

**NEWBURGH, N.Y.**

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## **Newburgh Enlarged City School District 2015-16 S.A.V.E. Committee Members**

*The Newburgh Enlarged City School District established the S.A.V.E. Committee to ensure that the Code of Conduct is developed and annually reviewed with input from students, teachers, administrators, parent organizations, school safety personnel, and other personnel. The S.A.V.E. Committee, with participation of representatives from the above groups, meets seven times during the year, with additional meetings scheduled as necessary. As part of its advisory functions, the committee recommends to the Superintendent of Schools changes to the Code to be presented at the Board of Education's Annual Public Hearing on the Code of Conduct.*

*The committee membership is to be announced.*

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## **PHILOSOPHY OF RIGHTS AND RESPONSIBILITIES**

The Newburgh Enlarged City School District is committed to maintaining high standards of excellence for all students in all schools. Because we believe that the education of children is a shared cooperative effort, the District is also committed to creating and maintaining high behavior standards by working in partnership with parents, students, families, and the community. We believe that school/family/community partnerships ensure that in-school behavior expectations for students are known and emphasized at home, at school, and throughout the community. We expect our children to receive a quality education and accept our responsibility to emphasize the educational values incorporated in the Qualities of Good Citizenship. We believe that high expectations promote achievement and will support high educational demands. We believe that students of all ages should be assisted in developing responsible behavior and will teach our children through our examples and the rules we set. We believe that students have rights and that with those rights come responsibilities.

The District believes that order and discipline must be a shared responsibility between school, home, and community. Finally, it is our belief that, to be effective, a code of conduct must:

- identify, recognize, and emphasize acceptable behavior;
- identify, recognize, and prevent unacceptable behavior;
- promote self-discipline;
- consider the welfare of the individual as well as that of the school community as a whole;
- promote a close working relationship between parents/guardians and the school staff;
- distinguish between minor and serious offenses, as well as between first-time and repeat offenses;
- provide disciplinary responses that are appropriate to the misbehavior;
- outline procedures to ensure that the District Code of Conduct is administered in a way that is fair, firm, reasonable, and consistent;
- encourage a high regard for every person's right to reasonable hearing procedures and due process, when accused of misconduct;
- comply with the provisions of Federal, State and local laws, as well as the guidelines and directives of the New York State Department of Education and the Board of Regents.

Students, staff, parents and visitors are expected to become familiar with the provisions of the District Code of Conduct (and the rules and regulations adopted and implemented by their individual schools). Students are also expected to abide by the policies set forth in the Code so that every student has the opportunity to grow and develop as a positive, productive, responsible, respectful and caring member of the school community and society.

## DEFINITIONS

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

**Bullying** - means any overt acts by a student or a group of students, or an employee, directed against a student with the intent to ridicule, humiliate or intimidate the student while on school grounds or at a school-sponsored activity, which acts are repeated against the same student over time.

**Classroom** - a room or place in which classes are conducted.

**Cyber Bullying** - is the act of a student tormenting, threatening, harassing, humiliating, embarrassing, or otherwise targeting another student using the Internet, interactive and digital technologies, and/or mobile phones.

**Defamation** - demeaning or harming the reputation of a person or group of persons, including making false representations or derogatory conclusions about a person or group, and may include slurs, epithets, or inappropriate language.

**Discrimination** - is the intimidation or unfair treatment against any person on the basis of actual, or perceived, physical characteristics, race, creed, color, national origin, religion, gender, age, marital status, sexual orientation, or disability. This is not an all-inclusive list.

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

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

- **Gender Expression** – the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice, or mannerisms.
- **Gender Identity** – one's self-concept as being male or female, as distinguished from actual biological sex or sex assigned at birth.

**Harassment** - shall mean 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, or sex.

**Hazing** - includes any intentional or reckless acts directed at an individual or group for the purpose of initiation, affiliation, or maintenance of membership in any school-sponsored club, team, organization, or activity. Hazing activities produce mental or physical discomfort, embarrassment, or humiliation.

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

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

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

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

**Sexual Harassment** - unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature.

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

**Suspension** - the act of a Principal (or Acting Principal), Superintendent of Schools, District Superintendent, or Board of Education, in discontinuing the presence of a student from his/her regular classes.

**Violent Student** - a student under the age of 21 who:

- commits an act of violence upon a school employee, or attempts to do so;
- commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at a school function, or attempts to do so;
- possesses, while on school property or at a school function, a weapon;
- displays, while on school property or at a school function, what appears to be a weapon;
- threatens, while on school property or at a school function, to use a weapon;
- knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function;
- knowingly and intentionally damages or destroys District property.

**Weapon**

1. A firearm, as defined in the Gun-Free Schools Act (18 USC §921), including:
  - a starter gun which will, or is designed to, or may readily be converted to, expel a projectile by the action of an explosive;
  - the frame or receiver of such firearm;

- any firearm muffler or silencer;
  - any destructive device, including:
    - any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having any explosive or incendiary charge of more than one-quarter ounce, mine, or similar device;
    - any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter;
    - any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled.
2. A weapon also includes any other gun (real, imitation, or look-alike), BB gun, paint ball gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, pocket knife, switch-blade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, paint ball gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material, or substance that can cause physical injury or death when used to cause physical injury or death. "Weapon" shall also include any other instrumentality or device defined as a "weapon" under any provision of the New York State Penal Law, or under the U.S. Code.
  3. Objects not normally considered to be weapons (e.g., scissors, pens, pencils, padlocks, trays, utensils, books, etc.) may nonetheless be used as weapons, or used in a manner in which it is reasonably foreseeable that personal injury or property damage would result. Discipline for the use of an instrument used as a weapon may, in the discretion of the Superintendent or designee, coincide with, but not be limited to, the suspension periods governing weapons.

## **ESSENTIAL PARTNERS**

### **The Role of Parents**

Parents are expected to assume primary responsibility for control of their child. The parents may be called upon to actively cooperate with the school in providing the necessary structure to promote their child's social and educational growth. Parents are expected to:

- show an enthusiastic and supportive attitude toward school and education;
- build a good working relationship between themselves and their child;
- teach their child self-respect, respect for the law, respect for others, and respect for public property;
- ensure their child attends school regularly and on time;
- listen to the views and observations of all parties concerned;



- recognize that teachers merit the same consideration and respect that parents expect from their child;
- insist that their child be dressed and groomed in a manner consistent with the student Dress and Grooming code (page 37);
- encourage their child to take pride in his/her appearance;
- insist that their child promptly bring home all communications from school;
- cooperate with the school in jointly resolving any school-related problem;
- inform school officials of changes in the home situation that may affect student conduct or performance;
- inform and update school officials on medical, legal, and other matters that relate to the student in the school setting;
- set realistic standards of behavior for their child and resolve to remain firm and consistent;
- encourage their child to follow the standards of behavior set forth in the District Code of Conduct and school rules when at school or at school functions;
- help their child learn to deal effectively with negative peer pressure;
- provide a place for study and completion of homework assignments;
- demonstrate desirable standards of behavior through personal example;
- foster in their child a feeling of pride for his/her school;
- provide support and positive reinforcement to their child;
- know the school rules and help their child understand them.

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

### **The Role of Non-instructional School Personnel**

Non-instructional school personnel play an important role in the education of students. In view of this responsibility, non-instructional school personnel must:

- promote a climate of mutual respect and dignity for all students, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, that will strengthen each student's positive self-image;
- teach the common courtesies by precept and example;
- treat students in an ethical, responsible, and non-discriminatory manner;
- help students to reach their maximum potential;
- demonstrate desirable standards of behavior through personal example;
- report violations of the District Code of Conduct to the Principal or Acting Principal;
- immediately report and refer violent students to the Principal/designee or Superintendent of Schools;
- address issues of harassment (including bullying) or any situation that threatens the emotional or physical health or safety of any student, employee, or other person lawfully on school property or at a school function;
- address personal biases that may prevent equal treatment of all students

- and staff;
- maintain confidentiality in accordance with federal and state law.

### **The Role of Professional Staff**

Every professional staff member knows that s/he works every day with this nation's most precious commodity - its future generations. In view of this responsibility, the professional staff member must:

- promote a climate of mutual respect and dignity for all students, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, that will strengthen each student's positive self-image;
- plan and conduct a program of instruction that will make learning challenging and stimulating;
- recognize that some disciplinary problems are caused by a student's personal and academic frustrations;
- utilize classroom routines which contribute to the total instructional program and to a student's development of civic responsibility;
- seek to develop close cooperative relationships with parents for the educational benefit of the students;
- distinguish between minor student misconduct best handled by the teacher and major problems requiring the assistance of the administrator;
- teach the common courtesies by precept and example;
- handle individual infractions privately and avoid punishing the group for the misbehavior of one or two students;
- help students cope with negative peer pressure;
- identify changing student behavior patterns and notify appropriate personnel;
- enable students to discuss their problems with them;
- send communications home promptly;
- report to the Principal any student who jeopardizes his/her own safety or the safety of others or of the teacher, or who seriously interferes with the instructional program of the classroom;
- treat students in an ethical, responsible, and non-discriminatory manner;
- help students to reach their maximum potential;
- serve as a surrogate parent in matters of behavior and discipline in accordance with New York State School Law;
- explain and interpret the District Code of Conduct to students;
- enforce the District Code of Conduct in all areas of the school;
- demonstrate desirable standards of behavior through personal example;
- know the support services available to students and refer students who are in need of such services;
- comply with State laws regarding mandated reporting requirements of suspected child abuse in a domestic setting and an educational setting, and corporal punishment;
- in the event of a student's removal from class, inform the student and the Principal of the reason for the removal;
- immediately report and refer violent students to the Principal or Superintendent of Schools;
- address issues of harassment (including bullying) or any situation that

threatens the emotional or physical health or safety of any student, employee, or other person lawfully on school property or at a school function;

- address personal biases that may prevent equal treatment of all students and staff;
- maintain confidentiality in accordance with federal and state law.

### **School Counselors shall, in addition to the above:**

- assist students in coping with peer pressure and emerging personal, social, and emotional problems;
- initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems;
- regularly review with students their educational progress and career plans;
- provide information to assist students with career planning;
- encourage students to benefit from the curricular and extra-curricular programs.

### **The Role of Building Administrators**

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

- seek to develop a sound and healthy and supportive atmosphere of mutual respect that supports active teaching and learning for all students, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex;
- evaluate the program of instruction in their school to achieve a meaningful educational program;
- help their staff self-evaluate their procedures and attitudes in relation to the interactions within their classrooms;
- develop procedures which reduce the likelihood of student misconduct;
- provide the opportunity for students and staff to approach the Principal directly for redress of grievances;
- work with students and staff to formulate school regulations;
- assist staff members in resolving problems which might occur;
- work closely with parents to establish a wholesome relationship between home and school;
- utilize appropriate support staff and community agencies to help parents and students identify problems and seek solutions;
- establish the necessary building security;
- arrange for additional staff supervision during student transition times, if needed;
- assume responsibility for the dissemination and enforcement of the District Code of Conduct and ensure that all discipline cases referred are resolved promptly;
- ensure that students are provided with fair, reasonable, and consistent discipline;
- comply with pertinent State laws governing hearings, suspensions, and

- student rights;
- comply with mandated reporting requirements for corporal punishment, and child abuse in a domestic setting and an educational setting;
- develop behavior guidelines and appeals procedures specific to each assigned school, in harmony with this Code of Conduct;
- maintain confidentiality in accordance with federal and state law;
- demonstrate desirable standards of behavior through personal example.

### **The Role of Dignity Act Coordinators**

- 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;
- identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources;
- coordinate training in support of bullying prevention;
- be responsible for monitoring and reporting on the effectiveness of the district's bullying prevention policy;
- address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, employee, or any person who is lawfully on school property or at a school function;
- address personal biases that may prevent equal treatment of all students and staff.

### **The Role of District Administrators**

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

- reinforce and extend the indicated responsibilities of Principals and make them applicable to the school system for grades K-12;
- recommend to the Board of Education appropriate policy, regulations, and actions to achieve optimum conditions for positive learning;
- ensure that character and civility education are infused into the curriculum, and are being taught;
- develop and implement an effective District Code of Conduct supportable by students, parents, staff, and community;
- demonstrate desirable standards of behavior through personal example;
- provide each teacher with access to or a copy of the District Code of Conduct and anti-harassment policies;
- assume responsibility for enforcement of the District Code of Conduct and ensure that all disciplinary cases referred are resolved promptly and fairly;
- comply with mandated reporting requirements regarding corporal punishment, and child abuse in a domestic setting and an educational setting;
- address issues of harassment (including bullying) or any situation that threatens the emotional or physical health or safety of any student, employee, or other person lawfully on school property or at a school function;
- address personal biases that may prevent equal treatment of all students and staff;

- maintain confidentiality in accordance with federal and state law.

### **The Role of the Board of Education**

As the elected body in charge of the schools, the Board of Education:

- adopts the policies governing the District, including this Code of Conduct;
- ensures that the District Code of Conduct contains clear behavior expectations and disciplinary consequences for students, staff, and visitors;
- ensures that procedures are in place to clearly communicate the District Code of Conduct to students, parents, staff, and the school community;
- ensures that the District Code of Conduct is implemented and enforced in a consistent, reasonable, fair, and equitable manner;
- annually reviews the District Code of Conduct and updates it, as necessary, after at least one public hearing that provides for participation of school personnel, parents, students, and other interested parties;
- sends amendments to the code to the Commissioner of Education within 30 days after their adoption;
- complies with state education law and regulations regarding mandated reporting of suspected child abuse in the educational setting;
- maintains confidentiality in accordance with federal and state law;
- demonstrates desirable standards of behavior through personal example;
- addresses personal biases that may prevent equal treatment of all students and staff.

## **STUDENTS' RIGHTS AND RESPONSIBILITIES**

### **Rights of Students**

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

- be provided with an education that is intellectually challenging and relevant to the demands of the 21st century;
- learn in a supportive environment free from interruption, harassment, discrimination, intimidation, and fear;
- participate in all District activities on an equal basis, regardless of his/her actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression);
- be informed of all District and school rules;
- be guided by a student discipline code which is fairly and consistently implemented.

In addition, students in the Newburgh Enlarged City School District are afforded the following rights:

1. **Student Expression** - Students shall be allowed the opportunity for the free expression of ideas, consistent with rights established by the Federal and State constitutions. However, a student's freedom is subject to limitation in that the constitutional protections will not extend to libelous, slanderous, vulgar, lewd, indecent, or obscene words or images,

- or to words or images which by their very use incite others to damage property or physically injure persons. Any assembly or public expression on school grounds or at school activities that advocates the use of drugs or other substances that are illegal to minors is prohibited. Furthermore, speech which materially and substantially disrupts the work and discipline of the school may be subject to limitation.
2. **School Newspapers** - Participating in the process of publishing school newspapers affords students an opportunity to learn how to report the news events of the school as well as the sincere expression of all facets of student opinion. Any student newspapers and/or publications which are paid for by the District and/or produced under the direction of a teacher as part of the school curriculum are not considered a public forum.
    - **Curricular School Newspapers** - Any school-sponsored newspaper which is part of the adopted English or Journalism curriculum shall be under the direction of an official advisor who shall exercise editorial control over style and content of the student speech within the context of legitimate pedagogical concerns and responsible journalism.
    - **Other School Newspapers** - All material shall be subject to prior review by the official advisor of each school newspaper and by the Building Principal where the newspaper is published, either of which may prohibit the publication of school newspaper materials or articles to the extent that they, (a) clearly endanger the health, safety or welfare of students; (b) imminently threaten to disrupt the educational process of the school; (c) constitute material which is libelous or obscene; and/or (d) threaten any person or group in the school or advocate discrimination/harassment on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
    - **Non-School Publications and Materials** – Publications or materials other than the official school newspaper(s) may be distributed by students at locations beyond the limits of the school grounds and on occasions other than at school-sponsored activities without the authorization of school officials.
  3. **Symbolic Expression** - Students, in light of constitutionally protected free speech rights, may wear political buttons, arm bands, or badges of symbolic expression so long as the same conform to the limits set forth herein under “School Newspapers” and “Dress and Grooming.”
  4. **Student Activities** - All pupils shall enjoy equal access, to the extent of their capabilities, to participation in the various extra-curricular and co-curricular activities sponsored by the District. The privilege of participating in such activities shall be conditioned upon appropriate conduct as established in this Code of Conduct and any rules promulgated specifically for participation in extra- and/or co-curricular activities.
  5. **Student Government** - Students are encouraged to participate in the various student governmental bodies that have been or may be established in our schools. It shall be the duty of the student governmental body to establish reasonable standards for qualification of candidates

to serve in offices of the student government. Elections for student government shall be conducted in accordance with the principles of our democracy and elected student representatives shall work with the faculty, administration, and student body in identifying cooperatively those areas of appropriate student responsibility. All student governmental bodies shall have a faculty advisor and shall be organized pursuant to a specific written constitution, which the students shall participate in formulating.

6. **Student Clubs and Other Student Organizations** - The District encourages students to participate in curriculum-related extra-curricular activity clubs and/or organizations. To the extent that the District authorizes meetings of non-curriculum-related clubs or organizations, the same shall be subject to the constitution of the student government and shall be conducted in accordance with any applicable Federal or State law, as well as Board of Education policy or regulations.
7. **Privacy Rights (Search and Seizure)** - Students in attendance in our public schools are protected against illegal or unreasonable personal searches or seizures of their property by both the Federal and State constitutions. In light of these protections, no student's person or property shall be searched for illegal substances or materials unless the school authorities conducting the search have reasonable suspicion to do so. Lockers and desks assigned to students may be subject to inspection at any time by school officials since such places are not the property of the student, but rather are owned by the District and shared with the student.
8. **Metal Detectors** - In order to maintain a safe and orderly environment and to discourage students from bringing weapons into the schools and school functions, a random search using either fixed or hand held metal detectors may be conducted at the discretion of the Building Principal.
9. **Pregnant Students** - The Board of Education will provide instruction to pregnant students in the same manner as instruction is provided to other students, unless the student's physician determines that the student is disabled and certifies that the student requires home instruction.
10. **Student Grievances and Complaints** - If a student has a grievance or a complaint about a school-related matter, a school employee, or other school official, s/he may submit it, in writing, to the Principal of the school, who shall respond within 10 school days with a written answer or proposed resolution. Grievances or complaints may be appealed in writing to the Superintendent of Schools if the Principal's answer or proposed resolution is not deemed satisfactory by the student. The Superintendent of Schools shall respond to all grievances and complaints within a reasonable period of time following receipt of the written appeal document.
11. **Video Surveillance** - Video surveillance cameras may be used in school buildings in areas where there is no "reasonable expectation of privacy" and on school buses, in order to assist the District to maintain student discipline, to safeguard facilities and property of the District, and for the safety of students, staff, and visitors while on District property.

## **Responsibilities of Students**

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

- accept responsibility for his/her actions;
- respect the rights of others, including their right to secure an education in an environment that is safe, orderly, and disciplined;
- attend school and classes on a regular basis and on time;
- complete class assignments and other school responsibilities by established deadlines;
- use their own ideas, works, creations, and knowledge in completing examinations, projects, reports. Students who cheat and/or plagiarize (use the idea or words of another with full acknowledgment or attribution) will receive an academic sanction which may include receiving a zero on the assignment and not being permitted to redo it;
- show evidence of appropriate progress toward meeting course and/or diploma requirements;
- respect school property, e.g., lockers and desks, and to help keep it free from damage;
- obey school regulations and rules established by school authorities and by the student government body;
- recognize that teachers/administrators assume the role of a surrogate parent in matters of behavior and discipline when at school, as well as during any school-sponsored activities;
- contribute toward establishing and maintaining an atmosphere that generates mutual respect and dignity for all;
- become familiar with this Code of Conduct and seek interpretation of parts not understood;
- actively discourage inappropriate behavior of other students and report the incidents to a teacher or the administration;
- participate, where available, in peer mentoring programs, community service organizations, and the like.

## **EMERGENCY SITUATIONS: PROTECTIVE ACTIONS AND RECOMMENDED PARENTAL RESPONSES**

The District and each school building maintain school safety plans that detail response procedures for possible emergencies. The protocols for emergency response vary based on the particular circumstances. When conditions warrant an emergency response, local law enforcement collaborates with District and building administration to determine the most appropriate response based on the information available and the particular circumstances.

**Building Lockdown** - Students and staff will remain in their current location and no one will be allowed to leave until the situation has been resolved. Students will not be released from school. Parents should not attempt to pick up their children nor should they be present at school. Parents should not call the school. Parents should monitor local radio stations and the District's website for information.



**Building Lockout** – This procedure curtails activity outside of the school building and access to the campus is limited. This procedure allows the school to continue the normal school day.

**Secure the Building** – Controlled access to the building is extended to the campus perimeter. This procedure indicates that a serious situation exists within the building and that all students and staff are to immediately move out of the hallways and into the classrooms. Law enforcement will dictate subsequent actions until the situation has been resolved.

**Short-Term Shelter in Place** – The entire school population moves to a single location or to multiple locations within a school building. The receiving areas of the building will have been checked and declared safe. The students will remain in that location until the situation has been resolved. This is most commonly used during bomb threats and weather emergencies. During Homeland Security Emergencies, students who cannot be sent home because a responsible adult is not home to receive the student will be sheltered at a designated location that will be supervised by District personnel and law enforcement. When a responsible adult is available, the student can be picked up.

**Transfer to Alternate Location or Emergency Shelter** – In the event that the building is evacuated and is not cleared for re-entry, all persons will be directed to an alternative evacuation site as directed by district administration and/or law enforcement.

## **TRAINING ON THE CODE OF CONDUCT**

The District will periodically provide training for essential partners in implementing the Code of Conduct and effective student management strategies in accordance with the responsibilities and expectations of the Essential Partners as set forth in this Code.

In-service training will be provided in a variety of modes, such as school- or District-level meetings and workshops, presentations, joint meetings of designated staff, courses, webinars, and demonstrations of school- or District-wide prevention or intervention strategies or programs.

In keeping with its commitment to maintain children in classrooms and schools to the maximum extent possible, the District will provide training in areas that foster an expansive approach to discipline, such as: 1) professional development and training on classroom management; and 2) ways in which staff will be supported when disciplinary issues arise in the classroom. It also includes ways that engage parents/guardians, such as developing effective systems of communicating with parents, holding school social events, and other activities that engage parents in their children's learning and in the school community.

Periodically, the District will solicit parent, staff, and student input on proactive interventions to be implemented as part of an expansive approach to discipline. The District will also consider conducting a needs assessment of what preventive programs would best meet the needs of the District's schools. The input received

will be considered for developing recommendations for inclusion as part of the Code training activities.

The schedule of training activities will be communicated to the Board of Education, as an essential partner in the implementation of the Code.

### **DIGNITY FOR ALL STUDENTS ACT (D.A.S.A.)**

The Board of Education recognizes that a learning environment that is safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to, bullying, taunting, hazing, and intimidation. The District will, therefore, strive to create an environment free of discrimination and harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission.

The District condemns and prohibits all forms of discrimination and harassment of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex by school employees or students on school property or at school-sponsored events and activities that take place on or off school property. In addition, any act of discrimination or harassment outside of school-sponsored events, which can reasonably be expected to materially and substantially disrupt the educational process, may be subject to discipline (D.A.S.A. Policy #5765 Attached).

### **STUDENT DISCIPLINE CODE**

#### **Positive Behavior Interventions**

The Newburgh Enlarged City School District recognizes that school improvement requires a climate of safety, civility, respect and collaboration. The District also recognizes that all individuals, including students of all ages, have the capacity to grow and change. Insubordinate, disruptive, and even violent behavior does not mean that the individual is innately "bad" or "mean." The District recognizes that societal influences, family values, school practices and cultural practices contribute to a student's behavior and the perception of his/her behavior. The District will help students to develop the social-emotional skills and character to become functioning and productive members of society.

The goal of the District is to help students learn, grow and improve their lives and to attempt to address behavior issues in a positive, proactive manner. This Code of Conduct is intended to be instructive, not punitive, and is based on the principles of progressive discipline and positive behavior interventions prior to removing students from school.

The following are the guiding principles for a positive school climate:

- appropriate behavior can be taught, modeled, and generalized within and across school settings;
- civil behavior modeled by adults is a powerful teaching tool for chil-

dren;

- behavioral issues present a range and, therefore, there are different techniques and interventions along that range;
- there is a variety of reasons for misbehavior and an understanding of these reasons can help prevent or address behavior issues;
- all employees are expected to use discipline in the form of removal from the classroom or school only when necessary and to place emphasis on the students' ability to grow in self-discipline;
- recognition and respect for the diverse population in the schools and community are paramount;
- all children must be assured that they can learn in a non-disruptive atmosphere and be treated in a fair, consistent, and non-discriminatory manner.

Consistent with these principles, each school shall implement age-appropriate student behavior intervention and positive discipline strategies. In addition, before removing students from instruction and before referring students to administration for misbehavior and infractions of this Code of Conduct, the teacher/staff member will utilize one of the following intervention and management strategies, based on his/her professional judgment or discretion, to address/redirect the problem behavior:

- Cuing routines
  - the teacher/staff member should first utilize the cuing routines taught to the class throughout the school year.
  - provide verbal cues for the expected routine, for example: sit down; continue working; stay in your seat; finish your work; speak in a level I voice.
  - provide non-verbal cues for the expected routine, for example: pointing to the displayed classroom rules and expectations; pointing to the directions on the board; tapping a finger on the board.
  - provide wait time for the student response, for example: remember the rules; remember in this class we do (explain expectation); and
  - provide specific positive praise for demonstrating the expected response, by acknowledging and naming what the student did that was expected, for example: you were listening and used a level I voice; now you kept your feet to yourself; you followed my directions.
- Specific error correction procedures (these might be considered when the student is being disruptive or disrespectful or fails to comply with the directions given).
  - calmly restate the problem behavior, for example: you are being loud and disrupting the class.
  - name the student choices, for example: you can either quietly sit down and begin your work, or you can (name choice for redirecting the student's behavior).
  - provide wait time for the student response, by giving the student an opportunity to respond, for example: quiet your voice (pause and breathe); and,

- provide specific positive praise for demonstrating the expected response, for example: thank you, now you are ready for class; you did (say behavior); you are showing you are ready to learn what was expected of you; you chose to follow directions; you did it.
- Proximity control to promote compliance with expected behavior (establishing a physical presence in a non-verbal, non-threatening manner) such as physical positioning near the student in order to support his/her following through on the expected behavior(s), or moving, interacting and scanning, which might or might not involve a verbal interaction.
- De-escalation techniques to diffuse a power struggle (these are ways to stop a power struggle), such as taking a breath and allowing the student to pause, to have an out from the situation.

Additional supports may be used, such as:

- seek assistance through student services, such as guidance counselors, social workers, psychologists, and/or building problem-solving teams, such as building level data team, Olweus leadership team, and/or building level behavior teams;
- attempt to contact parents before the behavior becomes chronic;
- seek assistance through building administration (principal, assistant principal).

The building administrator or his/her designee will implement and monitor measures to assist the responsible student(s) to:

- restore their relationship to the affected person(s);
- restore their relationship to the school community;
- make progress in personally assuming responsibility for their actions
- make amends for their actions;
- reduce the likelihood of repeating the behavior;
- increase empathy for and understanding of the affected student(s).

These measures may include referral to the guidance counselor, participation in one-on-one mediation or group mediation, reading assignment and reflective paper on a relevant topic, making a verbal or written apology, entering into a behavior agreement, providing community service to the school, or making restitution for damages. These types of consequences increase the student's awareness of his/her personal responsibility and develop his/her empathy for the affected person(s). These measures often require agreement of the offender and/or the victim, and may be used together with traditional disciplinary measures when the student is amenable to participating in this process.

The principal must ensure that the student is referred to a building level behavior team in order to review classroom and individual student data in order to identify steps necessary for teaching and reinforcing the expected building routines and/or teaching of replacement behaviors to prevent future disciplinary issues.

Classroom and school wide behavioral expectations are established as a proactive measure. Each building may develop a system of interventions for groups of students with common concerns or at-risk behaviors and specific individualized student interventions based upon unique student needs in order to prevent further removals. Each building shall develop strategies that may be unique to the building in order to address the specialized needs of its students.

The following are resources available to staff to assist in developing social-emotional coping skills and character development:

<http://www.newburghschools.org/rtidept.php>

<http://www.interventioncentral.org/behavioral-interventions>

<http://www.pbis.org>

<http://pbisworld.com>

<http://www.behavioradvisor.com>

[http://www.ies.ed.gov/ncee/wwc/publications\\_reviews.aspx](http://www.ies.ed.gov/ncee/wwc/publications_reviews.aspx)

<http://www.ebi.missouri.edu>

The Newburgh Enlarged City School District has determined that certain acts of misconduct interfere with instruction and/or the safety and welfare of our school students and staff. Although some incidents of misconduct may require removal from the classroom or, in the case of serious acts of misconduct, suspension from school, every effort will be made to deal with misconduct without removing the child from the classroom or suspending the child from school. This is in keeping with the District's goal of avoiding the administration of consequences that interrupt or interfere with learning. However, no student will be allowed to continue disrupting the instruction of the class or interfering with the safety of the school and its staff and students. When disciplinary action is necessary, each case will be reviewed by the person in charge, based on:

1. the student's age and grade level;
2. information from the student(s) and staff involved;
3. the nature and seriousness of the offense;
4. the circumstances that led to the offense;
5. the prior disciplinary and other history of the student;
6. the potential effect of the misconduct on the school environment;
7. the interventions and strategies that have been utilized, and their effectiveness; and
8. other extenuating circumstances, such as the emotional, physical, or mental state of the student.

Appropriate action will be chosen from the consequences provided herein. The incident will also be documented and become part of the student's disciplinary history. Action taken by a teacher will be documented by the teacher in an appropriate classroom record and then kept by the teacher throughout the school year. If the Principal or a designee becomes involved, the incident will be documented in a multi-purpose referral form showing the student's name, the name of the staff member, the date and time of the incident, and a brief description of the incident, including specific actions and words, and disposition.

If a consequence is assigned, the referral will then become part of the student's school file. In addition, academic consequences may be assigned for academic

misconduct, e.g., plagiarism or cheating. Using information about the incident, the severity of the incident, and the prior history of the child, the school personnel in charge will use their professional judgment to select the appropriate consequence from the options available. If, however, the misconduct does not stop, the situation will be re-evaluated. For example, a faculty/staff level response of a warning, if disobeyed, will not necessarily result in a teacher taking class time to continue working with the student at the cost of the other children losing instructional time. The misbehaving child instead might immediately be removed from the classroom (and the incident would move to a building-level offense).

Because the District is committed to maintaining children in classrooms and schools whenever possible, each school will develop and use a proactive process to address misconduct. These processes will be utilized when the misconduct is of a nature that might be resolved by a proactive process as determined by the person in charge. The proactive processes will include conflict resolution and in-school alternatives to suspension. Each school will adopt procedures for the use of these processes that are in keeping with its building philosophy and the age of its students. Besides conflict resolution and in-school alternatives to suspension, other proactive processes will be researched and tailored to meet the needs of the individual school's student population.

In addition to the conflict resolution and in-school suspension alternatives, every member of the Newburgh community has access to a wide variety of community organizations that can assist parents and families in dealing with issues that might affect school behavior. These organizations include, but are not limited to:

1. Newburgh Enlarged City School District, Get Involved!  
<http://www.newburghschools.org/getinvolved.php>
2. Orange County Youth Bureau  
<http://www.orangecountygov.com/youthbureau>
3. Liberty Partnerships Program (SUNY Orange) - 845-562-2494  
<http://sunyorange.edu/nec/programs/libertypartnership.shtml>
4. Best Resource Center – 845-562-2378
5. Orange County Department of Social Services - 845-568-5100
6. Orange County Health Department - 845-568-5333
7. Orange County Crisis Help Line - 1-800-832-1200
8. Orange County Department of Mental Health - 845-291-2600
9. Department of Probation (PINS) – 845-568-5000
10. D.A.R.E./Youth Officer Program - 845-564-1100

Other community organizations are available and a school guidance counselor or social worker can assist students in finding one to meet their individual needs. We encourage students to contact a school guidance counselor to obtain more information regarding appropriate community organizations.

## **DISCIPLINARY CONSEQUENCES**

Consequences will generally begin with the minimum level of response allowed by this Code of Conduct, unless the severity of the offense and/or the student's prior history indicates that a more severe consequence is appropriate. It is ex-

pected that the response selected is intended to end the misconduct and allow the student’s education to continue with minimum disruption. If misconduct continues, other options and/or levels of response will be used until either the misconduct ends or the student is removed to an alternative location and/or program.

If the misconduct was a Level 2 offense with suspension or a Level 3 offense, a parent conference may be recommended prior to the student returning to school.

The following shall constitute appropriate disciplinary consequences/options authorized by this Code of Conduct, one or more of which may be assigned. Each of the three levels listed provides a range of consequences/options. The levels of disciplinary consequences/options are linked to the misconduct descriptions on the chart of acts of misconduct and consequences which follows. The level of the recommended consequence/option is indicated to the right of the misconduct description, in the “Level” column.

**Level 1 Faculty and Staff Options**

- A. Warning (oral or written).
- B. Apology (verbal and/or written) from student to school personnel, another student and/or class.
- C. Confiscation of item (e.g., electronic devices).
- D. Detention.
- E. Suspension of privilege.
- F. Student contract.
- G. Parent conference, in person or by phone.
- H. Conflict resolution.
- I. Removal from the classroom.
- J. Written referral to building administration.
- K. Academic sanction (only for academic infractions).

**Level 2 Building Administration Options**

- A. Level 1 options (A-H).
- B. Mediation with offender and victim.
- C. Reading assignment and reflective paper.
- D. Research assignment on relevant topic.
- E. Community service to school.
- F. Producing informative materials relevant to the offense.
- G. Restitution (paying for replacement or repair).
- H. Suspension from privilege activity (athletics, extra- or co-curricular activity participation, dance, prom).
- I. Suspension from computer/technology access.
- J. In-school suspension (e.g., Pupil Assistance Room [PAR], Student Assistance Center [SAC]).
- K. Suspension from school for up to 5 days.
- L. Suspension from school for up to 5 days and referral for a Superintendent’s Hearing.
- M. PINS (Person in Need of Supervision or JD (Juvenile Delinquent) Referral for repeated incorrigible behavior.
- N. Referral to the police.

### Level 3 Superintendent Options

- A. Suspension from school for more than 5 days after a Superintendent’s Hearing.
- B. Suspension from school for at least one year for possession of a weapon under the Gun-Free Schools Act (subject to the right of the Superintendent of Schools to modify the penalty) or, in the case of a student with a disability for carrying or possessing a weapon while at school, or on school property or at a school function, placement in an interim alternative educational setting for a period of up to 45 school days.
- C. Placement in an interim alternative educational setting for a period of up to 45 school days, in the case of a student with a disability whose knowing possession or use of illegal drugs, or sale or solicitation of the sale of a controlled substance or inflicting a serious bodily injury to another person at a school or a school function is determined not to be related to his/her disability.
- D. Suspension from school for more than 5 days and referral to the police.
- E. Permanent suspension.

If an Alternative to Suspension Program is offered, the building principal may place a student in the Alternative to Suspension Program with the consent of the parent/guardian, by the Superintendent’s written agreement with the parent/guardian, through the Superintendent’s hearing process or by following the procedures of Section 3214(5), Education Law for an involuntary transfer.

### ACTS OF MISCONDUCT AND CONSEQUENCES

Each act of misconduct is listed with authorized levels of consequence. For each act of misconduct there is a minimum level of consequence. A higher level of consequence may result from the severity of the incident, the student’s history, or further information that comes out as the investigation continues. Any time a student does not stop misconduct as directed, the student is insubordinate, which immediately adds the charge of insubordination to the original misconduct charge. Finally, note that a police referral will result from many of the incidents of misconduct described below.

| ITEM | MISCONDUCT DESCRIPTION   | LEVEL |
|------|--|-------|
| 1.   | Homicide: Any conduct that results in the death of another person.   | 3     |
| 2.1  | Forcible Sex Offense: Involving forcible compulsion and completed or attempted sexual intercourse, oral sexual conduct, anal sexual conduct, or aggravated sexual contact with or without weapons, including, but not limited to, rape and sodomy. | 3     |



| ITEM | MISCONDUCT DESCRIPTION   | LEVEL   |
|------|--|---------|
| 2.2  | Other Sexual Offenses: involving inappropriate sexual contact but no forcible compulsion.  | 3, 2, 1 |
| 3.   | Robbery: Forcible stealing from a person by using or threatening the immediate use of physical force upon that person, with or without a weapon.   | 3, 2, 1 |
| 4.   | Assault with Serious Physical Injury: Intentionally or recklessly causing serious physical injury to another person, with or without a weapon, in violation of the District's Code of Conduct. "Serious physical injury" means physical injury which creates a substantial risk of death, or serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of bodily organ. Serious physical injury requires hospitalization or treatment in an emergency room and includes, but is not limited to, a bullet wound, a serious stab or puncture wound, fractured or broken bones or teeth, concussions, cuts requiring stitches, and any other injury involving risk of death or disfigurement. | 3       |
| 5.   | Arson: Deliberately starting a fire with intent to destroy property.   | 3       |
| 6.   | Kidnapping: To abduct a person so as to restrain such person with intent to prevent his or her liberation by either (a) secreting or holding him or her in a place where he or she is not likely to be found; or (b) using or threatening to use deadly physical force with or without a weapon.   | 3       |
| 7.   | Assault with Physical Injury: Intentionally or recklessly causing physical injury (not serious) to another person including, but not limited to, innocent bystanders, with or without a weapon, in violation of the District's Code of Conduct. Physical injury means impairment of physical condition or substantial pain.  | 3, 2, 1 |
| 8.   | Reckless Endangerment: Subjecting individuals to danger by recklessly engaging in conduct that creates a substantial risk of physical injury, but not actual physical injury. Threat and/or possession and/or use and/or sale and/or distribution of a potentially dangerous object - a potentially dangerous object including, but not limited to, a motor vehicle, broken glass, explosive devices, fireworks, and any article or substance which, under the circumstances of threatened use, attempted use, or use, is readily capable of causing death or serious bodily injury on school grounds or at school functions.  | 3       |

| ITEM | MISCONDUCT DESCRIPTION  | LEVEL   |
|------|---|---------|
| 9.   | Minor Altercations (Assaults) involving physical contact and not physical injury. Striking, shoving or kicking another person or subjecting another person to unwanted and/or unprovoked physical contact with the intent to harass, annoy, or alarm another person, but no physical injury results.  | 3, 2, 1 |
| 10.  | Intimidation, Harassment, Menacing, or Bullying Behavior and Not Physical Contact: threatening, stalking, or seeking to coerce or compel a person to do something; intentionally placing or attempting to place another person in fear of imminent physical injury; or engaging in verbal, written or electronic means of communication or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs involving race, ethnicity, national origin, religion, religious practices, gender, sexual orientation, age, or disability, that substantially disrupts the educational process. | 3, 2, 1 |
| 11.  | Burglary: Entering school property with intent to commit a crime.   | 3, 2, 1 |
| 12.  | Criminal Mischief: Intentional or reckless damaging of the property of the school or of another person, including, but not limited to, vandalism and the defacing of property with graffiti.  | 3, 2, 1 |
| 13.  | Larceny or Other Theft Offenses: Unlawful taking and carrying away of personal property with intent to deprive the rightful owner of property. Permanently or unlawfully withholding property from another.   | 3, 2    |
| 14.  | Bomb Threat: A telephoned, written, or electronic message that a bomb, explosive, chemical, or biological weapon has been placed on school property.  | 3       |
| 15.  | False Alarm: Falsely activating a fire alarm or other disaster alarm.   | 3       |
| 16.  | Riot: Four or more persons simultaneously engaging in tumultuous and violent conduct and thereby intentionally or recklessly causing or creating a grave risk of physical injury or substantial property damage or causing public alarm.  | 3       |

| ITEM | MISCONDUCT DESCRIPTION   | LEVEL |
|------|--|-------|
| 17.  | Weapons Possession Only: Possession of one or more of the weapons listed below, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of a teacher or other school personnel as authorized by school officials. Possession includes bringing a weapon to or possessing a weapon at school. Weapons: firearm, including, but not limited to, rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, or spring gun; switchblade knife, gravity knife, pilum knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife; billy club, blackjack, bludgeon, chukka stick, or metal knuckles, sandbag or sandclub, sling shot or slungshot; martial arts instrument including, but not limited to, a kung fu star, ninja star, ninchuck, or shirken; an explosive including, but not limited to, a firecracker or other fireworks; a deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray; an imitation gun; loaded or blank cartridges or other ammunition; or any other deadly or dangerous instrument. | 3     |
| 18.  | Use, Possession, or Sale of Drugs Only: Using or possessing a controlled substance, such as marijuana, on school property, including having such substance on a person or in a locker, vehicle, or other personal space; selling or distributing a controlled substance such as marijuana on school property; finding a controlled substance such as marijuana on school property that is not in the possession of any person; provided that nothing herein shall be construed to apply to the lawful administration of a prescription drug on school property. (A controlled substance includes synthetic cannabinoids).  | 3     |
| 19.  | Use, Possession, or Sale of Alcohol Only: Illegally using or possessing alcohol on school property, including having such substance on a person or in a locker, vehicle, or other personal space; selling or distributing alcohol on school property; or finding alcohol on school property that is not in the possession of any person.   | 3, 2  |
| 20.  | Any violent act against a teacher, staff member, contractors, another student or person in the school, on school property, or at a school function as described in this code.  | 3     |
| 21.  | Committing any criminal offense (misdemeanor, felony, etc.).   | 3, 2  |
| 22.  | Forgery or fraud.  | 3, 2  |
| 23.  | Leaving campus without authorization.  | 3, 2  |

| ITEM | MISCONDUCT DESCRIPTION   | LEVEL   |
|------|--|---------|
| 24.  | Driving recklessly, speeding, failure to follow school crossing guard's or traffic directives on school grounds, or parking in unauthorized areas.   | 3, 2    |
| 25.  | Trespassing on any school property or school function at any time or while suspended from school.  | 3, 2    |
| 26.  | Unauthorized use of a cam-phone, PDA, or other electronic device capable of recording and/or sending an image, taking pictures and/or video recording and/or sending images while in school, on school property, in a District vehicle, or at a school function and/or in violation of privacy rights of others in school or at school activities.   | 3, 2    |
| 27.  | Any mental/physical condition which endangers the health, safety, welfare, and/or morals of students and/or others.  | 3, 2    |
| 28.  | Lewd behavior.   | 3, 2, 1 |
| 29.  | Disorderly conduct - a person who, with intent to cause public inconvenience, annoyance, alarm, or to recklessly create a risk thereof, trespasses, obstructs, fails to disperse, or disrupts others.  | 3, 2, 1 |
| 30.  | Verbal altercation, abusive and/or indecent language (including cursing or swearing) and/or indecent gestures directed at staff, students, or visitors on school grounds or at school functions.   | 3, 2, 1 |
| 31.  | Gambling.  | 3, 2, 1 |
| 32.  | Violation of computer use policy.  | 3, 2, 1 |
| 33.  | Possession of and/or distribution of obscene material.   | 3, 2, 1 |
| 34.  | Insubordination - the refusal to follow the reasonable directive of a person in authority or the violation of this Code of Conduct or any other building or classroom rules, including refusing to identify oneself on request. Persons in authority include, but are not limited to, administrators, teachers, teaching assistants, teacher aides, secretaries, bus drivers, monitors, including bus monitors, custodians, cafeteria workers, security employees. | 3, 2, 1 |
| 35.  | Disturbances outside of the classroom (e.g., lunchroom, recess).   | 3, 2, 1 |
| 36.  | Repeatedly disruptive and/or substantially interferes with the teacher's authority in class.   | 3, 2, 1 |

| ITEM | MISCONDUCT DESCRIPTION   | LEVEL                              |
|------|--|------------------------------------|
| 37.  | Possession and/or use and/or sale and/or distribution of tobacco products and/or dangerous or deadly substances (including, but not limited to, chemicals and inhalants) at school or while at school functions.   | 3, 2                               |
| 38.  | Dressing or grooming in a way that causes disruption or danger, by wearing accessories including, but not limited to, rings, bracelets, chains, belts, hats, and scarves, or by wearing items of an obscene nature, or by wearing items that state or depict matters of a vulgar or offensive nature.              | 2, 1                               |
| 39.  | Unauthorized absence from school, including cutting classes.   | 2, 1                               |
| 40.  | Tardiness to class or school.  | 2, 1                               |
| 41.  | Eating or drinking outside of lunch periods or where prohibited.   | 2, 1                               |
| 42.  | Inappropriate public displays of affection.  | 2, 1                               |
| 43.  | Unauthorized possession, use, and/or display of electronic devices including, but not limited to, lighters, boom boxes, walkmen, light or laser pointers, or any item which does not have an educational purpose and is a potential threat to others or is potentially disruptive to others during the school day. | 2, 1                               |
| 44.  | Unauthorized use or display of beepers, cellular phones, PDAs, and other similar electronic devices.   | 2, 1                               |
| 45.  | Cheating (including plagiarism) in any academic, extra-curricular, or co-curricular activity.  | 1<br>(and<br>academic<br>sanction) |
| 46.  | Disturbances which disrupt instruction.  | 1                                  |

**THE ABOVE LISTING IS NOT INTENDED TO BE ALL-INCLUSIVE. THE ADMINISTRATION RESERVES THE RIGHT TO IMPLEMENT DISCIPLINARY ACTION FOR INCIDENTS NOT SPECIFICALLY IDENTIFIED ABOVE. STUDENTS WHO ENGAGE IN BEHAVIOR DETERMINED TO BE INAPPROPRIATE AND/OR DISRUPTIVE TO THE SCHOOL ENVIRONMENT WILL BE SUBJECT TO DISCIPLINARY CONSEQUENCES.**

**THE REPEATING OF AN INCIDENT OF MISCONDUCT MAY LEAD TO THE IMPOSITION OF THE NEXT MEASURE OF DISCIPLINARY CONSEQUENCE. CHRONIC REPEATING OF INCIDENTS OF MISCONDUCT MAY LEAD TO LONG-TERM SUSPENSION OR PERMANENT SUSPENSION (EXPULSION).**

## REPORTING CODE VIOLATIONS

### **To School Personnel**

Students, professional staff and other District personnel are encouraged to report any violation of the Code of Conduct to the Principal or, in his/her absence, the Acting Principal. Such individuals are required to report any threat of violence, including, but not limited to, bomb threats, threats to person or property, whether by oral, written, or electronic means, to the Principal or, in his/her absence, the Acting Principal. Professional staff and other District personnel shall immediately report violent students to the Principal or the Superintendent of Schools.

### **To Local Law Enforcement Agencies (e.g., Police)**

There are certain behaviors that will not be tolerated under any circumstance and will result in both strict consequences by school personnel and a report to the police. These behaviors include, but are not limited to, the following:

- Threatened acts of violence.
- Any acts of violence against persons that constitute a felony or misdemeanor.
- Any other violation of this Code of Conduct that constitutes a felony.
- All other criminal offenses, e.g., theft, destruction of school property, false fire reports, arson, bomb threats; use, possession, distribution, or sale of drugs or alcohol; possession, use, distribution, or sale of a potentially dangerous or deadly object.
- Stealing or vandalism directed at the school or school personnel.

Parents/guardians will be timely notified of investigations and subsequent conclusions regarding the above named allegations.

In addition, assault on any person in authority in a school will result in criminal charges being filed by the victim with the support of the District to the fullest extent of the law.

Finally, extortion, stealing, or assault directed at another student will result in the victim and his/her parents being advised of their right to press criminal charges.

### **To Human Services Agencies**

The District will report any violations of this Code of Conduct which constitute a crime, when the actor is under the age of 16, to the appropriate human services agencies. When necessary, the District will file a Person In Need of Supervision (PINS) Petition in Family Court, or request that a Juvenile Delinquency Petition be filed by the proper authorities.

## GUN-FREE SCHOOLS ACT

**ANY STUDENT WHO COMES ONTO SCHOOL PROPERTY (OR A SCHOOL EVENT WHETHER ON OR OFF SCHOOL PROPERTY) WITH A FIREARM, AS DEFINED UNDER THIS ACT (SEE DEFINITION OF "WEAPON" ON PAGE 3), WILL RECEIVE A MINIMUM ONE-YEAR SUSPENSION FROM SCHOOL, SUBJECT TO THE DISCRETION**

**OF THE SUPERINTENDENT OF SCHOOLS TO MODIFY THE PENALTY FOR A STUDENT IF THE SUPERINTENDENT BELIEVES THAT THE ONE YEAR OR LONGER SUSPENSION PENALTY IS EXCESSIVE. THE SUPERINTENDENT SHALL MAKE THE DECISION ON A CASE-BY-CASE BASIS, BASED UPON CRITERIA, INCLUDING BUT NOT LIMITED TO:**

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

### **STUDENT ATTENDANCE**

Students are expected to attend school on time, and for the maximum number of days and instructional periods possible, unless they have a valid excuse. Regular attendance is essential for success in school, since good achievement and good attendance go hand-in-hand. Poor attendance and excessive lateness are serious matters which cause the loss of valuable instruction and which are reflected on the student's permanent record. Chronic tardiness and truancy are disruptive to teachers, students, and the educational process.

Students may be subject to discipline for insubordination for unexcused absence, tardiness, and early departure, and subject to disciplinary penalties including, but not limited to, in-school suspension and out-of-school suspension. (The full text of the Comprehensive Student Attendance Policy can be found at page 46).

### **PROCEDURES**

The School District has determined that certain acts of misconduct interfere with instruction and/or safety and welfare of students and staff. Although some incidents of misconduct may require removal from the classroom or suspension from school, effort will be made to deal with misconduct without removal from the classroom or suspension from school. However, no child will be allowed to continue disrupting the instruction of the class or interfering with the safety of the school, its staff, students and visitors. Early in the academic year, teachers will make every effort to familiarize themselves with all readily available information and records about the program placement of the students in their classes. A wide range of behavior modification interventions and time honored management techniques should support students in all of the educational programs, and teacher removal of a disruptive student should only be done following application of these interventions. 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.

## **A. Removal of a Student from the Classroom**

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

### **Elementary Level Removals**

A classroom teacher may remove a student for a minimum of one hour but not more than the remainder of the day, at the discretion of the teacher, upon the first event, and for an additional day upon the second or third events. For a special class (e.g., art, music, physical education), a teacher may remove a student from the classroom for the remainder of the class upon the first event, and for up to two additional class periods upon the second or third events. Upon the occurrence of a fourth event and every event thereafter in a semester, an out-of-school suspension for up to 5 school days shall occur.

### **Secondary Level Removals**

A teacher may remove a student for the remainder of the class upon the first event, for two days of class upon the second event, and for three days of class upon the third event. Upon the occurrence of a fourth event and every event thereafter in a semester, from any class, an out-of-school suspension for up to 5 school days shall occur.

## **B. General Provisions for Elementary and Secondary Level Removals**

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

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

- the teacher must inform the student in class (or within 24 hours of removal where the student is unmanageable at the time of initial removal) of the reason(s) for the removal;
- prior to removal from the classroom (or within 24 hours of removal where the student presents an ongoing threat of disruption or a continuing danger at the time of removal), the teacher shall inform the student of the basis for the removal and allow the student to informally present his/her version of the relevant events;
- the Principal or administrative designee must be notified immediately by the teacher, in writing, using the Multi-Purpose Referral Form, of the student's removal from the teacher's class;
- the Principal or administrative designee must inform the student's par-



ent of the removal and the reasons therefor within 24 hours of the student's removal;

- upon request, the student and his/her parent must be given an opportunity for an informal conference with the Principal or administrative designee to discuss the reasons for removal. If the student denies the charge(s), the Principal or administrative designee must provide an explanation of the basis for the removal and allow the student and/or his/her parent an opportunity to present the student's version of the relevant events within 48 hours of the student's removal;
- the Principal or administrative designee may not set aside the removal unless s/he finds that the charges against the student are not supported by substantial evidence, or that the student's removal otherwise violates law, or that the conduct warrants suspension from school and a suspension will be imposed;
- the Principal or administrative designee's determination on whether or not to support the teacher's removal of the student shall be made by the close of business on the day succeeding the 48-hour period within which the informal Principal's removal conference should take place. The teacher who causes the removal may be required to attend the Principal's conference at the Principal's discretion.

The District shall provide continued educational programming and activities for students who are removed from their classrooms. Educational programming will be complemented with a progressive discipline approach that aims to provide interventions to a student removed from the classroom in order to decrease the likelihood of further removals and to maintain the student within the learning environment, and positive reinforcement for improved behavior.

A system of progressive discipline uses several stages of consequence, each one being more significant than the one that comes before it. As a student moves from initial removal to subsequent removals, the disciplinary action taken by the school becomes more severe but should be accompanied with interventions and supports designed to prevent further removals. It is recognized that the best behavior management systems include both positive recognition and appropriate consequences.

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

### **C. Suspension Process**

The students in the Newburgh Enlarged City School District have certain rights given to them by the New York State Constitution, Education Law, the Policies of the Board of Education, and this Code of Conduct. However, a student's rights may be limited or he/she may be suspended, including permanent suspension, if he/she breaks the rules of this Code of Conduct.

A student may be suspended by the Board of Education, the Superintendent of Schools, or the Principal. When the Principal is not at the school, the Acting

Principal may suspend a student.

1. Article 3(a) of Section 3214 of the Education Law states that a student may be suspended from attending school when that student is insubordinate or disorderly, or exhibits conduct which endangers the safety, morals, health, or welfare of others.
2. Section 100.2(1)(2)(ii)(m) of the Commissioner's Regulations states that a student must be suspended from attending school when that student is removed from a classroom for substantially disrupting the educational process or substantially interfering with the teacher's authority in the classroom four or more times in one semester.
3. The student may also be suspended for breaking any of the disciplinary rules in this Code of Conduct.

### **1. Pre-Suspension Process**

Before a student can be suspended, the Principal or designee must talk to the student and explain why he/she is being suspended. The student will be given the chance to explain his/her side of the story. The student also has the right to have anyone else who can support his/her story talk to the person investigating the facts. If the student's presence in school poses a continuing danger to other people or property or an ongoing threat of disruption to the academic process, this meeting will occur as soon as possible following the suspension.

### **2. The Short-Term Suspension Process**

A short-term suspension will last from 1 to 5 school days, and can only be imposed by the Principal, or the Acting Principal when the Principal is not in the school.

Prior to and within 24 hours of the decision to propose a short-term suspension, the student and his/her parent will receive a letter describing what happened to cause the suspension. The letter will also tell the parent that they can ask for an informal conference with the Principal as soon as possible, at which meeting all the evidence relied on, including witnesses, may be questioned by the parent. Where these witnesses are students, parental consent for a student to serve as a witness must be obtained. The right to an informal conference also applies to any student who is 18 years old or older. Whenever possible, the parent will also receive a phone call explaining the suspension.

The conference will be held in the main language that the parent uses. If the parent communicates through signs or other means, the meeting will also be conducted through those means.

If the student's presence in school poses a continuing danger to other people or property or presents an ongoing threat of disruption to the academic process, the notice and opportunity for the informal conference shall take place as soon after the suspension as is reasonably possible. In addition to the short-term suspension, the student may be referred for the long-term suspension process described in section 3, below.

Any appeal brought by the parent of or a student over the age of 18 of a short-term suspension must be presented to the Superintendent of Schools within 10 calendar days prior to filing any further appeal.

### **3. The Long-Term Suspension Process**

Any suspension for more than 5 days is considered a long-term suspension. Unless there is a written agreement between the person requesting the suspension and the parent, a long-term suspension may be imposed only after the Superintendent of Schools or the Board of Education, or the Superintendent or Board's designee, has conducted a hearing. The Superintendent of Schools or the Board of Education may appoint a Hearing Officer to determine the facts with respect to the charges. He/she may also recommend the penalty that the student should receive from the penalties described in this Code of Conduct.

### **4. Re-entry Conference**

A re-entry conference with the Principal or Designee, the parent, and the student, is strongly suggested after a short-term or long-term suspension, prior to the student's return to school.

### **5. Hearing Procedures**

The following procedures apply to the long-term suspension process:

#### **Notice of Hearing**

If the student being suspended is younger than 18 years old, the notice of suspension will be mailed or delivered to his/her parent. The notice will tell the parent of the date, time, and place of the hearing, at least 48 hours before the hearing is scheduled. The letter will tell them of the facts of the charge offense (charge[s]), so that they may prepare a proper argument for the student.

If the student is 18 years old or older, the letter described above and any other notices will be mailed to the student as well as his/her parent. Emancipated minors will also have this same right to be notified.

All notices of long-term suspension will tell the student or his/her parents that they have the following rights:

1. To have an attorney or other counsel present.
2. To receive an exact copy of the hearing (either a tape recording or a printed copy).
3. To present witnesses to support his/her defense.

#### **The Long-Term Suspension Hearing**

If the suspension was imposed by the Principal, Acting Principal, or the Superintendent of Schools, the hearing will be conducted by either the Superintendent of Schools or a Hearing Officer. If the suspension was ordered by the Board of Education, the hearing will be conducted by either the Board of Education or a Hearing Officer.

At the beginning of the hearing, the student and his/her representative(s) will be

told the following:

1. The District and the student or his/her representative will have the right to examine the evidence and question witnesses.
2. The student does not have to incriminate himself/herself, but if he/she testifies, he/she may be cross-examined.
3. The District must prove the charges using the evidence against the student.
4. A record of the hearing will be kept and the student's representatives can ask for a copy of it.
5. The student's representative can ask that the hearing be either private or open to the public.

The Hearing Officer will inform everyone involved of the following procedures:

1. The District will start by presenting witnesses against the student.
2. The student or student's representative may ask questions of (cross-examine) the witnesses.
3. The student will then be able to present witnesses to support his/her story. The District can then question the student's witnesses.

After the witnesses are heard, both the District and the student will be able to tell the Hearing Officer why the charges should be dropped or upheld. The Hearing Officer will decide which facts are true.

If one or more of the charges against the student are upheld, the Hearing Officer will ask both sides what they think the appropriate punishment should be. If the student's past discipline record has been presented to the parents and student (if he/she is 18 years old or older or an emancipated minor) at least 48 hours before the hearing, the Hearing Officer can use this record to help decide on a penalty. If any of the incidents in the record are denied by the student, the District will need to prove them as well.

When the penalty phase of the hearing ends, the Hearing Officer will explain the facts as he/she sees them, along with the penalty recommendation, to the appointing authority.

The Superintendent of Schools or Board of Education, depending on who selected the Hearing Officer, will explain what it determines to be the facts and determine the punishment after reviewing the Hearing Officer's recommendations. If no Hearing Officer is appointed, the Superintendent of Schools or Board of Education, depending upon who ordered the suspension, shall make the decision regarding the facts and punishment. The student and his/her representative will then be notified of the decision.

The hearing process, including the findings of fact and penalty determination, will be concluded within the five school-day period from the student's suspension; however, if the representative of the student requests a delay, the student may be required to remain out of school until the hearing process is completed. If the student is permitted to attend school while a decision is made, the decision can be made after the end of the short-term suspension.

### **Alternative Instruction**

The Education Law provides that a student of compulsory education age who is suspended from school shall receive some form of alternative instruction, which is to be arranged for with reasonable promptness, giving due regard for the nature and circumstances of each particular case. One type of alternative instruction is tutoring, which may be provided in the home or another reasonable setting. The Education Law further provides that such instruction must be reasonably equivalent to that which the student would receive in his/her regular classes.

### **Appeals Process**

Any decision of the Superintendent of Schools with respect to a student's long-term suspension can be appealed to the Board of Education within 30 calendar days of the Superintendent's determination. The Board will review the record of the hearing, including all the testimony and evidence, and any written statement submitted in support of the appeal. Neither side may be present at the appeals process, nor may either side present any new information or arguments to the Board during the appeal.

The Board may review findings of fact, uphold the penalty, reduce the penalty or condition a suspended student's early return to school or suspension revocation upon: (1) a student's voluntary participation in counseling or (2) voluntary participation in special classes, such as those addressing anger management or dispute resolution.

If the Board of Education or its own designated Hearing Officer conducted the original hearing, or if the student or his/her representative disagrees with the Board's decision, then the student or his/her parents may make an appeal either to the Commissioner of Education or in Court.

### **D. Discipline of Students with Disabilities**

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

In the event that a student has a known disability or when school officials can be deemed to know, in accordance with law, that a student has a disability or meets the "suspected of having a disability" standard, the District will first proceed to conduct a §3214 long-term disciplinary proceeding for any suspension of more than 5 days. The §3214 disciplinary proceeding will be held in two parts, first to determine the student's guilt or innocence on the charges and the second to determine the penalty.

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

### **Section 504/ADA Disability**

For a student solely with a disability under §504 of the Rehabilitation Act of

1973 (“Section 504”)/Title II of the Americans with Disabilities Act (“ADA”), the Section 504 multi-disciplinary committee must make a determination regarding whether the conduct underlying the charges was a manifestation of the student’s disability.

1. If a nexus is found between the disability and the conduct, **no** additional discipline shall be imposed and the record of discipline imposed to date shall be expunged.
2. If no nexus is found, yet a disability is indicated, or has been identified, discipline may be imposed upon remand to the §3214 hearing officer. A change in placement; i.e. a suspension, removal or transfer, in excess of 10 school days must be preceded by notice and an evaluation conducted by the Section 504 team.
3. Students with a recognized Section 504/ADA disability who are known to be currently engaged in the illegal use of drugs or alcohol, who are found to be using or in possession of alcohol or drugs may be disciplined, regardless of their disability status, in the same manner and to the same extent as non-disabled students.

### **IDEA Disability**

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

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

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

1. The child’s parent has expressed in writing to supervisory or administrative personnel of the appropriate educational agency or to a teacher of the student that the student is in need of special education, provided that such notification may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. The parent of the student has requested an evaluation of the student; or
3. A teacher of the student or other personnel of the District has expressed specific concern about a pattern of behavior demonstrated by the student to supervisory personnel in the District in accordance with the District’s child-find procedures.

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

1. The parent of the student has not allowed a relevant evaluation of the

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

### **Manifestation Determinations**

A Manifestation Team, which shall include a representative of the school district knowledgeable about the student and interpretation of information about child behavior, the parent and relevant members of the CSE, as determined by the parent and the school district. The parent must receive written notification prior to any manifestation team meeting to ensure that the parent has an opportunity to attend and to inform the parents of their right to have relevant members of the CSE participate at the parent’s request.

When making a manifestation determination, the Manifestation Team shall review all relevant information in the student’s file including the student’s IEP, any teacher observations and any relevant information provided by the parents to determine if:

1. The conduct in question was caused by or had a direct and substantial relationship to the student’s disability; or
2. The conduct in question was a direct result of the school district’s failure to implement the IEP.

If either of the aforementioned criteria listed as “1” and “2” above is answered affirmatively, the conduct in question shall be deemed to be a manifestation of the student’s disability.

When the Manifestation Team determines that the conduct in question was a manifestation of a student’s disability, the CSE shall meet to recommend and conduct a functional behavioral assessment and implement (or modify) a behavior intervention plan in accordance with 8 NYCRR §201.3 and §201.4(d)(2)(a).

A meeting for the sole purpose of making a manifestation determination does not require 5 calendar days’ notice to the student’s parent or guardian. However, if the CSE meets to consider a change in placement in conjunction with the manifestation determination, the 5-day notice requirement of §200.5(a)(3) of the Commissioner’s Regulations will be applicable.

### **Discipline of Students With Disabilities when the Manifestation Team Has Made an “Affirmative Manifestation Finding”**

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

1. The CSE recommends a change in placement on the student’s Individualized Education Plan (IEP) and Behavior Intervention Plan and

the parent, guardian or 18-year or older student consents to such change in writing following receipt of their Procedural Safeguards Notice.

2. A court order or order from an impartial hearing officer of suspension/removal of a dangerous student pursuant to 8 NYCRR §201.8 is obtained.
3. The violation involves weapons, drugs/controlled substances or serious bodily injury.

### **Suspensions for Misconduct Involving Weapons and/or Drugs and/or Serious Bodily Injury**

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

1. In accordance with law, the term “weapon” means “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2-1/2 inches in length.” While a pocket knife with a blade of less than 2 1/2 inches in length is not a weapon for purposes of Commissioner’s Regulation §201.7, the student will, however, be subject to discipline under the Code of Conduct, including suspension from school.
2. In accordance with law, the term “illegal drugs” means controlled substances but not those legally possessed or used under the supervision of a licensed health care professional or other permitted authority under the Federal Controlled Substances Act or under any other provision of Federal law. Controlled substances are drugs and other substances identified under schedules set forth in applicable Federal law provisions.
3. In accordance with law, the term “serious bodily injury” means bodily injury which involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

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

1. If the student is or may be placed in an IAES, the CSE shall, as appropriate, recommend a functional behavioral assessment and behavior intervention plan, or review any such pre-existing plan for modification; and
2. A CSE shall determine and recommend an IAES reasonably calculated



to enable the child to continue to receive educational services, participate in the general curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction.

### **Dangerous Students**

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

1. The Manifestation Team shall conduct a manifestation determination within 10 school days of the initial disciplinary action.
2. If the student is or may be placed in an IAES, the CSE shall, as appropriate, recommend a functional behavioral assessment and behavior intervention plan, or review any such pre-existing, plan for modification; and
3. An impartial hearing officer’s determination allowing a student’s placement in an IAES as a result of dangerous behavior is not contingent upon a Manifestation Team determination that the misconduct is not related to the student’s disability. The IAES placement shall be based upon the CSE’s recommendation.

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

Where a student with a disability’s conduct is found not to be a manifestation of his/her disability he/she may be disciplined in the same manner and to the same extent as non-disabled students. In such instances, the CSE shall meet upon proper notice to determine any appropriate evaluations which must be performed, changes to a student’s IEP and to recommend an appropriate IAES where the child can continue to receive educational services, although in another setting, that enable the child to participate in the general education curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction. Where a suspension or disciplinary change in placement will exceed 10 school days, the CSE shall conduct a functional behavioral assessment and implement or modify a behavior intervention plan, as well as implement modifications intended to avoid a recurrence of the behavior.

### **Pendency Placement**

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

recommended by the CSE in the context of one of the four categories of action listed above.

### **Declassified Students**

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

### **E. District Property**

It is the responsibility of the student to cooperate fully with any lawful investigation by authorized persons on school property. A student's consent to search will be obtained if at all possible, unless it involves a search of the student's locker, desk, or other storage area which is joint property of the District for which there is no expectation of privacy. Every Principal, Assistant Principal or authorized security officer of a school may conduct a reasonable search of a student on school premises and physical plant of the school and everything therein if he/she has probable cause (reasonable individualized suspicion) to believe that the student has in his/her possession an item that constitutes a criminal offense under the laws of this State.

### **F. Off-Campus Misconduct**

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

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

(See also Computer and Internet Use at H. below).

### **G. Dress and Grooming**

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

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

1. any dress or appearance which constitutes a threat or danger to the health and safety of students (e.g., heavy jewelry or jewelry with spikes which can injure the student or others, heely sneakers);
2. any dress or appearance which is vulgar, lewd, obscene, or indecent or profane, or which exposes to sight the private parts of the body (e.g.,

- t-shirts with a phallic symbol and messages consisting of sexual metaphors; see-through garments, extremely plunging necklines or waistlines);
3. any dress or appearance which encourages or advocates the use of illegal drugs, alcohol and/or tobacco;
  4. any dress or appearance which advocates or encourages other illegal or violent activities;
  5. any dress or appearance which advocates harassment or discrimination or denigrates others based upon actual or perceived race, color, creed, weight, religion, religious practice, national origin, ethnic group, gender, sexual orientation, or disability;
  6. the wearing of hats, headbands, or other headdress, for they are a sign of disrespect (unless worn for religious or medical reasons);
  7. any dress or appearance which constitutes a disruption to the educational process.

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

#### **H. Computer and Internet Use**

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

1. E-mail or other electronic or digital or mobile communications created by a student or another individual at a student's request, which originates from the school premises or which is received at the school premises which:
  - is lewd, vulgar, obscene, indecent, or inappropriate for student recipients of certain ages;
  - conveys a threat of violence, including sexual violence, to a specific individual or individuals or to the District;
  - constitutes a State and/or Federal crime;
  - is the cause of or a substantial contributing factor to a substantial interference with the orderly functioning of the school(s);
  - attributes the text of the e-mail, digital communication, text messages, etc., to school officials or implies that the text is school-endorsed, unless there is such an official endorsement or consent from school officials.
2. Technology and Internet use that circumvents access restrictions placed upon the District's computer systems by the Board of Education or its administrative designee(s).
3. Technology and/or Internet use that is not school-related or is unauthorized.
4. Permitting the use of a student's computer log-in credential by any other person (such student shall assume responsibility for occurrences in violation of this Code of Conduct that occur under the student's log-in credential).

5. E-mails or electronic, digital, or mobile communications created by a student or another individual at a student's request, which originate from an off-campus computer or other electronic/digital device or site and which are received at the school premises or by one or more District students, parents, or staff members at their homes or other off-campus sites, which convey threats of violence, including sexual violence, or other sexually charged electronic communication to a specific individual or individuals or to the District, may give rise to disciplinary action against such student.

Appendix F at page 63 includes the Board of Education's policy on computer network system use.

### **I. Suspension from Transportation Service**

The Board of Education provides transportation for students in accordance with law and expects that student behavior on school buses shall be consistent with the behavior expected within the schools. Transportation is a privilege and the failure of students to behave appropriately on the school bus constitutes grounds for suspension of that privilege.

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

The following guidelines serve as a reference for determining consequences administered by the building level administrator based on levels and frequency of infractions. These consequences might include assignment of a bus seat near the bus driver and suspension of bus privileges, in addition to other consequences listed in this Code of Conduct. The safety of all students is the primary concern of the District. All students have an individual responsibility to help ensure a safe environment on the bus.

### **Expectations of Students**

The following general rules are applicable to all students being transported to and/or from school, extracurricular events, and field trips.

1. Students will follow instructions of the bus driver.
2. Students will look both ways before crossing and wait for the driver's universal hand signal before crossing in front of the bus.
3. Students will behave in a safe and orderly manner boarding and departing the bus and while on the bus.
4. Students will remain in their seats while the bus is in motion.
5. Students will not be allowed to eat or drink on the bus.
6. Students will keep their head, hands, and feet inside the bus.
7. Students will not open or use emergency exits.

8. Students will refrain from using lewd, abusive, vulgar or profane language, or indecent gestures on the school bus.
9. Students will not throw objects on the bus or out of the windows of the bus.
10. Students will be responsible for their belongings and will respect the belongings of others.
11. Large objects, such as musical instruments, skis, skateboards, school projects, will not be allowed on school buses.
12. Animals will not be allowed on school buses.
13. There will be no distribution of written materials on school buses.

## **Disciplinary Infractions and Procedures**

1. Level 1 Infractions
  - Loud or inappropriate language.
  - Eating or drinking on the bus.
  - Name-calling/teasing other students.
  - Changing seats or standing while the bus is in motion.
  - Littering on the bus.
2. Level 1 Procedures
  - Bus driver will instruct the student to stop the inappropriate behavior.
  - Bus driver will warn the student that written referral will result if behavior continues.
  - Bus driver will inform the student that a bus referral will be written and prepare a referral for submittal to the designated building administrator.
3. Level 2 Infractions (Behaviors which diminish the driver's authority or could potentially result in a threat to the safety of the students on the school bus).
  - Disturbing other students or the driver.
  - Abusive language.
  - Rude behavior.
  - Inappropriate public display of affection.
  - Verbal altercation with another student or the driver.
  - Continually moving around while the bus is in motion.
  - Use of cell phones, radios, or other devices that might distract the driver.
  - Minor vandalism/damage to bus (e.g., writing on seats).
  - Refusal to follow driver's instructions.
4. Level 2 Procedures
  - Bus driver will instruct the student to stop the inappropriate behavior and inform the student that a bus referral will be written if the behavior continues.
  - Bus driver will prepare a referral for submittal to the designated building administrator.

5. Level 3 Infractions (Behaviors which may result in a threat to the health and safety of other students or the bus driver or attendant).
  - Sexual harassment.
  - Possession of a weapon.
  - Assault.
  - Fighting.
  - Opening emergency exits.
  - Throwing objects on the bus.
  - Serious vandalism.
  - Smoking or igniting objects.
  - Threat of violence to other student(s) or driver/attendant.
  - Bullying other students.
  - Sticking head, hands, or feet out of windows.
  - Tampering with bus radio or safety equipment.
  - Use of laser or light pointer.
  - Possessing, using, distributing, or soliciting illegal substances (including, but not limited to, drugs, alcohol, or tobacco).
  - Initiating physical contact with driver or students.
  
6. Level 3 Procedures
  - Bus driver will instruct the student to immediately stop the inappropriate behavior or, if appropriate, request assistance from dispatch via two-way radio. Assistance may be requested from the building administrator and/or police.
  - Bus driver will pull the bus over if required to maintain order until assistance arrives.
  - Bus driver will prepare a bus referral for submittal to the designated building administrator.

Repeated instances of misconduct may lead to the imposition of the next level of consequence. Chronic repeating of incidents of misconduct will result in the suspension of transportation privileges.

Where suspending a student from District transportation amounts to a suspension from school, arrangements will be made for alternative education.

### **J. Suspension from Extra-curricular and Co-curricular Activities and School Functions**

A student may be suspended by an administrator from participating in extra-curricular or co-curricular activities (including sports) for an infraction of any of the provisions of this Code of Conduct, for violating a code of conduct issued to participants in the activity by the activity supervisor, for poor attendance in school, for academic deficiencies, or for fighting at games/activities. (See Comprehensive Attendance Policy attached as Appendix A at page 46 and Board Policy 5441, Appendix B, at page 51).

Additional rules and regulations for athletes can be found in the Student Athletic Handbook, each Coach's Rules and Regulations related to the specific sport and each advisor's Rules and Regulations related to the specific activity. These are

contained in the seasonal sports folders pertaining to that particular sport and team or in information provided to students at the start of an extra-curricular or co-curricular activity.

Upon the request of the student's parent, the Principal shall allow the parent or other representative of the student the right to appear before him/her, informally, to discuss the conduct which led to suspension from the activity.

If a student is suspended from school pursuant to §3214 of the Education Law, s/he shall not be permitted to participate in any extra-curricular or co-curricular activities (including sports practices and/or games), nor in any other school events or activities which take place on the days of suspension (including intervening weekends). In addition, the student will not be allowed on school or district grounds or at any school- or district-sponsored activities or functions for the duration of the suspension. If there is a disciplinary action pending against a student, this might have an impact on the student's participation in graduation ceremonies and other school-sponsored activities including, but not limited to, senior trip and prom.

### **PUBLIC CONDUCT ON SCHOOL PROPERTY**

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

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

### **PROHIBITED CONDUCT**

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

- willfully cause physical injury to any other person, or threaten to do so;
- intimidate, harass, or discriminate against any person on the basis of actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, gender, age, marital status, sexual orientation, or disability;
- physically restrain or detain any other person, or remove such person from any place where s/he is authorized to remain;
- willfully damage or destroy property of the District or under its jurisdiction (including the personal property of a district employee or

- any person lawfully on school property [including vandalism, graffiti, or arson]), or remove or use such property without authorization;
- without permission, expressed or implied, enter into any private office of an administrative officer, member of the faculty, or staff member;
  - enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others;
  - without authorization, remain in any building or facility after it is normally closed;
  - refuse to leave any building or facility after being required to do so by an authorized administrative officer, member of the faculty, or staff member, or member of the Board of Education;
  - obstruct the free movement of persons and vehicles in any place to which these rules apply;
  - deliberately disrupt or prevent the peaceful and orderly conduct of classes, school programs or activities, lectures, and meetings;
  - deliberately interfere with the freedom of any person to express his/her views, including invited speakers;
  - knowingly have in his/her possession upon any premises to which these rules apply any rifle, shotgun, pistol, revolver, or other firearm or weapon, without written authorization of the Superintendent of Schools or designee, whether or not a license to possess the same has been issued to such person;
  - drive recklessly, speed, or fail to follow school crossing guard or traffic directions on school grounds, or park in unauthorized areas;
  - use or distribute any tobacco or tobacco-related products;
  - distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous or obstruct the rights of others;
  - possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances or illegal substances (including synthetic drugs such as synthetic cannabinoids) or be under the influence of any such items on school property or at a school function;
  - loiter on or about school property;
  - gamble on school property or at school functions, unless conducted pursuant to the Games of Chance laws;
  - refuse to comply with the reasonable order or directive of identifiable school district officials performing their duties;
  - violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function; and/or
  - willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so.

## **PENALTIES AND PROCEDURES**

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

- If a licensee or invitee, his/her authorization to remain upon the grounds or other property shall be withdrawn and s/he shall be directed to leave



the premises. In the event of failure to do so, s/he shall be subject to ejection.

- If a trespasser or visitor without specific license or invitation, s/he shall be subject to ejection and/or arrest.
- If a student, s/he shall be subject to disciplinary action as the facts of the case may warrant, as prescribed by §3214 of the Education Law and the District's Code of Conduct.
- If a faculty member, s/he shall be subject to disciplinary action as prescribed by and in accordance with procedures of the Education Law and the collectively negotiated agreement.
- If a staff member in the classified service of the civil service, described in §75 of the Civil Service Law, s/he shall be guilty of misconduct and subject to the penalties and procedures prescribed in said section and be subject to ejection.
- If a staff member other than one described above, s/he shall be subject to discipline in accordance with the law and any applicable collectively negotiated agreement.

### **ENFORCEMENT PROGRAM**

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

In the case of any apparent violation of these rules by such persons, which, in the judgment of the Superintendent of Schools or his/her designee, does not pose any immediate threat of injury to person or property, such officer may make a reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for resolution of any issues which may be presented. In doing so, such officer shall warn such persons of the consequences of persistence in the prohibited conduct, including their ejection from any district properties where their continued presence and conduct are in violation of these rules.

In any case where the violation of these rules does not cease after such warning and in other cases of willful violation of such rules, the Superintendent of Schools or his/her designee shall cause the ejection of the violator from any premises which s/he occupies in such violation and shall initiate disciplinary action herein before provided.

The Superintendent of Schools or his/her designee may apply to the public authorities for any aid which s/he deems necessary in causing the ejection of any violator of these rules and s/he may request the Board's Counsel to apply to any court of appropriate jurisdiction for any injunction to restrain the violation or threatened violation of such rules.

This Code of Conduct and the penalties set forth herein are not considered to be inclusive or to preclude in any way the prosecution and conviction of any person

for the violation of any Federal or State law or local ordinance and the imposition of a fine or penalty provided for therein.

## **DISSEMINATION AND REVIEW**

### **A. Dissemination of Code of Conduct**

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

1. Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
2. Making copies of the code available to all parents at the beginning of the school year.
3. Sending a summary of the code of conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request.
4. Providing all current teachers and other staff members with access to or a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with access to or a copy of the current code of conduct when they are first hired.
6. Making copies of the code available for review by students, parents and other community members.

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

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

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

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

## **Comprehensive Student Attendance Newburgh Board of Education**

## **Policy No. 5200**

In accordance with state law and regulations it is the policy of the Newburgh Enlarged City School District to ensure the maintenance of adequate attendance records verifying the attendance of all children at instruction and the creation of the means to examine attendance patterns so as to develop effective intervention strategies to improve student attendance.

A positive academic culture is best achieved by the regular and continued exchange of ideas among peers, guided by teachers and educational leaders. This policy recognizes that school attendance is the responsibility of the student and parent/guardian, supported by the teachers and administration.

It is the objective of this policy to encourage each student to attend school on time, for the maximum number of days and instructional periods possible. The intention of this policy is encourage regular student attendance through positive rather than punitive means. In furtherance of this objective, the District shall utilize strategies such as positive attendance incentives and will utilize appropriate disciplinary and other consequences only as necessary.

### **Record Keeping**

- A. Attendance record-keeping shall conform to the following:
1. In Grades K-5, attendance shall be taken four times each day: during homeroom, at the end of the literacy block, at the end of the mathematics block and at the end of the science block.
  2. In secondary schools (grades 6-12), attendance shall be taken in each period of scheduled instruction.
  3. In Grades K-12, any absence for a school day or part of a school day shall be recorded as excused or unexcused as provided for in this policy.
  4. In Grades K-12, events of tardiness or early departure shall be recorded as excused or unexcused as provided for in this policy.
  5. A record shall be maintained of each scheduled day of instruction during which school is closed for all or part of the day because of extraordinary circumstances including adverse weather, failure of the heating system or water supply, fuel supply shortage or structural damage to the building, etc.
  6. A record shall be made of the date when a student withdraws from enrollment or is dropped from enrollment in accordance with §3202(3-a) of the Education Law. Students must remain in school to complete the school year in which they become 16 years of age. A student who becomes 16 on or after July 1st of any given school year must complete that school year.
  7. A student may withdraw himself/herself only if the student is 18 years of age or older, according to procedures. No staff shall drop any student from enrollment at the request of the student or his/her parent. Any request to withdraw a student from school shall be made to the Office of

## Registration and Attendance.

- B. A teacher or another employee designated by the Board of Education shall make all entries in the register of attendance. Any individual authorized to make entries in the register of attendance shall, by oath or affirmation, verify the contents of the entries.
- C. Student attendance records shall be reviewed by the Principal of each school building in the District or his/her administrative designee for the purpose of initiating appropriate actions to address unexcused student absences, tardiness and early departures.
- D. The register of attendance shall consist of any written or electronic record to record attendance, absence, tardiness or early departure of a student. The register shall be maintained for every period that a student is scheduled to attend actual instruction or supervised study during the course of the school day during the school year, from July 1 through June 30. The register at every school building shall include separate notations regarding student presence, absence, tardiness and early departure. The contents of the register for each student shall contain the information prescribed in regulations of the Commissioner of Education (Part 104).
- E. The coding system will be the codes found in the District's data processing student information system.

## **Excused and Unexcused Absences**

The Board recognizes the following as acceptable excuses for student absence, tardiness or early departure, each of which must be verified by the student's parent/guardian or school personnel, where applicable:

1. Personal illness or Family illness (student's child or parent/legal guardian).
2. Death in the family.
3. Religious observance.
4. Required attendance in court, government agency or immigration appearance (with documentation).
5. Approved school sponsored activities, including field trips, interscholastic athletics, musical and other competitions.
6. Directed or authorized presence at the Administrative Offices or Nurse's Office.
7. Quarantine.
8. Emergency dental and medical appointments.
9. Extraordinary weather conditions or other documented emergency.
10. Military obligations.
11. Approved cooperative/work study program.
12. College visitations for high school students with the prior knowledge and approval of parents and counselors, so long as it does not exceed five (5) days in a school year. The student must meet with his/her counselor prior to visit to get approval. Additional days may be granted at the discretion of the Building Principal.

13. Motor vehicle road test, with proof of scheduled road test.
14. Students whose parent/legal guardian has been called for military deployment, is on leave from, or is returning from a combat zone or combat support may be excused for an additional three (3) days, but work must be made up in accordance with this policy. Parents must notify the Building Principal at least three (3) days before the intended absences and each case will be considered on a case-by-case basis by the Building Principal.
15. Circumstances beyond the reasonable control of the parent/child as determined by the Building Principal and as documented in writing.

For absences, the written excuse should be presented by the student on the day when returning to school following such absence but must be presented within five (5) school days after returning to school. For tardies and early departures, the written excuse should be presented to the school on the day of the tardy or early departure with the reason for the tardy or early departure.

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

Any absence, tardy or early departure not provided for on the excused list shall be deemed unexcused including family vacations and trips, unless the Building Principal determines that the parent has presented valid exceptional circumstances to demonstrate that such absence or a portion of such absence should be deemed an excused absence. The Building Principal shall maintain a written record of the determination and the reasons therefore.

It is the responsibility of the student's parent/guardian to arrange family vacations and trips when school is not in session so that the student does not miss school.

### **Class Attendance Standard**

- A. All students are required to attend class regularly to earn course credit. Students are required to make up assignments in a timely fashion for days of excused absence, tardiness or early departure. With the approval of the Building Principal, make-up assignments may be waived in exceptional circumstances or where a §504 accommodation is warranted.

Students whose attendance drops below 70% in a course, or whose daily attendance drops below 70%, exclusive of excused absences, may be considered for placement in an Alternative Program.

- B. All students must maintain at least 90% attendance, exclusive of excused absences, in all classes. Attendance will be monitored on a daily basis.
  1. Students whose attendance falls below the 90% attendance level in any class, exclusive of excused absences, will be ineligible to participate in

extra-curricular and co-curricular activities, including but not limited to non-curricular field trips, proms, dances, interscholastic athletics, plays, clubs, etc.

2. If a student falls below the 90% attendance standard as of the last day of classes of the previous school year, the student will be permitted to try out for Fall sports and activities, and participate in practices and games prior to the start of the student instructional year, but will not be able to participate in games once the student instructional year begins until the student attains at least a 90% attendance level, exclusive of excused absences, which will be measured at the end of the first two weeks of the student instructional year. Thereafter, the student's attendance will be monitored on a daily basis. If the student attends summer school and attains at least 90% attendance in summer school, the student will be permitted to participate in these activities.<sup>1</sup>
3. Students who fail one or more courses will not be permitted to retake the course(s) in summer school if their attendance in the course(s) was below 80% for the duration of the course, exclusive of excused absences, unless summer school attendance is court-ordered.

C. Intervention procedures shall be utilized at all levels.

Coaches and advisors shall be responsible for monitoring student attendance of the students participating in the particular activity(ies) and ensure compliance with this policy. The Building Administration shall monitor the coaches and advisors to ensure that this policy is being followed.

### **Encouraging Student Attendance**

- A. With the approval of the Building Administration, in consultation with guidance services, teachers at the elementary level shall utilize attendance incentives (for absences, tardiness and early departure), including recognition of students with good attendance, consideration of such students for special privileges and activities that are unavailable to all students, and commendation certificates that shall be issued to the student's parent(s)/guardian(s).
- B. At the secondary level, eligibility for extra-curricular and co-curricular activities, interscholastic sports and attendance at school-sponsored activities shall be restricted to those students whose attendance supports course credit in each of their academic subjects.
- C. At the secondary level, class cutting shall be deemed an infraction of the Code of Conduct in the nature of insubordination to the teacher and school administration. The Code shall prescribe a range of disciplinary interventions to address class cutting.

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1. Section (B)(2) under "Class Attendance Standard" shall be effective the 2012-2013 school year.

- D. Whenever a student exhibits a pattern of unexcused absence, tardiness or early departure, notice will be given to the parent(s)/guardian(s), in writing and/or by telephone communication, and the student shall be conferred with by the classroom teacher and/or a guidance counselor regarding the pattern in an effort to remediate the underlying problem. Notice shall also be given to the Building Principal who may address the matter with the student and/or his/her parent(s)/guardian(s).
- E. In the event that the school level interventions have not improved the student's attendance, the Principal may recommend interventions such as a Person In Need of Supervision (PINS) petition to the Family Court and/or contact with Child Protective Services to initiate an educational neglect petition.

### **Oversight Responsibilities**

- A. The Building Principal and/or his/her administrative designee shall be responsible for reviewing student attendance records and initiating appropriate action consistent with this policy. The Building Principal shall also be responsible for advising the Superintendent or designee if there are concerns regarding student attendance.
- B. The Board of Education shall annually review building level student attendance records to determine if the comprehensive student attendance policy is effective. If a decline in attendance is evident, the Board shall revise the policy as deemed necessary to improve student attendance.

### **Distribution of Policy**

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

Adopted: June 27, 1995  
Replaced: May 30, 2000  
Revised: July 31, 2001  
Replaced: June 24, 2002  
Revised: July 13, 2004  
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Revised: August 30, 2011  
Revised: October 25, 2011  
Revised: January 11, 2012  
Revised: September 27, 2012  
Revised: November 1, 2012  
Revised: August 26, 2014

**Eligibility for Student Athletic and  
Extracurricular Activity Participation  
Newburgh Board of Education**

**Policy No. 5441**

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The Board of Education considers participation by students in extracurricular activities, including interscholastic athletics, to be an integral part of the overall educational experience which supplements the primary goal of academic achievement. Therefore, the Board establishes the following academic attendance and behavior eligibility requirements for student participation in athletics and extracurricular activities to assure that a balance exists between academic standards, student attendance, student conduct and athletic/ extracurricular activity participation. This policy and related procedures will be administered by the building principal or his/her designee as well as the Athletic Director with respect to athletics.

**Academic**

1. Any student failing two (2) or more subjects will be ineligible to participate in a sport and/or extracurricular activities for the marking period unless he/she agrees to the terms and conditions of a Competition Contract for a two (2) week period, during which time he/she will be permitted to practice, play, compete and perform. The student will be required to go to academic support and will be monitored by the coach, athletic director, building principal and/or activity advisor, as applicable.
  - If, after two (2) weeks the student has shown significant improvement based upon teacher progress reports, he/she will remain subject to the provisions of the Competition Contract and will be monitored every two (2) weeks for the remainder of the season. In addition, he/she will be required to go to academic support for the remainder of the season.
  - If, after two (2) weeks, the student is still failing two (2) or more subjects, he/she will be subject to a Non-Competition Contract for a two (2) week period, during which time he/she will be permitted to practice but will not be permitted to play, compete or perform.
  - If, after two (2) weeks on a Non-Competition Contract, the student is still failing two (2) or more subjects, the student will be ineligible to practice, play, perform, compete or otherwise participate in extracurricular activities until the next report card is issued and the required improvement is indicated.
2. Any student failing one(1) subject or in jeopardy of failing two (2) or more subjects (defined as having grades below 70 in two or more courses) will be required to participate in the academic support program for the remainder of the season. The student will be monitored every two (2) weeks by the coach, athletic director, building principal and/or activity advisor, as applicable.



A student once identified as having academic difficulty will be monitored continually by the coach, athletic director, building principal and/or activity advisor, as appropriate, throughout the school year until his/her report card shows passing grades.

3. A student's participation status in fall sports and activities will be based on his/her grades at the end of the previous school year. Any student either failing two (2) or more subjects at the end of the fourth quarter of a school year or failing two (2) or more subjects on the summative report card (full-year grade) will be placed on a Competition Contract for a period of two (2) weeks, starting on the first day of the student instructional year, and subject to the provisions of paragraph "1" above.
4. The student's parent/guardian will be contacted by the Athletic Director or coach, the activity advisor or building principal, as the circumstance requires, to advise them of the student's status as requiring academic support, being on a Competition Contract or a Non-Competition Contract, or being ineligible to participate. All verbal, electronic and written contacts with the parent(s)/guardian will be documented by the District.

## **Attendance**

1. A student must attend school regularly and on time, and be in attendance for all classes scheduled in order to maintain the privilege of participation in athletics and other extra-curricular activities. The coach, athletic director, building principal and/or activity advisor, as applicable, will monitor student attendance on a daily basis.
2. Students are expected to maintain a minimum of 93% attendance, exclusive of excused absences, in all classes, which is defined as three(3) or fewer unexcused absences to class within a marking period.
3. Students that exceed three (3) unexcused absences in a class during a quarter will be ineligible for the next game, performance, or contest. For each subsequent unexcused absence in a quarter, a student will not be permitted to participate in a game, performance or competition.
4. Students who have excessive tardies and/or early departures will be addressed by the building principal or other administrator, who will regularly monitor the students. A student's continued tardiness and/or early departures may result in the student being suspended from participation in athletics and other activities.

Any elementary school student with excessive unexcused absences will be required to have the approval of the building principal to participate in extra-curricular activities.

Coaches and advisors shall be responsible for monitoring student attendance of the students participating in the particular activity(ies) and ensure compli-

ance with this policy. The Building Administration and Athletic Director shall monitor the coaches and advisors to ensure that this policy is being followed.

**Behavior**

- 1. A student may be suspended from participating in extracurricular or cocurricular activities, including athletics, for an infraction of any provision of the District Code of Conduct, for violating a code of conduct issued to participants in the activity by the activity supervisor or coach, or for fighting at games/activities.
- 2. Any student placed on In-School Suspension (ISS) is ineligible to practice and/or play in a game or participate in extracurricular activities while in ISS.
- 3. Any student who is given an Out-of-School Suspension (OSS) may not practice and/or play and/or participate in extracurricular activities for the duration of the suspension, including intervening weekends. In addition, the student will not be allowed on school or District grounds or at any school or District-sponsored activity or function for the duration of the suspension. If an athlete is suspended from school, he/she will not be permitted to participate in at least one game or extracurricular activity.

**Appeal**

Any student who feels that his/her circumstances are extraordinary may submit an appeal, in writing, to the Superintendent of Schools or designee, within five (5) school days of notification of ineligible status. During the appeal process, the student may not practice or play and/or participate in extracurricular activities.

A copy of this policy will be distributed to all student athletes, students participating in extracurricular activities and their parents/guardians, professional staff and coaches. This policy will be explained to student athletes prior to participation in the athletics program and to students participating in extracurricular activities prior to commencement of such participation.

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| Adopted: | November 23, 1998  |
| Revised: | February 29, 2000  |
| Revised: | August 30, 2011    |
| Revised: | October 25, 2011   |
| Revised: | September 27, 2012 |
| Revised: | June 24, 2015      |

## **Zero Tolerance for Violence**

### **Newburgh Board of Education**

**Policy No. 5510**

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

For purposes of this policy, “Violent Act” shall mean:

1. any intentional act by a student involving force or the threatened use of force, or an intentional act by a student that supports or assists the use or the threatened use of force against any other person or group of persons with the intent to injure, intimidate, harass, physically intimidate or otherwise harm when the act occurs on school premises, during school hours, on a school vehicle or at any school sponsored activity or event.
2. any intentional or reckless act by a student that prevents, inhibits or otherwise interferes with the conduct or safe operation of any educational or other school sponsored program, activity or event (e.g., bomb threat, false alarm, inciting a riot).

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

If a student commits a violent act in which there is serious injury inflicted or force used, or a student refuses to take redirection from staff members or others who act in a supervisory role (e.g. chaperones, consultants, volunteers, etc.) resulting in serious injury (as defined by the State Education Department), the student will be suspended for five days and referred for a Superintendent’s disciplinary hearing in accordance with the District Code of Conduct.

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

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

## **Sexual Harassment of Students Policy**

### **Newburgh Board of Education**

**Policy No. 5755**

It is the policy of this School District to prohibit student sexual harassment and student gender discrimination in the schools, at school activities and at events sponsored by the School District. To that end, all officers, supervisory personnel, employees and students of the School District shall be given a copy of this policy and training regarding its terms, procedures, protections and penalties.

#### **Definitions**

Sexual Harassment is defined as discrimination against a person of a different or the same sex because of their sex, which creates a sexually hostile learning or school environment.

Sexual harassment that creates a hostile learning or school environment is either pervasive and/or severe conduct that involves unwelcome: sexual advances; sexual conduct that constitutes a crime; sexual touching; indecent exposure of a sexual nature; pervasive sexual remarks, comments, displayed materials, printed materials, electronic media or jokes. The determination of a hostile learning or school environment shall be objective, based upon the viewpoint of a reasonable person and subjectively perceived to be so by the complainant.

Gender discrimination is defined as pervasive and/or severe conduct intended to intimidate or demean a person or persons of the other gender or that which treats a person of the other gender differently in the learning or school environment because of his or her gender.

#### **Procedure**

Any student who believes that he or she has been subjected to sexual harassment or gender discrimination by an officer, employee, student or business invitee is encouraged to address the matter with any District Title IX Officer, who shall promptly conduct an intake interview and explain the following options for resolution:

- (1) registering an informal complaint verbally or in writing; or
- (2) registering a formal complaint verbally or in writing; or
- (3) engaging in mediation to arrive at a resolution of the matter; or
- (4) placing the District on notice of the objectionable conduct without seeking a resolution through the complaint process or mediation.

The Title IX Officer shall be authorized to proceed with a matter raised under paragraph 4 as if it had been filed as an informal complaint or a formal complaint at his/her discretion.

The intake Title IX Officer will also explain that the complaining student shall not be subject to retaliation or retribution by reason of making the complaint and that confidentiality shall be maintained throughout the process, except as necessary to assure fair and due process.

### **Informal Complaints**

An informal complaint will be promptly reviewed by an intake Title IX Officer, who shall issue a written report to the Superintendent of Schools, within seven (7) days. The Superintendent shall take such further action necessary to reasonably deter any further act prohibited by this policy. Such further action may include referring the matter to a Title IX investigator as if it had been filed as a formal complaint.

### **Formal Complaints**

All formal complaints shall be received in writing or reduced to writing by an intake Title IX Officer, who shall personally or by reference to a designee on the Board's approval list conduct a full and fair investigation of the complaint, make written findings of fact and, where warranted, recommend a resolution to the Superintendent of Schools. The Superintendent of Schools shall advise the complainant and the subject of the complaint of the disposition of the complaint, which may include:

- (1) a finding that this policy has not been violated; or
- (2) a finding that this policy has been violated and appropriate corrective action in accordance with this policy has been taken.

### **Alternates**

The Board shall appoint more than one Title IX Officer and several designated Title IX formal complaint investigators. Complainant will have a choice of which Title IX Officer to approach regarding a Title IX complaint. If the complaint is about the Superintendent of Schools, the Board shall stand in the Superintendent's place for review activities.

### **Appeal of Formal Complaints**

If a formal complaint has not been processed to a satisfactory disposition by the Superintendent within thirty (30) calendar days, unless extended with the written consent of the complainant, the complainant may appeal in writing to the Board for disciplinary action to be taken or disciplinary proceedings to be commenced, where necessary.

### **Confidentiality**

The District's Title IX Officer(s), the Superintendent of Schools and the Board of Education shall, to the maximum extent possible, maintain as confidential the transaction(s) underlying the proceedings or complaint, the outcome of a mediated agreement and action taken, other than formal discipline. The subject of the proceedings or complaint, however, shall be informed of the identity of the person who commenced the proceedings or complaint in order to provide fair and due process.

Both the complainant and the subject of the complaint shall be given a copy of the findings in the matter of a formal complaint.

### **Consequences**

Any officer, supervisor or employee who violates this policy shall be subject to

corrective action up to and including termination of office or employment, with due process provided as necessary. Students who violate this policy shall be subject to disciplinary or other corrective action.

Any complaint that is determined to have been processed maliciously or in bad faith, shall be deemed to be in violation of this policy and may give rise to disciplinary consequences against the complainant.

**Training**

The District shall provide appropriate training to students regarding awareness of and sensitivity to issues involving sexual harassment, including condemnation of such conduct, the sanctions for harassment and preventive measures to help reduce incidents of sexual harassment.

**Distribution of Policy**

A copy of this policy and its accompanying regulations shall be distributed to all personnel, students and parents/guardians and posted in appropriate places within the District.

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|-----------|-------------------|---|
| Adopted:  | December 21, 1993 | Title IX of the Education Law<br>Amendments of 1972 |
| Revised:  | April 20, 1999    | 20 USC Section 1681 et. seq.                        |
| Replaced: | February 25, 2003 |   |
| Revised:  | November 25, 2003 |   |

## **Student Harassment and Bullying Prevention and Intervention Newburgh Board of Education**

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### **Policy No. 5765**

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

To this end, the Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events.

Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds, such as cyberbullying, which 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, are prohibited, and the perpetrators may be subject to disciplinary consequences.

### **Definitions**

#### **Bullying**

Bullying is a form of harassment (see “Harassment” below). The accompanying regulation provides more guidance regarding the definitions and characteristics of bullying.

#### **Cyberbullying**

Cyberbullying is a form of harassment or bullying through any form of electronic communications. In order to be actionable under this Policy, cyberbullying that occurs off campus must create or would foreseeably create, a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

#### **Discrimination**

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

#### **Hazing**

Hazing is an induction, initiation or membership process involving harass-

ment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

## **Harassment**

Harassment has been defined in various ways in federal and state law and regulation. The 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 defines harassment as the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).

For purposes of this Policy and its implementation regulation, the term "bullying" will encompass, harassment, intimidation, cyberbullying and hazing behaviors.

## **Prevention**

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

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

In order to implement this program the Board will designate at its annual organizational meeting a Dignity Act Coordinator for the District who will assist the Dignity Act Liaison for each building to coordinate and enforce this policy. The District's Dignity For All Students Act Committee, designated by the Superintendent of Schools, 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.

### **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 and harassment include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target. Remediation may be targeted to the individual(s) involved in the bullying behavior or 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 required, when aware of bullying, to either refer the student to designated resources for assistance, or to intervene in accordance with this policy and regulation.

### **Provisions for students who do not feel safe at school**

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

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

### **Training**

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

and will continue their professional development so as to successfully support this policy and program.

### **Incident Reporting and Investigation**

Although it can be difficult to step forward, the District cannot effectively address bullying if incidents are not reported. Students who have been bullied, parents whose children have been bullied or other students who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided. There shall be a duty for all school personnel to report any incidents of student-to-student and staff-to-student bullying that they observe or of which they are made aware by students to their building principal, or other administrator who supervises their employment. Supervisors will refer the information to appropriate district staff for investigation as designated in regulation. 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 handles in accordance with the regulations or, if applicable, the District's Code of Conduct. The Building Principal shall maintain a log of bullying incidents as a record for the purpose of tracking repeat offenders, as well as identifying trends. The Building Principal shall report their findings periodically, but no less than quarterly, to the Superintendent of Schools or designee, who shall report to the Board annually regarding bullying incidents on a building-wide and District-wide basis.

In addition, all reported incidents of bullying must be documented in the file of a student being accused of the conduct. Written records should also capture what action, if any, was taken, or why no action was taken. These reports shall remain in the student's file and will travel with the student from elementary school to high school.

Incidents will be included in the Violent and Disruptive Incident Reporting (VADIR) system when applicable.

An equitable and thorough investigation will be carried out by the appropriate personnel in accordance with the regulation. The results of the investigation shall be reported back to both the target and accused in accordance with the accompanying regulation. If either of the parties disagrees with the results of the investigation, they can appeal the findings in accordance with the regulations.

### **Disciplinary Consequences/Remediation**

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

criminal activity, law enforcement will be contacted.

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

The District shall ensure the safety of the student or students against whom the bullying was directed and take reasonable measures to prevent recurrence of the offending behavior.

### **Non-Retaliation**

All complainants and those who participate in the investigation of a complaint in conformity with state law and district policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind. Any incident of retaliation should be immediately reported to the Building Principal and the school's Dignity Act Coordinator.

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

This policy, or a plain language summary, shall be published in the District Code of Conduct, and other information sent to students, parents and employees, as well as 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 and staff on an annual basis and provide opportunities for parents to understand the process.

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 and changes will be made, as needed.

The Board will receive the annual VADIR report, for each building and for the District as whole, with particular attention to the trends in the incidence of bullying. In addition, the Board will receive on an annual basis a more detailed report of the number of bullying incidents that occur, disaggregated by school, student demographic information and type of incident. Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy and additional training.

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

Cross-ref:           0100, Equal Opportunity and Non Discrimination  
                          0110, Sexual Harassment  
                          4321, Programs for Students with Disabilities

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  
Tinker v. DesMoines Independent Community School Dist., 393 US 503, (1969)  
Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)  
Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)  
Faragher v. City of Boca Raton, 524 U.S. 775 (1998)  
Burlington Industries v. Ellerth, 524 U.S. 742 (1998)  
Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)  
Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)  
Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)

Adopted:  
Revised:

June 27, 2012  
May 28, 2013

The Board of Education of the Newburgh Enlarged City School District is committed to the goal of improved student learning and effective teaching. The Board believes that access to computer networks, including the Internet and other technologies, can be an effective and valuable educational and research tool. The Board further believes that the computer network system, through software applications, online databases, bulletin boards and the Internet, and emerging features and uses of an electronic network, will significantly enhance student learning, as well as provide local, statewide, national and global communications opportunities for staff and students. Therefore, it is the policy of the Board to support and encourage the use of computers and computer-related technology in order to support open research and education in the District. The use of the computer network system for other purposes, including but not limited to for-profit or commercial activity, personal business or illegal activity is prohibited.

All users of the District's computer network system, including but not limited to electronic equipment, electronic mail and the Internet, must understand that use is a privilege, not a right, and that such use entails responsibility on the part of the user. Computer access will be provided by the District to all students and staff members in accordance with this Policy. In order to assure the integrity of the computer network system in the District, each account holder must agree to act responsibly and to comply with this Policy and its implementing Regulations. Any parent/guardian who does not want his/her child to have access to the District's computer network system must notify the District in writing. The Superintendent of Schools shall develop rules and regulations governing the use and security of the District's computer network system.

### **Teacher Web Pages**

All web pages residing on a District-supported server or service are the property of the Newburgh Enlarged City School District. Commercial use, use for the pursuit of personal or financial gain, advertising, soliciting, as well as use for any personal purpose are prohibited. The Superintendent of Schools and/or his/her designee may suspend webpage access at any time if an individual fails to adhere to the protocol or requirements stated herein. Each teacher/staff is responsible for the content posted on his/her webpage hosted on the District-supported servers/services and will follow all District procedures. Teacher web pages may link only to sites that are of educational significance and sites relating to the curriculum and activities of the District.

### **Internet Safety**

Internet access is provided with the understanding that the District cannot control the content available on the Internet. While the vast majority of sites available provide a wealth of useful information to staff and students, some sites may contain information that is inaccurate, offensive, defamatory or otherwise inappropriate for students. The District does not condone or permit the use of such materials in the school environment and makes good faith efforts to limit access by students to such inappropriate materials.

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.

Upon the approval of the Superintendent or his/her administrative designee, any such measures may be disabled or relaxed for staff members conducting bona fide investigations in accordance with criteria established by the Superintendent or his/her designee.

The Superintendent or his/her designee also shall develop and implement procedures that provide for the safety and security of students using direct 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 or other unlawful activities; and access to inappropriate matter on the Internet and World Wide Web.<sup>1</sup> The Superintendent or his or her designee shall establish and implement procedures that enforce these restrictions.

The computer network coordinator shall monitor and examine all district computer network activities to ensure compliance with this policy and accompanying regulation. He or she also shall be responsible for ensuring that staff and students receive training on their requirements.

All users of the district’s computer network, including access to the Internet and World Wide Web, 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 acceptable use policy. Failure to comply may result in disciplinary action including, but not limited to, the suspension or revocation of computer access privileges.

The district shall also provide age-appropriate instruction regarding appropriate online behavior, including:

1. interacting with other individuals on social networking sites and in chat rooms, and
2. cyberbullying awareness and response.

Instruction will be provided even if the district prohibits students from accessing social networking sites or chat rooms on district computers.

## **Privacy**

Users acknowledge that the network administrator may periodically need to review on-line activities in the course of performing routine maintenance of the system. Users further acknowledge that if there is reasonable suspicion of a user having violated this Policy or its implementing regulations, or any applicable law, the network administrator and/or appropriate school official may require access to his/her files, including private correspondence and private files, to review on-line activities. Any administrator reviewing such files in accordance with this Policy shall not be subject to any claims arising out of such review.

The School District, however, prohibits the unauthorized disclosure, use and dissemination of personal information regarding minors by its officers, employees or agents.

Failure by any user to comply with District policy or regulations regarding the use of the computer network system may result in suspension and/or revocation of computer access and/or related privileges. Further, a breach in the terms of this Policy and Regulations may be considered an act of insubordination, which may result in disciplinary action in accordance with law, and applicable collectively negotiated agreements and legal action where appropriate.

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<sup>1</sup>In accordance with the Children’s Internet Protection Act,

- Child pornography refers to any visual depiction, including any photograph, film, video, picture or computer or computer generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct. It also includes any such visual depiction that (a) is, or appears to be, of a minor engaging in sexually explicit conduct; or (b) has been created, adapted or modified to appear that an identifiable minor is engaging in sexually explicit conduct; or (c) is advertised, promoted, presented, described, or distributed in such a manner than conveys the impression that the material is or contains a visual depiction of a minor engaging in sexually explicit conduct.
- Harmful to minors means any picture, image, graphic image file, or other visual depiction that (a) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; (b) depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and (c) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

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Adoption: February 27, 2001  
Revised: December 18, 2001  
Revised: November 25, 2008  
Revised: February 24, 2010  
Revised: November 25, 2014

**Students**

The Board of Education recognizes and respects that parents want to communicate with their children going to and from school for safety reasons. Therefore, students are permitted to bring personal electronic devices to school; however, once a student enters the school building, such devices must be turned off and kept out of sight during the hours of the student instructional day. In addition, all headphones and earbuds must be stored and kept out of sight. If such device, headphones or earbuds are seen or used during the student instructional day, except under the limited circumstances set forth in this policy, the following are the consequences:

- First offense - the device (defined to include headphones and/or earbuds) will be confiscated until the parent/guardian (“parent”) comes to school to pick it up. The parent must also sign a document acknowledging that if there is a second offense the device will be confiscated until the end of the quarter and if there is a third offense, the device will be confiscated until the end of the school year.
- Second offense - the device will be confiscated until the end of quarter.
- Third offense - the device will be confiscated until the end of the school year.

If a student refuses to turn over the device, headphones and/or earbuds to the teacher or administrator, there will be disciplinary consequences in accordance with the District Code of Conduct.

For purpose of this policy, personal electronic devices may include but are not limited to:

- Existing and emerging mobile communication systems and smart technologies (e.g., cellular phones, iPhones, Smartphones, Internet enabled phones);
- Personal Digital Assistants (PDAs) (Palm organizers, pocket PCs etc.)
- Handheld entertainment systems (MP3 players, iPods, ear buds, etc.)
- Current or emerging wireless technologies or portable information technology systems that can be used for word processing, wireless Internet access, image capture/recording, sound recording and information transmitting/receiving/storing etc.
- Accessories such as headphones and earbuds.

The Board of Education prohibits the use of electronic devices that may distract from or disrupt the educational process and/or that may be used as weapons (including but not limited to laser pointers, light pointers. The Board of Education also prohibits audiotaping, videotaping or photographing on school property, except with permission of a staff member or for the purpose of photographing or videotaping public events (e.g., athletic events, plays, concerts, awards ceremonies). A student who violates this paragraph will be subject to discipline in accordance with law and the District Code of Conduct.



## **Examinations**

In order to ensure examination security, except as specifically required by law, the possession and/or use of any such electronic devices is prohibited during any test, examination, quiz etc. In addition to being subject to discipline and confiscation of the device, a student determined to have cheated on a quiz, test or examination through the use of an electronic device shall be given a grade of zero in that quiz, test or examination.

Students may not possess any electronic communication device or technology during Regents Examinations either in the room where the test is administered or while on a supervised break and until the examination has been completed, handed in and the student has left the examination room. If a student is observed with any such device or related technology while taking a State examination, the student will be allowed to complete the examination. The incident shall be reported to the Building Principal. If the Building Principal determines that the student had a prohibited device in his/her possession during the examination, the test will be invalidated and no score will be calculated for the student.<sup>1</sup> The incident must also be reported, in writing, to the New York State Education Department, Office of State Assessment.

## **Employees**

Employees must keep electronic devices turned off during student instructional time. Failure to do so may subject the employee to discipline in accordance with law and any applicable collectively negotiated agreement.

## **Emergencies**

During health and safety emergencies, such as fire drills, bomb threats and evacuations, no electronic devices may be used by students, staff or any third party, for the safety of students and staff, unless express permission is given by the Building Administration or staff member in charge.

## **Privacy**

Personal electronic devices shall not be used in any way that threatens, humiliates, harasses or intimidates students, staff or visitors, or otherwise violates District policies and regulations or state or federal laws. Students are prohibited from sending, sharing, viewing, or possessing pictures, text messages, emails or other material of a sexually explicit nature on their personal electronic devices while on school premises, at school-sponsored activities or on school transportation, or from off-campus and which are received at school or school activities.

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

The Board of Education prohibits any form of photography, tape recording or video recording of any individual on school property, in school facilities or at school-sponsored activities without that individual's knowledge, as well as the dissemination of any photograph or recording without the individual's permission. In no event shall any individual photograph or record in a zone where an individual has a reasonable expectation of privacy, including but not limited to locker rooms, bathrooms, and Nurse's office. A student who violates this policy shall be subject to discipline in accordance with law and the District Code of Conduct. An employee who violates this policy shall be subject to discipline in accordance with law and any applicable collectively negotiated agreement. Law enforcement authorities will be contacted in an appropriate case.

### **Enforcement**

It shall be the responsibility of District staff members (including but not limited to administrators, teachers, teaching assistants, teacher aides and security guards) to strictly enforce the provisions of this policy and to report violations to the building administration.

### **Responsibility**

The decision to bring electronic devices to school or school sponsored events rests with the individual student and his/her parents/guardians or the individual employee, respectively, and therefore the responsibility for such devices rests solely with the individual student or employee. The School District discourages bringing electronic devices to school. The School District assumes no responsibility or liability whatsoever for investigating, repairing or replacing an electronic device in the event that an electronic device is damaged, misplaced or stolen during the school day, when on school property or when in attendance at a school sponsored event, whether on or off of school property. The School District further assumes no responsibility or liability for any claims, losses, damages, suits, expenses or costs (including but not limited to communication bills, data usage bills) of any kind arising out of or related to the use or possession of a personal electronic device.

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Adopted: June 28, 2005  
Revised: July 25, 2006  
Revised: August 25, 2009  
Revised: August 26, 2014

Cross-Ref: District Code of Conduct  
Section 225, Education Law