Dissemination, Monitoring and Review

This policy, or a plain language summary, will be published in appropriate District notices and publications and posted on the District's website. A bullying complaint form will be available on the District's website. The District will ensure that the process of reporting bullying is clearly explained to students, staff and parents on an annual basis.

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

The District will ensure that reporting of information to the public in conjunction with this policy will be in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).

Cross-ref: 0100, Equal Opportunity, Nondiscrimination and Anti-Harassment
0110, Policy Against Workplace Discrimination and Harassment
4321, Programs for Students with Disabilities
5300, Code of Conduct
5710, Violent and Disruptive Incident Reporting
9700, Staff Development

Ref: Dignity for All Students Act, Education Law, §10 – 18
Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.*
Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.*
Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*; 34 CFR §100 *et seq.*
Title IX, Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*
§504, Rehabilitation Act of 1973, 29 U.S.C. §794
Individuals with Disabilities Education Law, 20 U.S.C §§1400 *et seq.*
Executive Law §290 *et seq.* (New York State Human Rights Law)
Education Law §§313(3), 3201, 3201-a
8 NYCRR 100.2(c), (l), (jj), (kk); 119.6
Tinker v. Des Moines Independent Community School Dist., 393 US 503, (1969)
Doninger v. Niehoff, 527 F.3d 41 (2d. Cir. 2008)
Pollnow v. Glennon, 594 F.Sup. 220, 224 *aff'd* 757 F.2d. 496
Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)
Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)
Faragher v. City of Boca Raton, 524 U.S. 775 (1998)
Burlington Industries v. Ellerth, 524 U.S. 742 (1998)
Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)
Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)
Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)
Appeal of K.S. 43 Ed. Dept. Rep. 492
Appeal of Ravick 40 Ed. Dept. Rep. 262
Appeal of Orman 39 Ed. Dept. Rep. 811

Adoption date: September 24, 2012
Revised date: January 12, 2016
Revised date: October 9, 2018
Revised date: January 14, 2020

STUDENT HARASSMENT, DISCRIMINATION AND BULLYING PREVENTION AND INTERVENTION REGULATION

The Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing, intimidation and bullying on school grounds, school buses and at all school-sponsored activities, programs and events. Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds, such as cyberbullying, which can be reasonably expected to materially and substantially interfere with the requirements of appropriate discipline in the operation of the school or impinge on the rights of other students are prohibited, and may be subject to disciplinary consequences.

This regulation and Policy #0110 prohibit unlawful harassment (including sexual harassment), discrimination, hazing and bullying against students. Complaints or concerns about workplace sexual harassment are addressed separately in the District's Policy Against Workplace Sexual Harassment (Policy # 0110.1). Complaints or concerns about workplace harassment (other than sexual harassment) or discrimination are addressed separately in the District's Policy Against Workplace Discrimination and Harassment (Policy # 0110).

Definitions

Bullying

Pursuant to the amended Dignity for All Students Act, and as used in this policy and regulation "bullying" and "harassment" are equivalent and used interchangeably. In order to facilitate implementation, provide meaningful guidance and prevent behaviors from rising to a violation of law, bullying is further understood to be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. Bullying may be premeditated or a sudden activity. It may be subtle or easy to identify, done by one person or a group. Bullying often includes the following characteristics:

1. **Power imbalance** - occurs when a bully uses his/her physical or social power over a target.
2. **Intent to harm** - the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.
3. **Threat of further aggression** - the bully and/or the target believe the bullying will continue.
4. **Terror** - when any bullying increases, it becomes a "systematic violence or harassment used to intimidate and maintain dominance." (Barbara Coloroso, *The Bully, The Bullied & The Bystander*, 2003)

There are at least four kinds of bullying: verbal, physical, and social/relational and cyberbullying.

- Verbal bullying (which can be delivered orally, electronically or in writing) includes, but is not limited to, name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, anonymous notes, etc.

- Physical bullying includes, but is not limited to, poking, slapping, hitting, tripping or causing a fall, choking, kicking, punching, biting, pinching, scratching, spitting, twisting arms or legs, damaging clothes and personal property, or threatening gestures.
- Social or relational bullying includes, but is not limited to, excluding someone from a group, isolating, shunning, spreading rumors or gossiping, arranging public humiliation, undermining relationships, teasing about clothing or looks, giving dirty looks, aggressive stares, etc.
- Cyberbullying includes, but is not limited to, harassment or bullying, as defined in this regulation, where the harassment or bullying occurs through any form of electronic communication.

Discrimination

Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as listed under *Harassment* as defined below).

Harassment

Harassment has been defined in various ways in federal and state law (including the penal law) and regulation. The Board recognizes that these definitions are important standards, but the Board's goal is to prevent behaviors from escalating to violations of law and, instead, to promote a positive school environment and limit liability. The Dignity for All Students Act (§§10-18 of Education Law) defines harassment and bullying as the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived:

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

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

For purposes of this definition, the term "threats, intimidation or abuse" will include verbal and non-verbal actions.

Sexual Harassment

Sexual harassment is a form of sex discrimination. Sexual harassment includes harassment on the basis of sex, sexual orientation, gender identity and the status of being transgender.

The following examples describe some of the types of acts that are strictly prohibited and that may constitute unlawful sexual harassment:

- Physical assaults of a sexual nature including:
 - Touching, pinching, patting, grabbing, brushing against another person's body or poking another person's body; and
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions including:
 - Requests for sexual favors accompanied by implied or overt threats; and
 - Subtle or obvious pressure for unwelcome sexual activities.
- Hostile actions taken against an individual because of his/her sex, sexual orientation, gender identity or transgender status, including:
 - Bullying, yelling or name-calling.

Sexual harassment can occur between or among any individuals, regardless of their sex or gender.

Hazing

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

Prevention

Prevention is the cornerstone of the District's effort to address bullying and harassment. The components of such an effort involve the following:

- Following the principles and practices of "*Educating the Whole Child Engaging the Whole School: Guidelines and Resources for Social and Emotional Development and Learning (SEDL) in New York State* – Adopted by the Board of Regents July 18, 2011." District curriculum will emphasize developing empathy, tolerance and respect for others.
- Learning about and identifying the early warning signs and precursor behaviors that may lead to bullying.
- Gathering information about bullying at school directly from students (through surveys and other mechanisms); analyzing and using the data gathered to assist in decision-making about programming and resource allocation. Establishing clear school wide and classroom rules about bullying consistent with the District's code of conduct.
- Training adults in the school community to respond sensitively and consistently to bullying.
- Raising awareness among adults, through training, of the school experiences of marginalized student populations (as enumerated in the *Definitions* section above), social stigma in the school environment, gender norms in the school environment, and strategies for disrupting bullying or other forms of violence.
- Providing adequate supervision, particularly in less structured areas such as in the hallways, cafeteria, school bus and playground.
- Raising parental awareness and involvement in the prevention program and in addressing problems.
- Using educational opportunities or curriculum, including, if applicable, the Individual Educational Program (IEP), to address the underlying causes and impact of bullying.

The Board has designated the Administrator for Guidance and Related Student Services as the District-wide *Dignity Act Coordinator* ("District-Wide Coordinator"). The Board will also designate at its annual organizational meeting a *Dignity Act Coordinator* for each school in the District ("Building DAC") and each Building DAC will be supported by a building-level *Dignity Act Coordination Team* ("DAC Team"). Each Building DAC and each DAC Team will assist the District-wide coordinator with the development and implementation of the prevention and intervention program, which may include the strategies listed above.

Role of the Dignity Act Coordination Teams and District-Wide Coordinator

The Board of Education will annually designate staff members, who have been thoroughly trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression), and sex, as the Dignity Act Coordination Teams ("DAC Teams") for each school, accountable for implementation of this policy and regulation. The Assistant Superintendent for Pupil Personnel Services and/or his/her designee will be the District-wide coordinator who will be responsible for ensuring equivalency in programming across buildings. The building-level DAC Teams, led by a

Building DAC, will be responsible for coordinating and enforcing this policy and regulation in the school to which they are assigned, including but not limited to coordination of:

- the work of the building-level committees;
- professional development for staff members;
- the complaint process; and
- management of the Dignity Act's civility curriculum components.

Student

Student is defined as a person over five and under twenty-one years of age who has not received a high school diploma and is entitled to attend the public schools maintained in the District pursuant to New York Education Law Section 3202. The term student includes children who reside within the District and are eligible to attend the District's public schools but opt to attend a private school.

Incident(s) Reporting

In order for the Board to effectively enforce this policy and regulation and to take prompt corrective measures, it is essential that all targets and persons with knowledge of bullying report such behavior immediately to the principal, the principal's designee, a member of the DAC Team, or the District-Wide Coordinator as soon as possible after the incident so that it may be effectively investigated and resolved. The District will also make a bullying complaint form available on its website to facilitate reporting. The District will collect relevant data from written and verbal complaints to allow for systematic reporting.

Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to orally report it to the *building principal* within one school day and to submit the District reporting form to the building principal within two school days. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with his/her supervisor. A District employee may be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident, whether or not the target complains.

The District will thoroughly, promptly and equitably investigate all complaints, formal or informal, verbal or written. To the extent consistent with the District's need to investigate, complaints will be treated in a confidential manner.

In order to assist investigators, individuals with knowledge of the incident should document the bullying as soon as it occurs and with as much detail as possible including: the nature of the incident(s); dates, times, places it has occurred; name of alleged perpetrator(s); witnesses to the incident(s); and the target's response to the incident.

Any school employee who receives a complaint of harassment or discrimination from a student will inform the student of the employee's obligation to report the complaint to the school administration, and then must immediately notify the principal, the principal's designee, a member of the DAC Team, or the District-Wide Coordinator.

Confidentiality

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

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

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

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

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

Whenever a complaint of bullying is received whether verbal or written, it will be subject to a thorough preliminary review and investigation. Except in the case of severe or criminal conduct, the principal, the principal's designee, or the DAC Team, will make all reasonable efforts to resolve complaints informally at the school level. The goal of informal procedures is to end the bullying, prevent future incidents, ensure the safety of the target and obtain a prompt and equitable resolution to a complaint.

As soon as possible, but no later than *three school days* following receipt of a complaint, the principal, the principal's designee, or the DAC Team, will begin an investigation of the complaint by:

- Reviewing any written documentation provided by the target(s).
- Conducting separate interviews of the target(s), alleged perpetrator(s), and witnesses, if any, and documenting the conversations.

- Providing the alleged perpetrator(s) a chance to respond and notify him/her that if objectionable behavior has occurred, it must cease immediately. The individual will be made aware of remediation opportunities as well as potential disciplinary consequences.
- Determining whether the complainant needs any accommodations to ensure his/her safety, and following up periodically until the complaint has been resolved. Accommodations may include, but are not limited to:
 - A "permanent" hall pass that allows the student to visit a designated adult at any time;
 - Access to private bathroom facilities;
 - Access to private locker room facilities;
 - An escort during passing periods;
 - If the student feels unsafe in a specific class, an opportunity for individual tutoring or independent study until the case is resolved; or
 - An opportunity for independent study at home with District-provided tutor until the case is resolved.

The District recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually, and the student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

Parents of student targets and accused students should be notified within one school day of allegations that are serious or involve repeated conduct.

Where appropriate, informal methods may be used to resolve the complaint, including but not limited to:

- a. discussion with the accused, informing him or her of the District's policies and indicating that the behavior must stop;
- b. suggesting counseling, skill building activities and/or sensitivity training;
- c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
- d. requesting a letter of apology to the target;
- e. writing letters of caution or reprimand; and/or
- f. separating the parties.

Appropriate corrective action will be recommended and imposed in accordance with District policy, Code of Conduct, the applicable collective bargaining agreement, contractual mandates or applicable law. The District will make every reasonable effort to attempt to first resolve any misconduct through non-punitive measures.

The investigator will report back to both the target and the accused, within *seven school days* or as soon as the school calendar will permit, notifying them, as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The actions taken will be in conformance with the *Remediation/Discipline/Penalties* section of this regulation. The target will report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against him/her.

If a complaint contains evidence or allegations of serious or extreme bullying, or a civil rights violation, the complaint will be referred promptly to the Superintendent. The complainant will also be advised of other avenues to pursue his/her complaint, including contact information for State and federal authorities.

In addition, where the principal, the principal's designee or the DAC Team has a reasonable suspicion that the alleged bullying incident involves criminal activity, he/she should immediately notify the Superintendent, who will then contact the school attorney and, if appropriate, child protection law enforcement authorities.

Any party who is not satisfied with the outcome of the initial investigation may request a District-level investigation by submitting a written complaint to the Superintendent within 30 calendar days.

B. District-level Procedure

The Superintendent or his/her designee will promptly investigate and equitably resolve all bullying complaints that are referred to him/her, as well as those appealed to the Superintendent following the initial investigation. In the event the complaint involves the Superintendent, the complaint will be filed with or referred to the Board President, who will refer the complaint to an appropriate independent individual for investigation.

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

In conducting the formal District level investigation, the District will endeavor to use individuals who have received formal training regarding such investigations or that have previous experience investigating such complaints.

If a District level investigation results in a determination that bullying did occur, prompt corrective action will be taken to end the misbehavior in accordance with the *Remediation/Discipline/Penalties* section of this regulation.

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

Any party who is not satisfied with the outcome of the District-level investigation may appeal to the Board of Education by submitting a written request to the Board President within 30 calendar days.

C. Board-level Procedure

When a request for review by the Board has been made, the Superintendent will submit all written statements and other materials concerning the case to the President of the Board.

The Board will render a decision in writing within 30 calendar days after the request for an appeal was received by the Superintendent.

The District will retain documentation associated with complaints and investigations in accordance with Schedule ED-1.

Retaliation Prohibited

Any act of retaliation against any person who opposes bullying behavior who has filed or reported a complaint is prohibited and illegal. Likewise, retaliation against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a bullying complaint is prohibited. For purposes of this policy and regulation, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment.

Any person who retaliates is subject to appropriate corrective action in accordance with an applicable collective bargaining or other agreement, District policy, the District's Code of Conduct and applicable laws and regulations. If the accused is an employee, consequences may include, but are not limited to, disciplinary action up to, and including, termination of employment. If the accused is not a District employee, consequences may include, but are not limited to, termination of any contractual or other relationship between the District and the individual. If the accused is a student, appropriate disciplinary measures may be applied up to, and including, suspension in accordance with the District's Code of Conduct and applicable laws and regulations.

Remediation/Discipline/Penalties

Any individual who violates this policy or regulation by engaging in prohibited bullying will be subject to appropriate corrective action, which may include disciplinary action. Remedial responses to bullying include measures designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. Appropriate remedial measures may include, but are not limited to:

- Peer support group;
- Corrective instruction or other relevant learning or service experience;
- Changes in class schedule;

- Supportive intervention;
- Behavioral assessment or evaluation;
- Behavioral management plan, with benchmarks that are closely monitored;
- Student counseling;
- Parent conferences; or
- Student treatment or therapy,

Environmental remediation may include, but is not limited to:

- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- Modification of schedules;
- Adjustment in hallway traffic and other student routes of travel;
- Targeted use of monitors;
- Parent education seminars/workshops;
- Peer support groups.

Corrective measures available to school authorities include, but are not limited to the following:

Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the Code of Conduct and applicable law.

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

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

Vendors: Penalties may range from a warning up to and including loss of District business.

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

Policy Dissemination

All students and employees will be informed of this policy. The Policy will be available on the District website. All employees will receive information about this policy and regulation at least once a year.

Principals in each school will be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures for filing a complaint and information about the impact of bullying on the target and bystanders.

Training

Training in support of this bullying prevention and intervention program will be included in new teacher orientation, in curriculum and will be considered in the budget process. The DAC(s), administrative employees and other staff, such as psychologists or social workers who have specific responsibilities for investigating and/or resolving complaints of bullying will receive yearly training to support implementation of this policy, regulation and on related legal developments.

Revised January 12, 2016

Revised October 9, 2018

EVALUATION OF PROFESSIONAL STAFF

The Board of Education believes that a determination of the efficiency and effectiveness of its teaching and administrative staffs is a critical factor in the overall operation of the district.

Principles and criteria for evaluation of the professional staff should be drawn from and reflect a philosophy that insures the continuing existence of a learning environment for the academic, vocational, physical, cultural and social growth of all students. The evaluation process should produce an outcome which is positive and emphasizes excellence in the teaching and learning process. After each evaluation is made, a full written report will be submitted to the Assistant Superintendent for Personnel to be placed in the employee's official personnel file.

The purposes of the performance appraisals are:

1. to improve the instructional program;
2. to assist the classroom teacher in improving and upgrading teaching performance;
3. to assist the Superintendent in properly evaluating employees; and
4. to provide a formal procedure for communication between the teacher and the administrator regarding the instructional program and student progress.

Teacher performance will be measured by clearly stated and commonly understood criteria, which provides the Superintendent with an objective basis for making staff recommendations to the Board of Education. Teachers that are subject to APPR will be evaluated using the negotiated procedures and in accordance with all APPR regulations.

The procedures and guidelines for formal and informal observations and evaluations of teachers shall be those agreed to with the employee organization representing the teaching staff and set forth in the collective bargaining agreement and APPR Plan. Such procedures shall be approved by the Board, filed in the District Office and available for review by any individual.

Formal procedures for the review of the performance of all such personnel shall include all items as outline in the agreed upon and approved APPR Plan.

1. criteria by which all such personnel shall be reviewed and a description of the review procedures;
2. a description of review activities, including:
 - a. the minimum number of observations;
 - b. provisions for a follow-up meeting for the reviewer to commend strengths of performance and discuss the need for improvement, if necessary, with the staff person being reviewed;
3. methods used to record review results; and
4. procedures used to:
 - a. ensure that all such personnel are acquainted with the performance review procedures; and
 - b. ensure that each individual who is reviewed in accordance with the provisions of this subdivision has the opportunity to provide written comment on his/or her performance.

Ref: Education Law §3031
8 NYCRR §100.2(o)(1)

Adoption date: February 9, 1999
Revised: January 9, 2018

EVALUATION OF CLASSIFIED STAFF

The Board of Education believes that the evaluation of classified staff is an essential component of supervision and decision-making regarding staff promotions and retention. The Board therefore directs the Superintendent of Schools to develop standards and procedures for the evaluation of all support staff.

Each support staff member will be formally evaluated at least once each year by his/her immediate supervisor or other designated person.

The purposes of support staff evaluations are:

1. to provide employees with feedback
2. to provide an objective basis for employee improvement: and
3. to ensure that employees meet performance standards.

If requested by the Civil Service Department, the district will keep and report performance ratings of civil service employees prior to making a permanent appointment. For those support staff members who are members of a collective bargaining unit, permanent appointments will be made as per their negotiated agreement.

Adoption date: February 9, 1999
Revised: January 9, 2018

SMOKING AND OTHER TOBACCO USE ON SCHOOL PREMISES

Due to the health hazards associated with smoking, and in accordance with federal and state law, the Board of Education prohibits smoking and all other tobacco use in all school buildings, on school grounds, and in any vehicle used to transport children or personnel. The Board also prohibits the use of e-cigarettes in these locations.

The district's smoking policy shall be prominently posted in each building, at designated outdoor locations on school premises (e.g. athletic fields) and in all district vehicles. The Board designates the Superintendent of Schools or his/her designee as agent responsible for informing individuals smoking anywhere on school premises or in district vehicles that they are in violation of Article 13 of the Public Health Law and/or Section 409 of the Education Law and/or the federal Pro-Children Acts of 1994 and 2001.

Ref: Education Law §§409(2)
Public Health Law Article 13-E
Public Health Law §§206; 340; 347
The Pro-Children Act of 2001, 20 U.S.C. §§1781 *et seq.*
The Pro-Children Act of 1994, 20 U.S.C. §§6081 *et seq.*

Adoption date: February 9, 1999

Revised: July 1, 2014

RELATIONS WITH LAW ENFORCEMENT AGENCIES

District personnel shall cooperate at all times with local police and fire departments.

Infractions of the law on school property shall be reported to the police when discovered. Further, whenever such an infraction of the law involves injury or threat of injury to any person or the loss or damage to property, any responsible staff member competent to sign a formal complaint shall do so. Injury or threat of injury shall apply to self or any other persons. Also, drugs are assumed to be injurious and, therefore, anyone in possession of drugs shall be assumed to constitute a clear and present threat of injury to self or others. In all other cases of infractions of the law, the responsible staff member shall use his/her good judgement regarding the signing of complaints and shall do what a reasonable person can be expected to do under similar circumstances and conditions.

If there are incidents involving the destruction of property, theft of money, materials or equipment, or anything else that is deemed to be within the province of the police authorities, this should be reported accurately and factually to the police directly and immediately. A factual written report shall be filed with the Principal, a copy of which shall be forwarded to the Superintendent of Schools.

All fires started in areas not meant for fires shall be reported to the fire department immediately by the appropriate administrator/supervisor, who will also contact the Superintendent. If the fire is still in progress when reported, an alarm shall be sounded in the school building at once. If the fire has been extinguished before reporting it to the fire department, the facts surrounding the fire should be reported and a written report of these facts shall be filed with the Building Principal, a copy of which shall be forwarded to the Superintendent of Schools.

Adoption date: February 9, 1999

GIFTS TO SCHOOL PERSONNEL

No district officer or employee shall directly or indirectly receive any gift having a value of twenty-five dollars (\$25) or more, whether in the form of money, services, loans, travel, entertainment, hospitality, etc., under circumstances in which it could reasonably be inferred that the gift was intended to influence the performance of his/her duties.

Nothing herein should be construed as prohibiting the traditional exchange of holiday gifts provided discretion is used to ensure that gifts of value are not accepted by staff employees or officers. Gifts from children that are principally sentimental in nature and of insignificant financial value may be accepted in the spirit in which they are given.

Cross-ref: 2160, School Board Officer and Employee Ethics

Ref: General Municipal Law §805-a

Adoption date: February 9, 1999



Book	Policy Manual
Section	2000 Governance and Operations
Title	School Board Officer and Employee Ethics
Code	2160
Status	Active
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Last Revised	November 22, 2022

The Board of Education recognizes that sound, ethical standards of conduct serve to increase the effectiveness of school Board members and their staff, as educational leaders in their community. Actions based on an ethical code of conduct promote public confidence and the attainment of district goals. The Board also recognizes its obligation to set forth a code of ethics under the provisions of the General Municipal Law.

The Board therefore adopts the following code of ethics, and its accompanying regulation, for the guidance of its officers and employees. Board members and their staff commit themselves to:

- **ASSURING** the opportunity for high quality education for every student and making the well-being of students the fundamental principle in all decisions and actions;
- **REPRESENTING** the entire community without fear or favor;
- **ACCEPTING** all responsibilities as a means of unselfish service, while not using their positions for personal gain;
- **ACTING** as part of an educational team with mutual respect and regard for each other's respective responsibilities and duties, recognizing that the strength of a school Board is in acting as a Board, not as individuals;
- **PRESERVING** the obligation of having all issues considered fairly and without bias;
- **UPHOLDING** the principles of due process and individual dignity, and protecting the civil and human rights of all;
- **MAINTAINING** high standards and the effectiveness of education through research and continuing professional development;
- **OBEYING** all national, state, and local laws and regulations pertaining to education and public agencies; and

- **INSTILLING** respect for community, state, and nation.

In addition, Board members shall:

- **TAKE OFFICIAL ACTIONS** only in public sessions, except where otherwise provided or required by law;
- **DELEGATE AUTHORITY** to the chief school administrator as the Board Executive and confine Board action to policy making, planning and appraisal; and
- **EMPLOY** only competent, trained personnel.

Pursuant to the provisions of Section 806 of the General Municipal Law and Board Policy 2160, the Board of Education promulgates these rules of ethical conduct for the officers and employees of the school district. These rules shall not conflict with, but shall be in addition to any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts by municipal officers and employees.

Definitions

1. "Officer or Employee" means an officer or employee of the district, whether paid or unpaid, including members of the Board of Education, and their professional or nonprofessional staff and appointees.
2. "Interest" means a direct or indirect pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires.
3. "Contract" is defined broadly to include any claim, account or demand against or agreement (express or implied) with the School District.

No Board of Education member, officer or employee shall have an "*interest*" (i.e., receive a direct or indirect benefit as the result of a contract with the School District) in:

1. a firm, partnership or association in which he/she is a member or employee;
2. a corporation in which he/she is an officer, director or employee;
3. a corporation in which he/she, directly or indirectly, owns or controls five percent (5%) or more of the stock;
4. a contract between the School District and his/her spouse, minor child or dependents, except for an employment contract.

Standards of Conduct

Every officer and employee of the district shall be subject to and abide by the following standards of conduct:

1. *Gifts:* An officer or employee shall not directly or indirectly solicit any gift or accept or receive any gift having a value of \$75 or more, from any individual or per person, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her in the performance of his or her official duties or was intended as a reward for any official action on his or her part. However, the Board welcomes and encourages the writing of letters or notes expressing gratitude or appreciation to staff members.

Nothing herein should be construed as prohibiting the traditional exchange of holiday gifts provided discretion is used to ensure that gifts of value are not accepted by staff employees or officers. Gifts from children that are principally sentimental in nature and of insignificant financial value may be accepted in the spirit in which they are given.

2. *Confidential information:* An officer or employee shall not disclose confidential information acquired by him or her in the course of his or her official duties or use such information to further his or her personal interest. In addition, he/she shall not disclose information regarding any matters discussed in an executive session of the Board of Education or Audit Committee whether such information is deemed confidential or not. All discussions held in a properly convened executive session shall be deemed confidential and may not be disclosed unless the majority of Board of Education members deems disclosure to be appropriate

3. *Representation before the Board:* An officer or employee shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the school district.

4. *Representation before the Board for a contingent fee:* An officer or employee shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the school district, whereby the compensation is to be dependent or contingent upon any action by the school district with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

5. *Disclosure of interest in matters before the Board:* To the extent that he or she knows thereof, a member of the Board of Education and any officer or employee of the district, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board on any matter before the Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he or she has in such matter.

6. *Contracts supported by a Federal award:* No Board of Education member, officer, employee or agent of the School District may participate in the selection, award or administration of a contract supported by a federal award if he or she has an interest in the contract. Interest for the purposes of contracts supported by federal awards shall mean where the Board of Education member, officer or employee of the School District, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ an immediate family member, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. No Board of Education member, officer, or employee of the School District may solicit or accept gratuities, favors, or anything of monetary value from contractors or subcontractors.

7. *Investments in conflict with official duties:* An officer or employee shall not invest or hold any investment directly in any financial, business, commercial or other private transaction that creates a conflict with his or her official duties. Exceptions to the conflict of interest law can be found in §802 of the General Municipal Law.

8. *Private employment:* An officer or employee shall not engage in, solicit, negotiate for or promise to accept private employment when that employment or service creates a conflict with or impairs the proper discharge of his or her official duties.

9. *Use of District Supplies, Materials, Equipment and Other Property:* No Board of Education member, officer or employee of the School District shall remove or cause to be removed from premises owned, used or controlled by the School District any supplies, materials, equipment or other property (excluding items required to carry out professional duties) which is owned, leased or otherwise under the dominion and control of the School District, except as is authorized, in writing, by an officer or administrator of the School District, as designated by the Superintendent of Schools.
10. *Future employment:* An officer or employee shall not, after the termination of service or employment with the Board, appear before the Board or any panel or committee of the Board, in relation to any case, proceeding, or application in which he or she personally participated during the period of his or her service or employment or that was under his or her active consideration. This shall not bar or prevent the timely filing by a present or former officer or employee of any claim, account, demand or suit against the district on his or her own behalf or on behalf of any member of his or her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.
11. *Dual Membership:* In accord with the understanding of the component districts, a member of the Board shall be prohibited from serving concurrently as a member of the Board of Cooperative Educational Services, Third Supervisory District.
12. *Promotion of Religious Beliefs:* Pursuant to the first amendment of the United States Constitution's mandate of separation of Church and State, a Board of Education member, officer, or employee of the School District shall not use his or her position to promote religious beliefs.
13. *Personal Injury – Property Damage:* Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the School District or any agency thereof on behalf of himself/herself or any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.
14. *Paid Tutoring by District Staff:* No professional or support staff member employed by the School District will provide remedial tutoring in any subject area for private payment (remuneration) for any student for which he/she has responsibility for in-school instruction as set forth in Policy 9430. No professional or support staff member will solicit for the purpose of providing tutoring services.
15. *Remuneration and Reimbursement (Gifts or Awards to Retiring Board of Education Members):* It shall be the policy of the Board of Education to make no formal presentation of gifts or commemorative scrolls to retiring members of the Board. However, it is within the purview of the Board of Education to send a letter of appreciation. The Board of Education may choose, from time to time, to acknowledge retiring Board of Education members, employees of the School District, and/or volunteers. The Board of Education may provide gifts which are nominal in value in connection with said acknowledgement.
16. *Soliciting Funds from and by School Personnel:* Because fund raising diverts time, energy and attention from the educational process, the Board of Education will not approve any request from staff members to engage or participate in non-school related fund-raising activities during the school day regardless of their merit. It shall not, however, preclude employees from participating in properly recognized School District sponsored fund raising activities nor from participating in employee sunshine or bereavement funds, etc.
17. *Master's/Doctoral Research by Employees:* The Board of Education recognizes the importance of the advancement of the education of its employees. A School District employee who is actively pursuing a doctoral or master's degree and wishes to conduct research in connection with his/her doctoral/master's

degree studies will be required to submit a proposal to the Superintendent of Schools for approval concerning research, including research which involves student data. Under no circumstances will employees be permitted to utilize students currently enrolled in the School District as participant for research to be conducted in connection with their pursuit of a master's/doctoral degree

Distribution of Code of Ethics

The Superintendent of Schools shall cause a copy of the Board's Code of Ethics and this accompanying regulation to be distributed to every officer and employee of the school district. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his or her office or employment. In addition, the Superintendent shall ensure that a copy of Article 18 of the General Municipal Law shall be kept posted in each public building under the district's jurisdiction in a place conspicuous to the district's officers and employees.

Penalties

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of the Board's code of ethics and its accompanying regulation may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Ref: General Municipal Law §§800, et seq.

Cross
References

[9430 - Tutoring Students by District Personnel](#)

POLICY DISSEMINATION

The Board of Education recognizes the need for widespread familiarity with district policies and regulations, and therefore directs the Superintendent of Schools to implement the following:

1. maintain an updated policy manual that includes appropriate administrative regulations and takes precedence over all previous manuals, and be responsible for its presence at all Board meetings;
2. issue to each Board member, for the duration of his/her term, a complete and updated policy manual via school district website;
3. ensure that personnel are familiar with Board policies and administrative regulations which affect them, directly or indirectly. The Board requires that all employees sign a statement that they have read and understood the policy manual, or appropriate sections thereof;
4. disseminate Board policies and manuals to all concerned, as he/she deems appropriate and/or necessary; and
5. updated and maintained in an electronic format on the school district website.

Adoption date: April 23, 2013

ACCEPTABLE USE OF INFORMATION TECHNOLOGY

The Board of Education is committed to optimizing teaching and learning. The Board considers student access to a computer network, including the Internet, to be a powerful and valuable educational and research tool, and encourages the use of computers and computer-related technology in district classrooms for the purpose of advancing and promoting teaching and learning.

The computer network can provide a forum for learning various software applications and through online databases/resources, electronic mail, and other forms of electronic communication can significantly enhance educational experiences and provide statewide, national and global communication opportunities for staff and students.

The Board authorizes student use of personal devices to access the district's computer network if the student complies with the district's connection/login process, as well as the provisions of this policy and regulation. Failure to abide by this policy and regulation will result in revocation of access and possibly disciplinary action in accordance with the Code of Conduct.

All users of the district's computer network and the Internet must understand that use is a privilege, not a right, and that use entails responsibility. The district reserves the right to control access to the Internet for all users of its computer devices and/or network. The district may either allow or prohibit certain kinds of online activity, or access to specific websites.

Regulations and handbooks, to be developed by the Superintendent or designee, will provide specific guidance on this, as well as rules governing the use and security of the district's computer network. All users of the district's computer network and equipment shall comply with this policy and regulation. Failure to comply may result in disciplinary action as well as suspension and/or revocation of computer access privileges.

The Superintendent shall be responsible for designating a computer network coordinator to oversee the use of district computer resources. The computer coordinator and/or curriculum office will prepare in-service programs for the training and development of district staff and students in computer skills, and for the incorporation of computer use in appropriate subject areas.

The Superintendent, working in conjunction with the designated purchasing agent for the district, the computer network coordinator and the curriculum office, will be responsible for the purchase and distribution of computer software and hardware throughout district schools. They shall prepare and submit for the Board's approval a comprehensive multi-year technology plan

which shall be revised as necessary to reflect changing technology and/or district needs.

Cross-ref: 5300, Code of Conduct

Adoption date: November 14, 2017

INTERNET SAFETY

The Board of Education is committed to undertaking efforts that serve to make safe for children the use of district computers for access to the Internet. To this end, although unable to guarantee that any selected filtering and blocking technology will work perfectly, the Board directs the Superintendent of Schools to procure and implement the use of technology protection measures that block or filter Internet access by:

- adults to visual depictions that are obscene or child pornography, and
- minors to visual depictions that are obscene, child pornography, or harmful to minors, as defined in the Children's Internet Protection Act.

Subject to staff supervision, however, any such measures may temporarily be disabled or relaxed for adults conducting bona fide research or other lawful purposes, by direction of the Superintendent or his or her designee.

The Superintendent or his or her designee also shall develop and implement procedures that provide for the safety and security of students using electronic mail, and other forms of electronic communications; monitoring the online activities of students using district computers; and restricting student access to materials that are harmful to minors.

In addition, the Board prohibits the unauthorized disclosure, use and dissemination of personal information regarding students; unauthorized online access by students, including hacking and other unlawful activities; and access by students to inappropriate matter on the Internet. The Superintendent or his or her designee shall establish and implement procedures that enforce these restrictions.

The computer network coordinator designated under the district's policy on the acceptable use of information technology (policy 4526) shall, where possible, monitor and examine district computer network activities to ensure compliance with this policy and accompanying regulation. The computer coordinator and/or curriculum office will prepare in-service programs for the training and development of district staff and students in computer skills, and for the incorporation of computer use in appropriate subject areas.

All users of the district's computer network, including access to the Internet, must understand that use is a privilege, not a right, and that any such use entails responsibility. They must comply with the requirements of this policy and accompanying regulation, in addition to generally accepted rules of network etiquette, and the district's policy on the acceptable use of information technology (policy 4526). Failure to comply may result in disciplinary action including, but not limited to, the revocation of computer access privileges.

As part of this policy, and the district's policy on acceptable use of information technology (policy 4526), the district shall also provide age-appropriate instruction regarding appropriate online behavior, including:

1. interacting with other individuals on social networking sites and/or other forms of electronic communication, and
2. cyberbullying awareness and response.

Instruction will be provided even if the district prohibits students from accessing social networking sites and/or other forms of electronic communication on district computers and/or the network.

Cross-ref: 4526, Acceptable Use of Information Technology

Ref: Children's Internet Protection Act, Public Law No. 106-554
Broadband Data Services Improvement Act/ Protecting Children in the 21st Century Act,
Public Law No. 110-385
18 USC §2256
20 USC §7131
47 USC §254

Adoption date: November 14, 2017

SOCIAL NETWORKING SITES

Philosophy Statement

To accommodate new communication paradigms and tools and remain at the forefront of preparing our students for the future, educators and school districts must explore new and emerging technologies to supplement the range of services they currently offer. Among the newest tools available to educators and school districts are social networking/media sites and social media platforms (hereinafter referred to as “SNS”).

SNS have great potential to connect people across the globe and to enhance communication; however, as a still developing method of communication and data sharing, SNS are also oftentimes more informal and less structured. These guidelines are designed to establish some basic parameters for the creation and use of SNS for the Smithtown Central School District and the use of SNS by the District, students, staff, employees and others.

Definitions:

Online – Any virtual or electronic network/space that is accessible by multiple individuals via the internet, intranet or data-based connection.

Social Media – forms of electronic communication through which users create or participate in online communities to share information, ideas, personal or group messages and other visual, audio or written content.

Social Networking/Media Sites/Platforms – types of online social media communities, including but not limited to, Twitter, Facebook, Instagram, SnapChat, VSCO, LinkedIn, Messenger, Pinterest, Yelp, Google, Wordpress, Youtube, blogs, *etc.*

Board of Education – the body of officials elected to serve the Smithtown C.S.D.; references to the Board of Education include all names, logos, buildings, images and entities under the authority of the Board of Education.

Cloud-Based Services – virtual data storage and sharing services, including but not limited to, Dropbox, GoogleDrive, Microsoft OneDrive, Outlook, GMail, digital photo storage sites, Board Docs, *etc.*

I. Establishing the District’s Social Networking Site

1. The Superintendent of Schools or his/her designee, subject to Board approval, will establish and maintain the official District SNS on Facebook, Instagram, and Twitter to further the public relations/outreach/connection to the District community and the public at large. The Superintendent of Schools or his/her designee will also monitor

all content posted by or about the District and its students, parents and staff on these official SNS.

2. Upon the recommendation of the Superintendent, the Board of Education will have the exclusive and final authority to determine whether individual District buildings/facilities/departments/activities/teams/etc. may initiate and maintain a separate page(s) or sub-page(s) on the District's SNS. All separate pages and subpages are owned by the District and will be considered a part of its SNS.
3. Applications for permission to maintain individual pages on the District's SNS must be made to the Superintendent or his/her designee, stating why a separate SNS page is desired and the potential benefit the separate page may provide the District.

Social Networking Sites (Continued)

II. Quality Control/Content Integrity on the District's SNS

1. The District's official website will remain the primary source for all official District-provided online content. Any and all material on the District's SNS will supplement information that exists on the District's official website.
2. If applicable, material/content that is entered into/posted to the District's SNS (e.g., Facebook) account/page may include a link back to District's official website.
3. District personnel acknowledge that they have no expectation of privacy in any material or content they enter/post on the District's SNS. The District may monitor/review anything entered/posted on the District's SNS at any time and without prior notice to the individual(s) who entered/posted the material or other content being reviewed.
4. All material and content entered/posted on the District's SNS by District personnel must be school related and must comply with all other applicable District policies.
5. The Superintendent or his/her designee reserves the right to delete/remove anything posted on the District's SNS, as determined in the District's sole discretion, without prior notice to the individual who posted the material.
6. Employees and other school district officials must consult with the Superintendent or his/her designee before deleting posts, as certain information may be required to be maintained pursuant to NYS's Records Retention and Disposition Schedule ED-1 or pursuant to other laws, rules or regulations.
7. The Superintendent or his/her designee, will monitor the District's SNS to ensure users contribute accurate, valuable and high-quality school related information. Protocols will be developed by the Superintendent or his/her designee to govern the

daily operation of the District's SNS, including the respective rights and responsibilities of District SNS users. These protocols are subject to review and amendment by the Superintendent of Schools as deemed necessary.

8. District personnel acknowledge and agree that when they create or post material on the District's SNS they are in effect "content publishers" and as such are subject to a host of ethical and legal obligations including, but not limited to, compliance with applicable copyright laws. District personnel must not post anything on a District SNS in violation of any copyright or other applicable law.

III. Conduct guidelines for personal use of social media/networking sites by District Employees and the Board of Education:

1. Unless authorized to do so by the Superintendent of Schools or his/her designee, social media posts are not to be identified as official school district communications.
2. District personnel should be aware that privacy settings and SNS are constantly in flux, and they should never assume that personal information posted on such sites is protected.
3. Employees are encouraged, and, in some cases, required (*e.g.*, pursuant to FERPA), to obtain consent before using or mentioning the names of Board of Education members, employees, students or other members of the school district community on social networking sites.
4. Employees are encouraged to keep their personal social media activities/accounts private from students, so as to maintain the same professional boundaries online as are maintained in the classroom.
5. Unless authorized to do so by the Superintendent or his/her designee, employees may not use the Board of Education's logo or trademarks on non-work-related posts. Please note that this prohibition extends to the use of logos or trademarks associated with individual schools, programs or teams of the school district.
6. Employees are individually responsible for their personal posts on social media. Employees may be sued by other employees, parents or others, by any individual that views an employee's social media posts as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment. As such activities are outside the scope of employment, employees are personally liable for such claims.
7. Employees are required to comply with all Board of Education policies and procedures with respect to the use of computer equipment, networks or electronic devices when accessing social media sites.

8. Any access to personal social media activities while on school property, during working hours, or using school district equipment must comply with the District's policies, and may not interfere with an employee's duties at work.
9. If an employee is unsure about the confidential nature of information he/she is considering posting (*e.g.*, if the post may contain personally identifiable information about a student(s)), then he/she is strongly encourage to consult with his/her supervisor prior to posting the information.
10. Board members are advised to be cognizant of their simultaneous participation on social media pages/discussions/groups, as this may trigger NYS Open Meetings Law obligations.

#

Social Networking Sites (Continued)**IV. Prohibited Conduct on All SNS Sites (including non-district SNS)**

The Board of Education does not condone, and will take necessary action, when social media and online posts and other communications violate the law, Board policies or other school rules and regulations, including but not limited to instances in which online posts/communications:

1. Are harassing, discriminate against others, or otherwise violate New York State or federal law;
2. Are perceived as intimidating or bullying or violate/potentially violate the Dignity for All Students Act ("DASA");
3. Create a hostile environment for staff or students;
4. Contain personally identifiable information about students that is protected by the Family Educational Rights and Privacy Act ("FERPA");
5. Contain information about an individual that is protected from disclosure by the Health Insurance Portability and Accountability Act ("HIPAA") or other law;
6. Significantly disrupt school district operations;
7. Contain sexual content;
8. Are libelous/defamatory;
9. Encourage illegal activity;
10. Are threatening or abusive;
11. Contain information that may compromise the health and safety of staff or students;
12. Contain information or graphics that are subject to a copyright or trademark without first securing prior permission to post the material.

In addition, District personnel may not:

1. Post pictures, video, or any other material that identifies students or provides any information that would be considered confidential pursuant to the Family Education Rights and Privacy Act (FERPA) on SNS without the express consent of the parent or eligible student;
2. Use their District e-mail address for communications on non-District SNS;
3. Use SNS to create or maintain personal relationships with District students. For purposes of these guidelines, "personal relationships with students" means any behavior or conduct that is unrelated to course work or official school matters; or
4. Use District-sponsored social media for private financial gain, political, commercial, advertisement, or solicitation purpose.

IV. Disciplinary Sanctions

District personnel who violate this Policy may be subject to appropriate disciplinary measures up to and including termination of employment in accordance with applicable law, District policy and regulations, and any applicable collective bargaining agreement.

Social Networking Sites (Continued)

V. Compliance with Other Applicable Policies and Regulations

District personnel who utilize the District's SNS, will be subject to all applicable District policies and regulations including, but not limited to, the following:

1. Confidentiality-Student Records
2. Electronic Access;
3. Student Harassment and Bullying Prevention and Intervention;
4. Staff-Student Relations;
5. Equal Opportunity, Nondiscrimination and Anti-harassment;
6. Policy Against Discrimination and Harassment of Students and Staff.

Adopted: February 27, 2018

FIELD TRIPS AND EXCURSIONS

The Board of Education recognizes field trips as a valuable adjunct to the instructional program. The Superintendent of Schools or designee has final authority in determining the frequency and content of class field trips.

Factors relevant in consideration of approval of such field trips shall include the relationship to the curriculum, the distance of the trip, availability of transportation, the cost involved, weather conditions, and full use of transportation.

Provisions will be made for appropriate safety precautions, accounting of attendance, planning, and obtaining supervision for field trips. Each student must secure the permission of his/her parent or guardian before participating in such activity.

In order to make necessary transportation arrangements, all requests for field trips must be submitted to the Executive Director of Curriculuml at least three weeks prior to the trip date. All overnight trips for students require prior approval of the Board. Only those trips which have an educational value will be authorized. Field trip procedures will be reviewed and distributed annually.

Adoption date: March 25, 2003

Revised: January 9, 2018

SCHOOL FIELD TRIPS/EMERGENCY PLANNING

Building Principals are advised to review these guidelines with their entire faculties at the beginning of each school year.

All school sponsored and school related off-site events require a Field Trip Request form, including class trips, co-curricular trips, overnight trips, competitions, and all other events that take students off of their school campus, whether inside or outside the school day, and including those for which the school is not providing the transportation. This does not include team practices and games that fall within the district's regular athletic program, but it does include off-site athletic competitions and events that take place in addition to the regularly scheduled athletic program.

I. PROCEDURES FOR ALL FIELD TRIPS

A. REQUEST AND AUTHORIZATION FORM

1. Organizers of field trips are solely responsible for seeing to it that all pertinent field trip forms are filled out, and that field trip forms are signed and approved by the building principal or his/her designee before being submitted to appropriate administrators, e.g. Special Education Administrator, Department Chairperson, etc. They are also solely responsible for allowing enough lead-time to meet requirement B.2 and B.3 (see Approvals, below).

Field trip forms must be signed by **each teacher requesting** the field trip. The forms may not be signed by a secretary or aide.

Field trips involving students from **more than one school building** traveling together should only generate **one field trip form**, which must be signed by all sponsoring teachers as well as the appropriate **building administrator from all participating buildings** prior to submission to central office.

2. Enter **number of buses** needed next to type of transportation requested.
3. Check of method of payment. If a budget code is not included on the form or co-curricular billing source is not indicated, it will not be processed. If transferring funds, enter billing code.

NOTE: Unless you contract privately with a coach company, NO CODs WILL BE ACCEPTED.

4. Submit to principal or appropriate principal's designee for approval. Everything else should be filled out completely. Incomplete forms will be returned.

B. APPROVAL

1. Routing - requests for Field Trip Authorization should be as follows:

Elementary & Secondary Trips: Director of Curriculum K-12

Secondary Overnight & Co-Curricular Trips: Assistant Superintendent for Instruction and Administration

Special Education: Administrator for Special Education & Special Services

2. Day Field Trips - Requests must be submitted by the appropriate Administrative Office at least **FOURTEEN (14) SCHOOL DAYS (3 weeks)** prior to the date of the trip.
3. Overnight Field Trips – These requests require Board approval. Sponsors should submit requests for overnight trips far enough in advance so that Board approval can be obtained before the trip arrangements have been made. In order to be included on the Board Agenda, requests must be received **six weeks prior to the Regular Board meeting** for approval by the Board and a copy should be faxed to Transportation. Board meetings are scheduled on the second and fourth Tuesdays of each month.

All overnight field trip requests must contain a complete listing of chaperones for Board approval.

C. SPECIAL INSTRUCTIONS

All special instructions should be typed on a memo and attached to the front of the field trip request form.

D. REQUESTS TO EAT LUNCH ON THE BUS

1. These requests are considered the same as "Special Instructions" and must be made in writing as indicated at the time of the original request.
2. The trip sponsor is required to make sure the vehicle is left clean.
3. The trip sponsor must provide trash containers.
4. Remember: Eating is not allowed while the bus is in motion.

E. GENERAL POLICIES and PROCEDURES

1. **It is essential that the teacher in charge adhere to the time schedule submitted on the field trip request form.** The dispatchers schedule buses to return and cover other trips and routes. If the teacher in charge does not adhere to the schedule, additional costs may be charged.

2. Sponsors are advised to read and follow the Board Policy and District Regulations regarding field trips.

3. **Chaperones:** A teacher or other adult supervisor employed by the school district must be on each bus used for field trips. *This requirement can be waived under the following circumstances:

- Students are being shuttled between school buildings, in-district
- Students are traveling to an approved location within the district boundaries
- Students are traveling to an approved location for a team practice, which may be outside the district boundaries

*In each of these cases, the students must be accompanied to the bus for departure and met at their destination by a school district employee.

Since student safety is our primary concern, all chaperones who do not have **fingerprint clearance**, including parents, must work in pairs when with students and must be supervised by a teacher employed by the school district.

Day Field Trip Chaperone Guidelines:

Note: a minimum of 2 chaperones must accompany any field trip that leaves district borders.

- **Elementary: 1 chaperone per 10 students**
- **Secondary: 1 chaperone per 15 students**

Overnight Field Trip Chaperone Guidelines:

Note: a minimum of 2 chaperones must accompany any field trip that leaves district borders.

- **1 chaperone per 10 students**

4. **Student ID and Rosters:** As per Board Policy 8415: All students are required to carry name identification, even if such identification must be prepared by the school chaperone supervising the field trip.

A complete roster of all participants, chaperones as well as students, must be filed with the Building Principal (for field trips) and Athletic Director (for interscholastic athletic travel) and will be available at all times with the chaperone(s) supervising the travel. The roster shall include names and telephone numbers of each participant's parent/guardian. This roster will be collected from chaperones by the field trip supervisor at the completion of each field trip.

5. **Employees' private cars are not to be used to transport students on field trips.** "The Board specifically forbids any employee to transport students for school purposes without prior authorization from the Assistant Superintendent of Finance and Operations, unless in an emergency." (Policy 8422)

6. Sponsors should check the "field trip log" which is located in each building's main office or designated high school assistant principal's office and indicates the following week's trips.
7. The last day for field trips will be publicized each September through the Curriculum Office. It is generally the first Friday in June.

F. BUS CAPACITY, SERVICE and RATES

1. The bus capacity for both mini-buses and "60-Passenger" buses will be determined by the School Transportation Supervisor and distributed by the Curriculum Office at the beginning of each school year.
2. The types, times, and costs of bus service will similarly be determined by the Transportation Office and distributed via memo from the Director of Curriculum.
3. Sponsors are responsible for all overtime charges. Delays due to traffic, weather, etc., are not the bus company's responsibility.
4. The Transportation Office must be notified at least ONE HOUR prior to departure time for a cancelled trip. For trips cancelled less than 1 hour, there will be a cancellation fee charged.

5. COACH TYPE BUSES

- Only tour companies or coach bus companies approved by the NYS Dept. of Transportation or our Transportation Office may be used. The Transportation Office keeps a current listing.
- Trip sponsors must indicate the name of the bus company (or tour company) they plan to use in the space labeled "Transportation" on the Field Trip Request and Authorization Form.
- Once the bus company is approved, trip sponsors will be permitted to make arrangements directly with representatives of the company. Our transportation office does not make arrangements with the private coach companies.

PARENT CONFERENCES

The Board of Education encourages parent conferences with teachers as an effective means of communication between the home and the school. These conferences provide opportunity for open communication regarding administrative procedures, instructional programs, goals and objectives, and pertinent information regarding student progress.

Teachers have a responsibility to meet with parents to discuss student problems and progress. When a parent requests a conference with a teacher, the teacher shall make every effort to arrange a mutually convenient time. Such conferences should be scheduled around the school day so as not to interfere with the instructional process. Teachers should notify the appropriate Building Principal in advance of such conferences.

Adoption date: March 25, 2003

E-MAIL GUIDELINES FOR TEACHER AND PARENT COMMUNICATION

The Smithtown Central School District recognizes that electronic mail (e-mail) is a valuable communication tool that is widely used across our society. Staff members are provided with district e-mail accounts to improve the efficiency and effectiveness of communication both within the organization and with the broader community.

General E-Mail Guidelines for Parent Communication

Staff using e-mail to correspond with parents must adhere to the following:

- E-mail must never be used to discuss contentious, emotional or highly confidential issues. These issues should be dealt with face-to-face or by the phone.
- E-mail messages to parents should be consistent with professional practices for other correspondence. This includes grammar, format and salutation.
- All e-mails that reside on the district servers are not confidential. E-mail messages may be requested by the public under the Open Records Act.
- Using e-mail as a communication tool with parents is voluntary. A parent cannot require that a staff member correspond via e-mail. Similarly, a staff member cannot make e-mail the only option for communicating with parents.
- E-mails should be short and directional in nature and only include facts.
- E-mail parents only when they have agreed that e-mail is an appropriate form of communication and they have volunteered their e-mail address.

Examples of Acceptable Use of Parent Communication

- E-mail should be used for general information such as: class activities, curriculum, assignments, tests, deadlines and special events.
- To arrange for a meeting/telephone call regarding a student issue including a general description of the issue, e.g., "I would like to arrange a meeting to discuss your daughter's attendance."
- Follow-up on an issue that has previously been discussed.

Examples of Unacceptable Use of Parent Communication**E-mail should not include:**

- Any discussion related to other students.
- Personal information about other students.
- Specifics about a sensitive student issue which was not initiated by the parent or had not previously been discussed with the parent. (e.g., "I am concerned that your daughter failed the last three tests and was not at school again today.")
- Any discussion related to other staff.
- Any sensitive student information that would normally be discussed face-to-face or by phone. (e.g., "I am concerned that your daughter may have a learning disability.")

Generic E-Mail Response

If a teacher chooses not to use e-mail as a communication tool or feels like the topic is too sensitive for an e-mail reply, here are a few generic responses:

Thank you for your e-mail. The Smithtown Central School District does not use e-mail to discuss student information. In order to best address your concerns and quickly answer your questions, please feel free to call and leave a message for me and the phone number where I can reach you at (insert school phone number) and I will be happy to discuss this with you further.

Thank you for your e-mail. I feel this concern is too sensitive for e-mail. I would prefer to speak in person regarding this matter. In order to best address your concerns and quickly answer your questions, please feel free to call and leave a message for me and the phone number where I can reach you at (insert school phone number) and I will be happy to discuss this with you further.

E-MAIL GUIDELINES FOR PARENTS

E-mail may be a fast and convenient way for you to send messages, but this may not be the case for many of our teachers. Some teachers read their e-mail messages in the morning before school, some read them at the end of the day, and some read them during the school day. Many teachers prefer to use the phone to speak directly to parents.

For these reasons, please remember if you choose to send an e-mail message to a member of our professional staff, you may not get an immediate reply. In fact you may not receive an e-mail reply at all, since the staff members will determine how best to contact you: by e-mail, phone, or to schedule a personal conference.

When using e-mail:

1. Please send only non-vital messages by this medium. For example, do not use e-mail to inform a teacher that your child is leaving early. A teacher may not have time to read your message in a timely fashion. Instead use the telephone to be sure your message is received and clearly understood.
2. Your child's academic progress, learning expectations, or behavioral issues are best addressed through a telephone conversation or by scheduling a personal conference with your child's teacher. An e-mail message on these matters is not appropriate.
3. Please remember that e-mail is not confidential. Confidential information should be conveyed by phone or personal contact.
4. Please identify yourself in the subject line of your e-mail message and, if appropriate, the name of your child.
5. For all medical or health concerns, please contact your child's school nurse by phone.
6. Please keep all contacts professional. Jokes, amusing or special stories, chain letters, or commercial solicitations are inappropriate and reduce valuable teaching time.

Remember that e-mail is a quick way to send a message, but it is not necessarily the best way to get a quick reply.

ALCOHOL DETECTION

The Smithtown Central School District is committed to discouraging and eliminating the use of alcohol by students participating in extracurricular activities. Therefore, any student for whom there is a reasonable suspicion of the use of alcohol prior to or during an extra-curricular, inter-scholastic, or other school-related function, whether conducted on or away from school property, may be required to submit to an alcohol detection test. Parents will provide written consent to the administration of the alcohol detection test prior to the student participating in the extracurricular activity. The District official administering the alcohol detection examination will be trained in the proper use of the device and administration of the alcohol detection test.

This policy shall be implemented in accordance with administrative regulations adopted for that purpose.

It is not the purpose of this policy to conduct random testing of students. The Board of Education and administration intend to have this alcohol detection policy serve as a deterrent to alcohol consumption for students attending school functions.

Adoption date: May 22, 2012

CODE OF CONDUCT

I. Introduction

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 other visitors is essential to achieving this goal.

The district has a longstanding 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.

II. Definitions

For purposes of this code, the following definitions apply.

"Bullying" is a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. This code uses the term bullying (which is usually subsumed under the term "harassment") to describe a range of misbehaviors including, but not limited to, harassment, hazing, intimidation or discrimination.

"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 shall 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. (N.Y. Executive Law §292.21)

"Discrimination" is the act of denying rights, benefits, justice, equitable treatment or access to an individual or to a group of people because of the group, class or category to which that person belongs.

“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.

“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 nine-B of article five 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. (N.Y. Education Law §1125.3)

“Gender” means actual or perceived sex, and a person’s gender identity or expression. (N.Y. Education Law §11.6)

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

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

“Harassment under the Dignity Act” means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits or mental, emotional or physical well being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression) or sex. (N.Y. Education Law §11.7).

“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 a) owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other person acting in a supervisory capacity, to or from school or school activities, or b) 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. (N.Y. Vehicle and Traffic Law § 142)

“School function” means any school sponsored extracurricular event or activity. (N.Y. Education Law §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, as defined in Vehicle and Traffic Law §142. (N.Y. Education Law §11.1)

“Sexual orientation” means actual or perceived heterosexuality, homosexuality or bisexuality. (N.Y. Education Law §11.5)

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

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

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

III. Student Rights and Responsibilities

A. Student Rights

The district is committed to safeguarding the rights given to all students under federal and state 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 actual or perceived 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. Grow, develop, and learn in a safe school environment.

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 directions 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. Report a threat or any potential act of violence without fear of retaliation.

IV. Essential Partners

A. Parents

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community and collaborate with the district to improve 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 legal and 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 and respectful 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.

B. Teachers

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, sexual orientation, gender or sex, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. 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 other teachers concerning growth and achievement.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.
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 in the school or classroom setting.

C. School Counselors

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, sexual orientation, gender or sex.
2. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
3. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
4. Regularly review with students their educational progress and career plans.
5. Maintain confidentiality in accordance with federal and state law.
6. Provide information to assist students with career planning.
7. Encourage students to benefit from the curriculum and extracurricular programs.
8. Make known to students and families the resources in the community that are available to meet their needs.
9. Participate in school-wide efforts to provide adequate supervision in all school spaces.
10. 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.
11. Address personal biases that may prevent equal treatment of all students.

D. Other School Personnel

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, sexual orientation, gender or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Be familiar with the code.
4. Help children understand the district's expectations for maintaining a safe, orderly environment.
5. Participate in school-wide efforts to provide adequate supervision in all school spaces.
6. 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.
7. Address personal biases that may prevent equal treatment of all students.

E. Principals/Administrators

1. Promote a safe, orderly, caring, and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal or other building administrators, ensuring that students and staff have the opportunity to approach the principal with issues and concerns.
3. Maintain confidentiality in accordance with federal and state law.
4. Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
5. Support the development of and student participation in appropriate extracurricular activities.
6. Provide support in the development of the code, when called upon. Disseminate the code and anti-harassment policies.
7. Be responsible for enforcing the code and ensuring that all cases are resolved promptly and fairly.
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 and staff.
11. Investigate building-level complaints of bullying and/or harassment.

F. The Dignity Act Coordinator(s)

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, sexual orientation, gender or sex.
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. Along with the Professional Development Committee, coordinate training in support of the bullying prevention committee.
5. Be responsible for monitoring and reporting on the effectiveness of the district's bullying prevention policy.

6. 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.
7. Address personal biases that may prevent equal treatment of all students and staff.
8. Investigate building-level complaints of bullying and/or harassment when designated by a building principal.

G. Superintendent

1. Promote a safe, orderly, caring, and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Inform the Board about educational trends relating to student discipline.
3. Review with district administrators the policies of the board of education and state and federal laws relating to school operations and management.
4. Maintain confidentiality in accordance with federal and state law.
5. Work to create instructional programs that minimize incidents of misconduct and are sensitive to student and teacher needs.
6. Work with district administrators in enforcing the code and ensuring that all cases are resolved promptly and fairly.
7. Participate in school-wide efforts to provide adequate supervision in all school spaces.
8. 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.
9. Address personal biases that may prevent equal treatment of all students and staff.
10. Investigate, or appoint a designee to investigate, complaints of bullying and/or harassment that are appealed to the Superintendent following an initial investigation by the building principal or the building principal's designee.

H. Board of Education

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, sexual orientation, gender or sex.
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.
4. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code that

- clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
5. Adopt and review at least annually the district's code to evaluate the code's effectiveness and the fairness and consistency of its implementation.
 6. Lead by example by conducting board meetings in a professional, respectful, courteous manner.
 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.
 9. Conduct a hearing regarding a complaint of bullying and/or harassment that is appealed to the board after an investigation by the building principal or building principal's designee and the Superintendent or Superintendent's designee.

V. **Student Dress Code**

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and parents have the responsibility of being familiar with the school district's dress code and presenting the student for attendance at school in acceptable and age appropriate dress and appearance.

Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of age appropriate appearance in the school setting.

DRESS CODE:

1. Clothing, jewelry and footwear should be sensible, safe and not expose any student to danger including the student him/herself. Footwear must be worn at all times for safety reasons.
2. All attire should be worn in good taste and not be distracting or disruptive to the educational process. Brief garments and transparent clothing are not proper attire for the classroom setting.
3. The wearing of clothes or any attire that depicts violence of any nature or that signifies gang affiliation is strictly prohibited. Attire that promotes or displays use of alcohol, tobacco, illegal drugs or sexual innuendo is strictly prohibited as well.
4. Any attire that is offensive in regard to race, creed, color, national origin, gender, sexual orientation or physical or mental disability is prohibited as well as attire that displays that which may be interpreted as vulgar, obscene or libelous.
5. Students are required to wear protective gear/clothing in certain classes as deemed necessary and appropriate by staff for the student's own safety and well-being (as

in labs, technology classes, family and consumer science classes, physical education, etc.).

Individual building practices, consistent with the above dress code policy, shall be distributed by each school's administration in order to inform 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.

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.

VI. Prohibited Student Conduct

The board 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, administration and faculty of the Smithtown Central School District believes that there are several principles that guide behavior both in school and in society. First and foremost is the belief that individuals are responsible for their own actions; they have the ability to make choices and are therefore accountable for them. Just as rewards are one end product of positive acceptable actions, unacceptable actions result in consequences. This code creates a safe, predictable educational environment while preparing students to be responsible members of the community. A second guiding principle of this code is to assure the academic, social, personal, and emotional success of all the students in our schools. Students' actions should reflect respect for themselves, their peers, those who guide them in school, their families and society in general.

To these ends students are encouraged to identify and develop their own unique attitudes, abilities, and interests within the bounds set forth in this code. They must learn to work with others and share with them the privileges and responsibilities of good citizenship. In order to uphold the integrity of the disciplinary process, this code is designed to maintain students' dignity while treating infractions in a consistent manner. It is impossible, however to create examples that are all-inclusive. Therefore, each situation will be evaluated thoroughly by educational staff and administrative discretion will be applied appropriately.

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

- A. Engage in conduct that is disorderly. Examples of disorderly conduct may include but are not limited to:
1. Running in hallways.
 2. Making unreasonable noise.
 3. Using language or gestures that are profane, lewd, vulgar or abusive.
 4. Obstructing vehicular or pedestrian traffic.
 5. Engaging in any willful act which disrupts the normal operation of the school community.
 6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
 7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.
- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct may include but are not limited to:
1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect
 2. Lateness for, missing or leaving school without permission
 3. Not reporting to detention
- C. Engage in conduct that is disruptive. Examples of disruptive conduct may include but are not limited to:
1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
 2. Inappropriate public sexual behavior.
 3. 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 may include but are not limited to:
1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.

2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
 3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
 4. Displaying what appears to be a weapon.
 5. Threatening to use any weapon.
 6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
 7. Intentionally damaging or destroying school district property.
- E. Engage in any conduct that endangers the safety, physical or mental health, morals, or welfare of others. Examples of such conduct may 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. Lying to school personnel.
 3. 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.
 4. 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.
 5. Discrimination, which includes using race, color, creed, national origin, ethnic group, religion, religious practice, sex, gender (identity and expression), sexual orientation, weight or disability to deny rights, equitable treatment or access to facilities available to others.
 6. Harassment, or bullying includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing, demeaning or threatening. Harassment is also the creation of a hostile environment. 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. Hazing, which includes an induction, initiation or membership process involving harassment
 8. Using vulgar or abusive language, cursing or swearing.

9. Smoking and/or possessing a cigarette of any kind including an electronic cigarette, any type of vaporizer, cigar, pipe or using chewing or smokeless tobacco.
 10. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana (including Synthetic Cannabinoids), cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."
 11. Possessing, using, and/or sharing drug paraphernalia.
 12. Inappropriately using, possessing or sharing prescription and over-the-counter drugs.
 13. Gambling.
 14. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
 15. Possessing or distributing pornographic material.
 16. Selling, using or possessing obscene material.
 17. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
- F. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.
- G. Engage in any form of academic misconduct. Examples of academic misconduct may 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 education process in the school or at a school function. Examples of such misconduct include, but are not limited to:
1. Cyberbullying (i.e., inflicting willful harm through the use of any electronic and/or video means).
 2. Threatening or harassing students or school personnel over the phone or internet.

3. Using message boards or websites to convey threats, derogatory comments or post pornographic or other inappropriate pictures of students or school personnel.

I. Alcohol Detection Guidelines

The Smithtown Central School District in compliance with existing BOE School Policy: Section 5290 (Alcohol Detection) and Section 5300 – 12 (Code of Conduct - Student Searches and Interrogations) is committed to discouraging and eliminating use of alcohol by students attending school functions or activities. Students for whom there is a reasonable suspicion of the use of alcohol may be required to submit to alcohol detection.

To ensure the safety and welfare of students, all school officials responsible for making such a determination are required to participate in the Drug Impairment Training for Education Professionals (DITEP). The DITEP program consists of two days of professional development provided by the Suffolk County Police Department at the request of the District. The DITEP program covers the following:

- Drugs in Society
- Policy, Procedures and Rules
- Overview of Alcohol Drug Identification; Categories, Effects and Assessment Process
- Eye Examinations
- Vital Signs
- Divided Attention Tests
- Poly Drugs
- Contacting Parent(s)/Guardian(s)

The school officials tasked with performing alcohol detection include, but are not limited to: Principals, Assistant Principals, Nurses, Counselors, Social Workers and Security.

Procedure for Alcohol Detection

In the event a student or their guest(s) presents with indications of alcohol impairment as described in the DITEP program, school officials will conduct a series of assessments to confirm suspicions. These assessments include physical examinations as described in the DITEP program, and may include the use of an Alcohol Detection Device.

The determination of reasonable suspicion will be based on, but not limited to, any one or more of the following indicators:

- Flushed face

- Red, watery, glassy or bloodshot eyes
- Odor of alcohol on breath, clothing or person
- Slurred speech/unable to follow instructions
- Failure to comprehend questions
- Impaired motor skills (i.e. unsteady feet, swaying, etc.)
- Being combative, argumentative or inordinately jovial while talking
- Lack of awareness in regards to time and place
- Vomiting
- Found in possession of product containing alcohol

If a school official has reasonable suspicion that a student has consumed alcohol, based on one or more of the above indicators or other reasonable indicators, the school official shall request the student submit to a series of assessments as outlined by the DITEP training program. These assessments shall be administered privately by the trained and certified school official in the presence of a witness. Any use of an alcohol detection device must be done after a minimum of fifteen minutes has elapsed from any form of consumption including but not limited to: eating, drinking, use of mouthwash, breath sprays, and/or chewing gum.

If an alcohol detection device is used and the test is positive, unless the student verbally admits alcohol consumption, the school official shall conduct a confirmation test waiting at least fifteen minutes from the first test. If the student admits consuming or the second test results are positive the school official will:

1. Notify the student's parent or guardian and request that the student be returned home under parental supervision
2. Contact emergency medical help if the student is assessed to be at risk for alcohol poisoning and/or in need of medical assistance.

Pursuant to New York State Law, disciplinary action will be taken as indicated by Board Policy 5300 (Code of Conduct), and the administrative regulations outlined in the student handbook. The district administration shall retain positive test records only during the student's enrollment in Smithtown Central School District.

If an alcohol detection device is used and the test is negative, the student may receive permission to resume unrestricted activity providing the school official does not suspect the use of other drugs and/or other disciplinary rules do not apply to the student's untoward behavior. If the school official suspects the use of other drugs as informed by the DITEP program or conduct himself/herself in an appropriate manner, the student will be retained for his/her safety. The school official will contact the student's parent or guardian, describe the situation and request that the student be returned home for disciplinary purposes and/or medical evaluation.

If a student refuses to submit to an alcohol detection device test, the student will be deemed to have tested positive and will be subject to all disciplinary measures as defined by Board Policy 5300 (Code of Conduct). The school official will notify parent(s) or guardian(s) and request that the student be returned home.

Records of students passing, failing or refusing to take an alcohol detection device test as outlined above will be maintained by the District using an Alcohol Detection Device Event Record form but will not be considered a part of the student's permanent academic record. Such records may be used by school personnel only to the extent necessary to administer this policy and the Code of Conduct for before, during and/or after the school day or at school related/sponsored activities. The records and information contained therein shall not otherwise be released to anyone.

SMITHTOWN CENTRAL SCHOOL DISTRICT

**ALCOHOL DETECTION DEVICE
EVENT RECORD**

Location of Violation: _____	Date: _____
Name: _____	Time: _____
Guest of: _____	_____
School: _____	Grade: _____

Basis of Reasonable Suspicion for Consumption of Alcohol – Check All That Apply:
 Flushed Face, Red, watery, glassy or bloodshot eyes, Odor of alcohol on breath, clothing or person Slurred Speech, unable to follow instructions Failure to comprehend questions, Impaired motor skills (i.e. unsteady on feet), Being combative, argumentative or jovial while talking, Lack of awareness in regards to time and place, Vomiting

Found in possession of product containing alcohol: Product: _____

Student when asked if they have consumed alcohol responds: Yes No

Observed by:

Witnessed by:

Alcohol Detection Device testing in accordance with BOE policy 5290

Student voluntarily consents to testing

Student refuses to testing

Parental/Guardian contact regarding testing... Parent/Guardian Name:

Alcohol Detection Device testing results

Initial Contact Time: _____ (confirm no further consumption of any kind)

1st Test Period Time: _____ (at least 15 minutes)

2nd Test Period Time _____ (at least 15 minutes)

Observed by:

Witnessed by:

Reading: _____ positive negative positive by refusal to consent to test

student picked up by parent/guardian student transported to hospital – Time: _____

Name of Parent/Guardian:

Phone number:

If appropriate, document student explanation as to reason for positive test result on back...

VII. Reporting Violations

All students are expected to promptly report violations of the code to a teacher, school 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 building principal, the principal's designee or the superintendent.

All district staff members who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff members who are not authorized to impose disciplinary sanctions are expected to promptly report violations of

the code 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 if warranted, which may include permanent suspension and referral for prosecution.

The building principal or his or 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. The notification will be made by telephone to 911, followed by a written police report.

VIII. Disciplinary Penalties, Procedures and Referrals

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

The code provides a description of a broad range of behavior considered to be student misconduct. The behaviors described should be viewed as those which most frequently cause a disruption to the educational process.

When administering discipline, district personnel should adhere to the following guidelines:

Discipline shall be administered when necessary to ensure the safety of the school, its personnel and its students.

Students shall be treated fairly and with dignity. Discipline shall be based on a careful assessment of the circumstances of each case and may include but not be limited to:

1. Seriousness of the offense
2. Students' age
3. Frequency of the misconduct
4. Students' attitude
5. Potential effect of the misconduct on the social environment and
6. State & Federal Law
7. The effectiveness of other forms of discipline
8. Information from parents, teachers and/or others, as appropriate

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

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

A. Penalties

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

1. Oral warning – any member of the district staff
2. Written warning – bus drivers, hall and lunch monitors, coaches, school counselors, teachers, principal, building administrators, superintendent
3. Written notification to parent –coaches, school counselors, teachers, building administrators, principal, superintendent
4. Detention – teachers, building administrators, principal, superintendent
5. Removal or suspension from transportation – director of transportation, building administrators, principal, superintendent
6. Restriction, removal, or suspension from athletic participation – coaches, building administrators, principal, superintendent
7. Restriction or suspension from social or extracurricular activities – activity director, building administrators, principal, superintendent
8. Restriction or suspension of other privileges – building administrators, principal, superintendent
9. In-school suspension – principal, superintendent
10. Removal from classroom by teacher – teachers, principal, building administrator designated by principal
11. Short-term (five days or less) suspension from school – principal, superintendent, board
12. Long-term (more than five days) suspension from school – principal, superintendent, board
13. Referral to Family Court Diversion Program or Peer Mediation or Youth Court- building principal, Superintendent.
14. Permanent suspension from school – superintendent, board of education.

B. Procedures

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent

necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

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

1. Detention

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

2. Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. A student who becomes a serious disciplinary problem or becomes a danger to himself/herself or jeopardizes the safety of others may have his/her riding privileges suspended by the building principal or the superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.

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

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

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

4. In-school suspension

The board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as the result of a code violation in "in-school suspension." In-school suspension will be monitored by a certified teacher or teacher assistant.

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

5. Teacher disciplinary removal of disruptive students

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

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

with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

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

At the secondary level, the student must be sent to the appropriate administrative office. At the elementary level, the student must be sent to the principal's office.

If the student does not pose a danger or ongoing threat of disruption to the educational process, the student should be warned of the consequences regarding his/her actions. If the misconduct continues the student should be sent to the appropriate administrative office. The teacher will follow up with a referral of the incident, this should occur by the end of the day. An informal conference with the teacher and student should be held within 24 hours of the incident.

The student's parents will be notified in writing within 24 hours that the student was removed from class. This note shall include the reason, as well as the consequence (s). The notice must also state that the parent, upon request, has the right to an informal conference with the principal or the principal's designee.

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

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

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

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

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

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

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

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

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

6. Suspension from school

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

The board retains its authority to suspend students, but places primary responsibility for the suspension of students with the superintendent and the building principals.

Any staff member may recommend to the superintendent or the principal that a student be suspended. This recommendation may be verbal, then followed by a written request. All staff members must immediately report and refer a violent student to the principal or the

superintendent for a violation of the code. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

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

- a. Short-term (5 days or less) suspension from school When the superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, overnight or registered mail, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

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

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

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within 10 business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the superintendent's decision, they must file a written appeal to the board with the district clerk within 10 business days of the date of the superintendents' decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

b. Long-term (more than 5 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 fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.

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

An appeal of the decision of the superintendent may be made to the board that will make its decision based solely upon the record before it. All appeals to the board must be in writing and submitted to the district clerk within 30 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 within 30 days of the decision.

c. Permanent suspension

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

C. Minimum Periods of Suspension

1. Students who bring a weapon to school

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

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

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

2. Students who commit violent acts other than bringing a weapon to school

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

D. Referrals

1. Counseling

The administrator should make all referrals of the student to the school counselor, school psychologist or social worker.

2. PINS Petitions

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

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.

- b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
- c. Knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

3. Juvenile Delinquents and Juvenile Offenders

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

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

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

IX. Alternative Instruction

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

X. Discipline of Students with Disabilities

The board 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 enjoy certain procedural protections whenever 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.

This code 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.

A. Authorized Suspensions or Removals of Students with Disabilities

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

A "suspension" means a suspension pursuant to Education Law § 3214.

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 or herself or others.

An "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 precipitating 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 from his or her current educational placement as follows:
 - a. The board, the district (BOCES) superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
 - b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
 - c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for

separate incidents of misconduct, as long as those removals do not constitute a change of placement.

- d. 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, or has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district's jurisdiction.

- 1) "Weapon" means the same as "dangerous weapon" under 18 U.S.C. § 930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length."
- 2) "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.
- 3) "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed healthcare professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
- 4) "Serious Bodily Harm" means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

3. 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.

B. Change of Placement Rule

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:

- a. For more than 10 consecutive school days; or
 - b. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year 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.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

C. Special Rules Regarding the Suspension or Removal of Students with Disabilities

- 1. The district's Committee on Special Education shall:
 - a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

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

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

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

2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

- a. The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
- b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
 - 1) Conducted an individual evaluation and determined that the student is not a student with a disability, or
 - 2) Determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.

3. The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.

The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.

7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

D. Expedited Due Process Hearings

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:
 - a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
 - b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
 - 1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
 - 2) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five business

days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

E. Referral to law enforcement and judicial authorities

In accordance with the provisions of IDEA and its implementing regulations:

1. The district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
4. 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, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

XI. Corporal Punishment

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

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

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

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

XII. Student Searches and Interrogations

The board 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 code. Students are not entitled to any sort of "Miranda" type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the board authorizes the superintendent, building principals, the school nurse and district security officials to conduct searches of students and their belongings, if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the code (exceptions set forth below in A and B).

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 he/she violated the law or the code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

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

A. Student Lockers, Desks, Files stored on district computers and network servers and other School Storage Places

The rules in this code regarding searches of students and their belongings do not apply to student lockers, desks, files stored on district computers and network servers 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, files stored on district computers and network servers and other school storage places may be

subject to search at any time by school officials, without prior notice to students and without their consent.

B. Strip Searches

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket, socks, cap, shoes, or sweatshirt. Strip searches may not be conducted by any school representative or official.

C. Confiscating Cell Phones

Teachers and administrators are authorized to confiscate student cell phones that are being used in violation of the code.

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

The building principal or the principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the items 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; or
3. Been invited by school officials (with consent from the child's parent or guardian).

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

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

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

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 cooperate pursuant to applicable law and regulation with local child protective services workers who wish to conduct interviews of students on school property who are named as victims in reports of suspected abuse or maltreatment or who are siblings or children residing in the same home as the named victims.

All requests by child protective services to interview a student on school property shall identify the student to be interviewed and be made directly to the building principal or his or her designee. The principal or his or her designee shall reasonably set the time and place of the interview. All child protective services workers must provide professional identification and comply with all applicable policies relating to visitors to a school. With regard to the district's right to be present at any interview conducted on school premises, the principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and

the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

A child protective services worker may not remove a student from school property without a court order or without a parent's consent, unless the worker has a reasonable basis to believe that the student would be subject to imminent danger of abuse or harm if he or she were not removed from school before a court order can reasonably be obtained. Prior to removal from school, the Superintendent must be notified.

XIII. Visitors to the Schools

The board recognizes that the primary purpose of our schools is the education of its students. Since schools are a place of learning, certain limits must be set concerning visits to the schools to minimize disruption of the educational process and to ensure a safe environment for all.

Any requests for visitation must be pre-arranged with the building principal or his/her designee, and can only be allowed in a manner that minimizes disruption of the educational process. The building principal or his/her designee is responsible for all persons in the building and on the grounds.

For these reasons, the following rules apply to all visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the schools must report to the greeter (and/or security guard) upon entering the school and sign in. At that time, they will receive a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must surrender the badge and sign out upon leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings, concerts, plays, etc., are not required to register.
4. No one is permitted to bring items to a child's classroom that the child has forgotten at home, (such as lunch money, lunch, books, musical instruments, projects, etc.), so as not to disrupt classroom activities. These items should be brought to the main office/or greeter and appropriate school personnel will see that the child receives the item.
5. Class time and special school functions are not appropriate times to discuss individual matters or concerns with the teacher. All personal conference should take place at pre-arranged times.

6. Any unauthorized person(s) on school property will be reported to the principal or his/her designee and asked to leave the premises immediately. The police can and will be summoned if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code.

XIV. Public Conduct on School Property

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions.

For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including students, teachers and district personnel.

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

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

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including 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, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.
16. Smoke a cigarette, cigar, pipe, electronic cigarette, or use chewing or smokeless tobacco including any type of vaporizer.

B. Penalties

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

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

C. Enforcement

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

When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person. The district shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

XV. Dissemination and Review

A. Dissemination of Code of Conduct

The board will work to ensure that the community is aware of this code 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 a complete code 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 when they are first hired.
6. Making copies of the code available for review by students, parents and other community members.
7. Providing copies of an age appropriate, plain language summary of the code in student registration materials.

The board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the code. 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 Code of Conduct

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

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

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

The code 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.

Revised: June 26, 2012

Revised: July 13, 2016

CHILD ABUSE, MALTREATMENT OR NEGLECT IN A DOMESTIC SETTING

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

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

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

- Teacher
- Guidance counselor
- Psychologist
- Nurse
- Social Worker
- Full or part-time paid athletic coach
- Administrator
- Any school personnel required to hold a teaching or administrative license or certificate.

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

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

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

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

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

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

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

The Board recognizes that knowingly reporting a false claim of child abuse is a violation of state law and this policy acknowledges that it is a crime to do so. The district will make every reasonable effort to ensure the integrity of the district's child abuse reporting process and procedure.

School District Relationship with Local Social Service District

The school district will cooperate to the extent possible with authorized child protective services workers in investigations of alleged child abuse. The Superintendent, or his or her designee, will represent the district when collaborating with local social service agencies to address instances of abuse or maltreatment, and in the development of policy and procedures regarding abuse or maltreatment (including educational neglect). In addition, the Superintendent will share a copy of the district's attendance policy, 5100, with the local social service district.

Training Program and Dissemination of Information

The school district shall maintain an ongoing training program which will address the identification and reporting of child abuse and maltreatment, including the legal implications of reporting and not reporting. Attendance at sessions of this training program shall be required of all school officials. Attendance records shall be kept, and notations will be made in personnel files as to the dates of attendance.

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

As required by state law and regulation, the district shall publicize the toll-free number for reporting child abuse and neglect to the Central Register (800-342-3720), and directions for accessing the NYS Office of Children and Family Services website (<http://ocfs.ny.gov/main/cps/>), in both English and Spanish.

Cross-ref: Attendance, 5100

Ref: Child Protective Services Act of 1973, Social Services Law §§411 et seq.
Social Services Law §34-a
Family Court Act §1012
Family Educational Rights and Privacy Act, 20 U.S.C. §1232g, 45 CFR §99.36
Education Law §§409-1; 3209-a, 3036
Penal Law 240.50
8 NYCRR §100.2(nn)

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Revised: March 10, 2015

Revised: November 14, 2017

CHILD ABUSE IN AN EDUCATIONAL SETTING

The Board of Education recognizes that children have the right to an educational setting that does not threaten their physical and emotional health and development. Child abuse by school personnel and school volunteers violates this right and is strictly prohibited.

Allegations of child abuse by school personnel and school volunteers must be reported in accordance with the requirements of Article 23-B of the Education Law (Article 23-B) and this policy.

Required Reporters

All persons holding any of the following positions are required to promptly report written and oral allegations of child abuse in an educational setting in accordance with this policy and Article 23-B:

- school board member
- teacher
- school nurse
- school guidance counselor
- school psychologist
- school social worker
- school administrator
- other school personnel required to hold a teaching or administrative license or certificate
- licensed and registered physical therapist
- licensed and registered occupational therapist
- licensed and registered speech-language pathologist
- teacher aide
- school resource officer

For purposes of this policy, persons holding the above-listed positions are referred to as "required reporters."

All persons holding any of the following positions are also required to promptly report written and oral allegations of child abuse in an educational setting in accordance with this policy and Article 23-B:

- a school bus driver employed by a person or entity that contracts with the District to provide transportation services to children
- a supervisor who is employed by a person or entity that contracts with a school to provide transportation services to children

Volunteers and other District employees may, of course, report allegations of child abuse allegedly committed by District staff or volunteers in accordance with the requirements for required reporters as set forth in this policy and are encouraged to do so.

Definitions

For purposes of this policy, “educational setting” means the buildings and grounds of the District, the vehicles provided by the District directly or by contract for the transportation of students to and from school buildings, field trips, co-curricular and extra-curricular activity sites, and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

“Child” means a person under the age of 21 enrolled in a school district, public school, charter school, nonpublic school, board of cooperative educational services (BOCES), special act school district, approved preschool special education program, approved private school for the education of students with disabilities and State-operated or State-supported schools in accordance with the Education Law.

“Employee” means any person: (a) who is receiving compensation from the District; or (b) whose duties involve direct student contact and (i) who is receiving compensation from any person or entity that contracts with the District to provide transportation services to children; or (ii) who is an employee of a contracted service provider or worker placed within the District pursuant to a public assistance employment program pursuant to Social Services Law Article 5, Title 9-B.

“Volunteer” means any person, other than an employee, who has direct student contact and: (a) provides services to the District; or (b) provides services to any person or entity that contracts with the District to provide transportation services to children.

“Child abuse” means any of the following acts committed by an employee or volunteer against a child in an educational setting: (a) intentionally or recklessly inflicting physical injury, serious physical injury or death; (b) intentionally or recklessly engaging in conduct that creates a substantial risk of such physical injury, serious physical injury or death; (c) child sexual abuse in violation of Penal Law Article 130 or Article 263; or (d) the commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Penal Law Article 235.

If a required reporter or any other District employee has a question as to whether alleged conduct constitutes “child abuse,” he or she must promptly raise the question to the Principal of the building where the abuse is alleged to have occurred (or, if the alleged abuse did not occur in a school building, to the Principal of the school building attended by the alleged victim). The Principal must consult Article 23-B or the school attorney, if necessary, to determine whether the allegations constitute child abuse.

The “written report” referenced in this policy is the “Child Abuse in an Educational Setting” report form developed by the State Education Department. Each Building Principal must keep a supply of these report forms available in his or her office.

Reporting Requirements for Required Reporters

A required reporter who receives an oral or written allegation that a child has been subjected to child abuse by an employee or volunteer in an educational setting must: (a) promptly complete a written report; and (b) promptly personally deliver a copy of the written report to the Principal of the school in which the child abuse allegedly occurred (or, if the Principal received the allegation and completed the report form, the Principal must promptly personally deliver a copy of the written report to the Superintendent, unless the Superintendent is the alleged abuser). If the alleged abuse did not occur in a school building, the reporter must file the report with the Principal of the school attended by the alleged victim. In no event may a required reporter wait more than one workday from his/her receipt of the allegation to file the written report with the appropriate Principal.

If the employee against whom an allegation is made is the Principal, the required reporter must personally deliver a copy of the written report to the Superintendent, not the Principal, within one workday of the reporter's receipt of the allegation.

If the alleged abuser is an employee or volunteer of another school district, the required reporter must promptly send the written report to the Superintendent of the district where the alleged child victim attends school and to the Superintendent of the district where the abuse allegedly occurred (if different). If the allegation involves a school that is not a school district or public school, the required reporter must promptly notify the appropriate school administrator(s), in addition to any appropriate Superintendent.

Where an employee is required to report an incident of child abuse in an educational setting to the vulnerable persons' central register pursuant to Social Services Law Article 11 and he or she reports an incident pursuant to that law, the employee will be deemed to have complied with the reporting requirements set forth in this policy and in Article 23-B.

Reporting Requirements for Providers of Transportation Services

If an oral or written allegation of child abuse is made to a school bus driver employed by a person or entity that contracts with the District to provide transportation services to children, the driver must promptly report or cause a report to be made to his or her supervisor.

If an oral or written report or allegation of child abuse in an educational setting is made to a supervisor employed by a person or entity that contracts with the District to provide transportation services to children from a person employed by the contracted person or entity, the supervisor must promptly complete a written report and must promptly personally deliver the written report to the Superintendent of the school district where the child abuse allegedly occurred (except, if the Superintendent is the employee against whom the allegation is made, the supervisor must promptly personally deliver the written report to the Principal of the school attended by the alleged victim) or, for a school that is not a school district or public school, to the school administrator of the school where the child abuse allegedly occurred.

Duties of the Principal/Superintendent

Upon receiving a written report, the Principal must determine whether there is reasonable suspicion to believe that an act of child abuse has occurred. In those circumstances where the Superintendent receives the written report directly, the Superintendent will be responsible for making the reasonable suspicion determination. If the person making the allegation of abuse is someone other than the child or the child's parent, the Principal/Superintendent must contact the person making the report to obtain the source and basis for the allegation.

If the Principal/Superintendent determines that there is reasonable suspicion to believe that an act of child abuse has occurred, he or she must: (1) promptly notify the parent of the alleged child victim that an allegation of child abuse in an educational setting has been made regarding the child (by phone, if possible, and in writing, by overnight mail), except where the parent originally reported the alleged abuse; (2) promptly provide the parent with a written statement setting forth parental rights, responsibilities and procedures pursuant to Article 23-B in accordance with the regulations of the Commissioner of Education; (3) where the Principal receives the written report, the Principal must promptly provide a copy of the report to the Superintendent; and (4) promptly forward the written report to the appropriate law enforcement authorities.

In no event may the Principal delay in sending the report to law enforcement because of an inability to contact the Superintendent.

Additional Duties of the Superintendent

The Superintendent must send to the Commissioner of Education any written report forwarded to the local law enforcement authorities where the employee or volunteer alleged to have committed an act of child abuse holds a certification or license issued by the State Education Department.

A written report of child abuse in an educational setting that does not, after investigation, result in a criminal conviction must be expunged from any record that may be kept by the District regarding the subject of the report after a period of five years from the date that the report was prepared or at such earlier time as the District determines.

Rights of Employees and Volunteers

Employees. Pending resolution of the allegations, no employee against whom an allegation of child abuse has been made may be permitted to have unsupervised contact with any District student. Any employee who has adverse action taken against him or her by virtue of or in connection with any written report of child abuse in an educational setting is entitled to a copy of the written report and to respond to the allegations set forth in the report.

Volunteers. Pending resolution of the allegations, no volunteer against whom an allegation of child abuse may be permitted to render volunteer services to the District. Any volunteer who has adverse action taken against him or her by virtue of or in connection with any written report

of child abuse in an educational setting is entitled to a copy of the written report and to respond to the allegations set forth in the report.

Confidentiality

All reports and other written material submitted pursuant to this policy or pursuant to Article 23-B must be kept confidential and may not be redisclosed except (a) to law enforcement authorities involved in investigating the alleged abuse; (b) as expressly authorized by law; or (c) pursuant to a court-ordered subpoena. The Principal and Superintendent must exercise reasonable care to prevent unauthorized disclosure.

Penalties

Willful disclosure of a written record required to be kept confidential to a person not authorized to receive or review the record is a class A misdemeanor and may also subject the individual to disciplinary actions in accordance with law and any applicable contract or collective bargaining agreement.

Required Reporters. Willful failure of a required reporter to submit a written report of alleged child abuse as required by Article 23-B is a class A misdemeanor and may also subject the individual to disciplinary action in accordance with law and any applicable contract or collective bargaining agreement.

Administrators. Willful failure of a Principal or Superintendent to submit a written report of alleged child abuse to an appropriate law enforcement authority where required by Article 23-B is a class A misdemeanor and may also subject the individual to disciplinary actions in accordance with law and any applicable contract or collective bargaining agreement.

The law also prohibits a Principal or Superintendent from agreeing to withhold from law enforcement authorities, the Superintendent or the Commissioner of Education (where appropriate) the fact that an allegation of child abuse in an educational setting on the part of any employee or volunteer has been made in return for the employee or volunteer's resignation or voluntary suspension from his or her position. A violation of this prohibition is a class E felony.

In addition, the Commissioner of Education may, following an administrative determination, impose a civil penalty of up to five thousand dollars on any Principal or Superintendent who fails to submit a report of child abuse to an appropriate law enforcement authority where required by Article 23-B.

Record Retention

Any report of child abuse by an employee or volunteer that does not result in a criminal conviction must be expunged from the District's records with respect to the subject of the report after five years from the date the report was made.

Immunity

Any employee, volunteer, or supervisor employed by a person or entity that contracts with the District to provide transportation services to children, who reasonably and in good faith makes a report of an allegation of child abuse in an educational setting in accordance with Article 23-B will be immune from civil liability.

Training

The Superintendent is responsible for establishing and implementing on an ongoing basis a training program for all required reporters in accordance with the requirements set forth in Article 23-B and the Commissioner's regulations.

All school bus drivers employed by any person or entity that contracts with the District to provide transportation services to children must complete two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment. The coursework or training must be obtained from an institution or provider that has been approved by the State Education Department to provide such coursework or training. The coursework or training must include information regarding the physical and behavioral indicators of child abuse and maltreatment and the statutory reporting requirements set forth in Social Services Law Section 413-420. Each covered bus driver must provide the Superintendent with documentation showing that he or she completed the required training. In addition, each school bus driver must provide such contracting person or entity with documentation showing that he or she completed the required training. The State Education Department is authorized to request these records on a periodic basis and may publish a list of any persons or schools that are not in compliance with this requirement on its website.

The coursework or training required by this policy and by Article 23-B does not apply to those persons already required to undergo coursework or training regarding the identification and reporting of child abuse and maltreatment pursuant to Education Law 3003 (certification of superintendents) or 3004 (certification of teachers).

Ref: Education Law §§1125-1133
8 NYCRR §100.2(hh) (Reporting of Child Abuse in an Educational Setting)

Adoption date: March 25, 2003

Reviewed: August 30, 2019

Revised: November 12, 2019

STUDENT GIFTS AND SOLICITATIONS

Only those organizations granted approval by the Board of Education shall have permission to solicit donations and contributions from students. All fund-raising activities must be voluntary and in accord with the Rules of the Regents and the State Education Department's "Guidelines Relating to Solicitation of Charitable Donations from Children".

The following constitute permissible indirect forms of solicitation, and the Board has the authority to determine which, if any, forms it will allow:

1. the sale of tickets to a social, musical, or athletic event where a portion of the funds go to a charitable purpose;
2. the recruitment of students during school hours to participate in fund-raising activities to be conducted off school premises and/or when school is not in session. School personnel are permitted to hang posters or distribute flyers notifying students of these activities. However, school personnel may not act as a conduit and collect funds from students on behalf of a charity for which they recruited; and
3. the placement of a bin or collection box in a hallway or other common area for the voluntary donation of food, clothing or money.

Cross-ref: 1510, School Related Fund Raisers

Ref: NYS Constitution, Article 8 §1
Education Law §414
Rules of the Board of Regents §19.6
Guidelines Relating to Solicitation of Charitable Donations from School Children,
SED, January 1994
Matter of Schanbarger, 11 EDR 70

Adoption date: March 25, 2003

**SCHOOL DISTRICT COMPLIANCE
WITH COPYRIGHT LAW**

The Board of Education acknowledges the necessity of complying with federal laws governing the use of copyrighted material.

Infringement on copyrighted material, whether prose, poetry, graphic images, music, video or computer code, is a serious offense against federal law and contrary to the ethical standards required of staff and students alike.

The Board therefore requires that all reproduction of copyrighted material be conducted strictly in accordance with applicable provisions of law. Unless otherwise allowed as "fair use" under federal law, permission must be acquired from the copyright owner prior to reproduction of material in any form. Appropriate notices will be posted at work sites and on all copy machines reminding employees of the copyright law.

The Superintendent of Schools is responsible for developing a regulation which provides necessary guidelines for ensuring adherence to this policy.

Ref: 17 U.S.C. §§101; 106; 107; 117; 201; 302
Basic Books, Inc. v. Kinko's Graphics Corp., 758 F. Supp. 1522 (SDNY 1991)
H.R. Rep. No. 94-1476, 94th Cong., 2d Sess. (1976)

Adoption date: March 26, 2002

CONFLICT OF INTEREST

The Board of Education is committed to avoiding any situation in which the existence of simultaneous, conflicting interests in any officer or employee may call into question the integrity of the management or operation of the school district. Therefore:

No person employed by the district shall hire, supervise, evaluate, promote, review or discipline any other employee who is a member of the same family. In the event that marriage, promotion, or reorganization results in a situation not in compliance with this policy, reassignment or transfer will be effected, in accordance with the applicable provisions of any collective bargaining agreement, to correct the situation.

No person employed by the district shall negotiate or execute any contract on behalf of the district for the purchase, sale or lease of real or personal property, services of any nature, nor for insurance without first having determined the common price for such property, services or insurance, or requesting bids from all potential providers of such property, services or insurance.

No person employed by the district shall allow any matter, concern or interest, personal, financial or otherwise, to influence or interfere with the performance of his or her duties. Should such a matter, concern or interest arise, the employee shall bring the matter to the attention of his or her supervisor to seek ways to reduce or eliminate the influence or interference.

No employee, officer, or agent will participate in selecting, awarding, or administering a contract supported by a federal award if he or she has a real or apparent conflict of interest. These conflicts could arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of these parties has a financial or other interest in or a tangible personal interest benefit from a firm considered for a contract. Employees, officers, and agents will not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. The District may, however, set standards for situations where the financial interest is not substantial or the gift is an unsolicited item of nominal value.

The Board affirms its commitment to adhere scrupulously to all applicable provisions of law regarding material conflicts of interest.

Board members, employees, and agents must disclose any potential conflict of interest which may lead to a violation of this policy to the District. Upon discovery of any potential conflict of interest, the District will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

The District will also disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery, or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

Employees and agents found to be in violation of this conflict of interest policy will be subject to disciplinary action up to and including termination, consistent with substantive and procedural due process and as permitted by applicable Board policy, State law, and/or applicable provisions of the collective bargaining agreement.

Any officer, employee or member of the public noting or suspecting a violation of this policy is encouraged to bring the matter, either in confidence or in public, to the Board or the Superintendent of Schools.

9120.1

Cross-ref: 2160, School Board Officer and Employee Ethics
6700, Purchasing

Ref: Education Law §§ 410, 3016
General Municipal Law Art. 18, §§ 801-813
Labor Law §201-d
Dykeman v. Symonds, 54 AD2d 159 (4th Dep't 1976)

Adopted: March 26, 2020
Reviewed: August 2018
Revised: November 12, 2019
Revised: March 27, 2020

STAFF-STUDENT RELATIONS

The Board of Education expects teachers and administrators to take sincere professional interest in all their students. The teacher who inspires, guides, and helps can have a positive, lasting influence on a student's life. However, such relationships must be on a teacher-student basis; partiality and the appearance of partiality must be avoided. Relationships leading to excessive personal involvement are not compatible with good professional ethics, and will not be condoned.

Adoption date: March 26, 2002

PERSONNEL RECORDS

Information about staff is required for the daily administration of the school district, for implementing salary and other personnel policies, for budget and financial planning, for responding to appropriate inquiries about employees, and for meeting Board of Education, state and federal educational reporting requirements. The Superintendent of Schools or his/her designee is responsible for ensuring that all personnel records are properly maintained and current. All staff members shall have the opportunity to review their own records in the presence of the Superintendent or his/her designee. These records shall be kept in a safe and secure place to assure the confidentiality of such material. To these ends, the Board authorizes and directs the Superintendent to develop and implement the following guidelines.

1. A personnel file will be accurately maintained in the central administrative office for each present and former employee. These files will contain applications for employment; references; and records relative to compensation, payroll deductions, evaluations and such other matters as may be considered pertinent to the purposes of this policy as cited above. Said file may be paper records, electronic or combination.
2. The Superintendent will be the records manager for personnel files and will have the overall responsibility for maintaining and preserving the confidentiality of the files. The Superintendent may, however, designate another official to perform the duties of records management on the understanding that this official is to be held responsible for granting or denying access to records on the basis of these guidelines.
3. Except for information required to be disclosed under the Freedom of Information Law, all personnel records will be considered confidential and not open to public inspection, and access to files will be limited to school and governmental officials authorized by the Superintendent to use the files for purposes of this policy as cited above. No other persons or agencies may have access to information in a staff member's file except when the staff member has given written consent for the release of specific information to a specific person or agency, or when such information is subpoenaed or ordered for release by a court of law.
4. Lists of district employees' names and home addresses will be released only to governmental agencies as required for official reports.
5. A present or former staff member may submit a written request to the appropriate personnel office for an appointment to examine his/her own personnel file during normal office working hours. Personnel file access will not be granted to references provided to the district on a confidential basis prior to employment. Employees will only be permitted to review their files in the presence of the Superintendent or his/her designee. The right of access includes the right to make written objections to any information contained in the file. Any written objection must be signed by the staff member, reviewed by the Superintendent or his/her designee, and will become part of the staff member's file.

6. All data that does not apply presently or meet the standards of current policy on personnel records will be removed. In cases when file information is proved to be in error, correction will be made. The Superintendent or his/her designee will review any removal/correction with the originator, if still employed by the district.
7. No complaint, commendation, suggestion or evaluation may be placed in the evaluation section of a file unless it meets the following requirements:
 - a. the comment is signed by the person making the complaint, commendation, suggestion or evaluation; and
 - b. the Superintendent or employee's Principal or other supervisor has notified the employee that the comment is available in the district office for inspection prior to its placement in the evaluation section.

The employee may offer a denial or explanation of the complaint, commendation, suggestion or evaluation, and any such denial or explanation will become a part of the evaluation section.

The Board has the right of access to personnel records of district employees pursuant to the procedures set out in Part 84 of the regulations of the commissioner of Education. Information obtained from personnel records by members of the Board shall be reviewed in executive session for the purpose of aiding Board members in fulfilling their legal responsibilities in making decisions regarding employee personnel matters (e.g., probationary and tenure appointments, assignments, promotions, demotions, remuneration, discipline or dismissal) or to aid in the development and implementation of personnel policies.

Cross-ref: 1120, School District Records
2110, School Board Powers and Duties

Ref: Education Law §3020-a
8 NYCRR Part 84

Adoption date: March 26, 2002
Revised: January 9, 2018

DRUG-FREE WORKPLACE

The Board of Education prohibits the illegal, improper or unauthorized manufacture, distribution, dispensing, possession or use of any controlled substances in the workplace.

"Workplace" shall mean any site on school grounds, at school-sponsored activities (including off school property), in school-owned or school-approved vehicles, or any place in which an employee is working within the scope of his/her employment or duties and students are under jurisdiction of the school district.

"Controlled substances" shall include all drugs (e.g., narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana) which are banned or controlled under federal or state law, including those for which a physician's prescription is required, as well as any other chemical substance which is deliberately ingested to produce psychological or physiological effects, other than accepted foods or beverages.

The Superintendent of Schools or his/her designee shall implement related regulations which outline the requirements of the federal Drug-Free Workplace Act of 1988.

The school district is committed to maintain a drug-free workplace in compliance with applicable laws. Any employee who violates the terms of the district's drug-free workplace shall satisfactorily participate in a drug abuse assistance or rehabilitation program approved by the Board. If the employee fails to satisfactorily participate in such program, the employee shall be subject to lawful disciplinary action at the discretion of the Board.

Any employee who violates the terms of the district's drug-free workplace policy may also be subject to disciplinary action at the discretion of the Board in accordance with prescribed law, regulations and procedures.

Cross-ref: 3230, Organization Chart
 9610, Staff Substance Abuse

Ref: Drug-Free Workplace Act (DFWA), 41 U.S.C. §§702-707
 Controlled Substances Act, 21 U.S.C. §812
 21 CFR §§1300.11-1300.15
 34 CFR Part 85 (U.S. Dept. of Ed. Regulations under the DFWA)
 Civil Service Law §75
 Education Law §3020-a
 Patchogue-Medford Congress of Teachers v. Board of Education,
 70 NY2d 57 (1987)

Adoption date: March 26, 2002

DRUG FREE WORKPLACE

YOU ARE HEREBY notified that it is a violation of the policy of the Smithtown Central School District for any employee to unlawfully manufacture, distribute, dispense, possess or use on or in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance, as defined in Schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 CFR 1300.11 through 1300.15.

"Workplace" is defined as the site for the performance of work done in connection with a federal grant. That includes any place where work on a school district federal grant is performed, including a school building or other school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; or off school property during any school-sponsored or school-approved activity event or function, such as a field trip or athletic event, where students are under jurisdiction of the school district.

YOU ARE FURTHER NOTIFIED that it is a condition of your continued employment on any federal grant that you will comply with the above policy of the District and will notify your supervisor of your conviction of any criminal drug statute for a violation occurring in the workplace, no later than five days after such conviction.

Any employee who violates the terms of the District's drug-free workplace policy may be subject to disciplinary action at the discretion of the Board in accordance with prescribed law, regulations and procedures.

The Smithtown Central School District is committed to maintain a drug-free workplace in compliance with applicable laws. Any employee who violates the terms of the District's drug-free workplace policy shall satisfactorily participate in a drug abuse assistance or rehabilitation program approved by the Board. If the employee fails to satisfactorily participate in such program, the employee shall be subject to disciplinary action at the discretion of the Board in accordance with prescribed law, regulations and procedures.

Legal Reference: Public Law 100-690, Title V, Subtitle D

TUTORING STUDENTS BY DISTRICT PERSONNEL

Although the Board of Education believes that the district provides a full and sufficient instructional program for all students, it recognizes that students may on occasion desire additional tutoring to supplement the regular classroom instruction. Since district employees may recommend or be recommended by others to tutor district students, the following guidelines are established:

1. any professional staff member accepting employment as a tutor in the district accepts the responsibility of coordinating his/her efforts with the child's full-time teacher(s) and the Building Principal;
2. no professional staff member may accept fees for tutoring his/her own students outside the class period or school day;
3. a professional staff member may be employed as a home teacher to work with any students assigned to him/her by the district;
4. paid tutoring shall be conducted outside regular school hours and off school property; and
5. professional staff members shall be particularly careful to conduct themselves on the highest professional plane with regard to recommending, providing, or referring district students for tutorial services and shall not engage in any unethical practices with regard to these services.

Adoption date: March 26, 2002

Reviewed: August 2017

STAFF SUBSTANCE ABUSE

The Board of Education, recognizing that students are often influenced by teachers and other members of the school's staff, impresses upon staff members the importance of maintaining a high level of professionalism appropriate to their position, which, in turn, shall set a positive example for students.

Since substance abuse has become a national problem, particularly among children and teenagers, the Board believes that school employees must exemplify the positive benefits of a drug-free lifestyle. The Board therefore will not permit the illegal use, including possession, sale and/or manufacture, of alcohol or controlled substances by staff members either in the workplace, or at any time when the effects of such substance(s) may impair the performance of their duties.

Cross-ref: 9320, Drug-Free Workplace

Adoption date: March 26, 2002

DISCLOSURE OF WRONGFUL CONDUCT

The Board of Education ("Board") expects officers and employees of the district to fulfill the public's trust and to conduct themselves in an honorable manner, abiding by all district policies and regulations and by all applicable state and federal laws and regulations.

However, when district officers or employees know or have reasonable cause to believe that serious instances of wrongful conduct have occurred, they should report such wrongful conduct to the Superintendent of Schools ("Superintendent") or the Board. For purposes of this policy, the term "wrongful conduct" shall be defined to include:

- theft of district money, property, or resources;
- misuse of authority for personal gain or other non-district purpose;
- fraud;
- actions that compromise the security and integrity of the district's or state's testing program;
- violations of applicable federal and state laws and regulations; and/or
- serious violations of district policy, regulation, and/or procedure.

Disclosure and Investigation

Employees and officers who know or have reasonable cause to believe that wrongful conduct has occurred or is occurring shall report such mismanagement, fraud or abuse to the Superintendent or the Board, if the allegation involves the Superintendent. Upon receiving a report of alleged wrongful conduct, the district shall take prompt steps to conduct an investigation.

Staff members who suspect that a violation of state testing procedures has occurred by a certified educator, or non-certified individual involved in the state testing program, must report their concerns to the State Education Department in the manner proscribed by the Commissioner of Education, and must also report concerns to the Superintendent or Board. Any Building Principal receiving such a report will relay this information to the Superintendent and Assistant Superintendent for Instruction and Administration.

The Superintendent or the Board or the Superintendent's or Board's designee (e.g., School Attorney, Independent Auditor, etc.) shall maintain a written record of the allegation and conduct an investigation to ensure that the appropriate unit (e.g., auditors, forensic auditors, police, etc.) investigates the disclosure.

Except as otherwise provided in either state and/or federal law, the Board designated officer will make all reasonable attempts to protect the identity of the employee making the disclosure in a confidential manner, as long as doing so does not interfere with conducting an investigation of the specific allegations or taking corrective action.

Pursuant to § 75-b of the Civil Service Law, the District will not dismiss or take other disciplinary action against an employee because the employee discloses to the Superintendent or the Board, or when appropriate, another governmental body information: (1) regarding wrongful conduct that creates and presents a substantial and specific danger to the public health or safety; or (ii) which the employee reasonably believes to be true and reasonably believes constitutes an improper governmental action. "Improper governmental action" means any action by the District or a District employee, or an agent of the District, which is undertaken in the performance of official duties and which is in violation of any federal, state or local law, rule or regulation.

Nothing in this policy is intended to interfere with legitimate employment decisions.

The Superintendent may establish regulations necessary to implement this policy.

This policy and accompanying regulations must be given to all employees.

Adoption date: April 10, 2007

Revised: May 24, 2016

Revised: January 9, 2018