POLICY

No. 5020.3

For Students with Disabilities Pursuant to Section 504

WESTBURY UNION FREE SCHOOL DISTRICT
BOARD OF EDUCATION

FOR STUDENTS WITH DISABILITIES PURSUANT TO SECTION 504

The Board of Education shall ensure that no student is discriminated against in programs or activities receiving federal financial assistance. Individuals protected by Section 504 of the Rehabilitation Act of 1973, are those individuals who have a physical or mental impairment which substantially limits one or more major life activities (e.g. caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working); have a record of such impairment; or are regarded as having such an impairment. Students who qualify for protection under Section 504 are: of an age during which non-disabled children are provided preschool, elementary or secondary education services; of an age during which it is mandatory under state law to provide such educational services to disabled children; or to whom a state is required to provide a free appropriate public education (e.g. under IDEA).

The Board shall identify, evaluate, refer, place, provide adaptations for and review all eligible students with disabilities. Students with disabilities pursuant to Section 504 shall be provided a free appropriate public education which may include, but is not limited to, providing a structured learning environment; repeating and simplifying instructions about in-class and homework assignments; supplementing verbal instructions with visual instructions; using behavioral management techniques; adjusting class schedules; modifying test delivery; using tape recorders, computer-aided instruction, and/or other audiovisual equipment; selecting modified textbooks or workbooks and tailoring homework assignments or modification of nonacademic times such as lunchroom, recess and physical education.

The Board shall adopt a grievance procedure to resolve Section 504 complaints and designate an individual to coordinate compliance with Section 504. The Board shall ensure that students with disabilities and their parents are notified annually of the Board's responsibilities under Section 504.

Cross-ref: 4321, Programs for Students with Disabilities
5300, Code of Conduct

Ref: Rehabilitation Act of 1973, 29 U.S.C. §§794 et seq. (Section 504)
34 CFR Part 104
Individuals with Disabilities Education Act, 20 U.S.C. §§1400 et seq. (IDEA)
Education Law §§4401 et seq. (Article 89)
8 NYCRR Part 200

Adoption date: May 19, 2011

POLICY

No. 5030

Student Complaints and Grievances

WESTBURY UNION FREE SCHOOL DISTRICT
BOARD OF EDUCATION

STUDENT COMPLAINTS AND GRIEVANCES

The Board of Education believes it is necessary that students be made aware of the behavior that is expected of them, as outlined in district policies on school conduct and discipline. They shall also be given an opportunity to be heard on complaints and grievances they may have.

A student filing a complaint or grievance alleging that there is an action affecting them which is prohibited by Title IX and/or Section 504 of the Rehabilitation Act or the Americans with Disabilities Act shall be provided with information regarding the prompt and equitable resolution of the complaint or grievance. Furthermore, a student shall have the right to present complaints and grievances in accordance with the procedure free from coercion, interference, restraint, discrimination or reprisal.

The Superintendent shall ensure that appeal procedures are incorporated into discipline codes, explained to all students and provided to all parents on an annual basis.

The Board of Education shall designate individuals to serve as the Title IX, Section 504 and ADA Compliance Officers.

Annual Notification

At the beginning of each school year, the district shall publish a notice of the established grievance procedures for resolving complaints of discrimination due to sex and/or disability to parents/guardians, employees, eligible students and the community. The public notice shall:

1. inform parents, employees, students and the community that vocational education programs are offered without regard to sex, race, color, national origin or disability;
2. provide the name, address and telephone number of the person designated to coordinate activities concerning discrimination due to sex and/or disability;
3. be included in announcements, bulletins, catalogues, and applications made available by the district.

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

Cross-ref: 0100, Equal Opportunity
0110, Sexual Harassment
5300, Code of Conduct
5020.3, Students with Disabilities Pursuant to Section 504

Ref: Americans with Disabilities Act, 42 U.S.C. §12133
Title IX, Education Amendments of 192, 20 U.S.C. Chapter 38; 34 CFR Part 106; 45 CFR Part 86
Rehabilitation Act of 1973, §504, 29 U.S.C. §794; 34 CFR §104
Education Law §3214

Adoption date: May 19, 2011

POLICY

No. 5100

Attendance

WESTBURY UNION FREE SCHOOL DISTRICT
BOARD OF EDUCATION

ATTENDANCE

The Board of Education recognizes that regular school attendance is a major component of academic success. Through implementation of this policy, the Board expects to reduce the current level of unexcused absences, tardiness, and early departures (referred to in this policy as "ATEDs"), encourage full attendance by all students, maintain an adequate attendance recordkeeping system, identify patterns of student ATEDs and develop effective intervention strategies to improve school attendance.

Notice

To be successful in this endeavor, it is imperative that all members of the school community are aware of this policy, its purpose, procedures and the consequences of non-compliance. To ensure that students, parents, teachers and administrators are notified of and understand this policy, the following procedures shall be implemented.

- A plain language summary of this attendance policy will be included in student handbooks and will be reviewed with students at the start of the school year.
- Parents will receive a plain language summary of this policy by mail at the start of the school year. Parents will be asked to sign and return a statement indicating that they have read and understand the policy.
- When a student is absent, tardy, or leaves early from class or school without excuse, designated staff member(s) will notify the student's parent(s) by phone and mail of the specific ATED, remind them of the attendance policy, and review ATED intervention procedures with them.
- A back-to-school event will be held at the beginning of each school year to explain this policy and stress the parent's responsibility for their ensuring their children's attendance.
- School newsletters and publications will include periodic reminders of the components of this policy.
- The district will provide a copy of the attendance policy and any amendments thereto to faculty and staff. New staff will receive a copy upon their employment.
- All faculty and staff will meet at the beginning of each school year to review the attendance policy to clarify individual roles in its implementation.
- Copies of this policy will also be made available to any community member, upon request.
- The district will share this policy with local Child Protective Services (CPS) to ensure a common understanding of excused and unexcused ATED's and to work toward identifying and addressing cases of educational neglect.

Excused and Unexcused Absences

Excused ATEDs are defined as absences, tardiness, and early departures from class or school due to personal illness, illness or death in the family, impassable roads or weather, religious observance, quarantine, required court appearances, attendance at health clinics, approved college visits, approved

cooperative work programs, military obligations, or such other reasons as may be approved by the appropriate building administrator.

All other ATEDs are considered unexcused.

All ATEDs must be accounted for. It is the parent's responsibility to notify the school office within 24 hours of the ATED and to provide a written excuse upon the student's return to school.

General Procedures/Data Collection

- Attendance will be taken during each class period.
- At the conclusion of each class period on the secondary level and at the end of the school day on the elementary level, all attendance information shall be compiled and provided to the designated staff member(s) responsible for attendance.
- The nature of an ATED shall be coded on a student's record.
- Student ATED data shall be available to and should be reviewed by the Principal's designated school personnel in an expeditious manner.
- Where additional information is received that requires corrections to be made to a student's attendance records, such correction will be made immediately by the Principal's designee. Notice of such a change will be sent to appropriate school personnel subject to applicable confidentiality rules.
- Attendance data will be analyzed periodically to identify patterns or trends in student absences.
- Where consistent with other school practices, teachers and staff shall detain students in the hallways who are absent from a class period without excuse and refer the students to the Building Principal.
- Continuous monitoring will be conducted to identify students who are absent, tardy, or leave class or school early. If a pattern of ATED's for an individual student is identified, a designated staff person(s) will follow-up in accordance with this policy.

Attendance Incentives

The district will design and implement systems to acknowledge a student's efforts to maintain or improve school attendance. For example:

- Monthly lottery drawings to award prizes for perfect attendance. Three prizes will be awarded each month at each grade level. Names of students with perfect attendance will be placed in the drawing by grade and three names will be drawn for the award of prizes each month, subject to parental consent and applicable confidentiality rules.
- An attendance honor roll shall be maintained and published monthly identifying those students with perfect attendance as well as those students whose attendance has improved significantly, subject to parental consent and applicable confidentiality rules.
- At the building and classroom levels, Building Principals and teachers are encouraged to schedule special events (quizzes, game days, debates, etc.) for days of chronically high absenteeism, like Mondays and Fridays.
- At the classroom levels, teachers are encouraged to assign special responsibilities (distribute and collect materials, lead groups, assist the teacher, etc.) to students who may need extra motivation to come to school.

Consequences of Excessive ATED's

A designated staff member(s) will contact the student's parents and the student's guidance counselor in the event that a student's record reveals excessive ATED's, excused and/or unexcused. Excessive ATED's is defined as: 10 (ten) days**.** Such staff member(s) shall remind parents of the attendance policy, explain the ramifications of excessive ATEDs, stress the importance of class attendance and discuss appropriate intervention strategies to correct the situation.

Unexcused ATEDs will result in disciplinary action consistent with the district's code of conduct. Those penalties may include, for example, detention or in-school suspension. Students may also be denied the privilege of participating in or attending extracurricular events.

In addition, the designated staff member will contact local Child Protective Services (CPS) if they suspect that the child is being educationally neglected. The designated staff member will provide CPS with the information necessary to initiate a report. If other staff members suspect education neglect, they must follow the procedures outlined in Board policy and regulation 5460, Child Abuse in a Domestic Setting, and advise the building psychologist/social worker.

Attendance/Grade Policy

The Board of Education recognizes an important relationship between class attendance and student performance. Consequently, each marking period a student's final grade may be based on classroom participation as well as student's performance on homework, tests, papers, projects, etc. Students are expected to attend all scheduled classes. Consistent with the importance of classroom participation, unexcused ATEDs will affect a student's class participation grade for the marking period.

At the high school level, any student with more than nine unexcused ATEDs for one-half year or 18 unexcused ATEDs for a full year will not receive credit for that course. However, students with properly excused ATEDs may make up the work for each ATED, and those ATEDs will not count toward the minimum attendance standard.

To ensure that parents and students are aware of the implications of this minimum attendance requirement, the teacher or other designated staff member(s) will advise the student and contact the parent(s) by telephone and mail at appropriate intervals prior to the student reaching nine or 18 unexcused ATEDs.

In implementing the policy set forth above, students who are unable to attend school or a class on a given day due to their participation in a school sponsored activity (i.e., music lessons, field trips), may arrange with their teachers to make up any work missed. This also applies to any student who is absent, tardy or leaves early from school or a class due to illness or any other excused reason.

All students with an excused ATED are expected upon their return to consult with their teachers regarding missed work.

Only those students with excused ATEDs will be given the opportunity to make up a test or other missed work and/or turn in a late assignment for inclusion in their final grade. Make up opportunities must be completed by a date specified by the student's teacher for the class in question.

Annual Review

The Board shall annually review building-level student attendance records and, if such records show a decline in student attendance, the Board shall revise this comprehensive attendance policy and make any revisions to the plan it deems necessary to improve student attendance.

Cross ref: 4710, Grading Systems
5300, Code of Conduct
5460, Child Abuse in a Domestic Setting

Ref: Education Law §§1709; 3024; 3025; 3202; 3205-3213; 3225
8 NYCRR §§104.1; 175.6
Social Service Law §34-a

Adoption date: May 15, 2014

POLICY

No. 5151

HOMELESS CHILDREN

WESTBURY UNION FREE SCHOOL DISTRICT
BOARD OF EDUCATION

HOMELESS CHILDREN

The Board of Education recognizes its responsibility to identify homeless children within the district, encourage their enrollment and eliminate existing barriers to their education which may exist in district practices. The Board will provide that homeless children attending the district's schools access to the same free and appropriate public education, including preschool education, as other children.

A homeless child is a child who lacks a fixed, regular, and adequate nighttime residence or who has a primary nighttime location in a public or private shelter designed to provide temporary living accommodations, or a place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. This definition also includes a child who shares the housing of others due to loss of housing, economic hardship, or similar reason; lives in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; lives in a car, park, public space or abandoned building, substandard housing, bus or train station or similar setting; has been abandoned in a hospital or is awaiting foster care placement; or is a migratory child who qualifies as homeless.

A homeless child has the right to attend school in either the district of origin (i.e., where he/she resided before becoming homeless), the district of current location, or a district participating in a regional placement plan.

The Superintendent of Schools shall develop procedures necessary to expedite the homeless child's access to the designated school. Such procedures shall include:

1. Admission: Upon designation, the district shall immediately review any designation form and admit the homeless child to school, even if the child is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency or other documentation and even if there is a dispute with the child's parents regarding school selection or enrollment.

   Homeless children will have the same opportunity as other children to enroll in and succeed in the district's schools. They will not be placed in separate schools or programs based on their status as homeless.

2. Transportation: The district shall provide transportation for homeless students currently residing within the district as required by applicable law and policy.

3. School Records: For homeless students attending school out of the district, the district shall, within five days of receipt of a request for records, forward a complete copy of the homeless child's records

including proof of age, academic records, evaluation, immunization records and guardianship paper, if applicable.

The Superintendent shall also designate a liaison for homeless children and ensure that this person is aware of his or her responsibilities under the law. The liaison's responsibilities shall include, but not be limited to, ensuring that:

1. parents of homeless children are informed of the educational and related opportunities available to them, including transportation;

2. enrollment transportation and placement disputes involving homeless children are promptly mediated and resolved;

3. school personnel in coordination with shelters and social service agencies and other appropriate entities identify homeless children, including homeless preschoolers;

4. homeless children receive educational services, including Head Start and preschool services to which they are eligible, as well as referrals to health care and other appropriate services;

In accordance with Commissioner's regulations, the district shall collect and transmit to the Commissioner information necessary to assess the educational needs of homeless children within the State.

Ref: 42 USC §§11431, et seq.
School Enrollment Guidelines on the McKinney-Vento Act, 67 Fed. Reg. 10,697-10,701 (March 8, 2002)
Education Law §§207; 305; 3202; 3205; 3209
Executive Law §§532-b; 532-e
Social Services Law §§17; 62; 397
8 NYCRR §§100.2; 175.6

Adoption date: May 15, 2014

POLICY

No. 5151-R

HOMELESS CHILDREN REGULATION

WESTBURY UNION FREE SCHOOL DISTRICT
BOARD OF EDUCATION

HOMELESS CHILDREN REGULATION

Each school in the district shall maintain forms provided by the Commissioner of Education for designating a homeless child's district of attendance. These forms must be provided to any homeless child or parent or guardian who seeks to enroll a child in school. The district's liaison for homeless students shall assist the homeless child and/or parent or guardian in understanding their rights under the law and provide them with information regarding the educational and related opportunities available to them.

School placement decisions for homeless children will be based on the "best interest of the child." Unless doing so is contrary to the wishes of the child's parent or guardian, to the extent possible, a homeless child will continue to attend the school of origin (the school the child attended when he or she became homeless).

If the district wishes to send a homeless child to a school other than the school of origin or a school requested by the parent or guardian, the Superintendent or designee shall provide the parent or guardian with a written explanation of its decision, together with a statement regarding the right to appeal the placement process. The Superintendent or designee shall refer any such dispute to the district's liaison for the homeless for resolution. The homeless child must be enrolled in the school sought by the parent or guardian pending resolution of the dispute.

Admission Procedures

Upon designation, the Superintendent of Schools or designee shall immediately:

1. review the designation form to ensure that it is complete;
2. admit the homeless child even if the child or his/her parent or guardian is unable to produce records normally required for enrollment or there is an unresolved dispute regarding school selection or enrollment;
3. where applicable, make a written request to the school district where a copy of the child's records are located for a copy of the homeless child's school records;
4. notify the liaison for homeless children of the child's admission. The liaison shall:

    a. notify the child and/or the parent or guardian of the educational and related opportunities available to homeless children including transportation;
    b. ensure that the child receives the educational services for which they are eligible, including Head Start and Even Start and preschool programs administered by the district;
    c. make necessary referrals to health care services, dental services, mental health services, and other appropriate services; and
    d. ensure that any enrollment disputes are mediated promptly and in accordance with law.

The Superintendent or designee shall forward a copy of the designation form to the Commissioner of Education and the school district of origin where applicable.

Unless the homeless child is entitled to transportation provided by the Division for Youth or the Department of Social Services, the district shall provide transportation services to the child in accordance with applicable law and policy.

Adoption date: May 15, 2014

POLICY

No. 5205

Eligibility for Co-Curricular and Extracurricular Activities

WESTBURY UNION FREE SCHOOL DISTRICT

ELIGIBILITY FOR CO-CURRICULAR AND EXTRACURRICULAR ACTIVITIES

The Board of Education has the authority to establish reasonable standards as prerequisites for eligibility for co-curricular and extracurricular activities. These standards apply to entry qualifications as well as to continued participation in such activities. Advisors/Coaches must disseminate a copy of the expected standards of conduct to all students and parents at the start of each school year, and participating students should be individually informed of the application and scope of such standards.

Eligibility and continued participation in co-curricular and extracurricular activities are a privilege extended to students, as opposed to a right, and the behavioral standards sets forth in the District Code of Conduct (policy 5300) apply to all students participating in any co-curricular and/or extracurricular activity. All student participants, including athletes, will be informed that they have the obligation to act in a responsible manner because of the leadership roles they play in the school environment and as a result are expected to adhere to a ban on the consumption/use of alcoholic beverages, drugs (other than those appropriately prescribed), and/or tobacco products on or off campus.

Advisors/Coaches must specify minimum school attendance requirements, and the minimum grade point average (GPA) they expect student participants to maintain. All such standards must be reasonable. The relationship between a student's GPA and his/her eligibility must be clearly explained to all student participants.

"Training rules" are generally accepted as a condition of participation in student athletics, and may include attendance at practices, individual training programs, etc. Similar rules of rehearsal attendance and practice may apply to other extracurricular or co-curricular activities such as orchestra, band and theater. Advisors/Coaches will provide these expectations in writing at the beginning of the school year or season, as appropriate.

Although suspension from participation in an extracurricular activity does not require a full hearing pursuant to Section 3214 of the Education Law, a student must be given the opportunity to appear informally before the disciplinarian and/or disciplinary committee as designated by the District, and present his/her side of the story as part of a general discussion of the conduct under review.

Cross-ref: 5300, Code of Conduct

Ref: Education Law §§1709(3); 2801
Bush v. Dassel-Cokato Board of Ed., 745 F. Supp. 562 (D. Minn. 1990)
Matter of O'Conner v. Bd. of Ed., 65 Misc.2d 40 (1970)
Matter of Wilson, 28 EDR 254 (1988)
Matter of Keily, 24 EDR 138 (1984)
Matter of Miller, 23 EDR 23 (1983)
Matter of Moore, 22 EDR 180 (1982)
Matter of Clark, 21 EDR 542 (1982)
Matter of Vetter, 20 EDR 547 (1981)

Adoption date: June 26, 2014

POLICY

No. 5252

Extraclassroom Activities Funds Management

WESTBURY UNION FREE SCHOOL DISTRICT
BOARD OF EDUCATION

EXTRACLASSROOM ACTIVITIES FUNDS MANAGEMENT

The Board of Education shall have the responsibility for the protection and supervision of the financial affairs of student clubs and extracurricular activities. The Superintendent will recommend and the Board will appoint a competent and qualified faculty advisor for each club or organization. The Board will appoint a Central Treasurer for the management of the funds associated with these clubs and organizations at the annual board organizational meeting.

Each student organization will designate a student treasurer in conformance with policy 5210.

Prior to termination of a student organization, all funds remaining in the treasury must be disposed of in one of the following ways:

- Expended by a majority vote of the organization, as provided for in its bylaws.
- Transferred to another student organization or for another purpose, as determined by the membership of the student organization

If no action is taken by the student organization, leftover funds of inactive or discontinued extraclassroom activities and of graduating classes shall automatically revert to the account of the general student organization or student council.

Financial transactions will be carried out in conformance with District policies and procedures. An audit of all accounts will be made annually by the independent/external auditor. The Board will receive a treasurer report in accordance with the regulation 5252-R.

Cross-ref: 2210, Board Organizational Meeting
5210, Student Organizations
6660, Independent External Audit

Ref: 8 NYCRR Part 172

The Safeguarding, Accounting, and Auditing of Extraclassroom Activity Funds, Finance Pamphlet 2, New York State Education Department (revised 2008)

Update Adopted: November 20, 2014

POLICY

No. 5252-R

Extraclassroom Activities Funds Management Regulation

WESTBURY UNION FREE SCHOOL DISTRICT
BOARD OF EDUCATION

EXTRACLASSROOM ACTIVITIES FUNDS MANAGEMENT REGULATION

The Extraclassroom Activities Funds Central Treasurer is appointed by the Board of Education and is responsible for the supervision of the extraclassroom activities funds.

The Central Treasurer's duties include the following:

a) Provides general supervision to ensure that all receipts are deposited and that disbursements are made by check only;
b) Maintains records of all receipts and expenditures;
c) Submits reports to the District Treasurer quarterly;
d) Assumes other duties customary to the position

The District Treasurer's duties with respect to this policy include the following:

a) Signs checks after reviewed by the claims auditor;
b) Reviews bank reconciliations and statements of club activities and statement of receipt disbursements;
c) Submit treasurer report to Board of Education quarterly

8 New York Code of Rules and Regulations (NYCRR) Part 172

Adoption Date: November 20, 2014

POLICY

No. 5280

Concussion Management

WESTBURY UNION FREE SCHOOL DISTRICT
BOARD OF EDUCATION

CONCUSSION MANAGEMENT

The Board of Education of the Westbury Union Free School District recognizes that concussions and head injuries are commonly reported injuries in children and adolescents who participate in sports and recreational activity and can have serious consequences if not managed carefully. Therefore, the District adopts the following policy to support the proper evaluation and management of head injuries. Concussion is a mild traumatic brain injury. Concussion occurs when normal brain functioning is disrupted by a blow or jolt to the head. Recovery from concussion will vary. Avoiding re-injury and over-exertion until fully recovered are the cornerstones of proper concussion management. While district staff will exercise reasonable care to protect students, head injuries may still occur. Physical Education Teachers, Coaches, nurses and other appropriate staff will receive training to recognize the signs, symptoms and behaviors consistent with a concussion. Any student exhibiting those signs, symptoms or behaviors while participating in a school sponsored class, extracurricular activity, or interscholastic athletic activity shall be removed from the game or activity and be evaluated as soon as possible by an appropriate health care professional. The Physical Education Teacher, Coach, and/or School Nurse will notify the student's parents or guardians and recommend appropriate monitoring to parents or guardians.

If a student sustains a concussion at a time other then when engaged in a school-sponsored activity, the district expects the parent/legal guardian to report the condition to the Physical Education Teacher, Coach, and School Nurse so that the district can support the appropriate management of the condition. The student shall not return to school or activity until authorized to do so by an appropriate health care professional. The school's chief medical officer will make the final decision on return to activity including physical education class and after-school sports. Any student who continues to have signs or symptoms upon return to activity must be removed from play and reevaluated by their health care provider. The Superintendent, in consultation with appropriate district staff, including the chief school medical officer, will develop regulations and protocols to guide the return to activity.

Cross-ref: 5420, Student Health Services

Ref: Education Law §§1709 (8-a); 3001-b
8 NYCRR §135.4
Santa Fe Indep. Sch. Dist. V. Doe, 520 U.S. 290 (2000) (constitutionality of student-led prayers at interscholastic athletic activities)

Adoption date: December 19, 2013

POLICY

No. 5300

Code of Conduct

WESTBURY UNION FREE SCHOOL DISTRICT
BOARD OF EDUCATION

CODE OF CONDUCT

I. Introduction

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

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

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

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

II. Definitions – 5300.10

For purposes of this code, the following definitions apply.

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

   "**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 or legal guardian, or person in parental relation.

   "**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 occurring on or off school grounds.

"**Sexual orientation**" means actual or perceived heterosexuality, homosexuality or bisexuality.

"**Violent student**" means a student under the age of 21 whom:

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Possesses, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee, student or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property including graffiti and arson.
8. Intimidates or initiates a confrontation with anyone legally on 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, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle, knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray, or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death. With respect to the term "firearm" as defined under the Gun-Free Schools Act, suspension is set a minimum of one calendar year. However, with respect to "weapon" other than "firearm" the District reserves the right to impose a term of suspension as it may deem appropriate and necessary.

III. Student Rights and Responsibilities - 5300.15

A. Student Rights

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

1. Take part in all district activities on an equal basis regardless of race, color, creed, national origin, ethnic group, religion, religious practice, gender, sexual orientation or disability.

2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the determination of guilt or innocence and for the imposition of the penalty.
3. Access school rules through student and parent handbooks, posted rules and consequences, and collaboratively developed rules 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 control their anger.
7. Ask questions when they do not understand a teacher's, administrator's, or other district personnel's instruction or directive.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions in accordance with the district dress code policy.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
12. Complete homework and all other tasks assigned to them.

IV. Essential Partners – 5300.20

A. Parents

All parents are expected to:

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

7. Know school rules and help their children understand them so that their children can help create a safe, supportive school environment.
8. Convey to their children a supportive attitude toward education and the district.
9. Build positive, constructive relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform the school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Demonstrate desirable standards of behavior through personal example.

B. Teachers

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual, or perceived race, color weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Maintain confidentiality in conformity with federal and state law.
6. Communicate-to students and parents:
    a. course objectives and requirements
    b. Marking/grading procedures
    c. Assignment deadlines
    d. Expectations for students
    e. Classroom discipline plan.
7. Communicate regularly with students, parents and other teachers concerning growth and achievement.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.
9. Address issues of harassment or any situation that threatens the emotional, 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.
11. Demonstrate desirable standards of behavior through personal example.

C. Guidance Counselors, Social Workers, Psychologists

All guidance counselors, social workers, and psychologists are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Assist students in coping with peer pressure and emerging personal, social and emotional problems.

3. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
4. Regularly review with students their educational progress and career plans.
5. Maintain confidentiality in accordance with federal and state law.
6. Provide information to assist students with career planning.
7. Encourage students to benefit from the curriculum and extracurricular programs.
8. Make known to students and families the resources in the community that are available to meet their needs.
9. Participate in school-wide efforts to provide adequate supervision in all school spaces.
10. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
11. Address personal biases that may prevent equal treatment of all students.

D. Other School Personnel

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

E. Principals/Administrators

All district principals are expected to:

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

9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
10. Address personal biases that may prevent equal treatment of all students and staff.
11. Demonstrate desirable standards of behavior through personal example.

F. The Dignity Act Coordinator(s)

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

G. Superintendent

The superintendent is expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Inform the Board about educational trends relating to student discipline
3. Review with district administrators the policies of the Board of education and state and federal laws relating to school operations and management.
4. Maintain confidentiality in accordance with federal and state law.
5. Work to create instructional programs that minimize incidence 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.
7. Participate in school-wide efforts to provide adequate supervision in all school spaces.
8. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
9. Address personal biases that may prevent equal treatment of all students and staff.
10. Demonstrate desirable standards of behavior through personal example.

H. Board of Education

The board of education is expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
4. 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.
5. 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.
6. Lead by example by conducting board meetings in professional, respectful, courteous manner.
7. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students and staff.
9. Demonstrate desirable standards of behavior through personal example.

V. Student Dress Code – 5300.25

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

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

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and / or back) and see-through garments are not appropriate.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not include the wearing of hats in the classroom except for a medical or religious purpose.
6. Not include items that are vulgar, obscene and libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

Each building principal or his or her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out to school suspension

VI. Prohibited Student Conduct – 5300.30

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. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

The 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 and/or inappropriate noise.
3. Using language or gestures that is profane, lewd, vulgar or abusive.
4. Obstructing, vehicular or pedestrian traffic.
5. Engaging in any willful act which disrupts the normal operation of the school community.
6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
7. Computer/electronic communications misuse, including any unauthorized use of computers, software or internet/intranet account; accessing inappropriate websites; making threats via the internet; or any other violation of the districts-acceptable use policy.
8. Use of beepers, pagers, or cellular telephones without the approval of the building administrator.

B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include, but are not limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
2. Lateness to school or class, truant from school, cutting class or leaving school without permission.
3. Missing detention or failing to comply with other disciplinary penalties or consequences.

C. Engage in conduct that is disruptive. Examples of disruptive conduct include, but not limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
2. Engaging in behavior that is disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.
3. Display or use of personal electronic devices, such as, but not limited to, cell phones, I-pods, digital cameras, in a manner that is in violation of district policy.

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

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

E. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include:

1. Subjecting other students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
4. Discrimination, which includes using race, color, 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.
5. Harassment, which includes a sufficiently severe action or persistent pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be, or which a reasonable person would perceive as ridiculing or demeaning. Harassment is also the creation of a hostile environment. (See policy, 0115, Student Harassment and Bullying Prevention and Intervention for a more complete definition.)
6. Intimidation, Which includes engaging in actions or statements that, put an individual in fear of bodily harm.
7. Bullying, which may be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. (See policy 0115 for a more complete definition.)
8. Hazing, which includes an induction, initiation or membership process involving harassment (see policy 0115 for a more complete definition).

9. Selling, using, distributing or possessing obscene material.
10. Using vulgar or abusive language, cursing or swearing.
11. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.
12. 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 drug paraphernalia, and any substances commonly referred to as "designer drugs."
13. Inappropriately using or sharing prescription and over-the-counter drugs.
14. Gambling.
15. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
16. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
17. Falsely reporting an incident.

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

G. Engage in any form of academic misconduct. Examples of academic misconduct include, but are not limited to:

1. Plagiarism.
2. Cheating including but not limited to, copying, using and/or possessing unauthorized "help sheets" and the like, illegally obtaining tests in advance, or substituting for a test-taker.
3. Copying
4. Altering records.
5. Assisting another student in any of the above actions.

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

1. 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.

I. Reckless use of a motor vehicle which endangers people or property.

VII. Reporting Violations – 5300.35

All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the building principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the 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 or her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or his or her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The conduct notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

VIII. Disciplinary Penalties, Procedures and Referrals – 5300.40

Procedures and Referrals

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

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

1. The student's age
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. This means that a student's first violation will usually merit a lighter penalty than subsequent violations.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code 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.

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, hall and lunch monitors, coaches, guidance counselors, teachers, principal, and superintendent
3. Written notification to parent — bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, principal, superintendent
4. Restitution
5. Probation
6. Formal reprimand
7. Detention — teachers, principal, superintendent
8. Suspension from transportation — director of transportation, principal, superintendent or designees
9. Suspension from athletic participation— coaches, principal, superintendent or designees
10. Suspension from social or extracurricular activities — activity director, principal, superintendent or designees
11. Suspension of other privileges — principal, superintendent
12. In-school suspension — principal, superintendent
13. Removal from classroom by teacher — teachers, principal
14. Short-term (five days or less) suspension from school — principal, superintendent, Board of Education
15. Long-term (more than five days) suspension from school — principal, superintendent, Board of Education
16. Permanent suspension from school — superintendent, Board of Education

B. Procedures

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

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

1. Detention

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

2. Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. 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 principal's designee to discuss the conduct and the penalty involved.

3. Suspension from athletic participation, extracurricular activities and other privileges

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

4. In-school suspension

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

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 good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control 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 the principal's office or an acceptable colleague's room for the remainder of the class time only; or (3) 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 for up to two days. 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. Only after the informal discussion may a teacher remove a student from class.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours.

The teacher must complete the district disciplinary removal form and 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 form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the Principal's secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

Within 24-hours after the student's removal, the principal or another district administrator designated by the principal must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee and teacher to discuss the reasons for the removal.

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 student's removal at the last known address for the parents. Notice may not be sent home with the student. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents. Such verbal notification shall not be a substitute for any written notification requirements.

If at the informal meeting the student denies the charges, the principal or the principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The

informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

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

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

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

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

Each teacher must keep a complete log for all cases of removal of students from his or her class. The principal must keep a log of all removals of students from class.

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

6. Suspension from school

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

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

Any staff member may recommend to the superintendent or the principal that a student be suspended. 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. Such verbal notification shall not be deemed a substitute for any written notification requirements.

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

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as 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 10 business days of the date f the superintendents' decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

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

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

hearing officer to conduct the hearing. The Superintendent or 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 20 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 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 as outlined in section X, 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-tern 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 interferes with the teacher's authority over the classroom.

Any student, other than a student with a disability (see section X), 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 is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this code on four or more occasions during a semester If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

D. Referrals

1. Counseling

The Guidance Office 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.
c. Knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.05. A single violation of §221.05 will be sufficient basis for filing a PINS petition.

3. Juvenile Delinquents and Juvenile Offenders

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

a. Any student under the age of 16 who is found to have brought a weapon to school, or
b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20(42).
c. The superintendent is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

IX. Alternative Instruction – 5300.45

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

Cross-ref: 4327, Homebound Instruction

X. Discipline of Students with Disabilities – 5300.50

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

This code of conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

A. Authorized Suspensions or Removals of Students with Disabilities – 5300.50

1. For purposes of this section of the code of conduct, the following definitions apply. A "suspension" means a suspension pursuant to Education Law k 3214. A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative education setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others. The CSE shall be responsible for determining the nature of the IAES as well as the services to be provided to the student.

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

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:

   a. The Board, the district (BOCES) superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

   b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior and provided that the appropriate due process procedures have been followed.

   c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.

   d. The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carried or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

      1. "Weapon" means the same as "dangerous weapon" under 18 U.S.C. 1 930 (g) (w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury
      2. "Controlled substance" and marijuana means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
      3. "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

B. Change of Placement Rule

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

   a. for more than y 10 consecutive school days; or
   b. for a period of 10 consecutive school days or Jess if the student is subjected to a series of suspensions or removals that constitute a pattern, because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

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

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

1. The district's Committee on Special Education shall:

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

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

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

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

decision is made to impose a suspension that constitutes a disciplinary change in placement.

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

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

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

However, if a request for an individual evaluation is made while such nondisabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. The expedited evaluation must be performed within 15 business days after the receipt of the request for the evaluation and the CSE must convene within five business days of completion of the expedited evaluation. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.

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

The notice of disciplinary removal shall be accompanied by the procedural safeguards notice as prescribed by the Commissioner of Education.

4. Superintendent's hearings on disciplinary charges against students with disabilities and students presumed to have a disability for discipline purposes shall be bifurcated into a guilt phase and a penalty phase and conducted in accordance with the following procedures:

    a: The superintendent shall proceed with the guilt phase and determine whether the student is guilty of the alleged misconduct. If it is determined that the student is guilty of the alleged misconduct, the Superintendent shall make a threshold determination of whether a suspension or removal in excess of 10 consecutive school days Or that would otherwise constitute a disciplinary change in placement should be considered. If a threshold determination is made that such a suspension or removal should be considered, before the Superintendent orders any such removal, a manifestation determination shall be made by the Committee on Special Education ("CSE"), except as otherwise provided herein. If the Superintendent determines that a suspension or removal that would constitute a disciplinary change in placement should not be considered, the hearing shall proceed to the penalty phase. Notwithstanding the foregoing, the District may choose to conduct a manifestation determination prior to a determination of guilt of a Superintendent's Hearing.

    b. In making the manifestation determination, the CSE shall consider all relevant and diagnostic and evaluative information, including reports by the parents, observations of the child, the child's IEP and placement. The CSE shall also consider whether, in relationship to the behavior that is subject to disciplinary action:

        i. The IEP and placement were appropriate;
        ii. The supplementary aides and services and behavior intervention strategies were provided consistent with the student's IEP and placement;
        iii. The disability did not impair the child from understanding the impact and consequences of the behavior that lead to the disciplinary action;
        iv. The disability did not impair the ability of the child to control the behavior subject to the disciplinary action.

5. Upon a determination by the CSE that the behavior of a student with a disability was not a manifestation of the student's disability, such a student may be disciplined in the same manner as a non-disabled student, except that such student shall continue to receive services in accordance with federal and state law. Upon receipt of notice of such determination, the Superintendent shall proceed with the penalty phase of the hearing. If the CSE determines that the behavior was a manifestation of the student's disability, the Superintendent shall dismiss the hearing, except as otherwise provided herein.

6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.

7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by federal and state law.

D. Expedited Due Process Hearings

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:

   a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
   b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

      1) During the tendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
      2) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

E. Referral to law enforcement and judicial authorities

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

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

XI. Corporal Punishment – 5300.55

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

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

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

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

XII. Student Searches and Interviews – 5300.60

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

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

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

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

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

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

A. Student Lockers, Desks and other School Storage Places

The rules of this code regarding searches of students and their belongings do not apply to student lockers, desks, and other school storage places. Lockers, desks, and other school storage places are provided by the school for student use and the administration has the right to search these areas. A student may be granted exclusive use of a locker or other school storage area as far as other students are concerned but the student does not have a reasonable expectation of privacy with respect to lockers, desks and other school storage areas, since these places are the property of the district. Student lockers, desks, and other school storage areas may be subject to search at any time by school officials without prior notice to students and without their consent.

B. Strip Searches

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. If an authorized school official believes it is necessary to conduct a strip search of a student, the school official may do so only if the search is authorized in advance by the Superintendent or the school attorney. The only exception to this rule requiring advanced authorization is when the school official believes there is an emergency situation that could threaten the safety of the student or others.

Strip searches may only be conducted by an authorized school official of the same sex as the student being searched and in the presence of another district professional employee who is also of the same sex as the student.

In every case, the school official conducting a strip search must have reasonable suspicion or probable cause to believe the student is concealing evidence of a violation of law or the district code. In addition, before conducting a strip search, the school official must consider the nature of the alleged violation, the student's age, the student's record, the quality of the knowledge that lead to the reasonable suspicion and the need for such a search.

School officials will attempt to notify the student's parent by telephone before conducting a strip search, or in writing after the fact if the parent could not be reached by telephone.

C. Documentation of Searches

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

1. Name, age and grade of student searched.
2. Reasons for the search.
3. Name of any informant(s).
4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Person conducting search and his or her title and position.
7. Witnesses, if any, to the search.
8. Time and location of search.
9. Results of search (that is, what items(s) were found).
10. Disposition of items found.
11. Time, manner and results of parental notification.

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

D. Questioning of Students

School officials have the right to question students and conduct investigations regarding alleged or suspected violations of school rules and/or illegal activity. Such investigations may include the questioning of students, staff, parents/guardians, or other individuals as may be appropriate and, when necessary, in determining disciplinary action in accordance with applicable due process rights.

Should the questioning of students by school officials focus on the actions of one particular student, the student will be questioned, by the appropriate school administrator. The degree, if any, of parental/guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity of further action which may occur as a result. School officials are not required to contact a student's parent before questioning the student. Students are not entitled to any sort of "Miranda" type warning before being questioned by school officials.

The authorized school official conducting the search shall be responsible for promptly recording information about the search, such as the name, age and grade of the student search, what lead to the search, the reason for the search, the type of search, the person conducting the search, the time and place of the search, an witnesses to search, what items were found from the search, and the time manner and results of parental notification. The building principal or the principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. Each item taken from a student should be clearly labeled. If a dangerous or illegal item is turned over to the police, the principal or his or her designee shall be responsible for personally delivering the item to the police authorities.

E. Police Involvement in Searches and the Interrogation of Students

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

1. A search or an arrest warrant, or
2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Been invited by school officials
4. In the course of their official duties

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

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

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

F. Child Protective Services Investigations

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will cooperate 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 Principal or his or her designee. The Principal or 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 danger of abuse if not he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

Ref: *Safford Unified School District #1 et al. v. Redding, 129 S. Ct. 2633 (2009)*
Vassallo v. Lando, 591 F.Supp.2d 172 (E.D.N.Y. (2008)
Phaneuf v. Fraikin 448 F.3'591 (2006)
New Jersey v. TLO, 469 U.S. 325 (1985)
In re Gregory, 82 N.Y.2d 588 (1993)
People v. Scott D., 34 N.Y.2d 483 (1974)
People v. Singletary, 37 N.Y.2d 310 (1975))
People v. Overton, 20 N.Y.2d 360 (1969)
M.M. v. Anker, 607 F.2d 588 (2d Cir. 1979)
Opinion of Counsel, 1 EDR 800 (1959)

XIII. Visitors to the Schools – 5300.65

The board encourages parents and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or his or her designee is responsible for all persons in the building and on the grounds. To 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 building will be considered a visitor
2. All visitors to the school must report to the office of the principal upon arrival at the school. There they will be required to sign the visitor's register, show a current driver's license or other legal photo identification, 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 visitors must return the identification badge to the principal's office before leaving the building
3. All staff will be issued an employee identification badge which must be worn while on the grounds of a school other than their regular site.
4. Visitors attending school functions that are open to the public, such as parent teacher organization meetings or public gatherings, are not required to register.
5. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s). So that class disruption is kept to a minimum, duration of the visit will be determined by the teacher.
6. Teachers are expected not to take class time to discuss individual matters with visitors.
7. 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.
8. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

XIV. Public Conduct on School Property – 5300.70

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property 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 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.
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 subdivision 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 building principal **or** his or her designee shall be responsible for enforcing the conduct required by this code.

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

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

D. Restitution for loss or destruction of District property

The District is authorized to seek restitution, including through civil action when necessary, from the parent or guardian of an un-emancipated over the age of ten and under the age of eighteen where such student:

a. Has willfully, maliciously, or unlawfully damaged, defaced, or destroyed real or personal property in the care, custody and/or ownership of the District; or
b. Has knowingly entered or remained in a District building, and wrongfully taken, obtained or withheld personal property owned or maintained by the District.

In addition, the District may require payment for lost or damaged books or other district equipment.

E. False Reporting of an Incident and/or Placing a False Bomb

A school district is also authorized to seek restitution, as described in law, from a parent or guardian of an un-emancipated student over the age of ten and under the age of eighteen where such student:

a. Has falsely reported an incident; or
b. Has placed a false bomb as defined in the New York State Penal Law.

Damages for falsely reporting an incident or placing a false bomb shall mean the funds reasonably expended by the school district in responding to such false report of an incident or false bomb, less the amount of any funds which have been or will be recovered from any other source as enumerated in the law.

In seeking restitution, the school district shall file with the Court, District Attorney and defense counsel an affidavit stating that the funds reasonably expended for which restitution is being sought have not been and will not be recovered from any other source or in any other civil or criminal proceeding, except as provided for pursuant to General Obligations Law §3-112.

XV. Dissemination and Review – 5300.75

A. Dissemination of Code of Conduct

The board will work to ensure that the community is aware of this code of conduct by:

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

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

B. Review of Code of Conduct

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

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

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

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

Adoption date: June 26, 2014

Westbury Union Free School District

Code of Conduct

Introduction

On July 24, 2000 the Safe Schools Against Violence in Education Act (SAVE) was enacted into law by the State of New York. This legislation is one of the most comprehensive regulations in the nation seeking to address school safety and violence prevention. Every school district throughout the state is required to be in full compliance. The Westbury Board of Education adopted its district-wide School Safety Plan on June 13, 2001. Included in this plan is the District's Code of Conduct. Following is a summary of the Westbury Union Free School District's Code of Conduct. This Code of Conduct is consistent with New York State Education Law, Section 3214, and the Westbury School District Policy No. 5300. A complete copy of the Code of Conduct is available upon request by contacting the District office.

The Westbury School District is committed to providing a safe and orderly school environment where students may receive quality educational services without disruption or interference. Westbury School District has a long-standing set of expectations for acceptable conduct on school property and at school functions. It is the expectation of The Westbury Board of Education, District School Administration, and all personnel to promote a safe, healthy and structured school environment whereas all students can reach their full potential.

The Board of Education 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 Westbury School District is committed to providing an orderly and stimulating learning environment for all students - the right to learn and to teach in an educational setting that is safe, free from disruption, and conducive to learning. An effective learning environment is dependent upon a sustained and cooperative effort on the part of students, parents, and staff.

* The Code of Conduct is subject to revisions. Please check the district website periodically for any updates to the policy.

Board of Education

Pless M. Dickerson, Ed.D., President
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Revised May 6, 2016

I. VIOLATIONS AGAINST PERSONS

DISCIPLINARY OFFENSE	ADMINISTRATIVE ACTION	
	MINIMUM	MAXIMUM
A. Assault: Intentionally causing physical injury to another person or persons	2 Days OSS, *, PC	5+ Days OSS, PC, SH
B. § Assault on staff	Felony charges will be filed.	
C. Harassment and/or Bullying: Communications or physical action that is threatening, insulting, disrespectful, potentially harmful, annoying or provoking	2 Days ISS, *	5+ Days OSS
D. Hazing: Initiation into or affiliation with any organization engaging in conduct which creates a substantial risk of physical injury.	2 Days OSS, *	5+ Days OSS
E. § Weapons Possession: Having, bringing, or using a weapon (Gun Free School Act, 1994)	5+ Days OSS, SH, Up to 1 calendar year suspension	
F. Possession or use of any instrument/article capable of causing physical injury.	3+ Days OSS	5+ Days OSS, SH
G. Inciting violence/menacing: Knowing about and not reporting a potentially violent act; encouraging someone or planning to participate in a violent, unsafe, or illegal act.	2 Days OSS	3+ Days OSS, SH
H. Altercations: Verbal and/or physical confrontation including to and from school.	PN, M, 1+Day ISS/OSS	5+ Days OSS, PC, SH
I. Reckless Endangerment: Subjecting individuals/oneself to danger by recklessly engaging in conduct that creates risk of/or causes serious injury.	PN, M, 1+ ISS/OSS, OSS, **	5+ Days OSS, PC, SH

II. VIOLATIONS AGAINST PROPERTY

DISCIPLINARY OFFENSE	ADMINISTRATIVE ACTION	
	MINIMUM	MAXIMUM
A. Extortion: Obtaining property or assistance through coercion.	2 Days OSS	5+ Days OSS, SH, PC
B. Theft: Unlawful taking/possession/sale of property.	2 Days OSS	5+ Days OSS, SH, PC
C. Theft: Unlawful taking or possession of property with force.	5 Days OSS	5+ Days OSS, SH, PC
D. Willful damage of school or personal property: Intentional destruction of school property. [Student(s) shall be responsible for all damages.]	1+ Day ISS/OSS, PN	5+ Days OSS, SH, PC
E. Pranks: Actions resulting in disruption of the school program.	M, 1+ Day ISS	2 Days OSS
F. Multiple occupancy of a locker and/or violation of its use.	Suspension of locker privileges	Permanent loss of locker privileges
G. Illegal/Unauthorized/Misuse of school electronic devices, equipment, and machines.	2+ Days ISS	5 Days OSS, SH, PC

KEY - **D**: Detention **TO**: Time Out **PN**: Parent Notification **ML**: Mandatory Letter
ISS: In School Suspension **OSS**: Out of School Suspension **SH**: Superintendent Hearing
PC: Police Contact *: Referral to Counselor **: Referral to Building PPS
GR: Gang Related-Penalties will increase for those offenses warranting this description

III. VIOLATIONS AGAINST PUBLIC DECENCY

DISCIPLINARY OFFENSE	ADMINISTRATIVE ACTION	
	MINIMUM	MAXIMUM
A. Dress Code Violation/Indecent Exposure	PN, ISS, Cover Clothing	1+ Day OSS
B. Obscenity: Communication/activity that is obscene, and profane	M, 1+ Day ISS/OSS, *	4+ Days OSS, *
C. Profanity at a staff member or an employee of the school district	1+ Day OSS, *	5+ Days OSS, SH, PC, *
D. Discriminatory practice and/or Sexual Harassment: Activities that are intended to be offensive to one's race, religion, heritage, gender, disability, or sexual orientation	2 Days OSS, *	5+ Days OSS
E. Activities that can be considered lewd, sexual misconduct	2 Days ISS, *	5+ Days OSS, *

IV. VIOLATIONS AGAINST PUBLIC HEALTH AND SAFETY

DISCIPLINARY OFFENSE	ADMINISTRATIVE ACTION	
	MINIMUM	MAXIMUM
A. Alcohol/Controlled Substance: Possession, consumption, distribution, and/or under the influence.	3+ Days OSS, **	4+ Days OSS, **
B. Possession of drug, gang, illegal, or inappropriate paraphernalia	2+ Days OSS, **	4+ Days OSS, **
C. Possession of Tobacco or marijuana	2+ Day OSS, **	4+ Days OSS, ** (Marijuana, PC)
D. Explosive/Hazardous Devices: Bringing, possessing and/or detonating any device with the potential for creating a public disturbance or harm.	5 Days OSS	5+ Days OSS, SH, PC
E. Discharging Fire Extinguisher, pulling fire alarm, or dialing 911 falsely	3 Days OSS	5+ Days OSS, SH, PC
F. Falsely reporting an incident.	2+ Days ISS/OSS	4+ Days OSS
G. Open Flame: Use of matches or lighter on school property, unless supervised by a staff member.	1+ Day ISS/OSS	4+ Days OSS
H. Arson/Deliberate setting of a fire	5 Days OSS, PC, SH	5+ Days OSS, PC, SH

V. VIOLATIONS AGAINST TRAFFIC REGULATIONS

DISCIPLINARY OFFENSE	ADMINISTRATIVE ACTION	
	MINIMUM	MAXIMUM
A. Reckless use of a motor vehicle: Use of a vehicle, which endangers people and property.	Loss of Driving Privileges and 1+ Days ISS/OSS	Permanent Loss of Driving Privileges and 3+ Days OSS, PC
B. Parking Regulations Violation	Loss of Driving Privileges 1+ Days ISS/OSS	Permanent Loss of Driving Privileges, 3+ Days OSS, PC
C. Unauthorized use of operated vehicles	Sticker, PN, 1+ Day ISS/OSS	Towed, 3+ Days OSS, PN, PC

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Westbury Union Free School District

VI. VIOLATIONS AGAINST SCHOOL ADMINISTRATIVE PROCEDURES

DISCIPLINARY OFFENSE	ADMINISTRATIVE ACTION	
	MINIMUM	MAXIMUM
A. Insubordination: Willful refusal to follow given directions.	M, PN, 1+ Day ISS/OSS	5 Days OSS
B. Disorderly Conduct: Disrupts the educational process and interferes with the authority of school personnel	M, 1+ Day ISS/OSS, PN	5 Days OSS, SH, PC
C. False Information: Refusing to give or giving false information when requested.	1+ Day ISS/OSS	3+ Days OSS
D. Forgery/Plagiarism: Falsifying signature, data et al., cheating (caught in the act of or intent to)	1+ Day ISS, M, (Grade of 0% if applicable)	2+ Days OSS
E. Violation of Administrative directives/district policies.	M, PN, 1+ Day ISS/OSS	5+ Days, OSS, SH
F. Gambling	1+ Day ISS/OSS	3+ Days OSS
G. Possession of any unauthorized electronic devices and other disruptive materials	Confiscation, PN, 1+ Day ISS/OSS See #1on Page 3	1+ Day OSS See #1 on Page 3
H. Inappropriate/Unsafe Bus Behavior/Inappropriate behavior or insubordination to Bus Driver/riding on bus not assigned to student	Loss of Bus Privileges, 1+ Day ISS/OSS	Permanent Loss of Bus Privileges 5+ Days OSS, SH
I. Trespassing/Unauthorized presence on school property.	2+ Days OSS	5+ Days OSS, SH, PC
J. Leaving Campus without parental or administrative permission/leaving supervised area without permission	1+ Day ISS/OSS	2+ Days OSS
K. Cutting Class	M, D, PN, 1+ Day ISS	M, 1+ Day OSS, Exclusion of Extra-Curricular activities
L. Continuous lateness to class and school.	M, D, PN, 1+ Day ISS	M, 1+ Day OSS, Exclusion of Extra-Curricular Activities
M. Truancy	M, D, PN, 1+ Day ISS/OSS	2+ Days, OSS, *,**
N. Loitering in school/on school grounds during and after school hours.	Immediate ejection from grounds, 1+ Day ISS, PN	2+ Days OSS, PC
O. Eating/Drinking in class without permission	PN, 1+ Day ISS	2 Days ISS/OSS
P. Unauthorized photography or video.	PN, 1+ Day ISS/OSS	2+ Days OSS, PC, SH

KEY - **D**: Detention **TO**: Time Out **PN**: Parent Notification **ML**: Mandatory Letter
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GR: Gang Related-Penalties will increase for those offenses warranting this description

Possession of any unauthorized electronic devices and other disruptive materials:
1st Offense:

1. Confiscate the electronic device
2. Put it in zippered bag
3. Tag the device with identification information
4. Give student receipt
5. Secure the electronic device
6. Parent must come up to retrieve the electronic device
7. Incident will be logged

2nd Offense: 1. Same as first offense
2. Parent must sign a letter that will state that if this or any other electronic device is confiscated again, device(s) will not be returned until June 30.

3rd Offense: 1. Device is confiscated until June 30. 2. Parent must retrieve device(s).

Westbury Union Free School District

Consequences for Unacceptable Student Behavior

Westbury School District has adopted a uniform discipline code for all students. It is recognized that the primary responsibility for student discipline lies with each staff member. However, if a staff member feels a referral is necessary, the principal shall apply the code based on the prior disciplinary record. Consequences of misbehavior include in- and out-of-school suspension, detention, school service, loss of privileges, and an abbreviated day. Ongoing unacceptable behavior shall be referred to the appropriate administrator and/or an Alternative Learning Center. Following is a list of violations and actions an administrator shall enforce for infraction of the Code Of Conduct consistent with a student's right to due process. Students who are under administrative review shall not participate in any school district activities nor be allowed on any district property for the duration of the suspension as specified by the Board of Education

Westbury School District Dress Code

The Westbury School District Dress Code expresses our commitment to learning, safety, high standards, freedom of expression, and appropriate, responsible dress for school and school functions. Attention to appearance is a reflection of care and concern for our students and our community. We have established these standards to create an atmosphere of self-respect and respect for others. It is the responsibility of our school system to prepare students for the world of work which requires appropriate dress.

This code is designed to be a guide and is by no means all inclusive. Final decisions concerning appropriateness of dress will be made by the building administrator.

Students in grades K-12 shall not wear the following:

1. Any clothing or apparel which:
   - Is considered unsafe, dangerous, or a health hazard (no outerwear shall be worn during the school day);
   - Contains offensive or obscene symbols, signs, slogans, or words denigrating any person's race, color, religion, ancestry, national origin, disability, gender, and/or sexual orientation;
   - Contains language or symbols promoting or endorsing violence, sex, drugs, alcohol, tobacco, or vandalism;
2. Any attire or grooming disruptive to the instructional process which may include, but not limited to:
   - bare midriffs, halter tops, tube tops, and any clothes insufficient to conceal undergarments at all times, such as net/mesh shirts, transparent blouses, shirts, or dresses;
   - short shorts, short skirts, dresses, or pants that are tight or revealing;
   - pajama-type or bedtime clothing, bedtime wear, slippers;
   - bare feet or flip-flops (rubber thongs);
   - unbuckled belts or overall straps;
   - hats or sunglasses;
   - chains, dog collars, hanging chains;
   - jewelry with gang symbols, and/or
   - any combination of clothing which law enforcement agencies currently consider gang-related (these may change over time)

Exceptions to the Dress Code necessitated by religious practice will be considered individually by the building administrator.
Provisions of the Dress Code are applicable at all times within the school building and during all school activities. Exception or modification of a provision of the dress code may be authorized by the building principal for a specific school-related activity on a single-event basis.

Westbury Union Free School District

Discipline for Activities Not Occurring on School Premises

The Westbury Board of Education has a strong sense of responsibility to assure students that they can go to and from school in an atmosphere of safety. Also, there are many off-campus activities in which students participate, such as sports events at other schools, field trips, volunteer work on behalf of school programs or club activities. Many times incidents that occur off school premises are a result of activities which have occurred on school premises. These incidents may have an impact on subsequent activities on school premises or on the safety of students within our schools. Therefore, it is the policy of the Westbury Board of Education that students shall be disciplined for off-campus conduct detrimental to the interest of the school district and/or disruptive to the school community.

This document in no way limits the Superintendent or the Board of Education to take action to assure safe schools but serves as a procedural guideline.

POLICY

No. 5300.25

Student Dress Code

WESTBURY UNION FREE SCHOOL DISTRICT
BOARD OF EDUCATION

STUDENT DRESS CODE

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

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

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back), and see-through garments are not appropriate. This also applies to short lengths for skirts, dresses, and shorts.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not include the wearing of hats in the classroom except for a medical or religious purpose.
6. Not include items that are vulgar, obscene, libelous, or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

Each Building Principal or his/her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item, and if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

Adoption date: February 17, 2011

POLICY

No. 5405

Wellness

WESTBURY UNION FREE SCHOOL DISTRICT
BOARD OF EDUCATION

Westbury Union Free School District

Wellness Policy

Federal Public Law (Public Law 108.265 Section 204) states that by the first day of the 2006 school year beginning after June 30, 2006 all schools must develop a local wellness policy that involves parents, students, a representative from the School Food Authority, school board, school administrators and the public. The Local Education Authority (LEA) will establish a plan for measuring implementation of the local wellness policy. Section 204 of the Healthy, Hunger-Free Kids Act of 2010 (Public Law 111-296) added Section 9A to the Richard B. Russell national School Lunch Act (42 USC 1758b) amended the local school wellness implementation.

The Westbury School District is committed to providing a school environment that enhances learning and development of lifelong wellness practices.

To accomplish these goals:

- Child Nutrition Programs comply with federal, state and local requirements. Child Nutrition Programs are accessible to all children.
- Sequential and interdisciplinary nutrition education is provided and promoted.
- Patterns of meaningful physical activity connect to students' lives outside of physical education.
- All school-based activities are consistent with local wellness policy goals.
- All foods and beverages made available on campus (including vending, concessions, a la carte, student stores, parties, and fundraising) during the school day are consistent with the Institute of Medicine's (IOM) current dietary guidelines for Americans.
- All foods made available on campus adhere to food safety and security guidelines.
- The school environment is safe, comfortable, pleasing, and allows ample time and space for eating meals. Food and/or physical activity is not used as a reward or punishment.
- School district(s) will provide information to families that encourage them to teach their children about health and nutrition and to provide nutritious meals for their families.
- Students will be encouraged to start each day with a healthy breakfast.

Westbury School District Wellness Policy Guidelines

Physical Activity

- Physical activity will be integrated across curricula and throughout the school day.
- Physical education courses will be the environment where students learn, practice and are assessed on developmentally appropriate motor skills and knowledge.
- Policies ensure that state-certified physical education instructors teach all physical education classes.
- Time allotted for physical activity will be consistent with research, national and state standards.
- Provide a daily recess period, which is not used as a punishment or a reward. Consider planning recess before lunch since research indicates that physical activity prior to lunch can increase the nutrient intake and reduce food waste.
- Physical activity participation will take into consideration the "balancing equation" of food intake and physical activity.
- Physical education includes the instruction of individual activities, as well as competitive and non-competitive team sports to encourage life-long physical activity.
- Adequate equipment is available for all students to participate in physical education. Physical activity facilities on school grounds will be safe.
- The school provides a physical and social environment that encourages safe and enjoyable activity for all students, including those who are not athletically gifted.
- Information will be provided to families to help them incorporate physical activity into their student's lives.
- Schools are encouraged to provide community access to and encourage students and community members to use the school's physical activity facilities outside of the normal school day.
- The Adult Education program offers the community classes in swimming, low impact aerobics and strength training, and recreational basketball. These programs are conducted in the evening and available to the community through fall and spring classes.

In all aspects of local wellness, the school staff will act as role models for good nutrition and physical activity behaviors.

Westbury School District Wellness Policy Guidelines

Nutrition Education

- Nutrition education will be integrated into other areas of the curriculum such as Math, Science, Language Arts and Social Studies.

- The staff responsible for nutrition education will be adequately prepared and participate regularly in professional development activities to effectively deliver an accurate nutrition education program as planned. Preparation and professional development activities will provide basic knowledge of nutrition, combined with skill practice in program-specific activities and instructional techniques and strategies designed to promote healthy eating habits.

- Nutrition education information will be reviewed by a qualified, credentialed nutrition professional (e.g. School Food and Nutrition Specialist, (SFNS), a Registered Dietitian (RD), who is specialized in school-based nutrition).

- The school cafeteria serves a "learning laboratory" to allow students to apply critical thinking skills taught in the classroom.

- Nutrition education will involve sharing information with families and the broader community to positively impact students and the health of the community.

Nutrition Guidelines for All Foods on Campus

- All foods made available on campus will comply with the current USDA Dietary Guidelines for Americans that are recommended by the IOM:

    - Vending machines
    - A la carte
    - Beverage contracts
    - Student stores
    - School parties/celebrations

- Birthday celebrations: To celebrate a student's birthday each month, the school kitchen will bake cupcakes for every student in the school to celebrate all students born in that particular month. The cupcakes will be distributed at lunchtime once a month to every student. Baked items, such as cupcakes or cakes baked outside the school are not allowed at birthday celebrations, no exceptions.

- Food providers will take every measure to ensure that student access to foods and beverages meets federal, state and local laws and guidelines. Food providers will offer a variety of age appropriate healthy food and beverage selections for elementary schools, middle schools and high schools.

- Nutrition information for products offered in snack bars, a la carte, vending and school stores is readily available near the point of purchase.

- Families, teachers, students and school officials are engaged in choosing the competitive food selections for their local schools.

- Promotional activities will be limited to programs that are requested by school officials to support teaching and learning. All promotional activities in schools will be connected to activities that encourage physical activity, academic achievement or positive youth development and are in compliance with local guidelines.

- Food providers will be sensitive to the school environment in displaying their logos and trademarks on school grounds.

- Nutrition education is incorporated during classroom snack times, not just during meals. Foods and beverages sold at fundraisers include healthy choices and provide age appropriate selections for elementary schools, middle schools and high schools.

Eating Environment

- The National Association of State Boards of Education recommends that students should be provided adequate time to eat lunch, at least 10 minutes for breakfast and 20 minutes for lunch, from the time the student is seated.

- Lunch periods are scheduled as near the middle of the school day as possible.

- Cafeterias include enough serving areas so that students do not have to spend too much time waiting in line.

- Dining areas are attractive and have enough space for seating all students per lunch period.

- Drinking water is available for students at meals.

- Food is not used as a reward or a punishment for student behaviors.

Child Nutrition Operations

- The child nutrition program will aim to be financially self-supporting. However, the program is an essential educational support activity. Budget neutrality or profit generation will not take precedence over the nutritional needs of the students. If subsidy of the child nutrition fund is needed, it will not be from the sale of foods that have minimal nutritional value and/or compete nutritionally with program meals.

- The child nutrition program will ensure that all students have affordable access to the varied and nutritious foods they need to stay healthy and learn well.

Westbury School District Wellness Policy Guidelines

Child Nutrition Operations (continued)

- The school will strive to increase participation in the available federal Child Nutrition programs (e.g. school lunch, school breakfast, after-school snack and summer food service programs) including participation in the Community Eligibility Provision.

- Employ a food service director, who is properly qualified, certified and/or credentialed according to current professional standards, to administer the school food service program and satisfy reporting requirements.

- All food service personnel shall have adequate pre-service training in food service operations.

- A child's need for nutrients does not end when school does. A summer food service program for children and adolescents who are eligible for federal program support is provided.

- Students are encouraged to start each day with a healthy breakfast.

Food Safety/Food Security

- All foods made available on campus comply with the state and local food safety and sanitation regulations. Hazard Analysis and Critical Control Points (HACCP) plans and guidelines are implemented to prevent food illness in schools.

- For the safety and security of the food and facility access to the food service operations are limited to Child Nutrition staff and authorized personnel.

Implementation and Evaluation of the Wellness Policy

- In accordance with law the District's wellness policy must be established by July 1, 2006 and updated July 2011 the District will ensure school and community awareness of this policy through various means such as the District Website, District Newsletters, and the District Calendar. Further, professional development activities for staff and student awareness training will be provided, as appropriate, on the goals of the District's wellness program, including activities/ programs for the development of healthy eating habits and the incorporation of physical activity as part of a comprehensive healthy lifestyle.

- The District shall establish an implementation and evaluation plan for the wellness policy in order to monitor the effectiveness of the policy and the possible need for further modification over time. Accordingly, the Superintendent shall designate one or more staff members within the District or at each school as appropriate to have operational responsibility for ensuring that the District meets the goals and mandates of its local wellness policy. The district shall bring additional stakeholders in its development, implementation and review.

Other School Based Activities

- After-school programs will encourage physical activity and healthy habit formation.

- Local wellness policy goals are considered in planning all school-based activities (such as school events, field trips, dances, and assemblies).

- Support for the health of all students is demonstrated by hosting health clinics, health screenings, and helping to enroll eligible children in Medicaid and other state children's health insurance programs.

Westbury School District Wellness Policy Guidelines

Glossary

Food Security	1. Having adequate resources to access enough food to maintain a healthy and active lifestyle. 2. The state of having the food supply safe from harm.
Food made Available on Campus	1. Foods available on campus include: o Vending machines o Beverage contracts o Fundraisers o Concession stands o Student stores o School parties/celebrations

- Child nutrition programs

Revision adopted: February 17, 2011
Presented and Approved at the March 21, 2016 Child Nutrition Committee Meeting
Presented to the Board of Education for First Reading: April 21, 2016
Presented to the Board of Education for Adoption: May 19, 2016

POLICY

No. 5420

Student Health Services

WESTBURY UNION FREE SCHOOL DISTRICT
BOARD OF EDUCATION

STUDENT HEALTH SERVICES

The Board of Education recognizes that good student health is vital to successful learning and acknowledges its responsibility, along with that of parent(s) or guardian(s), to protect and foster a safe and healthful environment for the students.

The school shall work closely with students' families to provide detection and preventive health services. In accordance with law, the school will provide vision, hearing, dental inspection and scoliosis screening. Problems shall be referred to the parent(s) or guardian(s) who shall be encouraged to have their family physician/dentist provide appropriate care.

In order to enroll in school a student must submit a health certificate within 30 calendar days after entering school, and upon entering second, fourth, seventh and tenth grades. The examination, which must conform to state requirements, must have been conducted no more than 12 months before the first day of the school year in question. If a student is unable to furnish the health certificate, the school will provide a physical examination by a licensed provider.

A request for exemption from the physical examination, or the requirement to provide a health certificate, must be made in writing to the school principal or designee, who may require documents supporting the request. The only basis for exemption is a claim that the physical examination is in conflict with the parent or guardian's genuine and sincere religious belief.

In order to enroll in school, students must also furnish documentation of required immunizations against certain communicable diseases, as set forth in state law and regulations, unless exempted from immunizations for medical or religious reasons as permitted by state law and regulation.

The Board recognizes that the State of New York may authorize and require the collection of data from health certificates in furtherance of tracking and understanding health care issues that affect children. The Board supports these efforts and expects administrators to cooperate and to observe the appropriate laws and regulations in carrying out those responsibilities, including those that relate to student privacy.

In addition, students will be asked to provide a dental health certificate when they enroll in school and in accordance with the same schedule as the health certificate.

A permanent student health record shall be part of a student's cumulative school record and should follow the student from grade to grade and school to school along with his/her academic record. This record folder shall be maintained by the school nurse.

Schools shall also provide emergency care for students in accidental or unexpected medical situations. Each school in the District will include in its emergency plan a protocol for responding to health care emergencies, including anaphylaxis, and head injury. Parents/guardians will be notified of any emergency medical situation as soon as is practicable.

Communicable Diseases

It is the responsibility of the Board to provide all students with a safe and healthy school environment. To meet this responsibility, it is sometimes necessary to exclude students with contagious and infectious diseases, as defined in the Public Health Law, from attendance in school. Students will be excluded during periods of contagion for time periods indicated on a chart developed by the school nurse**.**

During an outbreak of these communicable diseases, if the Commissioner of Health or his/her designee so orders, the District will exclude students from school who have an exemption from immunization or who are in the process of obtaining immunization.

It is the responsibility of the Superintendent of Schools, working through District health personnel, to enforce this policy and to contact the county or local health department when a reportable case of a communicable disease is identified in the student or staff population.

Administering Medication to Students

Neither the Board nor District staff members shall be responsible for the diagnosis or treatment of student illness. The administration of prescribed medication to a student during school hours shall be permitted only when failure to take such medicine would jeopardize the health of the student, or the student would not be able to attend school if the medicine were not made available to him/her during school hours, or where it is done pursuant to law requiring accommodation to a student's special medical needs (e.g., Section 504 of the Rehabilitation Act of 1973). "Medication" will include all medicines prescribed by a physician.

Before any medication may be administered to or by any student during school hours, the Board requires:

1. the written request of the parent(s) or guardian(s), which shall give permission for such administration and relieve the Board and its employees of liability for administration of medication; and
2. the written order of the prescribing physician, which will include the purpose of the medication, the dosage, the time at which or the special circumstances under which medication shall be administered, the period for which medication is prescribed, and the possible side effects of the medication.

Students are allowed to carry and apply parentally provided sunscreen without a prescription from a medical provider, assuming that the sunscreen is FDA approved and that the sunscreen is not treating a medical condition. Parents need to provide the District with written permission for students to use sunscreen.

Permission slips and medical orders shall be kept on file in the office of the school nurse.

In addition, in accordance with Education Law 919, the District shall make a nebulizer available on-site in school buildings where nursing services are provided. Students with a patient-specific order, who require inhaled medications, shall have access to the nebulizer. The District will ensure that it is maintained in working order.

The school stocks albuterol in the form of metered dose inhalers and/or liquid for students who are in need of emergency dosing when their personal prescription is empty. The District will develop procedures in collaboration with school health personnel that is approved by the District medical director and the Board of Education.

Life-Threatening Allergies and Anaphylaxis Management

The Board recognizes its role and responsibility in supporting a healthy learning environment for all students, including those who have, or develop, life-threatening allergies. The District will work cooperatively with the student, their parent/guardian and healthcare provider to allow the child to participate as fully and as safely as possible in school activities. When a student has a known life-threatening allergy reported on their health form or if the District has been informed by the parent of the presence of a life-threatening allergy, the District will assemble a team, which may include the parent, the school nurse, the child's teacher, the building principal and other appropriate personnel, which will be charged with developing an individual health care plan. The plan will be maintained by the school nurse. The plan will guide prevention and response. If the student is eligible for accommodations based upon the IDEA, Section 504 or the Americans with Disabilities Act, the appropriate procedures will be followed regarding identification, evaluation and implementation of accommodations.

Training

Training to support the fulfillment of staff responsibilities in regard to student health services will be provided as part of the District's ongoing professional development plan and in conformity with Commissioner's regulations.

Regulations

The Superintendent shall develop comprehensive regulations governing student health services. Those regulations shall include the provision of all health services required by law, procedures for the maintenance of health records, and procedures for the administering of medication to students. The Superintendent shall also develop protocols, in consultation with the school physician and other appropriate District staff, for the management of injury, with particular attention to concussion.

Cross-ref:
4321, Programs for Students with Disabilities
5020.3, Students with Disabilities and Section 504
5280, Interscholastic Athletics
5550, Student Privacy
8130, School Safety Plans and Teams
9700, Staff Professional Development

Ref: Education Law §§310 (provisions for appeal of child denied school entrance for failure to comply with immunization requirements); 901 et seq. (medical, dental and health services, BMI reporting); 919 (provide and maintain nebulizers); 6909 (emergency treatment of anaphylaxis)
Public Health Law §§613 (annual survey); 2164 (immunization requirements)
8 NYCRR § 64.7 (administration of agents to treat anaphylaxis); § 135.4 (Physical Education); Part 136 (school health services program)
Administration of Medication in the School Setting Guidelines, State Education Department, revised April 2002
Immunization Guidelines: Vaccine Preventable Communicable Disease Control, State Education Department, revised August 2000
Making the Difference: Caring for Students with Life-Threatening Allergies, New York State Department of Health, New York State Education Department, New York Statewide School Health Service Center, June 2008
Concussion Management Guidelines and Procedures, www.nysphsaa.org

Adoption date: June 26, 2014

POLICY

No. 5420-R

Student Health Services Regulation

WESTBURY UNION FREE SCHOOL DISTRICT
BOARD OF EDUCATION

STUDENT HEALTH SERVICES REGULATION

A. **Immunization Against Communicable Diseases**

Under state Public Health Law 2164, in order to be enrolled in or attend District schools, children must be fully immunized against certain communicable diseases. Those diseases are: poliomyelitis, mumps, measles, diphtheria, rubella, varicella (chicken pox), Haemophilus influenzae type b (Hib), pertussis, tetanus, pneumococcal disease, and hepatitis B.

"Fully immunized" means that the child has either (1) received the required vaccinations for these diseases as set forth in state regulations; (2) for measles, mumps, rubella, hepatitis B, poliomyelitis, or varicella only, shown immunity with a positive blood test for those disease antibodies; or (3) for varicella only, has had the disease, verified by a physician, nurse practitioner, or physician's assistant.

Children who are not fully immunized may only be admitted to school if they (1) are in the process of receiving immunization or obtaining blood tests; or (2) have been granted a medical or religious exemption.

Medical exemptions may be issued if immunization is detrimental to a child's health. Medical exemptions must either be (1) the medical exemption form issued by the New York State Department of Health or the New York City Department of Health and Mental Hygiene, or (2) a statement signed by a physician licensed to practice medicine in New York State indicating the specific immunization, the medical contraindication, and the length of time the exemption is for. Medical exemptions must be reissued annually to remain valid. The Building Principal may require supporting documents for medical exemptions.

Religious exemptions may be granted by the District upon either (1) a signed and completed Request for Religious Exemption to Immunization created by the NYSED, or (2) a written and signed statement from a parent/guardian stating an objection to immunization because of genuine and sincere religious beliefs which prohibit immunization. The Building Principal may require supporting documents for religious exemptions.

All students must present appropriate documentation of their immunization status, as set forth in the Regulations of the Commissioner of Health 10 NYCRR Subpart 66-1.

The Building Principal may permit students without adequate documentation to attend school up to 14 calendar days while the parent/guardian furnishes the necessary documents. This time period may be extended to 30 days for students transferring from another state or country, as long as they show a good faith effort to obtain the necessary documentation.

District schools may access the New York State Immunization Information System (NYSIIS) or the New York City Citywide Immunization Registry (CIR) to verify the immunization history of students entering or registered in that school.

When a child is excluded from school for immunization reasons, the Building Principal shall notify the parent/guardian of their responsibility to have the child immunized, and the public resources available for doing so. The Principal shall also notify the local health authority of the child's name and address and the

immunization(s) the child lacks, and shall cooperate with that authority to provide a time and place for the required immunization(s) to be administered.

The District will maintain a list of all students who have been exempted from immunization for medical or religious reasons, or who are in the process of receiving immunization, and shall exclude such students from school when so ordered by the Commissioner of Health, in the event of an outbreak in school of the vaccine-preventable diseases listed in Public Health Law 2164 and the first paragraph of this section.

When a student transfers out of the District, the parent/guardian will be provided with an immunization transfer record showing the student's current immunization status which will be signed by the school nursing personnel or the school physician. A transcript or photocopy of the immunization portion of the cumulative health record will be provided to the new educational institution upon request.

B. Administering Medication to Students in School

The administration of prescribed medication to a student during school hours is permitted only when the medication is necessary to allow the student to attend school or failure to administer the medication would seriously affect the student's health.

Parent(s) or guardian(s) must present the following information:

1. a written order from a NYS licensed health care provider (e.g. physician, nurse practitioner or physician assistant) containing the following information: student's name, the date and name of the medicine, dosage and time to be administered, and list of possible side effects; and
2. a written note from the parent/guardian giving appropriate licensed school personnel permission to administer the medication to their child during school or for trained unlicensed personnel to assist their child in taking their own medication

These documents will be kept on file in the nurse's office.

The school nurse shall develop procedures for the administration of medication, which require that:

1. all medications will be administered by a licensed person unless the child is self-directed;
2. medications shall be securely stored in the office and kept in their original labeled container, which specifies the type of medication, the amount to be given and the times of administration; the school nurse shall maintain a record of the name of the student to whom medication may be administered, the prescribing physician, the dosage and timing of medication, and a notation of each instance of administration; and
3. all medications shall be brought to school by the parent(s) or guardian(s) and shall be picked up by the parent(s) or guardian(s) at the end of the school year or the end of the period of medication, whichever is earlier. If not picked up within five days of the period of medication, the medication shall be discarded.

An adult must bring the medication to school in the original container. The administering staff member should clearly label the medication with the time to be given and dosage.

***Sunscreen*.** Students are permitted to carry and apply sunscreen without a medical provider's order under the following conditions:

1. the sunscreen is used to avoid overexposure to the sun and not for medical treatment of an injury or illness, if sunscreen is required to treat a medical condition, the procedures for administering medication (above) apply;
2. the sunscreen is FDA approved for over the counter use;
3. the student's parents or guardians provide written permission annually for the student to carry and use the sunscreen.

The school nurse will keep written permission for students on file and develop procedures pertaining to this policy.

Administering medication on field trips and at after-school activities. Taking medication on field trips and at after-school activities is permitted if a student is self-directed in administering their own medication. On field trips or at other after-school activities, teachers or other school staff may carry the medication so that the self-directed student can take it at the proper time.

If a student is going on a field trip but is not self-directed (i.e., fully aware and capable of understanding the need and assuming responsibility for taking medicine), then the District may:

- permit the parent or guardian to attend the activity and administer the medication.
- permit the parent to personally request another adult who is not employed by the school to voluntarily administer the medication on the field trip or activity and inform the school District in writing of such request.
- allow the student's health care provider to be consulted and, if he/she permits, order the medication time to be adjusted or the dose eliminated.

If no other alternative can be found, a school nurse or licensed person must administer the medication.

Administering epi-pen in emergency situations. The administration of epinephrine by epi-pen has become an accepted and extremely beneficial practice in protecting individuals subject to serious allergic reactions (e.g., individual has an anaphylactic reaction to a wasp sting or the ingestion of peanut butter).

Pursuant to Commissioner's regulations, registered professional nurses may carry and administer agents used in non-patient specific emergency treatment of anaphylaxis.

In addition, pursuant to SED guidelines, school nurses may provide training to unlicensed school staff in administering epi-pens, prescribed by a licensed prescriber, to a child who has been diagnosed with the potential for a severe reaction, in the event of the onset of a serious allergic reaction when a nurse is not available.

Use of Albuterol Metered Dose Inhalers. Students diagnosed with asthma whose personal albuterol prescription is empty may receive an emergency dose of school-stocked albuterol under the following conditions:

- The student has a prescription ordering albuterol MDI or nebulized albuterol from their licensed health care provider which must include an order allowing the student to use the school's stocked albuterol MDI if their personal prescription is empty;
- The student's parent/guardian must provide written permission for the student to be administered dosing from the school's stocked albuterol MDI if their personal prescription is empty;
- The school's stock supply of albuterol is not to be used in place of the parent/guardian providing the medication for their child to the school. The school's stock supply is for use only in the event that the student's personal supply is empty while awaiting the parent/guardian to provide the school with a new one; and
- The student must have their own labeled spacer, tubing and facemask, or mouthpiece provided by the parent/guardian that is used when administering their own or the school's stock albuterol MDI.

Specific procedures will be developed by school health personnel that will outline the following:

1. The process for obtaining and replacing the stock albuterol;
2. The maintenance and cleaning of the school's stock MDI and nebulizer; individual students' MDIs and spacers; and/or students nebulizer tubing, facemask or mouthpiece;
3. The protocol for informing parents that the school stock albuterol was used; and

4. The protocol for informing parents/guardians of the need for replacement of their child's albuterol medication along with any District imposed deadlines for doing so.

This procedure will be approved by both the District medical director and the board of education.

C. Student Medical Exams

In accordance with Sections 903 and 904 of the state Education Law, each student shall have a physical exam given by the school doctor or licensed health provider (including a physician, physician assistant or nurse practitioner) upon entrance to school and at grades pre-kindergarten or kindergarten, two, four, seven and ten. Findings are to be kept on record at the school on forms that can be obtained from the school nurse. In addition, the school will request a dental health certificate according to the same schedule.

A student may be excluded from the medical examination requirements because the child's parent/guardian holds a genuine and sincere religious belief which is contrary to medical examinations. The request for exemption must be in writing to the principal or his/her designee.

In the event that the student's medical history reveals that they have a known life-threatening allergy, the school nurse, in conjunction with the family, student, child's teacher, and other appropriate staff, will develop and implement an individual health care plan which will guide prevention and response.

The District will work with students in the self-management of their life-threatening allergy, or other chronic health conditions, by:

1. Adequately training staff involved in the care of the child.
2. Assuring the availability of the necessary equipment and/or medications.
3. Providing appropriately licensed and trained persons on school premises, as required by law.
4. Providing ongoing staff and student education.

D. Illness or Injury in School

If a student becomes ill or injured in school:

1. The nurse will determine if the student should receive further medical attention, remain in the dispensary or return to class.
2. The nurse will call the parent, guardian or designated emergency contact if he/she feels the student should go home. In general, a parent or guardian will pick up the student from school.
3. The nurse will contact the Building Principal if he/she feels the child should be transported by bus to the home.
4. If there is to be a change in bus routing in order to carry the student to his/her home, that decision will be made by the administrator and the transportation supervisor.
5. If the route is to be changed, the transportation supervisor shall inform the bus driver.
6. If no parent, guardian or designated emergency contact picks up the student at school, or if no parent/guardian or designated emergency contact will be home, the student will remain in the nurse's office until such time as a parent, guardian or designated emergency contact becomes available to assume responsibility for the child.
7. If the nurse determines that the child can return to class, but needed some type of medical attention (i.e., a bandage for a minor scratch, a brief rest, etc.), the nurse will notify the parent using District form 5420-E.1
8. The nurse will maintain appropriate records of all student visits.

E. Medical Emergency Record

All students shall have on file a medical emergency record which shall state the name and telephone numbers of the following:

1. the student's parent(s) or guardian(s) at home and work;
2. the student's next of kin;
3. a neighbor;
4. the student's licensed health care provider;
5. preferred hospital;
6. any allergies or serious health conditions.

F. Student Return to School after Illness/Injury

In general, students should be symptom-free before returning to school and resuming normal activities. In some instances, students may be asked to provide a note from their licensed health care provider before they return to school or participate in the full range of school activities. The final decision to permit participation rests with the school physician. The Superintendent, in consultation with the school physician, nurse and other appropriate staff, will develop protocols to address a student's return to activities when there has been a serious illness or injury.

Adoption date: June 26, 2014

POLICY

No. 5460

Child Abuse, Maltreatment or Neglect in a Domestic Setting

WESTBURY UNION FREE SCHOOL DISTRICT
BOARD OF EDUCATION

CHILD ABUSE, MALTREATMENT OR NEGLECT IN A DOMESTIC SETTING

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

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

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

- Teacher
- Guidance counselor
- Psychologist
- Nurse
- Administrator
- Social Workers
- Any school personnel required to hold a teaching or administrative license or certificate.

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

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

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

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

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

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

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

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

School District Relationship with Local Social Service District

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

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

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

Cross-ref: Attendance, 5100

Ref: Child Protective Services Act of 1973, Social Services Law §§411 et seq.
Social Services Law §34-a
Family Court Act §1012
Family Educational Rights and Privacy Act,
20 U.S.C. §1232g, 45 CFR §99.36
Education Law §3209-a
Penal Law 240.50

Adoption date: May 15, 2014

POLICY

No. 5460-R

Child Abuse, Maltreatment or Neglect in a Domestic Setting Regulation

WESTBURY UNION FREE SCHOOL DISTRICT
BOARD OF EDUCATION

CHILD ABUSE, MALTREATMENT OR NEGLECT IN A DOMESTIC SETTING REGULATION

New York State Law (Child Protective Service Act of 1973, as amended) provides for reporting of suspected cases of child abuse by school officials. These regulations are designed to implement this law within the district and to help protect students from the harmful effects of child abuse.

Definitions

The definition of child abuse and maltreatment is established by law.

Abused Child, according to Social Services Law and the Family Court Act, is a child less than 18 years of age whose parent or other person legally responsible for his or her care:

a. inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ; or
b. creates or allows to be created a substantial risk of physical injury to such a child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ; or
c. commits, or allows to be committed, a sex offense against such child, as defined in the penal law, provided, however, that the corroboration requirements contained therein shall not apply to proceedings under this article.

Neglected or maltreated child, according to the Family Court Act, is a child less than 18 years of age:

a. whose physical, mental, or emotional condition has been impaired or is in danger of becoming impaired as a result of the failure of his or her parents or other person legally responsible for his care to exercise a minimum degree of care:

    (1) in supplying the child with adequate food, clothing, shelter, or education in accordance with provisions of Part One, Article 65 of the Education Law, or medical, dental, optometrical or surgical care though financially able to do so or offered financial or other reasonable means to do so; or

In order for a report of educational neglect to be accepted, three elements need to be established:

a. Excessive absence from school by the child

b. Reasonable cause to suspect that the parent is aware or should have been aware of the excessive absenteeism and the parent has contributed to the problem or is failing to take steps to effectively address the problem, and;

c. Reasonable cause to suspect educational impairment or harm to the child or imminent danger of such impairment or harm.

(2) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment; or by using a drug or drugs; or by using alcoholic beverages to the extent that he/she loses self-control of his/her actions; or by any other acts of a similarly serious nature requiring the aid of the court; or

b. who has been abandoned by his/her parent(s) or other person legally responsible for his/her care.

Person legally responsible includes the child's custodian, guardian, or any other person responsible for the child's care at the relevant time. Custodian may include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.

Impairment of emotional health and impairment of mental or emotional condition includes a state of substantially diminished psychological or intellectual functioning in relation to, but not limited to, such factors as failure to thrive, control of aggressive or self-destructive impulses, ability to think and reason, or acting out of misbehavior, including incorrigibility, ungovernability, or habitual truancy; provided, however, that such impairment must be clearly attributable to the unwillingness or inability of the parent, guardian, or custodian to exercise a minimum degree of care toward the child.

Reporting procedures and related information:

1. All school officials must, when they have reasonable cause to suspect that a child is abused or maltreated, report it to the New York State Central Register for Child Abuse and Maltreatment (800-342-3720). A school official, under state law, is defined as:

- Teacher
- Guidance counselor
- Psychologist
- Nurse
- Administrator
- Social Workers
- Any school personnel required to hold a teaching or administrative license or certificate.

Personnel have the right to request that information which would identify the individual making the report be withheld if furnishing such data might prove detrimental to the safety or interest of that individual.

2. The school official must also report the matter to the Building Principal who will determine if any additional steps need to be taken by the school district (for instance, contacting the school physician, social worker or other support services).

3. In the event that a school employee, who is not required to report under the law (such as a bus driver, custodian, cafeteria monitor, etc.), has reasonable cause to suspect that a child is abused or neglected, he/she is encouraged to make a report to the Central Register. The employee must, by district policy, report the matter to the Building Principal.

4. If the Building Principal is informed of a case of suspected child abuse or maltreatment that has not yet been reported to the Central Register, the Building Principal is required to:
   (a) phone the New York State Central Register for Child Abuse and Maltreatment (800-342 3720) and inform them verbally of the problem; or

   (b) contact the above agency by telephone facsimile machine on a form supplied by the Commissioner of Social Services; and

   (c) file a written report with the local child protective services agency and the Central Register within forty-eight hours after the above report; and,

   (d) determine if additional steps need to be taken by the school district, as outlined in step 2 above.

5. The Building Principal may take color photographs or cause photographs to be taken of the areas of visible trauma on the child, and/or, if medically indicated, cause an examination to be performed. Such actions may be performed at public expense if they will provide appropriate documentation when filing the report. Photographic equipment shall be kept at the school and be available for this purpose.

6 The written report that must be filed shall include all information which the Commissioner of Social Services may require.

7. If it should be necessary for Child Protective Services to interview a child at school to ascertain whether he/she has been abused or maltreated, or to obtain documentation of such acts, the interview should be conducted in the presence of a school official, unless circumstances require otherwise. The school official shall examine and verify the credentials of Child Protective Services worker(s) before allowing such worker(s) to either interview the child or to examine the child's records.

   If sexual abuse is indicated, the presence of a same-sex staff member during the interview is appropriate.

8. The Building Principal shall request a summary report of the investigation of a case referred to Child Protective Services so the district can take appropriate next steps.

9. The district shall maintain an ongoing training program which will address identification and reporting of child abuse and maltreatment. Attendance at sessions of this training program shall be required of all school officials.

10. Employee handbooks shall include a copy of these regulations and the related Board policy concerning child abuse and reporting requirements.

11. Only one report of any suspected abuse is required.

12. School personnel who, in good faith, make a report or take photographs of injuries and bruises have immunity from any liability, civil or criminal. The good faith of any person required to report cases of child abuse or maltreatment is presumed.

13 School personnel who have reasonable cause to suspect that a child has died as a result of child abuse or maltreatment shall report that fact to the appropriate medical examiner or coroner.

14 Any person required to report suspected cases of child abuse or maltreatment and who fails to do so may be found guilty of a class A misdemeanor and may be held civilly liable for the damages caused by this failure.

15. Any school employee who fails to comply with this policy is subject to discipline in accordance with collective bargaining agreements law and/or policy.

Adoption Date: May 15, 2014

POLICY

No. 5500

Student Records

WESTBURY UNION FREE SCHOOL DISTRICT
BOARD OF EDUCATION

STUDENT RECORDS

The Board of Education recognizes its legal responsibility to maintain the confidentiality of student records. As part of this responsibility, the Board will ensure that eligible students and parents/guardians have the right to inspect and review education records, the right to seek to amend education records and the right to have some control over the disclosure of information from the education record. The procedures for ensuring these rights shall be consistent with state and federal law, including the Family Educational Rights and Privacy Act of 1974 (FERPA) and its implementing regulations.

The Board also recognizes its responsibility to ensure the orderly retention and disposition of the District's student records in accordance with Schedule ED-1 as adopted by the Board in policy 1120.

The District will use reasonable methods to provide access to student educational records only to those authorized under the law and to authenticate the identity of the requestor. The District will document requests for and release of records, and retain the documentation in accordance with law.

The Superintendent of Schools shall be responsible for ensuring that all requirements under law and the Commissioner's regulations are carried out by the District.

Definitions

Authorized Representative: an authorized representative is any individual or entity designated by a State or local educational authority or a Federal agency headed by the Secretary, the Comptroller General or the Attorney General to carry out audits, evaluations, or enforcement or compliance activities relating to educational programs.

Education Record: means those records, in any format, directly related to the student and maintained by the District or by a party acting on behalf of the District, except:

(a) records in the sole possession of the individual who made it and not accessible or revealed to any other person except a substitute (e.g. memory joggers);
(b) records of the District's law enforcement unit;
(c) grades on peer-graded papers before they are collected and recorded by a teacher.

Eligible student: a student who has reached the age of 18 or is attending postsecondary school.

Legitimate educational interest: a school official has a legitimate educational interest if he/she needs to review a student's record in order to fulfill his or her professional responsibilities.

Personally identifiable information: is information that would allow a reasonable person in the school or its community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. Such data might include social security number, student identification number, parents' name and/or address, a biometric record, etc.

School official: a person who has a legitimate education interest in a student record who is employed by the District as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a member of the Board of Education; a person or company with whom the District has contracted to perform a special task (such as attorney, auditor, medical consultant or therapist); or a parent or student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official performing his or her tasks.

Annual Notification

At the beginning of each school year, the District will publish a notification that informs parents, guardians and students currently in attendance of their rights under FERPA and the procedures for exercising those rights. This notice may be published in a newspaper, handbook or other school bulletin or publication. This notice will also be provided to parents, guardians, and students who enroll during the school year.

The notice will include a statement that the parent/guardian or eligible student has a right to:

1. inspect and review the student's education records;
2. request that records be amended to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy rights;
3. consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent; and
4. file a complaint with the United States Department of Education alleging failure of the District to comply with FERPA and its regulations.

The annual notice will inform parents/guardians and students:

1. that it is the District's policy to disclose personally identifiable information from student records, without consent, to other school officials within the District whom the District has determined to have legitimate educational interests. The notice will define 'school official' and 'legitimate educational interest.'
2. that, upon request, the District will disclose education records without consent to officials of another school District in which a student seeks to or intends to enroll or is actually enrolled.
3. that personally identifiable information will be released to third party authorized representatives for the purposes of educational program audit, evaluation, enforcement or compliance purposes.
4. that the District, at its discretion, releases directory information (see definition below) without prior consent, unless the parent/guardian or eligible student has exercised their right to prohibit release of the information without prior written consent.
5. that, upon request, the District will disclose a high school student's name, address and telephone number to military recruiters and institutions of higher learning unless the parent or secondary school student exercises their right to prohibit release of the information without prior written consent.
6. of the procedure for exercising the right to inspect, review and request amendment of student records.

The District may also release student education records, or the personally identifiable information contained within, without consent, where permitted under federal law and regulation. For a complete list of exceptions to FERPA's prior consent requirements see accompanying regulation 5500-R, Section 5.

The District shall effectively notify parents, guardians and students who have a primary or home language other than English.

In the absence of the parent or secondary school student exercising their right to opt out of the release of information to the military, the District is required to, under federal law, release the information indicated in number five *(5)* above.

Directory Information

The District has the option under FERPA of designating certain categories of student information as "directory information." The Board directs that "directory information" which may be disclosed pursuant to law and this policy include the following:

- Name
- Address
- Telephone number
- Date of birth
- Grade level
- Enrollment status

Social security numbers or other personally identifiable information will not be considered directory information.

Students who opt out of having directory information shared are still required to disclose their student ID cards.

Once the proper FERPA notification is given by the District, a parent/guardian or student will have 14 days to notify the District of any objections they have to any of the "directory information" designations. If no timely objection is received, the District may release this information without prior approval of the parent/guardian or student for the release. Once the student or parent/guardian provides the "opt-out," it will remain in effect after the student is no longer enrolled in the school District.

The District may elect to provide a single notice regarding both directory information and information disclosed to military recruiters and institutions of higher education.

Cross-ref: 1120, School District Records
4321, Programs for Students with Disabilities Under IDEA and Part 89
5550, Student Privacy

Ref: Family Educational Rights and Privacy Act, 20 USC 1232g; 34 CFR Part 99
No Child Left Behind Act, 20 USC §7908 (Military Recruiter Access)
10 USC §503 as amended by §544 of the National Defense
Reauthorization Act for FY 2002
Education Law § 225
Public Officers Law §87(2)(a)
Arts and Cultural Affairs Law, Article 57-A (Local Government Records Law)
8 NYCRR 185.12 (Appendix I) Records Retention and Disposition,
Schedule ED-1 for Use by School Districts and BOCES
"Guidance for Reasonable Methods and Written Agreements,"
http://www2.ed.gov/polic_y/gen/guid/fpco/pdf/reasonablemtd agreement.pdf
Family Policy Compliance Office website:
http://www2.ed.gov/policy/gen/guid/fpco/index.html

Adoption date: May 15, 2014

POLICY

No. 5500-R

Student Records Regulation

WESTBURY UNION FREE SCHOOL DISTRICT
BOARD OF EDUCATION

STUDENT RECORDS REGULATION

It is recognized that the confidentiality of student records must be maintained. The terms used in this regulation are defined in the accompanying policy. The following necessary procedures have been adopted to protect the confidentiality of student records.

Section 1. Pursuant to the Family Educational Rights and Privacy Act (FERPA) it shall be the policy of this school District to permit parents/guardians and "eligible students" to inspect and review any and all official records, files and data directly related to that student, including all materials that are incorporated into each student's cumulative record folder.

The rights created by FERPA transfer from the parents/guardians to the student once the student attains eligible student status. However, Districts can disclose information to parents of eligible students under certain circumstances, including when the student is a dependent under the IRS tax code, when the student has violated a law or the school's rules regarding alcohol or substance abuse (and the student is under 20; when the information is needed to protect the health or safety of the student or other individuals.

Section 2. Parents/guardians or the eligible student will have an opportunity for a hearing to challenge the content of the student's school records, to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

Section 3. A letter shall be sent annually to parents/guardians of students currently in attendance and eligible students currently in attendance informing them of their rights pursuant to FERPA. See Exhibit 5500-E.1. The District shall provide translations of this notice, where necessary, to parents/guardians and eligible students in their native language or dominant mode of communication. (See Policy 5500 for further information on the notice requirements.)

Section 4. To implement the rights provided for in sections 1 and 2, the following procedures are adopted:

1. A parent/guardian or an eligible student who wishes to inspect and review student records shall make a request for access to the student's school records, in writing, to the Building Principal. Upon receipt of such request, arrangements shall be made to provide access to such records within 45 days after the request has been received. If the record to which access is sought contains information on more than one student, the parent/guardian or eligible student will be allowed to inspect and review only the specific information about the student on whose behalf access is sought.

2. A parent/guardian or an eligible student who wishes to challenge the contents of the student's school records shall submit a request, in writing, to the Building Principal identifying the record or records which they believe to be inaccurate, misleading or otherwise in violation of the privacy or other rights of the student together with a statement of the reasons for their challenge to the record.
3. Upon receipt of a written challenge, the Building Principal shall provide a written response indicating either that he/she:
    a. finds the challenged record inaccurate, misleading or otherwise in violation of the student's rights and that the record will be corrected or deleted; or
    b. finds no basis for correcting or deleting the record in question, but that the parent/guardian or eligible student will be given an opportunity for a hearing. The written response by the Building Principal shall be provided to the parent/guardian or eligible student within 14 days after receipt of the written challenge. The response shall also outline the procedures to be followed with respect to a hearing regarding the request for amendment.
4. Within 14 days of receipt of the response from the Building Principal, a parent/guardian or eligible student may request, in writing, that a hearing be held to review the determination of the Building Principal.
5. The hearing shall be held within 10 days after the request for the hearing has been received. The hearing will be held by the Superintendent of Schools, unless the Superintendent has a direct interest in the outcome of the hearing, in which case the Superintendent will designate another individual who does not have a direct interest in the outcome of the hearing to hold the hearing.
6. The parent/guardian or eligible student shall be given a full and fair opportunity to present evidence at the hearing. The parent/guardian or eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.
7. The Superintendent or other individual designated by the Superintendent will make a decision in writing within 14 days after the hearing.
8. After the hearing, if the Superintendent or the individual designated by the Superintendent decides not to amend the record, the District will inform the parent/guardian or eligible student that they have the right to place a statement in the record commenting on the contested information or stating why he/she disagrees with the decision of the District. Any statement placed in the record will be maintained with the contested part of the student record for as long as the record is maintained. Further, the statement will be disclosed by the District whenever it discloses the portion of the record to which the statement relates.

Section 5. Except to the extent that FERPA authorizes disclosure of student records without consent, student records, and any material contained therein which is personally identifiable, are confidential and will not be released or made available to persons other than parents/guardians or eligible students without the prior written consent of the parents/guardians or eligible student. Exceptions to FERPA's prior consent requirement include, but are not limited to disclosure:

1. To other school officials within the District who have been determined to have legitimate educational interests.

2. To officials of another school, school system or post-secondary institution where the student seeks or intends to enroll.
3. To authorized representatives of the Comptroller General of the United States, the U.S. Secretary of Education, or state and local education authorities in connection with an audit or evaluation of a federal- or state supported education program or in compliance with legal requirements related to those programs.
4. In connection with the student's application for or receipt of financial aid.
5. To state and local officials or authorities in compliance with state law that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are being released.
6. To organizations conducting studies for, or on behalf of, education agencies or institutions, in order to develop tests, administer student aid, or improve instruction.
7. To accrediting organizations to carry out their accrediting functions.
8. To parents of a dependent student, as defined by the Internal Revenue Code.
9. To comply with a judicial order or lawfully issued subpoena, including ex parte court orders under the USA Patriot Act. Prior to complying with a judicial order or subpoena, the District will make a reasonable effort to notify the parent/guardian or eligible student, unless the District has been ordered not to disclose the existence or content of the order or subpoena.
10. In connection with a health or safety emergency, the District will disclose information when, taking into account the totality of circumstances, a determination is made that there is an articulable and significant threat to the health or safety of the student or other individuals.
11. To teachers and school officials in other schools who have legitimate educational interests in the behavior or the student when the information concerns disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.
12. To provide information that the District has designated as "directory information."
13. To provide information from the school's law enforcement unit records.

The District will use reasonable methods to provide access to student educational records to only those authorized under the law and to authenticate the identity of the requestor. The District will use an array of methods to protect records, including physical controls (such as locked cabinets), technological controls (such as role-based access controls for electronic records), and administrative procedures.

Section 6. Whenever a student record or any material contained therein is to be made available to third persons, other than those covered by the exceptions authorized by FERPA, the parent/guardian or eligible student must file a written consent to such action. The written consent must specify the records to be released, the reasons for such release, and to whom. If the parent or eligible student so requests, the District will provide him or her with a copy of the records disclosed. In addition, if the parent of a student who is not an eligible student so requests, the District will provide the student with a copy of the records disclosed.

Section 7. Unless specifically exempted by FERPA, all persons requesting access to such records will be required to sign a written form which indicates the legitimate educational interest that such person has in inspecting the records. Such form will be kept with the student's file and will be maintained with the student's file as long as the file is maintained.

Retention and Disposition of Student Records

The Board has adopted the Records Retention and Disposition Schedule ED-1 issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, which contains the legal minimum retention periods for District records. The Board directs all District officials to adhere to the schedule and all other relevant laws in retaining and disposing of student records. In accordance with Article 57-A, the District will dispose of only those records described in the schedule after they have met the minimum retention periods set forth in the schedule. The District will dispose of only those records that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond the established legal minimum periods.

Adoption date: June 26, 2014

POLICY

No. 5550

STUDENT PRIVACY

WESTBURY UNION FREE SCHOOL DISTRICT
BOARD OF EDUCATION

The Board recognizes its responsibility to enact policies that protect student privacy, in accordance with the law. This is particularly relevant in the context of the administration of surveys that collect personal information, the disclosure of personal information for marketing purposes and in conducting physical exams.

Surveys

The Board of Education recognizes that student surveys are a valuable tool in determining student needs for educational services. In accordance with the law and Board policy, parental consent is required for minors to take part in surveys which gather any of the following information:

1. political affiliations or beliefs of the student or the student's parent;
2. mental or psychological problems of the student or the student's family;
3. sex behavior or attitudes;
4. illegal, anti-social, self-incriminating or demeaning behavior;
5. critical appraisals of other individuals with whom respondents have close family relationships;
6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers;
7. religious practices, affiliations or beliefs of the student or the student's parent/guardian; or
8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

In the event that the District plans to survey students to gather information included in the list above, the District will obtain written consent from the parent/guardian in advance of administering the survey. The notification/consent form will also apprise the parent/guardian of their right to inspect the survey prior to their child’s participation.

Marketing

It is the policy of the Board not to collect, disclose, or use personal information gathered from students for the purpose of marketing or selling that information or providing it to others for that purpose. This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to students or educational institutions such as:

a. College or other postsecondary education recruitment, or military recruitment;
b. Book clubs, magazines and programs providing access to low-cost literary products;
c. Curriculum and instructional materials used in schools;
d. Tests and assessments used to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information for students or to generate other statistically useful data for the purpose of securing such tests and assessments, and the subsequent analysis and public release of the aggregate data from such tests and assessments;
e. Student recognition programs; and
f. The sale by students of products or services to raise funds for school-related activities.

In the event that such data is collected by the District, disclosure or use of student personal information will be protected by the District pursuant to the requirements of the Family Educational Rights and Privacy Act (FERPA). [For guidance regarding the disclosure of "directory information," rather than personal information, see Policy 5500, Student Records.]

Inspection of Instructional Material

Parents/guardians shall have the right to inspect, upon request, any instructional material, used as part of the educational curriculum for students. "Instructional material" is defined as: "instructional content that is provided to a student, regardless of format including printed or

representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). It does not include tests or academic assessments."

A parent/guardian who wishes to inspect and review such instructional material shall submit a request in writing to the Building Principal. Upon receipt of such request, arrangements shall be made to provide access to such material to within 30 calendar days after the request has been received.

Invasive Physical Examinations

Prior to the administration of any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school not necessary to protect the immediate health or safety of the student or other students and not otherwise permitted or required by state law, a student's parent/guardian will be notified and given an opportunity to opt their child out of the exam. Hearing, vision and scoliosis screenings are not subject to prior notification.

Notification

Parents/guardians and eligible students shall be notified at least annually, at the beginning of the school year, and when enrolling students for the first time in the District's schools of this policy. The District shall also notify parents/guardians within a reasonable period of time after any substantive change to this policy.

Cross-ref: 5420, Student Health Services
5500, Student Records

Ref: 20 USC §1232h (No Child Left Behind Act)
34 CFR Part 98
Education Law §903
8 NYCRR §136.3(b)

Adoption date: September 26, 2019

POLICY

No. 5605

VOTER REGISTRATION FOR STUDENTS

WESTBURY UNION FREE SCHOOL DISTRICT
BOARD OF EDUCATION

VOTER REGISTRATION FOR STUDENTS

The Board of Education believes that getting young people involved in the election process helps to secure the future of democracy by preparing young people to be educated, engaged voters who have formed the habit of voting and contributing to civic life early.

In an effort to promote student voter registration, the Board directs the Superintendent, Building Principal or his/ her designees to offer all students who are at least 16 years old (but will not be 18 years old by the next election) the opportunity to pre-register. These students must be otherwise qualified to register to vote. These pre-registrations will be automatically registered upon reaching the age of eligibility following verification of the person's qualifications and address.

Students who do not wish to pre-register to vote do not have to do so. There will be no penalty (including participation grades or credits) for choosing not to do so.

Ref: Election Law § 5-507

Adoption date: October 15, 2020

POLICY

No. 5695

Students and Personal Electronic Devices

WESTBURY UNION FREE SCHOOL DISTRICT
BOARD OF EDUCATION

STUDENTS AND PERSONAL ELECTRONIC DEVICES

The Board of Education recognizes that there are personal electronic devices that have educational applications such as tablets, e-readers, calculators, voice recorders, digital cameras and music listening devices. In some instances a "smart phone" may include applications that permit these functions. These devices shall be allowed to be used in classrooms if the following criteria are met:

- The student has successfully registered the device with the district, in accordance with district procedures.
- The teacher has authorized use of personal devices either in their classroom generally or for a particular exercise.
- The student uses the personal device to access the Internet or authorized applications through the district's network, under the terms of policy 4526, Computer Use in Instruction.

The Board acknowledges that cellular phones, pagers, and 2-way communication systems can be a positive means to facilitate communication; however, the display and/or use of such devices can cause disruption to the educational process.

Therefore, to prevent such disruption, the display and/or use by students of cellular phones (including "smart phones"), pagers, and 2-way communication systems and/or other electronic devices shall be prohibited from the time students arrive at school until the end of the regular school day, unless specifically permitted to be used by a teacher or administrator. Such devices must be turned off and stored out of sight during this time period. The district is not responsible for stolen, lost or damaged personal electronic devices.

In emergency situations, exceptions to the prohibition of the use of cellular phones, pagers, and 2-way communication systems may be granted by teachers or administrators.

Misuse of any of these electronic devices will result in its confiscation until parent comes in to retrieve the device. Further violations will result in device being held until June 30th, as outlined in the code of conduct. Some uses of personal electronic devices may constitute a violation of the school district code of conduct and in some instances, the law. The school district will cooperate with law enforcement officials as appropriate.

Policy 5695

Cellular Telephones and Testing

In order to ensure the integrity of testing, in accordance with state guidelines, students are not allowed to bring cell phones or other electronic devices into classrooms or other exam locations during state assessments.

Test proctors, monitors and school officials shall have the right to collect cell phones and other prohibited electronic devices prior to the start of the test and to hold them for the duration of the test taking time. Admission to the test will be prohibited to any student who has a cell phone or other electronic device in their possession and does not relinquish it.

Students with individualized education plans (IEPs), 504 Plans, or documentation from a medical practitioner that specifically requires the use of an electronic device may do so as specified.

Cross-ref: 4526, Computer Use in Instruction
5300, Code of Conduct

Ref: *Price v. New York City Board of Education*, 16 Misc.3d 543 (2007).

Adoption date: May 15, 2014