

MARLBORO CENTRAL SCHOOL  
DISTRICT  
CODE OF CONDUCT  
2020-2021



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# CODE OF CONDUCT

## I. Introduction

The Board of Education of Marlboro Central School District is committed to providing a safe and orderly school environment where students may receive and District personnel may deliver quality educational services without disruption or interference. Our intent is to provide an effective and fair Code of Conduct that includes a variety of strategies for supporting our students. We acknowledge that we must examine and consider a range of methods to solve behavior problems, prior to resorting to punitive consequences. Our ultimate goal is to help our students become responsible, caring citizens. Responsible behavior by students, teachers, other District personnel, parents and other visitors is essential to achieving this goal.

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

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly. The Board is also committed to complying with all state regulations regarding the above. To this end, the Board adopts this Code of Conduct.

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

## II. Definitions

For purposes of this code, the following definitions apply.

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

“Gender” means actual or perceived sex and shall include a person’s gender identity or expression.

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

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

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

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

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

“Sexual orientation” means actual or perceived heterosexuality, homosexuality or bisexuality. "Violent student" means a student under the age of 21 who:

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

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

### **III. Student Rights and Responsibilities**

#### **A. Student Rights:**

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

- A. Take part in all District activities on an equal basis regardless of race, weight, color, creed, national origin, ethnic group, religion, religious practice, gender or sexual orientation or disability.
- B. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
- C. Access school rules, policies, regulations and, when necessary, receive an explanation of those rules from school personnel.

#### **B. Student Responsibilities:**

All District students have the responsibility to:

- 1. Contribute to maintaining a safe, supportive and orderly school environment that is conducive to learning and to show respect to other persons and to property.
- 2. Be familiar with and abide by all District policies, rules and regulations dealing with student conduct.
- 3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
- 4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
- 5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
- 6. Work to develop mechanisms to manage their anger.
- 7. Ask questions when they do not understand.
- 8. Seek help in solving problems.
- 9. Dress appropriately for school and school functions.
- 10. Accept responsibility for their actions.
- 11. Conduct themselves as representatives of the District when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

### **IV. Essential Partners**

#### **A. Parents:**

All parents are expected to:

- 1. Treat members of the school community with dignity, respect, courtesy, and compassion.

2. Recognize that the education of their child(ren) is a joint responsibility of the parents, and the school community and collaborate with the District to optimize their child's educational opportunities.
3. Send their children to school ready to participate and learn.
4. Ensure their children attend school regularly and on time.
5. Ensure absences are legal, as stipulated in school's handbook.
6. Insist their children be dressed and groomed in a manner consistent with the student dress code.
7. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
8. Know school rules and help their children understand them, so that their children can help create a safe, supportive school environment.
9. Convey to their children a supportive attitude toward education and the District.
10. Build positive and constructive relationships with teachers, other parents and their children's friends.
11. Help their children deal effectively with peer pressure.
  
12. Inform school officials of changes in the home situation that may affect student conduct or performance.
13. Provide a place for study and ensure homework assignments are completed.

**B. Teachers:**

All District teachers are expected to:

1. Treat others with dignity, respect, courtesy, and compassion.
2. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' self-concept and promote confidence to learn.
3. Be prepared to teach.
4. Demonstrate interest in teaching and concern for student achievement.
5. Know school policies and rules, and enforce them in a fair and consistent manner with an emphasis on prevention and intervention.
6. Communicate to students and parents:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline plan
7. Communicate regularly with students, parents and other teachers concerning growth and achievement.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.

9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
10. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

### **C. Guidance Counselors:**

1. Treat others with dignity, respect, courtesy, and compassion.
2. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
3. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences as necessary.
4. Regularly review with students their educational progress and career plans.
5. Provide information to assist students with career planning.
6. Encourage students to benefit from the curriculum and extracurricular programs.

### **D. Principals:**

1. Treat others with dignity, respect, courtesy, and compassion.
2. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
3. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
4. Evaluate on a regular basis all instructional programs.
5. Support the development of and student participation in appropriate extracurricular activities.
6. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

### **E. Other School Personnel**

1. Treat others with dignity, respect, courtesy, and compassion.
2. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
3. Maintain confidentiality in accordance with federal and state law.
4. Be familiar with the code of conduct.
5. Help children understand the District's expectations for maintaining a safe, orderly environment.
6. Participate in school-wide efforts to provide adequate supervision in all school spaces.
7. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.

8. Address personal biases that may prevent equal treatment of all students.

#### **F. Superintendent:**

1. Treat others with dignity, respect, courtesy, and compassion.
2. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
3. Review with District administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
4. Inform the Board about educational trends relating to student discipline.
5. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
6. Work with District administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

#### **G. Board of Education:**

1. Treat others with dignity, respect, courtesy, and compassion.
2. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, District personnel and visitors on school property and at school functions.
3. Adopt and review at least annually the District's Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
4. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.

#### **V. Student Dress Code**

##### **DRESS CODE**

The Board of Education of the Marlboro Central School District believes that the responsibility for student dress and general appearance rests with individual students and parents. However, the Board requires students to attend school in appropriate dress that meets health and safety standards and does not interfere with the learning process.

Appropriate school dress has a positive impact on student behavior and increases the esteem in which students and the community regard the school. Students have the responsibility to use discretion and common sense in their choice of clothing. Students are expected to wear clothing appropriate to the school. The following clothing guidelines have been established:



1. Mid-thigh shorts and skirts may be worn.
2. Tube tops, bare midriffs, racial shirts, tank tops, plunging necklines, or boxer shorts are inappropriate for school.
3. Underwear must be completely covered with outer clothing.
4. Footwear must be worn at all times.
5. No obscenity, inappropriate language or messages that encourage or promote drug and alcohol use are allowed on clothing.
6. With proper documentation, head gear may be worn for religious or medical purposes. Head gear is prohibited from being worn in any school building.

Administrative personnel have the authority to require a student to change his/her attire should it be deemed inappropriate according to the attached guidelines.

## **VI. Prohibited Student Conduct**

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

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. As a school District, we recognize that students also benefit by being part of a supportive and nurturing environment.

Appropriate counseling is essential to helping students to understand their behavior and to assist them with developing positive approaches to decision making. The counseling team is committed to working with administrators and teachers, as a team, to ensure that students are provided with appropriate opportunities for counseling in school. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on educating students so that they may grow in self-discipline.

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

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

### **A. Engage in conduct that is disorderly. Examples of disorderly conduct include:**

1. Running in hallways.
2. Making unreasonable noise.
3. Using language or gestures that are profane, lewd, vulgar or abusive.
4. Obstructing vehicular or pedestrian traffic.

5. Engaging in any willful act which disrupts the normal operation of a classroom or the school community.
6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate web-sites; or any other violation of the District's acceptable use policy.
8. Using cell phones during instructional time unless directed by the teacher as part of the instructional program.

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

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
2. Lateness to school or leaving school without permission.
3. Skipping detention.
4. Failing to follow rules as explained in the District Code of Conduct.
5. Lying to school personnel.

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

1. Inappropriate public displays of affection.
2. Excessive tardiness to class and school
3. Visible and/or audible cell phones during instructional time.
  
4. Any conduct that is deliberately designed to disrupt, disturb, side-track, or otherwise interrupt instruction and learning. Examples include but are not limited to: excessive talking or whispering, noise-making, poking or touching others, tapping desk or floor, etc.
5. Misconduct on a school bus - It is crucial for students to behave appropriately while riding on District buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.

**D. Engage in conduct that is violent. Examples of violent conduct include:**

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
4. Displaying what appears to be a weapon.
5. Threatening to use any weapon.

6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, and other District employee of any person lawfully on school property, including graffiti or arson.
7. Intentionally damaging or destroying school District property.

**E. Engage in any conduct that endangers the safety, morals, physical or mental health or welfare of others. Examples of such conduct include but are not limited to:**

1. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
2. Selling, using or possessing obscene or indecent material.
3. Using vulgar or abusive language, cursing or swearing.
4. Possessing, selling or distributing cigarettes, cigars, pipes or using chewing or smokeless tobacco.
5. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look- alike drugs, and any substances commonly referred to as "designer drugs."
6. Inappropriately using, sharing or selling prescription and over-the-counter drugs.
7. Gambling.
8. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
9. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
10. Processing or distributing pornography.
11. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
12. Discrimination, which includes using race, color, creed, national origin, ethnic group, religion, religious practice, sex, gender (identity and expression), sexual orientation, weight or disability to deny rights, equitable treatment or access to facilities available to others.

**F. Engage in Bullying Conduct. Bullying is understood to be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. In order to facilitate implementation of this policy, provide meaningful guidance and prevent behaviors from rising to a violation of law, this policy will use the term bullying (which is usually subsumed under the term "harassment") to describe a range of misbehaviors such as harassment, hazing, intimidation or discrimination. The accompanying regulation provides more guidance regarding the definition and characteristics of bullying. Examples include:**

1. Physical bullying – hitting, shoving, slapping, kicking, spitting at, elbowing

2. Verbal bullying – name-calling, teasing, insulting, humiliation, threatening, obtaining property or assistance through coercion (“if you don’t let me copy you’re homework, I’ll hurt you”).
3. Social bullying – excluding others from “the group,” spreading rumors or gossiping, setting others up to look foolish, making sure others do not associate with someone (“the silent treatment”).
4. Cyber bullying – using the capability of a social networking website (i.e., “Facebook”) or sending an email, instant message, electronic pictures, or text messages that are designed to threaten or hurt someone’s feelings, single out, embarrass, humiliate, or spread false rumors.
5. Sexual bullying – touching, pinching, or grabbing someone in a sexual way, making crude remarks about someone’s sexual behavior, calling someone “gay,” “fag,” “lesbian,” or other term designed to upset someone, making sexual gestures at someone.
6. Racial/Cultural bullying – treating others differently or badly because of their culture, racial, or ethnic background, or the color of their skin, saying negative things about someone’s race, culture, ethnicity, or skin color, calling someone by a racially or ethnically derogatory term, telling racist jokes.
7. Gender-based and religious-based bullying – treating others differently or badly because of their gender or religion. Making sexist jokes, religious jokes, or saying negative things about another person’s gender or religious beliefs.

**G. Engage in conduct that harasses others. Harassment has been defined in various ways in federal and state law and regulation. The Board recognizes that these definitions are important standards, but the Board’s goal is to prevent misbehavior from escalating in order to promote a positive school environment and to limit liability. The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as the creation of a hostile environment by conduct or by 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).

In some instances, bullying or harassment may constitute a violation of an individual’s civil rights. The district is mindful of its responsibilities under the law and in accordance with District policy regarding civil rights protections. Examples include:

1. Racial and Religious Harassment – Physical attack, verbal abuse, threats, derogatory name-calling, racial insults/jokes, ridicule, exclusion, racist graffiti/insignia, or inciting others to do likewise.
2. Sexual Harassment – A form of sexual discrimination and involves unwanted and unwelcome attention of a sexual nature. This may be physical or verbal or involve the denigration of an individual on sexual grounds or by sexual means. Examples include but are not limited to:
  - Indecent assault
  - Deliberate physical contact to which the individual has not consented nor had the opportunity to object to
  - Offensive or derogatory language alluding to a person’s private life, sexual behavior, or orientation by innuendo, jokes, or remarks
  - Pressing an individual to accept unwelcome invitations
  - The display of suggestive or pornographic material
  - Unwelcome repeated phone calls, text messages, letters, or emails
  - Behaviors directed at individuals or groups based on sexual orientation.
  - ANY unwelcome behavior of a sexual nature which creates an intimidating, hostile, or offensive environment for the recipient may be regarded as sexual harassment.
3. Appearance-based / Disability Harassment – Repeated comments relative to personal traits or appearance, practical jokes or invasion of privacy, any or all of which may cause physical or psychological distress. Examples include but are not limited to:
  - a. Making fun of someone due to size, weight, height, or looks
  - b. Making fun of someone because of a disability.
  - c. Making fun of someone because of learning needs or a learning disability
  - d. Making fun of someone because of learning performance or achievement.

**H. Engage in conduct commonly referred to as “hazing.” Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur. Examples include but are not limited to:**

1. Physical Endangerment – striking, bruising, maiming, or creating physically dangerous situations in order for the participants to gain approval/access into the groups and/or clubs as a rite of passage.
2. Mental Endangerment – fears, embarrassment, or intimidation to gain approval/access into groups and/or clubs as a rite of passage.

**I. Engage in any form of academic misconduct. Examples of academic misconduct include:**

Plagiarism, cheating, copying, altering records, and assisting another student in any of the above actions.

**J. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on District buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.**

**K. Engage in off-campus misconduct that interferes with, or can reasonably be expected to substantially disrupt the educational process in the school or at a school function. Examples of such misconduct include, but are not limited to:**

1. Cyberbullying (i.e., inflicting willful and repeated harm through the use of electronic text).
2. Threatening or harassing students or school personnel over the phone or other electronic medium.

**VII. Reporting Violations**

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

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

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

The building principal or his/her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or his or her designee learns of the violation.

In the event the school receives information regarding a planned out of school activity that might involve student high risk behavior, and the specific location and children are identified, the building

principal will first alert and caution the parents and children. The principal will also provide information as to the possible location of the activity to the local police.

## **VIII. Disciplinary Procedures**

### **Penalties and Referrals**

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

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

1. The student's age (not a critical factor in the case of high school students).
2. The nature of the offense and the circumstances which led to the offense.
3. The student's prior disciplinary record.
4. The effectiveness of other forms of discipline.
5. Information from parents, teachers and/or others, as appropriate.
6. Other extenuating circumstances.

As a general rule, discipline will be progressive. Repeated incidences will result in stronger consequences.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this Code of Conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

**RESPONDING TO ALLEGATIONS OF BULLYING, HARASSMENT, AND/OR HAZING** – When school personnel or adults observe incidents of bullying, harassment, and/or hazing, the adults are mandated to respond in accordance with this code of conduct. Even if the recipient of the bullying/harassment/hazing behaviors requests that no action be taken or reports not being bothered by the incident, the school is obligated to follow the investigative protocol delineated in this code of conduct, which includes appropriate reporting of the incident, appropriate investigation as necessary, and taking appropriate disciplinary action.

## **A. Penalties**

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

1. Oral warning – any member of the District staff
2. Written warning – bus drivers, coaches, guidance counselors, teachers, principal, assistant principal, superintendent. A copy of the warning will be sent to parents.
3. Written notification to parent - bus drivers, coaches, guidance counselors, teachers, principal, assistant principal, superintendent
4. Detention - teachers, assistant principal, principal, superintendent
5. Suspension from transportation – director of transportation, principal, assistant principal, superintendent
6. Suspension from athletic participation – coaches, Athletic Director, principal, assistant principal, superintendent.
7. Any suspension from a team will be reviewed by the Athletic Director.
8. Suspension from social or extracurricular activities – Activity Advisor, principal, assistant principal, superintendent
9. Suspension of other privileges - principal, assistant principal, superintendent
10. In-school suspension - principal, assistant principal, superintendent
11. Removal from classroom by teacher – teachers, assistant principal, principal (each school will designate a specific classroom/office for students to be sent to)
12. Short-term (five days or less) suspension from school - principal, superintendent, Board of Education
13. Long-term (more than five days) suspension from school - superintendent, Board of Education
14. Permanent suspension from school superintendent, Board of Education

## **B. Procedures**

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

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

### **1. Detention**



a) Detention - Teachers, principals, assistant principal and the superintendent may use after school detention as a penalty for the students' misconduct in situations where removal from the classroom or suspension would be inappropriate. After school detention will be imposed as a penalty only after the student's parent has been notified and the student has appropriate transportation home following detention.

## **2. Suspension from transportation**

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

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

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

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

## **4. In-School Suspension**

The Board recognizes that school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building administration and the superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in "in-school suspension."

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

## **5. Teacher disciplinary removal of disruptive students**

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using effective classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an

alternative setting. Such practices may include, but are not limited to: (1) short-term “time out” in an elementary classroom or in an administrator’s office; (2) sending a student to a guidance counselor or other District staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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

A classroom teacher may remove a disruptive student from class. The student will report to the administrative office for placement. The teacher is responsible for sending any work that the student will miss while he/she is out of the class. The removal from class applies to the class of the removing teacher only.

**If the disruptive student does not pose a danger or on-going threat of disruption to the academic process, the teacher must:**

- provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. The teacher must also contact the parent.

**If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must:**

- explain to the student why he or she was removed from the classroom
- give the student a chance to present his or her version of the relevant events within 24 hours
- complete a District-established disciplinary referral.
- meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal forms. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

## **6. Suspension from school**

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

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

Any staff member may recommend to the superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the superintendent for a violation of the Code of Conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

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

### **a. Short-term (5 days or less) suspension from school**

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

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and informal conferences shall be in the dominant language or mode of communication used by the parents.

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

disruption, the opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

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

b. Long-term (more than 5 days) suspension from school

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

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

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

c. Permanent Suspension

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

**C. Minimum Periods of Suspension**

**1. Students who bring a weapon to school.**

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The

superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

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

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

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

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

## **3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interfere with the teacher's authority over the classroom.**

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for at least five days. For purposes of this Code of Conduct, "repeatedly or substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a). If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term

suspension. The superintendent has the authority to modify the minimum five- day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

## **D. Referrals**

### **1. Counseling**

The Guidance Office, social worker, psychologists and student assistance counselor shall handle all referrals of students to counseling.

### **2. PINS Petitions**

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

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.

### **3. Juvenile Delinquents and Juvenile Offenders**

The superintendent is required to refer the following students to the county attorney for a juvenile delinquency proceeding before the Family Court.

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

The superintendent is required to refer students age 16 and older or any student 14 and under with juvenile offender status to the appropriate law enforcement.

## **IX. Alternative Instruction**

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the District will take immediate steps to provide alternative means of instruction for the student. The Board of Education expects students, administrators, teachers and parents to make every effort to maintain student academic progress in the

event of removal or suspension, and support student re-entry to the classroom at the conclusion of the disciplinary action.

## **X. 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 must be made in consultation with the Director of Student Services, and or CSE recommendations.

In the event that a student has a known disability or when school officials can be deemed to know – in accordance with law, that a student has a disability or meets the suspected of having a disability standard, the District will first proceed to conduct a §3214 long term disciplinary proceeding for any suspension of more than five days. The §3214 disciplinary processing 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:

### **§504/ADA Disability**

For a student solely with a disability under §504 of the Rehabilitation Act of 1973 ("§504")/Title II of the Americans with Disabilities Act (hereinafter referred to as the "ADA"), the §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 offer. A change in placement; i.e. a suspension, removal or transfer, in excess of then (10) school days must be preceded by notice and an evaluation conducted by the §504 team.
3. Students with a recognized §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 days or less, if it has

been determined that a suspension for less than ten consecutive school days would constitute a disciplinary change in placement.

A series of suspensions that are each ten (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 parent or guardian of the child has expressed in writing to supervisory or administrative personnel of the appropriate educational agency or to a teacher of the student that the student is in need of special education, provided that such notification may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
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 is determined by the CSE or Committee on Preschool Special Education ("CPSE") at the Student is not a student with a disability; or
4. It is 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 or the committee on special education as determined by the parent and the school District. The parent must receive written notification prior to any manifestation team meeting to ensure that the parent has



an opportunity to attend and inform the parent(s) of their right to have relevant members of the CSE participate at the parent's request.

1. 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 parent to determine if:
  - a. The conduct in question was caused by or had a direct and substantial relationship to the student's disability; or
  - b. The conduct in question was a direct result of the school District's failure to implement the IEP

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 five calendar days' notice to the student's parent or guardian. However, if the CSE meets to consider a change in placement in conjunction with manifestation determination, the five day notice requirement of §200.5(a)(3) of the Commissioner's Regulations will be applicable.

### **Discipline of Student 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 ten (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 eighteen-year old 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 forty-five (45) school days (less if 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 functions; 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 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.”
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 SCS shall, as appropriate, recommend functional behavioral assessment and behavior intervention, 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 education disability under IDEA for more than 10 consecutive school days, the School District may commence an expedited hearing before a special education impartial hearing officer to demonstrate that a student is “dangerous” and is substantially likely to cause injury to himself or others if returned to his last agreed upon placement. An impartial hearing officer may order the placement of the student in an interim alternative setting for up to forty-five (45) 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"**

When 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 forty-five (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 the law, the CSE must conduct a manifestation determination in the case of a student with an education disability who has been declassified if the disciplinary matter involves behavioral problems.

### **Corporal Punishment**

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

Corporal punishment means any act of physical force upon a student for the purpose of punishing that student, except as otherwise provided herein.

### **Use of Emergency Interventions**

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

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

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

### **XI. Student Searches and Interrogations**

The Board of Education authorizes the Superintendent of Schools, Building Principals, and Assistant Principals to conduct searches of students and their possessions for illegal matter or matter that otherwise constitutes a threat to the health, safety, welfare or morals of students attending our schools.

In authorizing such searches, the Board acknowledges both state and federal constitutional rights that are applicable to personal searches of students and searches of their possessions (e.g., pocket contents, bookbags, handbags, etc.). Such searches shall not be conducted unless founded upon reasonable individualized suspicion.

Students shall be informed by the administration that desks, school lockers storage spaces and school computers are not their private property but the property of the School District and that, as such, may be opened and subject to inspection from time to time by school officials. While recognizing the right to inspect students' school lockers, desks, storage spaces and computers without the necessity of obtaining student consent is inherent in the authority granted school boards and administrators, school officials will exercise every safeguard to:

- protect each student's constitutional rights to personal privacy and protection from coercion;

- emphasize that schools are educational rather than penal institutions; and
- resolve any doubts in the student's favor.

Realizing the intrusive nature of any search that requires a student to remove any and/or all clothing, the Board authorizes such searches to be conducted only upon a heightened standard of reasonable suspicion coupled with exigent circumstances, as determined following a review of the facts by the School Attorney or the Superintendent, in the absence of the School Attorney. During these searches, a second professional must be present. The professionals conducting these searches shall be of the same gender as the student.

Searches of outer coats, jackets, shoes and/or all pockets are permitted when founded upon reasonable individualized suspicion.

Searches and/or interrogations of students by Child Protective Services are subject to their administrative regulations.

### **A. Police Involvement in Searches and Interrogation of Students**

When possible, police authorities shall deal directly with parents/guardians of students. When investigations involve the school, District staff are to cooperate with the police and make every effort to contact the parents/guardians prior to the investigation in order that they may be represented, if they so desire. School personnel will take direction from police authorities when they are present on school premises in hot pursuit of a suspected criminal and/or when they come onto school property to make an arrest.

### **B. Child Protective Services' Investigations**

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

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

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to imminent danger or

abuse if he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to imminent danger or abuse, the worker may, in consultation with the police, remove the student without a court order and without the parent's/guardian's consent. All reasonable effort should be made to allow the student to complete the school day.

## **XII. Visitors to the Schools**

Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the school office upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the principal's office before leaving.
3. Visitors attending school functions that are open to the public, such as parent-teacher conferences or organization meetings and public gatherings are not required to register.
4. Teachers are expected not to take class time to discuss individual matters with visitors.
5. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
6. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

## **XIII. Public Conduct on School Property**

The District is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including students, teachers and District personnel.

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

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

## **A. Prohibited Conduct**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school District property or the personal property of a teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school District.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school District officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
  
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

## **B. Penalties**

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

1. Visitors: Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection and/or local law enforcement intervention.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.

3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law § 3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law § 75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law § 75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 3 and 4. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

### **C. Enforcement**

The Principal or his/her designee shall be responsible for enforcing the conduct required by this code. When the Principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the Principal or designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal or designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the Principal or designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

## **XIV. Dissemination and Review**

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

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

16. Providing copies of an age-appropriate, written in plain language, summary of the code to all students at the beginning of each school year.
17. Providing a plain language summary to all parents at the beginning of the school year, and thereafter on request.
18. Posting the complete code of conduct on the District's website.



19. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
20. Providing all new employees with a copy of the current code of conduct when they are first hired.
21. Making copies of the complete code available for review by students, parents and other community members.

Each school will have an informational meeting for all school staff members to ensure the effective implementation of the Code of Conduct. The superintendent may solicit the recommendations of the District staff, particularly teachers and administrators, regarding in service programs pertaining to the management and discipline of students. Ongoing professional development will be included in the District's professional development plan as needed.

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 the 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 no later than 30 days after adoption.

## **DIGNITY FOR ALL STUDENTS**

### **STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION**

The Board of Education is committed to providing an educational environment that promotes respect, dignity and equality. The Board recognizes that discrimination, such as harassment, hazing and bullying, are detrimental to student learning and achievement. These behaviors interfere with the mission of the district to educate its students and disrupt the operation of the schools. Such behavior affects not only the students who are its targets but also those individuals who participate in and/or 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 as described in this policy. The Board also prohibits discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds, including 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.

#### **Definitions**

##### **Bullying**

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

##### **Cyberbullying**

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

##### **Discrimination**

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

### **Hazing**

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

### **Harassment**

The creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing; (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

Discrimination or harassment within the meaning of this policy shall include a single severe incident or multiple incidents that are pervasive in nature that creates a hostile environment or reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety.

The discriminating behavior or 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 the purpose of this definition the term "threats, intimidation or abuse" shall include verbal and non-verbal actions.

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

## **Prevention**

In order to implement this program the Board will designate at its annual organizational meeting a Dignity For All Students Act (DASA) Coordinator for each school in the district. In addition, the Board shall appoint a district-wide DASA coordinator. The role of each DASA coordinator is to oversee and enforce this policy.

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. The components of such an effort involve the following:

- Learning about and identifying the early warning signs and precursor behaviors that may lead to bullying.
- Gathering information about bullying at school directly from students.
- Establishing clear school wide and classroom rules about bullying.
- Training adults in the school to respond sensitively and consistently to bullying.
- Providing adequate adult supervision, particularly in less structured areas such as in the hallways, cafeteria and playground.
- Raising parental awareness and involvement in addressing problems.
- Providing instruction in civility, citizenship and character education that emphasizes tolerance and respect for others.

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

## **Training**

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent, the District-wide DASA Coordinator

and the District Professional Development Committee will incorporate training to support this program in new teacher orientation and the annual professional development plan, as needed.

Training opportunities will be provided for all staff, including but not limited to bus drivers, cafeteria and monitors and all staff who have contact with students. Vendor employees (e.g.: cafeteria, bus, etc.) shall be trained by the District or by the vendor in accordance with this policy. The DASA Coordinators will be thoroughly trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, sex and gender (including gender identity and expression)

### **Incident Reporting and Investigation**

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

At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy. Where the nature of the bullying or harassment also warrants investigation under another District Policy that addresses wrongful discriminatory practices (e.g. Title VI CRA, Title IX ESEA, Section 504 RA/Title II ADA, Disability Discrimination), there shall be coordinated investigation. The building principal will prepare a quarterly report for the Superintendent based on complaints filed.

An equitable and thorough investigation will be carried out by the building principal or the Building DASA Coordinator. If either of the parties disagrees with the results of the investigation, they can appeal the findings to the Superintendent of Schools. In the event that the complaint involves the Superintendent of Schools, the appeal of the complaint shall be filed with the Board of Education for its review and decision. Verified bullying incidents that meet the criteria established by the state will be included in the statewide reporting system when applicable, in accordance with law and regulation.

If the Building Principal or the Building DASA Coordinator who conducted the investigation believes that any harassment, bullying or discrimination constitutes a crime, he or she will immediately report the incident to the appropriate law enforcement agency and immediately notify the Superintendent of Schools.

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

## **Confidentiality**

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

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

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

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

## **Disciplinary Consequences/Remediation**

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

Consequences for a student who commits an act of bullying shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors, and must be consistent with the district's Code of Conduct. The District shall ensure the safety of the student or students against whom such harassment, bullying (including cyberbullying) was directed and take reasonable measures to prevent recurrence of the offending behavior.

## **Non-Retaliation**

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

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

This policy, or a plain language summary, shall be published in student registration materials, student, parent and employee handbooks, and posted on the district's website. The district will ensure that the process of reporting bullying is clearly explained to students, staff and parents on an annual basis.

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

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

Cross-ref:       Section 6000-6120, Equal Opportunity and Nondiscrimination  
                  Section 600, 6121, Sexual Harassment  
                  Section 7000, 7061-7069, Programs for Students with Disabilities  
                  Section 7000, 7031-7037 Code of Conduct

- Ref:   Dignity for All Students Act, Education Law, § 10- 18
  - Americans with Disabilities Act, 42 U.S.C. §12101 et seq.
  - Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d et seq.
  - Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e et seq.; 34 CFR §100 et seq.
  - Title IX, Education Amendments of 1972, 20 U.S.C. §1681 et seq.
  - §504, Rehabilitation Act of 1973, 29 U.S.C. §794
  - Individuals with Disabilities Education Law, 20 U.S.C §§1400 et seq. Executive Law §290 et seq.
  - (New York State Human Rights Law) Education Law §§313(3), 3201, 3201-a
  - 8 NYCRR 100.2(c), (1), Gj), (kk); 119.6
  - Tinker v. Des Moines Independent Community School Dist., 393 US 503, (1969)
  - Doninger v. Niehoff, 527 F.3d 41 (2d. Cir. 2008)

- o Pollnow v. Glennon, 594 F.Supp. 220, 224 aff'd 757 F.2d. 496
- o 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)
- o Burlington Industries v. Ellerth, 524 U.S. 742 (1998)
- o 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)
- o Appeal of K.S. 43 Ed. Dept. Rep. 492
- o Appeal of Ravick 40 Ed. Dept. Rep. 262
- o Appeal of Orman 39 Ed. Dept. Rep. 811



**Marlboro Central School District**

**HARASSMENT, DISCRIMINATION AND/OR BULLYING  
STAFF COMPLAINT FORM**

**Date:**

**Reporting Person:**

**Name(s) of People Involved**

**Where did the incident occur? (Circle all that apply):**

- |          |              |                       |                          |           |
|----------|--------------|-----------------------|--------------------------|-----------|
| Field    | Hallway      | In class with teacher | In class without Teacher | Locker Rm |
| Bathroom | Line-up area | Lunchroom             | To/From School           | Gym       |
| Bus Stop | Bus          | Off Campus            | Other: _____             |           |

**Objective Description of the Incident- including witnesses, identity, and date(s) of occurrence(s) (be specific):**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\*Any person reporting an incident of harassment, discrimination, or bullying in good faith is protected from retaliatory claims.

-----  
**For Administrative Use Only**

**Date Submitted:**

**Person Receiving Form:**

\*To be completed by staff member making the complaint

**Marlboro Central School District**

**HARASSMENT, DISCRIMINATION AND/OR BULLYING  
PARENT COMPLAINT FORM**

Date: \_\_\_\_\_ Reporting Person: \_\_\_\_\_

Name(s) of People Involved

Where did the incident occur? (Circle all that apply):

Field                      Hallway    In class with teacher    In class without Teacher                      Locker Rm  
Bathroom                      Line-up area                      Lunchroom                      To/From School                      Gym  
Bus Stop                      Bus                      Off Campus                      Other: \_\_\_\_\_

Objective Description of the Incident- including witnesses, identity, and date(s) of occurrence(s) (be specific):

Signature

Date

\*Any person reporting an incident of harassment, discrimination, or bullying in good faith is protected from retaliatory claims.

-----  
For Administrative Use Only

Date Submitted: \_\_

Person Receiving Form:

**Part I**

Name \_\_\_\_\_ Date \_\_\_\_\_

Date of Incident \_\_\_\_\_ Time/Period \_\_\_\_\_

This incident is: \_\_\_ First time incident \_\_\_ Recurring incident - first reported on \_\_\_/\_\_\_/\_\_\_

Type of incident:

Check all that apply: \_\_\_ 1. Verbal \_\_\_ 2. Text-Phone \_\_\_ 3. Text Internet

\_\_\_ 4. Graphic/Written Statement \_\_\_ 5. Other:

\_\_\_\_\_

Nature of Incident:

Check all that apply: \_\_\_ 1. Physically Threatening \_\_\_ 2. Harmful Words

\_\_\_ 3. Humiliation \_\_\_ 4. Intimidation

Give a brief description of the incident:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Part II**

The complainant is (check all that apply):

\_\_\_\_\_ an employee, holding the position of \_\_\_\_\_ at \_\_\_\_\_

(location)

\_\_\_\_\_ a student grade \_\_\_\_\_ at \_\_\_\_\_ (school or location)

\_\_\_\_\_ a parent or community member

\_\_\_\_\_ other (please specify your relationship with or association to MCSD \_\_\_\_\_)

Basis of this complaint/grievance:

\_\_\_\_ Race \_\_\_\_ Color \_\_\_\_ Weight \_\_\_\_ National Origin \_\_\_\_ Ethnic Group \_\_\_\_ Religion  
\_\_\_\_ Religious Practice \_\_\_\_ Disability \_\_\_\_ Gender \_\_\_\_ Sex \_\_\_\_ Sexual Orientation

Name and/or description of accused person(s): \_\_\_\_\_

Description of alleged harassment/bullying/discrimination/incident:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Part III

Investigation Results (check all that apply)

\_\_\_\_ Harasser/Intimidator/Discriminator admission of guilt\*

\_\_\_\_ Harasser/Intimidator/Discriminator has no admission of guilt, but corroborating evidence support allegations of harassment/bullying/intimidation\*

\_\_\_\_ No conclusive evidence of harassment/bullying/intimidating-continue to monitor

\*If evidence of harassment/bullying-Parents of both students (targeted student and harasser) will be called to update situation with the following options.

\_\_\_\_ Referral to Mediation. Mediation date \_\_\_\_/\_\_\_\_/\_\_\_\_ Period \_\_\_\_\_.

\_\_\_\_ Separation of students (teacher notification, school safety notified, all pertinent personnel)

\_\_\_\_ Parent of harasser is notified of follow-up procedures and explanation of discipline or future discipline. (Date completed; \_\_\_\_/\_\_\_\_/\_\_\_\_)

\_\_\_\_ Parent of targeted student is notified of follow-up procedures to eliminate reoccurrence. (Date completed: \_\_\_\_/\_\_\_\_/\_\_\_\_)

Additional comment \_\_\_\_\_

**Marlboro Central School District  
Witness Form**

**Part IV**

Persons Interviewed:

V-W-H	Name	Date	Signed Statement Received	
1.	_____	_____	YES _____	NO _____
2.	_____	_____	YES _____	NO _____
3.	_____	_____	YES _____	NO _____
4.	_____	_____	YES _____	NO _____
5.	_____	_____	YES _____	NO _____
6.	_____	_____	YES _____	NO _____

V=Victim, W=Witness, H=Harasser

**Marlboro Central School District**  
**Harassment/Bullying/Discrimination Complaint Worksheet**  
**(to be completed by Administrator)**

Student Name \_\_\_\_\_ Date of Incident \_\_\_\_\_

**Part V**

Disciplinary Action \_\_\_\_ Yes/ \_\_\_\_ VADIR#\_\_\_\_/ \_\_\_\_ No discipline, warning issued

Administrator Signature \_\_\_\_\_ Date \_\_\_\_\_



**Marlboro Central School District**  
**DASA Case Chronology and Follow Up Form**

Administrator/Coordinator: \_\_\_\_\_

DASA Case: \_\_\_\_\_

Date Investigation Initiated: \_\_\_\_\_

Date	Initials	Descriptions of Activity


**Marlboro Central School District**

DASA Interview Notes from \_\_\_\_\_

Name of interviewed person: \_\_\_\_\_

Position or role in incident: Victim  Witness  Bystander  Harasser

Date/Time/Location of interview: \_\_\_\_\_

Interviewed by: \_\_\_\_\_

Names of Others Present: \_\_\_\_\_  
\_\_\_\_\_

## **DRUG AND ALCOHOL ABUSE**

The Board of Education is committed to the prevention of alcohol and other substance use/abuse. This policy describes the philosophy of the district and the program elements the district will use to promote healthy life styles for its students and to inhibit the use/abuse of alcohol and other substances.

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

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

In order to educate students on the dangers associated with substance abuse, the health education curriculum shall include instruction concerning drug abuse for grades K-12.

Any staff member observing narcotics possession or usage by students shall report the incident immediately to the Superintendent of Schools or his/her designee. The Superintendent or his/her designee shall then seek immediate action. Any narcotics found shall be confiscated immediately,

followed by notification of the parent(s)/guardian(s) of the student(s) involved and the appropriate disciplinary action taken, up to and including permanent suspension and referral for prosecution. In its effort to maintain a drug-free environment, the district shall cooperate to the fullest extent possible with local, state and/or federal law enforcement agencies.

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

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

Ref: Drug-Free Schools and Communities Act, 20 U.S.C. §§3171 et seq.

20 USC §114-5g

21 USC §812(c)

42 USC §§5101, 11841

34 CFR Part 86

Education Law §§804; 912-a; 3214

General Municipal Law §239-u Mental Hygiene Law §19.07(c) Penal Law §§220.00 et seq. Public Health Law, Article 33

8 NYCRR §§100.2(c); 135.3

10 NYCRR Part 9

New Jersey v. T.L.O., 469 U.S. 325 (1985)

Odenheim v. Carlstadt-East Rutherford Region School District, 211 N.J. Super. 54, 510

AD2d 709 (1985)

People v. Scott D., 34 NY2d 483 (1974) Matter of Wilson, 28 EDR 254 (1988) Matter of Pollnow, 22 EDR 547 (1983) Matter of Vetter, 20 EDR 547 (1981) Matter of Rodriguez, 8 EDR 214 (1969)

## **Academic Performance Standards for Co-Curricular Activities**

Any student who is planning on participating in a co-curricular activity and is currently failing or is in danger of failing two or more classes (as indicated on the Progress Report or Report Card) will begin that activity on probation.

Students who are participating in a co-curricular activity who are currently failing or are in danger of failing two or more subjects (as indicated on the Progress Report or Report Card) are put on academic probation for two weeks. During this initial probationary period, he/she can remain on the roster and may participate in any and all practices and games/competitions. It is required that the probationary student attend with the teacher of the class he/she is failing, attend all classes, and complete all assignments.

At the end of the two-week probationary period, the student will be responsible for submitting a blank Probationary Progress Report (PPR) to his/her teachers for all subjects. Each teacher will fill out the progress report and the student will promptly deliver the completed report to the building administration and Athletic Director.

The student's progress during the probationary period will be reviewed by building administration/ Athletic Director. If the PPR indicates the student is passing, the academic probation will end. If the student is not passing but demonstrates significant effort to raise his/her grades, the academic probation will be extended for an additional two weeks. The student will be able to fully participate on his/her team when the determination is made by the building administration/Athletic Director. If the student is failing and also not showing any effort to raise his/her grade, he/she will remain on the roster but may not play in any games or participate in any practices.

At the end of the second two-week probationary period, the student is responsible for submitting another blank PPR to his/her teachers and then promptly delivering the completed PPR to the building administration/Athletic Director.

If the student is failing two or more subjects after the second two-week probationary; period, he/she will be removed from all co-curricular activities.

Any student who is removed from an activity due to academic failures may not try out or participate in an activity until the progress report or report card demonstrates he/she is passing all subjects. Any

student who has brought his/her grades up to passing after the co-curricular activity has started will be considered for participation in the activity.

Any student who fails two or more classes for the year will be ineligible for the fall co-curricular activity unless the class is taken during the summer school and the student receives a passing grade.

## **SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES**

### **Program Implementation**

The Marlboro Central School District recognizes that effective use of technology is important to our students and will be essential to them as adults. Consequently, the School System will provide access to various computerized information resources through the District's Computer System (DCS hereafter) consisting of software, hardware, computer networks and electronic communications systems. This may include access to electronic mail, so called "on-line services" and "Internet." The District shall provide personnel support for such usage.

The DCS is for educational and/or research use only and must be consistent with the goals and purposes of the Marlboro Central School District. The standards of acceptable use as well as prohibited conduct by students accessing the DCS, as outlined in District policy and regulation, are not intended to be all-inclusive. Students are responsible for good behavior on school computer networks just as they are in a classroom or a school hallway. In addition to the specific standards of student conduct delineated in this regulation, the general requirements of acceptable student behavior expected under the District's school conduct and discipline policy and the Code of Conduct also apply to student access to the DCS. Communications on the network are often public in nature.

General school rules for behavior and communications apply.

Legal and ethical implications of software use will be taught to students of all levels where there is such software use. In addition, the Building Principal or his/her designee and/or classroom teacher will be responsible for informing District students of rules and regulations governing student access to the DCS.

In order to match electronic resources as closely as possible to the approved District curriculum, District personnel will review and evaluate resources in order to offer "home pages" and menus of materials which comply with Board guidelines governing the selection of instructional materials. In this manner, staff will provide developmentally appropriate guides to students as they make use of telecommunications and electronic information resources to conduct research and other studies related to the District curriculum. As much as possible, access to the District's computerized information resources will be designed in ways which point students to those which have been reviewed and evaluated prior to use. While students may be able to move beyond those resources to others which have not been evaluated by staff, students shall be provided with guidelines and lists of resources particularly suited to the learning objectives.

### **Authorization**

Students will not be permitted to use the DCS without specific authorization from the appropriate administrator and/or instructor. Furthermore, only those students who have signed an agreement form and provided written permission from parents/guardians may access the DCS, including potential student access to external computer networks not controlled by the Marlboro Central School District. (Refer to Forms #7314F and #7314F.1) Permission is not transferable and may not be shared. All required forms must be kept on file in the District Office.

### **Standards of Conduct Governing Student Access to the DCS**

Inappropriate use of the DCS may result in disciplinary action, including suspension or cancellation of access. Prior to suspension or revocation of access to the DCS, students will be afforded applicable due process rights. Each student who is granted access will be responsible for that usage. The DCS is provided for students in support of their educational program and to conduct research and communicate with others. Student access to external computer networks not controlled by the District is provided to students who act in a considerate and responsible manner. Individual users of the District's computerized information resources are responsible for their behavior and communications over the District computer network. It is presumed that users will comply with District standards and will honor the agreements they have signed.

Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered to be Marlboro Central School District property and subject to control and inspection. The Computer Coordinator may access all such files and communications to insure system integrity and that users are complying with the requirements of District policy and regulations regarding student access to the DCS. Students should **NOT** expect that information stored on the DCS will be private.

During school, teachers will guide students toward appropriate materials. Outside of school, parents/guardians bear responsibility for such guidance as they do with information sources such as television, telephones, movies, radio and other potentially offensive/controversial media.

Use of the DCS which violates any aspect of Marlboro Central School District policy; the Code of Conduct; and federal, state or local laws or regulations is strictly prohibited and may result in disciplinary action in compliance with applicable District guidelines and/or federal, state and local law including, but not limited to, suspension and/or revocation of access to the DCS. In addition to the District's general requirements governing student behavior, the following specific activities shall be prohibited by student users of the DCS.

#### **The following specific activities shall be prohibited by student users of the DCS.**

1) Using the DCS to obtain, view, download, send, print, display or otherwise gain access to or to transmit materials that are unlawful, obscene, pornographic or abusive.

(Examples include posting of pictures or videos.)

2) Use of obscene or vulgar language.

(Examples include texting, email, posting, video chatting)

3) Harassing, insulting or attacking others.

(Examples include texting, email, or posts on social media sites such as Facebook).

- 4) Damaging, disabling or otherwise interfering with the operation of computers, computer systems, software or related equipment through physical action or by electronic means.
- 5) Using unauthorized software on the DCS. (This includes downloads to district computers or apps to district equipment).
- 6) Changing, copying, renaming, deleting, reading or otherwise accessing files or software not created by the student without express permission from the Computer Coordinator.
- 7) Violating copyright law.
- 8) Employing the DCS for commercial purposes, product advertisement or political lobbying. It is expected that the use of the DCS will be to complete school related work and assignments required for courses or other educational objectives).
- 9) Disclosing an individual password to others or using others' passwords.
- 10) Transmitting material, information or software in violation of any District policy or regulation, the school behavior code, and/or federal, state and local law or regulation.
- 11) Revealing personal information about oneself or of other students including, but not limited to, disclosure of home address and/or telephone number.
- 12) Accessing personal, interactive sites (such as Myspace or Facebook blog) unless under the direct supervision of a staff member. This includes the use of a student's personal cell phone or digital device to access such social networking sites on school property.
- 13) Creating or using a website, blog or post which may cause a substantial disruption in the school environment or interfere with the rights of others. Student may be held accountable regardless if this occurs on or off school property.
- 14) Using a digital device (such as cell or camera phone), electronic technology and/or media to facilitate cheating, plagiarism, or other form of unauthorized use on school property.



**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES  
(Cont'd.)**

Network accounts are to be used only by the authorized owner of the account. Any user of the DCS that accesses another network or computer resources shall be subject to that networks acceptable use policy.

If a student or a student's parent/guardian has a District network account, a non-District network account, or any other account or program which will enable direct or indirect access to a District computer, any access to the DCS in violation of District policy and/or regulation may result in student discipline. Indirect access to a District computer shall mean using a non-District computer in a manner which results in the user gaining access to a District computer, including access to any and all information, records or other material contained or stored in a District computer.

**Sanctions**

- 1) Violations may result in suspension and/or revocation of student access to the DCS as determined in accordance with appropriate due process procedures.
  
- 2) Additional disciplinary action may be determined at the building level in accordance with existing practices and procedures regarding inappropriate language or behavior, as well as federal, state and local law.
  
- 3) When applicable, law enforcement agencies may be involved.

**Security**

Security on any computer system is a high priority, especially when the system involves many users. Users of the DCS identifying a security problem on the District's system must notify the teacher in charge. A student is not to demonstrate the problem to other users. Attempts to log on to the DCS as a Computer Coordinator will result in cancellation of user privileges. Any user identified as a security risk or having a history of problems with other computer systems may be denied access to the DCS. Further, any violations regarding the use and application of the DCS shall be reported by the student to the teacher in charge.

**MARLBORO CENTRAL SCHOOL DISTRICT  
AGREEMENT FOR STUDENT USE OF DISTRICT  
COMPUTERIZED INFORMATION RESOURCES**

Please print:

User/Account Holder Name: \_\_\_\_\_

School: \_\_\_\_\_

Grade/Position: \_\_\_\_\_

I have read and understand the Marlboro Student use of Computerized Information regarding Internet/Computer use of District-sponsored account. I agree to abide by its provisions.

I understand that in-school access to the Internet is designed solely for educational purposes. The use of school computers, software, network resources and/or the Internet for non-educational purposes such as for profit activity, personal business or illegal activity is prohibited. I also understand that a variety of inappropriate and offensive materials are available over the Internet, and it may be possible for me to access these materials inadvertently. I agree to act responsibly and to refrain from viewing inappropriate and/or offensive materials. I further understand that it is possible for undesirable or ill-intended individuals to communicate with me over the Internet and that there is no practical way for the Marlboro School District to prevent this from happening. I agree to take responsibility for avoiding such individuals and to report any such attempts at communicating with me. I acknowledge that in the course of using the Internet, there may occur interruptions in service beyond the control of the District, which may result in the loss of data, information or files. The District disclaims any and all responsibility for loss of data, information or files, caused by such service interruptions. I shall not use the Internet for any purpose that would violate any District policy and/or regulations, or that would violate any State or Federal law or regulation.

I understand that I have no right to privacy when I use the Marlboro School District's computer network and the Internet, including e-mail. I authorize the Marlboro School District staff to monitor any communications to or from me on the Marlboro School District Internet. I have determined that the benefits of having in-school access to the Internet outweigh the potential risks, and I will not hold the Marlboro School District as the Internet Access Provider, responsible for material acquired or contacts made on the Marlboro School District network or the Internet.

I further understand that any violation of the provisions in this Policy may result in suspension or revocation of my systems access and related privileges, other disciplinary action, and possible legal action.

Account Holder/User Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**MARLBORO CENTRAL SCHOOL DISTRICT  
PARENTAL/GUARDIAN CONSENT FOR STUDENT USE OF DISTRICT  
COMPUTERIZED INFORMATION RESOURCES  
CONDITIONS OF USE FOR ELECTRONIC INFORMATION RESOURCES  
STUDENT**

I understand and will abide by the Marlboro Central School District Acceptable Use Policy. I further understand that any violation of the policy is unethical and may constitute a school offense. Should I commit any violation, my access privileges may be suspended, revoked and/or other disciplinary action may be taken.

Username (please print) \_\_\_\_\_

User signature \_\_\_\_\_

Grade \_\_\_\_\_ Date \_\_\_\_\_

**PARENT OR GUARDIAN**

As the parent or guardian of this student, I have read the Marlboro Central School District Acceptable Use Policy. I understand that this access is designed for educational purposes. It is impossible for the Marlboro Central School District to completely restrict access to inappropriate materials, and I will not hold the Marlboro Central School District responsible for materials accessed on the network. I hereby give permission for my child to use the electronic information resources, including the Internet, and certify that the information contained on this form is correct.

Parent or Guardian (please print) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**PLEASE RETURN THIS FORM TO YOUR HOMEROOM TEACHER FAILURE TO RETURN THE FORM WILL  
DISALLOW INDEPENDENT INTERNET USE.**