ELDRED CENTRAL SCHOOL DISTRICT

CODE OF CONDUCT

2026-2027

SUPERINTENDENT

TRACI FERREIRA

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A MESSAGE FROM THE SUPERINTENDENT

Dear Parents/Guardians and Students,

Welcome to the 2026-2027 school year. Please review our Code of Conduct with your parents/guardians. This Code of Conduct illustrates a progressive disciplinary code. First and perhaps most importantly for each infraction there is a list of possible consequences. The administration, usually the principal, can begin with the first step or anywhere on the continuum depending on the specific behavior and the needs of the student.

The 2026-2027 Code of Conduct includes the Distraction-Free Environment Plan and what our expectations of our students regarding personal communication devices. Along with the cell phone ban implementation plan, the Code provides information regarding such infractions as plagiarism, artificial intelligence usage and attendance.

This Code also provides support for victims of bullying by identifying support staff and reporting information. The rights of students are spelled out as are the roles of students, teachers, parents and other school personnel. Information regarding the reporting of violent and disruptive students and incidents reporting (VADIR) and information about DASA, the Dignity for All Students Act can also be found in this revised Code.

We have great students at Eldred and sometimes students make choices that are not the best of all possible choices. These times are an opportunity for the student to learn and grow. Whenever possible we will treat a poor choice as a learning opportunity. As part of this learning, at times, consequences may need to occur.

Sincerely,

Traci Ferreira
Superintendent of Schools

DISTRICT CODE OF CONDUCT

NOTE: This Code of Conduct has been drafted to meet the requirements of the Project SAVE legislation (Education Law §2801) and section 100.2(1) of the Commissioner's regulations.

NEW YORK STATE CODE OF ETHICS FOR PROFESSIONAL EDUCATORS

Statement of Purpose

The Code of Ethics is a public statement by educators that sets clear expectations and principles to guide practice and inspire professional excellence. Educators believe a commonly held set of principles can assist in the individual exercise of professional judgment. This Code speaks to the core values of the profession. "Educator" as used throughout means all educators serving New York schools in positions requiring a certificate, including classroom teachers, school leaders and pupil personnel service providers.

Principle 1: Educators nurture the intellectual, physical, emotional, social, and civic potential of each student.

Educators promote growth in all students through the integration of intellectual, physical, emotional, social and civic learning. They respect the inherent dignity and worth of each individual. Educators help students to value their own identity, learn more about their cultural heritage, and practice social and civic responsibilities. They help students to reflect on their own learning and connect it to their life experience. They engage students in activities that encourage diverse approaches and solutions to issues, while providing a range of ways for students to demonstrate their abilities and learning. They foster the development of students who can analyze, synthesize, evaluate and communicate information effectively.

Principle 2: Educators create, support, and maintain challenging learning environments for all.

Educators apply their professional knowledge to promote student learning. They know the curriculum and utilize a range of strategies and assessments to address differences. Educators develop and implement programs based upon a strong understanding of human development and learning theory. They support a challenging learning environment. They advocate for necessary resources to teach to higher levels of learning. They establish and maintain clear standards of behavior and civility. Educators are role models, displaying the habits of mind and work necessary to develop and apply knowledge while simultaneously displaying a curiosity and enthusiasm for learning. They invite students to become active, inquisitive, and discerning individuals who reflect upon and monitor their own learning.

Principle 3: Educators commit to their own learning in order to develop their practice.

Educators recognize that professional knowledge and development are the foundations of their practice. They know their subject matter, and they understand how students learn. Educators respect the reciprocal nature of learning between educators and students. They engage in a variety of individual and collaborative learning experiences essential to develop professionally and to promote student learning. They draw on and contribute to various forms of educational research to improve their own practice.

Principle 4: Educators collaborate with colleagues and other professionals in the interest of student learning.

Educators encourage and support their colleagues to build and maintain high standards. They participate in decisions regarding curriculum, instruction and assessment designs, 5 and they share responsibility for the governance of schools. They cooperate with community agencies in using resources and building comprehensive services in support of students. Educators respect fellow professionals and believe that all have the right to teach and learn in a professional and supportive environment. They participate in the preparation and induction of new educators and in professional development for all staff.

Principle 5: Educators collaborate with parents and community, building trust and respecting confidentiality.

Educators partner with parents and other members of the community to enhance school programs and to promote student learning. They also recognize how cultural and linguistic heritage, gender, family and community shape experience and learning. Educators respect the private nature of the special knowledge they have about students and their families and use that knowledge only in the students' best interests. They advocate for fair opportunity for all children.

Principle 6: Educators advance the intellectual and ethical foundation of the learning community.

Educators recognize the obligations of the trust placed in them. They share the responsibility for understanding what is known, pursuing further knowledge, contributing to the generation of knowledge, and translating knowledge into comprehensible forms. They help students understand that knowledge is often complex and sometimes paradoxical. Educators are confidantes, mentors and advocates for their students' growth and development. As models for youth and the public, they embody intellectual honesty, diplomacy, tact and fairness.

INTRODUCTION

The Eldred Central School District is committed to maintaining high standards of education for our students. Because the District believes that order and discipline are essential to being educated effectively, the District is also committed to creating and maintaining high behavioral standards and expectations. An orderly educational environment requires that everyone in the school community play a role in contributing to an effective environment. It also requires the development and implementation of a Code of Conduct that clearly defines individual responsibilities, describes unacceptable behavior, and provides for appropriate disciplinary options and responses.

The District believes that order and discipline must be a shared responsibility between school, home and community. This Code of Conduct was developed in collaboration with student, teacher, administrator and parent organizations, school safety personnel and other Board-approved school personnel. Unless otherwise indicated, this Code applies to all students, school personnel, parents/guardians and other visitors when on school property, attending a school function, on or off school property, or on a school vehicle. Finally, it is our belief that, to be effective, such a code must:

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

A school's primary concern in establishing a Code of Conduct is to enable our young people to become responsible, respectful and caring citizens within the school and community settings. The Board of Education is responsible for ensuring that essential regulations are established and adequate discipline is maintained in the operation of the schools to effectively promote safety, as well as the social and educational growth of the students. Administrative regulations are developed and enforced by the school administration and staff.

The parent/guardian is expected to assume primary responsibility for control of his or her child. The parent/guardian may be called upon to actively cooperate with the school in providing the necessary structure to promote his or her child's social and educational growth. To this end, a high degree of parent-school communication will be fostered by the school.

Disciplinary measures available to the administration of each school building include conferences, detention, alternative learning center (in-school suspension), out-of-school suspension and administrative hearings with the superintendent or designated hearing officer. Administrative hearings can result in out-

of-school suspensions of more than five days and, in particularly serious cases, a student may be permanently suspended from school.

The Eldred Central School District is dedicated to maintaining a positive and inclusive learning environment where all students, especially those who have been historically marginalized, feel safe, welcomed and accepted. This Code of Conduct remains "developmentally appropriate." It is organized first by grade level clusters (K-6 and 7-12), then by level of disciplinary offense, with Level 1 offenses being the least serious, and Level 5 offenses being the most serious. This organization ensures that disciplinary responses are never automatic but focused on proactive intervention and the educational growth of the student. Each grade level cluster and disciplinary offense level lays out its particular offenses, the range of possible disciplinary responses by school personnel, and also the range of possible guidance or interventions to be used, as appropriate.

The list of disciplinary offenses and consequences in the Code of Conduct is not exhaustive. The lists of offenses, disciplinary responses, and/or interventionist responses that you will see in this Code of Conduct are not intended to be exhaustive. The Eldred Central School District reserves the right to impose disciplinary responses and/or interventions for offenses not listed in the Code of Conduct. Therefore, the Superintendent of Schools has the right to impose disciplinary consequences for offenses not explicitly spelled out in the district's Code of Conduct.

The Eldred Central School District also reserves the right to modify disciplinary responses and/or interventions, neither of which are intended to be administered sequentially, based on the student's age, the nature of the offense, the circumstances which led to the offense, the student's prior disciplinary record, the effectiveness of other forms of discipline, information from parents, teachers and/or others, as appropriate and other extenuating circumstances. The phrase "neither of which are intended to be administered sequentially" means that disciplinary consequences may not be given in any prescribed order during a given school year (i.e., a student may engage in behavior that severely hurts another at the beginning of the year and receive a 5-day out-of-school suspension because of the seriousness of the offense; the same student, 5 months later, may engage in "rough-housing" and receive a 1-day out-of-school suspension.)

Disciplinary consequences in the Code of Conduct are never automatic. No offense in the Eldred Central School District's Code of Conduct carries automatic disciplinary consequences (i.e., the Code of Conduct does not contain a table that explicitly assigns an automatic 5-day out-of-school suspension to a student who has engaged in a fight, or that automatically assigns a 3-day suspension to a student who has engaged in verbal abuse towards another student); rather, administration having gathered and studied the material facts of a case, will assign disciplinary consequences to the student in question to the degree that the student has: 1.) endangered another's health, safety or welfare, and/or 2.) victimized another socially or emotionally, and/or 3.) victimized another physically, and/or created unsafe conditions in the school. Please note that the Commissioner's Regulations do introduce automatic minimum consequences. The Superintendent and his/her/their designees however have the power to modify these minimum periods.

Disciplinary consequences may be given for offenses to the Code of Conduct committed in or out of school. Any infraction against the Code that occurs off the premises of the Eldred Central School District that endangers the safety, morals, health or welfare of students or staff members within the school and/or

adversely affects the educative process may result in disciplinary consequences being assigned to a student, especially to the degree that the infraction has intended to endanger, has endangered, or has actually harmed the health, safety or welfare of others. (An example of this is cyber-bullying from a home computer.) The final decision is the Building Principal's.

In alignment with updated Board of Education policies, this document now integrates enhanced protections regarding educational equity and diversity, revised federal Title IX grievance procedures for sexual harassment, and modernized standards for academic integrity that address the use of artificial intelligence. By fostering a shared responsibility between home and school, the district strives to nurture the intellectual and civic potential of every student within a climate of mutual respect and integrity.

DEFINITIONS

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

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

Chronically Absent – A student who misses ten percent (10%) or more of the school year.

Complainant – An individual alleged to be the victim of conduct that could constitute sexual harassment.

Disruptive Student - an elementary or secondary student under the age of 22 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

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

Formal Complaint – A document filed by a complainant or signed by the Title IX Coordinator requesting a district investigation into allegations.

Gender Identity – One's self conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

Gender Expression – The manner in which a person represents gender to others through behavior, clothing, hairstyles, activities, or voice.

Hazing – Committing or coercing an act creates a risk of emotional, physical, or psychological harm for initiation into a group, regardless of the student's willingness to participate.

Internet-Enabled Device – Any smartphone, tablet, smartwatch, earbuds, or other device capable of connecting to the internet and accessing social media, excluding district-supplied educational devices.

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

Plagiarism – Explicitly includes utilizing work generated using artificial intelligence and presenting it as one's own for credit without required citation and attribution.

Protected Classes (Race) – The definition of race must now explicitly include traits historically associated with race, such as hair texture and protective hairstyles (e.g., braids, locks and twists).

Removal - the act of a teacher in discontinuing the presence of the student in his/her/their classroom.

Respondent – An individual reported to be the perpetrator of conduct that could constitute sexual harassment.

Retaliation – Intimidation or discrimination again an individual for participating in our refusing to participate in a Title IX proceeding.

Satisfactory Attendance – Missing five percent (5%) or less of school over the course of the year.

School Day – the hours of expected student attendance in the school building.
Elementary School – 8:25 am – 3:00 pm
High School – 7:30 am – 2:05 pm

School Function - any school sponsored extra-curricular, co-curricular or other event or activity.

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

Sexual Harassment (Title IX) – Conduct on the basis of sex that includes quid pro quo by an employee, or unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies equal access to a district program.

Student Organization – Any group, club, or team having students as primary members, regardless of whether it is an official school organization.

Supportive Measures – Non-disciplinary, non-punitive individualized services (e.g., counseling, schedule modifications) offered to both parties.

Suspension - the act of a Building Principal (or acting building principal), Superintendent of Schools, District Superintendent or Board of Education in discontinuing the presence of a student from his/her/their regular classes.

Violent Student - a student under the age of 22 who:

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Possesses, 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 or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

Weapon - a firearm as defined in the Gun-Free Schools Act (18 USC §921) [any firearm, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such firearm; any firearm muffler or silencer; or any destructive device], as well as any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

Student-Staff Communications via Email, Cell Phones and Text-Messaging

Staff members and students shall not communicate with each other by e-mail and/or cell phones or any other electronic devices, except at student e-mail addresses. List information shall be shared with the student's current building administrators, teachers, activity supervisor(s) and coach(es). The list shall be issued at the beginning of the school year, updated for newly enrolled students and otherwise updated at the beginning of each semester. Employees shall not use information on the list except for that provided to them for their current students.

Text messaging or instant messaging between staff and students while not recommended shall be limited to curricular or school activity related communications. Such messages shall not be communicated between the hours of 11:00 p.m. and 6:00 a.m. However, teachers, activity advisors and coaches may post information such as homework and scheduling of activities at any time of the day.

STUDENT BILL OF RIGHTS AND RESPONSIBILITIES

The Eldred Central School District believes in the right of each child, between the ages of five and 22 years or until the child receives a high school diploma, whichever comes first, to receive a free and appropriate education. All students in this state between the ages of six and the school year through which he/she/they becomes 16 are required by law to regularly attend school, either in the public schools, non-public schools that are approved for equivalency of instruction by the appropriate school authorities, or in the home in accordance with the Regulations of the Commissioner of Education.

The right to a free public school education extends to all students, including those with disabilities. However, this right is not unconditional. As long as due process of law requirements are met, a student may be removed from the classroom, temporarily suspended or suspended permanently from school. Only students within the compulsory education ages (age six through the school year in which the student turns 16) are entitled to alternative, equivalent instruction following suspension.

RIGHTS OF STUDENTS

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

- to be provided with an education that is intellectually challenging and relevant to demands of the 21st century;
- to learn in an environment free from interruption, harassment, discrimination, intimidation and fear;
- to participate in district activities on an equal basis regardless of race, color, creed, national origin, religion, gender, disability or sexual orientation.
- to be informed of all school rules;
- be guided by a discipline policy which is fairly and consistently implemented.

In addition, students in this District are afforded the following rights:

1. **Student Expression** - Students shall be allowed the opportunity for the free expression of ideas consistent with rights established by the federal and state constitutions. However, a student's freedom is subject to limitation in that the constitutional protections will not extend to libelous, slanderous, vulgar, lewd, indecent or obscene words or images or to words or images, which by their very use incite others to damage property or physically injure persons. Furthermore, speech, which materially and substantially disrupts the work and discipline of the school, may be subject to limitation. Policy #5225 clarifies that while students have free speech rights, the district may regulate the time, place, and manner of the expression.

2. **Symbolic Expression** - Students, in light of constitutionally protected free speech rights, may wear political buttons, armbands or badges of symbolic expression so long as the same conform to the limits set forth herein the dress code.

3. **Student Activities** - All pupils shall enjoy equal access to the extent of their capabilities for participation in the various extra-curricular and co-curricular activities sponsored by the School District. The privilege of participating in such activities shall be conditioned upon appropriate

conduct as established by the student Code of Conduct and any rules promulgated specifically for participation in extra and/or co-curricular activities.

4. **Student Government** - Students are encouraged to participate in the various student governmental bodies, which have been or may be established in our schools. It shall be the duty of the student governmental body to establish reasonable standards for qualification of candidates to serve in offices of the government. Elections for student government shall be conducted in accordance with the principles of our democracy and selected student representatives shall work with the faculty, administration and student body in identifying cooperatively those areas of appropriate student responsibility. All student governmental bodies shall have a faculty advisor and shall be organized pursuant to a specific written constitution, which the students shall participate in formulating.

5. **Student Clubs and Other Student Organizations** - The District encourages students to participate in curriculum related extra-curricular activity clubs and/or organizations. To the extent that the District authorizes meetings of non-curriculum related clubs or organizations, the same shall be subject to the constitution of the student government and shall be conducted in accordance with any applicable federal or state law, as well as Board of Education policy or regulations.

6. **Privacy Rights [Search and Seizure]** - Students in attendance in our public schools are protected against illegal or unreasonable personal searches or seizures of their property by both the federal and state constitutions. In light of these protections, no student's person or property shall be searched for illegal substances or materials unless the school authorities conducting the search have reasonable suspicion to do so. Lockers, desks, and school owned technology devices, are school property and assigned to students. These items may be subject to inspection and/or search at any time by school officials since these items are not the property of the student, but rather are owned by the School District and shared with the student. Policy #5330

1. **Pregnant Students** - During pregnancy and the period of pregnancy related disability, which follows childbirth, a student shall be entitled to home instruction, upon request. Pregnant students who desire to attend their regularly scheduled classes prior to the time of childbirth may do so to the extent that their physician approves of such attendance.

8. **Student Grievances and Complaints** - If a student has a grievance or a complaint about a school-related matter, a school employee or other school official, he/she/they may submit it, in writing, to the Principal of the school who shall respond within ten (10) school days with a written answer or proposed resolution. If the grievance or complaint deals with material distribution, the building principal must issue a decision within two (2) school days.

   Grievances or complaints may be appealed in writing to the Superintendent of Schools if the Principal's answer or proposed resolution is not deemed satisfactory by the student. The Superintendent of Schools shall respond to all grievances and complaints within a reasonable period of time following receipt of the written appeal document.

RESPONSIBILITIES OF STUDENTS

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

- to accept responsibility for his/her/their actions;
- to conduct his/her/their self with integrity in an ethical, moral, and respectful manner;
- to respect the rights of others, including his/her/their right to secure an education in an environment that is orderly and disciplined;
- to attend school on a regular and punctual basis;
- to complete class assignments and other school responsibilities by established deadlines;
- to show evidence of appropriate progress toward meeting course and/or diploma requirements;
- to respect school property, e.g. lockers, and help to keep it free from damage;
- to obey school regulations and rules made by school authorities and by the student governing body;
- to recognize that the teachers and/or administrators assume the role of a surrogate parent (in loco parentis) in matters of behavior and discipline when at school, as well as during any school-sponsored activities;
- to contribute toward establishing and maintaining an atmosphere that generates mutual respect and dignity for all;
- to become familiar with this code and seek interpretation of parts not understood;
- to actively discourage inappropriate behavior of other students and report the incidents to the administration;
- to dress in an appropriate manner, so as not to disrupt the educational process.

THE ROLE OF PARENTS

A cooperative relationship between home and school is essential to each student's successful development and achievements. To achieve this wholesome relationship, parents are urged:

- to show an enthusiastic and supportive attitude toward school and education;
- to build a good working relationship between themselves and their child;
- to teach their child self-respect, respect for the law, respect for others and for public property;
- to insist on prompt and regular attendance;
- to listen to the views and observations of all parties concerned;
- to recognize that teachers merit the same consideration and respect that parents expect from their child;
- to encourage their child to take pride in his/her/their appearance;
- to insist that their child promptly bring home all communications from school;
- to cooperate with the school in jointly resolving any school related problem;
- to set realistic standards of behavior for their child and resolve to remain firm and consistent;
- to help their child learn to deal effectively with negative peer pressure;
- to provide a place conducive for study and completion of homework assignments;
- to demonstrate desirable standards of behavior through personal example;
- to foster a feeling of pride in their child for their school;
- to provide support and positive reinforcement to their child.

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

THE ROLE OF SCHOOL PERSONNEL

School personnel play an important role in the education of students. In view of this responsibility, school personnel must:

- promote a climate of mutual respect and dignity which will strengthen each student's positive self-image;
- teach the common courtesies by precept and example;
- treat students in an ethical and responsible manner;
- help students to reach their maximum potential;
- demonstrate desirable standards of behavior through personal example;
- report violations of the Code of Conduct to the Building Principal or acting building principal;
- immediately report and refer violent students to the Principal or Superintendent of Schools.

THE ROLE OF TEACHERS

Every teacher knows that s/he works every day with this nation's most precious commodity - the future generation. In view of this responsibility, the teacher must:

- promote a climate of mutual respect and dignity which will strengthen each student's positive self-image;
- plan and conduct a product of instruction that will make learning challenging and stimulating;
- recognize that some disciplinary problems are caused by a student's personal and academic frustrations;
- recognize that corporal punishment is strictly prohibited
- ;utilize classroom routines which contribute to the total instructional program and to the student's development of civic responsibility;
- seek to develop close cooperative relationships with parents for the educational benefit of the student;
- distinguish between minor student misconduct best handled by the teacher and major problems requiring the assistance of the administrator;
- teach the common courtesies by precept and example;
- handle individual infractions privately and avoid punishing the group for the misbehavior of one or two;
- help students cope with negative peer pressure;
- identify changing student behavior patterns and notify appropriate personnel;
- enable students to discuss their problems with them;
- send communications home promptly;
- report to the Principal any student who jeopardizes his/her/their own safety, the safety of others or of the teacher, or who seriously interferes with the instructional program of the classroom;
- treat students in an ethical and responsible manner;
- help students to reach their maximum potential;
- serve as a surrogate parent (in parentis loco) in matters of behavior and discipline in accordance with New York State School Law;
- explain and interpret the Code of Conduct to students;
- enforce the code in all areas of the school;

- demonstrate desirable standards of behavior through personal example;
- know the support services available to students and refer students who are in need of such services;
- comply with state educational law regarding corporal punishment and mandated reporting of suspected child abuse;
- in the event of removal from class, inform the student and the Principal of the reason for the removal;
- immediately report and refer violent students to the Principal or Superintendent of Schools.

THE ROLE OF BUILDING ADMINISTRATORS

As the educational leader of the school, the Principal sets the disciplinary climate for the school, not only for students, but for staff as well. Therefore, they must:

- seek to develop a sound and healthful atmosphere of mutual respect;
- evaluate the program of instruction in their school to achieve a meaningful educational program;
- help their staff self-evaluate their procedures and attitudes in relation to the interaction within their classrooms;
- develop procedures which reduce the likelihood of student misconduct;
- provide the opportunity for students and staff to approach the Principal directly for redress of grievances;
- work with students and staff to formulate school regulations;
- assist staff members to resolve problems which may occur;
- work closely with parents to establish a wholesome relationship between home and school;
- utilize all appropriate support staff and community agencies to help parents and students identify problems and seek solutions;
- establish necessary building security;
- assume responsibility for the dissemination and enforcement of the Code of Conduct and ensure that all discipline cases referred are resolved promptly;
- ensure that students are provided with fair, reasonable, and consistent discipline;
- comply with pertinent state laws governing hearings, suspensions, and student rights;
- develop behavior guidelines and appeals procedures specific to each assigned school in harmony with this Code of Conduct;
- demonstrate desirable standards of behavior through personal example.

THE ROLE OF DISTRICT ADMINISTRATORS

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

- reinforce and extend the indicated responsibilities of the Principals and make them applicable to the school system for grades K-12;
- recommend to the Board of Education appropriate policy, regulations and actions to achieve optimum conditions for positive learning;
- develop and implement an effective Code of Conduct supportable by students, parents, staff and community;
- demonstrate desirable standards of behavior through personal example;
- provide each teacher with a copy of the Code of Conduct.

THE ROLE OF THE BOARD OF EDUCATION

As the elected officials in charge of our schools, the Board of Education:

- adopts the policies governing the District, including this Code of Conduct;
- ensures that the Code of Conduct contains clear behavioral expectations and disciplinary consequences for students, staff and visitors;
- ensures that the Code of Conduct is clearly communicated to students, parents, staff and the school community;
- ensures that the Code of Conduct is implemented and enforced in a consistent, reasonable, fair and equitable manner;
- annually reviews the Code of Conduct and updates it as necessary

CONDUCT OF VISITORS

In an effort to maintain a safe and healthy educational environment, all visitors to the District must sign-in at the Main Office of the building visited. Visitors are expected to comport themselves in a manner that does not disrupt the academic process and in accordance with the law and this Code of Conduct.

REPORTING CODE VIOLATIONS

1. To School District Personnel

Students, teachers and other District personnel must report any serious violation of this Code of Conduct of which they have firsthand knowledge to any building administrator where the violation occurred. A serious violation means any infraction where an asterisk (*) appears beneath the infractions. The reporting individual will be given a written confirmation that the matter is being or has been investigated within two (2) weeks from the time when the report was made.

2. To Local Law Enforcement Agencies

The District will report any acts of violence against persons that constitute a felony or misdemeanor and other violations of the Code of Conduct to the appropriate local law enforcement agency. When necessary, the District will file a complaint in criminal court against the actor.

3. To Human Services Agencies

The District will report any violations of the Code of Conduct, which constitute a crime to the appropriate human services agencies. When necessary, the District will file a juvenile delinquency petition or a person in need of supervision (PINS) petition in Family Court.

DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS

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

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

1. The student's age.
2. The nature of the offense and the circumstances that 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.

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.

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 – any member of the district staff
3. Written notification to parent – any member of the district staff
4. Student/teacher conference
5. Student/teacher/parent conference (which may also include the principal or guidance counselor)
6. Teacher detention or administrative detention - teachers, Principal, Superintendent or the Superintendent's designee
7. Suspension from transportation - Principal (or designee), Superintendent (or designee)
8. Suspension from athletic participation - coaches, Principal, Athletic Coordinator, Superintendent or the Superintendent's designee
9. Suspension from social or co-curricular activities or extracurricular activities – activity advisor, Principal, Superintendent or the Superintendent's designee
10. Suspension of other privileges - Principal, Superintendent or Superintendent's designee
11. Alternative Learning Center (In-school Suspension) – Principal, Superintendent
12. Removal from classroom by teacher - teachers, Principal

13. Short-term (five days or less) suspension from school - Principal, Superintendent or Superintendent's designee
14. Long-term (more than five days) suspension from school - Superintendent, Board of Education
15. Permanent suspension from school - Superintendent, Board of Education

Procedures

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

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

1. Detention

Teachers, Principals and the Superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Teachers may assign teacher detention as part of the student's school workday without informing the student's parent or guardian. Administrative after-school detention may also be imposed as a penalty. The administrator must inform the parent or guardian of the date(s) and time(s) of the detention before the student serves. If the parent or guardian suggests other dates or times for the detention due to family or transportation constraints, the administrator will work with the parent or guardian to modify them as such. The parent/guardian has up to one week from the day the administrator assigned the detention to work with him/her to modify the date(s) and times(s).

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 Principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the 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 in a timely fashion after being notified of the situation.

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 Principal or the Principal's designee to discuss the conduct and the penalty involved.

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

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

4. Alternative Learning Center (ALC) (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 Principals and the Superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in an alternative education program in school.

A student who is placed in an alternative educational program 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 a school official 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 in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student to the Principal's office 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 ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he/she/they are 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/she/they were removed from the classroom and give the student a chance to present his/her/their version of the relevant events within 24 hours.

The teacher must complete a district-established disciplinary referral form and communicate with the Principal or his/her/their designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal. If the Principal or designee is not available by the end of the same school day, the teacher must submit the form 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 parent that the student has been removed from class and why. The notice must also inform the parent that he/she/they have the right, upon request, to meet informally with the Principal or the Principal's designee to discuss the reasons for the removal.

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

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

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

a. The charges against the student are not supported by substantial evidence.
b. The student's removal is otherwise in violation of law, including the District's Code of Conduct.
c. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The Principal or his/her/their 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/she/they is permitted to return to the classroom.

Each teacher must complete a disciplinary referral form for all cases of removal of students from his/her/their class. The Principal will have access to the discipline referrals through the student management system.

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/her/their class until he/she/they 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.

STUDENT SUSPENSION PROCESS

The Board of Education, District Superintendent, Superintendent of Schools, a Building Principal or in his/her/their absence, an acting Building Principal, may suspend a student from school where it is determined that the student:

- is insubordinate or disorderly, or exhibits conduct which endangers the safety, morals, health or welfare of others; or
- exhibits a physical or mental condition(s) which endangers the health, safety or morals of himself/herself or of other students; or
- is removed from a classroom for substantially disrupting the educational process or substantially interfering with the teacher's authority in the classroom four or more times in one semester.

In addition to the statutory grounds for suspension from school for conduct or health condition, students shall also be subject to suspension based upon a violation of the specific disciplinary infractions listed below.

A. Pre-suspension Process

Prior to being suspended from school, the student shall be confronted by a school official empowered to suspend, as referenced above, at which time the evidence upon which the decision to suspend is based shall be stated to the student and the student shall be given the opportunity to explain his/her/their version of the facts. The student shall also be afforded the right to present other persons to the suspending authority in support of his/her/their version of the facts. If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, such confrontation shall occur following suspension, as soon thereafter as is reasonably practicable. In all cases, except in cases of in-school suspension there shall be no suspension until after the informal Principal's conference, unless waived, as described in paragraph "B" below.

B. Short Term Suspension Process

Prior to a proposed suspension from school for between one and five days by a Building Principal or an acting Principal in the absence of the Building Principal, the student and his/her/their parent shall be notified, in writing, by personal delivery, express mail or overnight service, and by telephone, if possible, within 24 hours of the decision to propose suspension.

Such written notice shall include a description of the incident(s) resulting in the suspension and shall inform the parent of their right to request an immediate informal conference with the Principal at which the student and/or his/her/their parent may present the student's version of the event and ask questions of complaining witnesses. Upon such request, an informal conference with the Principal and other parties involved shall be convened as soon as possible, [at which time the evidence, including the witness(es) relied upon by the Principal in making the suspension determination, may be questioned by the parent or guardian.] The right to an informal conference with the Principal shall also extend to a student if 18 years of age or older. The notice and informal conference shall be in the dominant language or mode of communication used by the parent. If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

Any appeal brought by the parent or student over the age of 18 of a Principal's suspension must be presented in writing within 30 days to the Board of Education prior to filing any further appeal.

C. The Long-term Suspension Process: Suspension for More than Five Days

Any suspension from school in excess of five school days shall be considered a long-term suspension. Unless there is an agreement between the person requesting the suspension and the parent, a long-term suspension may be done only after the Superintendent of Schools or the Board of Education has conducted a hearing.

When a student is subject to a long-term suspension, a hearing shall be conducted by the Superintendent if the Building Principal, acting Building Principal or the Superintendent has made the original suspension, or before the Board where that body has made the original suspension. The Superintendent of Schools or Board of Education may designate a Hearing Officer to make findings of fact with respect to the charges of infractions under this Code of Conduct, as well as penalty recommendation pursuant to the penalty parameters described herein.

D. 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. Upon being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The Superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the following:

a. The student's age.
b. The student's grade in school.
c. The student's prior disciplinary record.
d. The Superintendent's belief that other forms of discipline may be more effective.
e. Input from parents, teachers and/or others.
f. Other extenuating circumstances.

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

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

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five day suspension, the student and the student's 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.

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

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for at least five days. For purposes of this Code of Conduct, "repeatedly 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, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension.

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

D. Guidance Interventions

- Parent Outreach: School counseling staff will keep parents informed of their child's behavior and will enlist the parent as a partner in addressing areas of concern. Outreach to the parent can include, but is not limited to: a phone call and/or written communication.

- Intervention by Counseling Staff: Where available, school-based counseling staff can intervene with students who are upset during and after the disciplinary process. Services can include brief interventions, consultations and assessments, screenings, crisis intervention, referrals and linkage with community-based programs.

- Guidance Conference: Principals and teachers may request a guidance conference with the student and, where appropriate, with the parent or guardian. The purpose of the conference is to review the behavior, find solutions to the problem and address academic, personal and social issues that might have caused or contributed to the behavior.

- Individual/Group Counseling: Counseling provides students with an outlet to share issues in privacy that may be negatively impacting their attendance, behavior, and/or academic success. Students discuss and formulate goals, and learn problem-solving strategies that will enable them to overcome a variety of personal challenges. Counselors will conference with parents on a regular basis to discuss the student's academic and personal progress.

- Peer Mediation: Peer mediators help classmates identify the problems behind their behavior and find solutions to these problems. Conflict resolution skills are incorporated into the strategies used by peer mediators so that all students involved learn new ways of handling conflict.

- Mentoring Program: A mentoring program matches a mentor who may be a counselor, teacher, student and/or leader with a protégé. The object of this relationship is to help the protégé in his/her/their personal, academic and social development.

- Conflict Resolution: Conflict resolution provides an opportunity to empower students to take responsibility for peacefully resolving conflict. The related activities teach students, parents, and staff, problem solving skills/techniques that can be used in everyday situations. Such skills can include, but are not limited to, conflict and anger management, active listening, and effective communication.

- Check & Connect Reports: Teachers and/or counselors, may send behavioral progress reports to parents/guardians on a regular basis until they feel that the student is in control of his/her/their behavior and working in the classroom successfully.

- Referral to MTSS Multi-Tiered System of Supports): MTSS Teams are school-based teams that utilize a multidisciplinary approach to encourage student success through prevention and intervention strategies and supports. A case manager is identified for each student referral so that an individualized plan can be created to help students overcome their academic and/or socioemotional difficulties.

- Community Service (with parental consent): Students may be provided with community service opportunities so that they gain a greater appreciation of their school neighborhoods and develop skills to become positive social change agents. Community service can help students occupy their time with positive activities, avoid negative behavior and learn the value of service to others.

- Referral to a Community Based Organization (CBO): Students may be referred to a community-based organization for a wide range of services including after-school programming, individual or group counseling, leadership development, conflict resolution and tutoring.

- Referral to appropriate substance abuse counseling services: In the case where a student is presenting problems with substance abuse, including the use, possession or distribution of illegal drugs, drug paraphernalia, and/or alcohol, referrals should be made to counseling services that are either inside the school or through an outside community-based organization.

E. Referrals to Outside Agencies

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/she/they 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 contact, 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 § 221.11. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

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 to juvenile offender status under the Criminal Procedure Law § 1.20 (42).

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

F. Long Term Suspension Hearing Procedures

Notice of Hearing

In the event of the suspension of a student under the age of 18 years, the notice of suspension will be mailed or delivered to the parent, who shall have a minimum of 48 hours notice of the time and place of the hearing, as well as the nature of the charge(s) and the facts, sufficiently stated so that a proper defense may be placed upon the record on behalf of the student.

In the event of the suspension of a student over the age of 18, the notice, as described above, shall be delivered or mailed to the student, as well as to the student's parent(s), if any. Emancipated minors shall be entitled to the same notice rights as a student beyond the age of 18 years.

All notices of long-term suspension hearings shall contain provisions indicating that the student has the right to be represented by an attorney or lay counsel, that a transcript of the hearing will be prepared (tape recording or stenographic record) and that the student has the right to subpoena witnesses or otherwise present witnesses in his/her/their defense. The time, date and location of the hearing shall also be prominently set forth in the notice. If the student is 18 years of age or older, the letter described above will be mailed to the student as well as his/her/their parent.

The Long-Term Suspension Hearing

The hearing shall be conducted by the Superintendent or a designated Hearing Officer in the event of a suspension by a Building Principal, acting Building Principal; or the Superintendent, the hearing shall be conducted by the Board or its designated Hearing Officer in the event that the suspension originated by Board action.

At the beginning of the hearing, the Hearing Officer shall inform the student and the student's representative(s):

- that the District's and the student's representatives shall have the right to examine and cross-examine witnesses;
- that the student has the privilege against self-incrimination, but that if the student does testify, s/he shall be subject to cross-examination;
- that the District has the burden of proving the charges by a preponderance of the credible evidence;
- that a transcript of the proceedings shall be maintained and made available to the student's representative upon request; and
- that the hearing shall be private or open to the public, as determined by the student's representative.

The person conducting the hearing shall not have intimate knowledge of the details of the charges to assure an impartial, unbiased hearing of the case.

The Hearing Officer shall inform the parties:

- that the case will proceed by having the District present its evidence through witnesses and other evidence first;
- that the District's witnesses shall be subject to cross-examination by the student's representative; and
- that the student will then have the opportunity to present witnesses on his/her/their behalf, subject to cross-examination by the District's representative.

Following the conclusion of the testimony and the introduction of other evidence matters, the parties shall be afforded the opportunity to present oral arguments to the Hearing Officer indicating the reasons why the charges should be sustained or dismissed.

The Hearing Officer shall then reach findings of fact upon the charges. In the event that one or more of the charges is sustained, the Hearing Officer shall then entertain statements from the parties regarding the appropriate penalty outcome. In the event that the parent and/or the student, in an appropriate case, have

been served with a copy of the student's past disciplinary anecdotal record in a timely fashion (at least 48 hours before the hearing), for consideration at the hearing, such record may be considered by the Hearing Officer in determining an appropriate penalty. The incidents contained within the past anecdotal record shall be subject to proof to the extent that they are denied by the student, as expressed by the student's representative.

The Hearing Officer, upon the conclusion of the portion of the proceedings dealing with penalty determinations, shall make findings of fact and penalty recommendations, if any, to the person or body which designated him/her immediately upon the conclusion of the long-term suspension hearing.

The Superintendent or Board, whichever designated the Hearing Officer, shall make its own findings of fact and penalty decision, by adopting those of the designated Hearing Officer, where applicable, in whole or in part, or by reaching independent findings of fact and penalty determinations. This process shall be concluded within the five school day period from the time of the initial suspension if the student is to be continuously suspended. The decision may be communicated to the student's representative and/or student (where over the age of 18) beyond the five school day period in cases where the student has been reinstated to attendance in school pending the final determination on the charges and penalty by the Superintendent or the Board, in cases to be decided by them, respectively.

Alternative Instruction

Pursuant to the Education Law, no student who is of compulsory school age shall be suspended from school in his/her/their regularly scheduled classes without being provided alternative equivalent instruction, either in the form of home instruction or instruction in an alternative setting. Such instruction shall be of an equivalent nature to that provided in the student's regularly scheduled classes. A good faith effort shall be made to provide such alternative instruction immediately.

In the event that a student within the compulsory education ages of six and the school year in which she/he/they becomes 16 is suspended from school in excess of five school days, alternative equivalent instruction shall be provided for the duration of the period of suspension.

Appeals Process

The decision of the Superintendent with respect to the findings of fact sustaining charges in a long-term suspension hearing and/or penalty determination shall be subject to appeal [or may be appealed] in writing to the Board of Education within 30 calendar days of receiving the written decision of the Superintendent of Schools. The Board shall review the record of the proceedings before the Superintendent or his/her/their designated Hearing Officer, including a review of the transcript of the proceedings, documentary evidence and written arguments of the representatives of the respective parties, if any. The Board does not provide the representatives of the respective parties with the opportunity either to present evidence not previously in the record or to make arguments in person before the Board.

In the event that the initial long-term suspension hearing was conducted by the Board or its designated Hearing Officer, or where the Board has ruled on an appeal from a Superintendent's long-term suspension hearing, the matter may be further appealed.

G. Off-Campus Misconduct

A student may be subject to discipline for conduct constituting a crime, or other misconduct**,** which is committed off of school premises or at non-school sponsored activities, to the extent that the Superintendent of Schools and/or Board of Education believes that the continued attendance in school of the student would constitute an endangerment to the health, safety, welfare or morals of the student and/or others in our schools.

H. Dress and Grooming

Students are expected to dress in a manner that is safe and does not substantially disrupt the educational process. Students must be dressed in appropriate clothing and protective equipment as required for physical education classes, participation in athletics, science laboratories and home and careers skills classes.

• Nothing in this policy shall be applied to prohibit clothing, head coverings (including but not limited to hijabs, yarmulkes, turbans, and wigs worn for religious reasons), hairstyles, jewelry, or other items worn as an expression of a sincerely held religious belief, or items worn for medical reasons (including but not limited to medical-alert jewelry, medically necessary face masks, prosthetics, and wigs or head coverings worn due to a medical condition or treatment). This policy shall not be applied to prohibit natural or protective hairstyles, including but not limited to braids, locs, and twists, consistent with the New York State Human Rights Law. Students or parents/guardians with questions regarding accommodations should contact the building Principal.

• Students are prohibited from wearing clothing or accessories bearing images or language that are obscene, vulgar, lewd, or profane; that promote or depict the use of alcohol, tobacco, or illegal drugs; that constitute a true threat of violence against any person or group; or that the administration reasonably forecasts will cause a material and substantial disruption of the educational process or an invasion of the rights of others.

• Due to safety concerns and the need for school personnel to properly identify students, all students are prohibited from wearing face paint, masks, full body costumes, or other materials or accessories that obscure the face or prevent school personnel from properly identifying a student, except as permitted above for religious or medical reasons, during school-sanctioned events (such as spirit days or theatrical productions) with staff authorization, or as required by weather conditions while outdoors.

• Items presenting a genuine safety hazard, including spiked collars, spiked bracelets, rivets, and heavy chains capable of being used as a weapon, are prohibited and may be secured by administration and returned to a parent/guardian.

• Clothing must cover undergarments, buttocks, genitals, chest, and midriff with opaque fabric. This standard applies equally to all students and shall be enforced without regard to body type or size.

• Consistent with the Dignity for All Students Act, students are prohibited from using, wearing, depicting, possessing or displaying symbols historically associated with hate, racial intimidation, or violence, except when such items are used as part of the curriculum and approved by a teacher or building Principal.

• Hats may be worn in the hallway and lunch. Religious and medical head coverings are permitted at all times and in all locations.

• The standards of dress will prevail at all times including examination periods and other activities planned for inside the building.

Students will be issued a warning and given an opportunity to correct the issue, and continued violations of said rule may be met with disciplinary action consistent with the Code of Conduct. The District will endeavor to ensure enforcement of this policy shall not result in unnecessary loss of instructional time.

I. Computer and Internet Use

The following prohibited use of District-owned computer drives, network facilities and Internet links may give rise to disciplinary action against users of such equipment and/or facilities:

1. E-mail or other electronic communication originating from the school premises or received at the school premises that a student user creates, posts, and/or reposts that:

    - is lewd, vulgar, obscene, indecent or inappropriate for student recipients of certain ages;
    - conveys an imminent threat of violence, including sexual violence, to a specific individual or individuals;
    - constitutes a state and/or federal crime;
    - is the cause of or a substantial contributing factor to a substantial interference with the orderly functioning of the school(s);
    - attributes the text of e-mail to school officials or that the text is school endorsed, unless there is such official endorsement or consent from school officials;

2. Internet use that circumvents access restrictions placed upon the District's computer systems by the Board of Education or its administrative designee(s).

3. Computer and/or Internet use that is not school-related or is unauthorized.

4. Permitting the use of a student's computer access code by any other person. Such student shall assume responsibility for occurrences in violation of this code of conduct that occurs under the student's access code number.

J. Internet Enabled Cell Phones and Personal Electronic Communications Devices

The Board of Education recognizes that students may have personal communication devices (PCDs) that can perform different functions. Such devices include "internet-enabled devices" defined as: any smartphone, tablet, smartwatch, earbuds or other device capable of connecting to the internet and enabling the user to access content on the internet, including social media applications, but do not include any such device supplied by the district for educational purposes.

Students are encouraged not to bring cell phones or other personal communication devices that utilize Wi-Fi including smart watches, and air pods/earbuds to school.

If students choose to bring a cell phone/device to school- here are the expectations: cell phones and other communication devices (smart watches, air pods) will be stored upon arrival to school for the entirety of the school day. The devices will remain in storage for the entire school day, including lunch.

1. Students who need to be in contact with their family during the academic day will be able to use one of the school phones in the main office. Parents are encouraged to contact the main office if there is a message that needs to be relayed.
2. Students assume the risk of damage, theft, or loss when choosing to bring their device to school.
3. Students may use their cell phone, smart watches and other communication devices before and after the academic school day.

George Ross Mackenzie Elementary	Eldred JSHS
Arrival Phones will be turned off and kept in the student's backpack and stored in each classroom.	Arrival Phones will be turned off and stored in the student's locker.
Dismissal Phones will return home in the student's backpack.	Dismissal Phones will be retrieved at the end of the day from the student's locker.
In Case of Emergency Parents may contact the school to give a message or speak with their child, if the need arises. GRM- Parent Communication Numbers • Main office: 845-456-1100 ext-5143 • Guidance:845-456-1100 ext-5011 • Nurse:845-456-1100 ext-5003 Email: Tammy Hunsberger- hunsbergert@eldred.k12.ny.us	In Case of Emergency Parents may contact the school to give a message or speak with their child, if the need arises. Eldred JSHS- Parent/Guardian Communication: • Main office: 845-456-1100 ext-5180 • Guidance:845-456-1100 ext-5178 • Nurse:845-456-1100 ext-5131 Email: Jenna Potter- potterje@eldred.k12.ny.us

Jennifer Anderson- andersonje@Eldred.k12.ny.us	Heather Bonnell- bonnellh@eldred.k12.ny.us
Field Trips Cell phone guidelines for off-campus school activities will be individualized depending on the specific trip and activities. These expectations will be addressed at pre-trip meetings and/or on trip-specific permission slips.	Field Trips- Cell phone guidelines for off-campus school activities will be individualized depending on the specific trip and activities. These expectations will be addressed at pre-trip meetings and/or on trip-specific permission slips.

Enforcement, Consequences and Reporting

Enforcement of this policy is chiefly the responsibility of building administrative staff; however, all designated employees are expected to assist in enforcement. Students will be reminded of this policy regularly and consistently, especially at the start of the school year and after returning from breaks. It is important to understand that any student who does not follow the "no cellphone/electronics" policy will be in violation of the District's Code of Conduct, with consequences applied accordingly based on the nature of the infraction. The district may not impose suspension from school if the sole grounds for the suspension is that the student accessed an internet-enabled device as prohibited by this policy.

Some uses of personal electronic devices may constitute a violation of the school district Code of Conduct or other district policies, and in some instances, the law. The district will cooperate with law enforcement officials as appropriate.

Administrators will also discuss the aims of this policy with students and their parents, the benefits of a distraction-free environment, the reasons the student had difficulty following this policy, and how the district can help the student contribute to a distraction-free environment.

Consequences 1st Time- Warning 2nd Time- Cell phone is confiscated and placed in the office for the remainder of the day. Student can retrieve phone at the end of the day. 3rd Time- Cell Phone confiscated and parents can pick it up at the end of the day	Consequences 1st Time- Warning 2nd Time- Cell phone is confiscated and placed in the office for the remainder of the day. Student can retrieve phone at the end of the day. 3rd Time- Cell Phone confiscated and parents can pick it up at the end of the day

Beginning September 1, 2026 and annually thereafter, the district will publish an annual report on its website detailing the enforcement of this policy over the past year, including non-identifiable demographic information of students who have faced disciplinary action for non-compliance with this policy, and an analysis of any demographic disparities in enforcement of this policy. If a statistically

significant disparate enforcement impact is identified, the report will include a plan to mitigate such disparate enforcement.

K. Suspension from Transportation Service

Students may be suspended from transportation services for an infraction or infractions listed herein the District' Code of Conduct and/or the Transportation Code of Conduct.

L. Suspension from Extra-Curricular and Co-Curricular Activities, and School Functions

A student may be suspended from participating in extra-curricular or co-curricular activities (including a sports team) for an infraction of any of the provisions herein, for violating a code of conduct issued to participants in the activity by the activity supervisor or for fighting at games. Upon the request of the student's parent/guardian, the Building Principal shall allow the parent/ guardian or other representative of the student the right to appear before him/her informally, to discuss the conduct which led to suspension from the activity.

If a student is suspended from school pursuant to §3214 of the Education Law, he/she/they shall not be permitted to participate in any extra-curricular or co-curricular activities, as well as any other school events or activities which take place on the days of suspension (including intervening weekends).

M. Suspension of Students with Disabilities

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

If guilt is determined, before a penalty may be imposed, the following rules shall apply:

Section 504/Title II ADA Disability

Before discipline may be meted out for a student with a disability or suspected disability founded solely under §504 of the Rehabilitation Act of 1973 (hereinafter §504)/Title II of the Americans with Disabilities Act (hereinafter the ADA), the §504 multi-disciplinary committee (hereinafter the §504 Committee) must make a determination of whether the conduct underlying the charge(s) was a manifestation of the disability.

1. If a nexus is found between the disability and the conduct underlying the charges, the §3214 proceeding must be discontinued and the matter placed under the jurisdiction of the §504 Committee for any further consideration. The §504 Committee must register a referral and bring about an evaluation of a student with a suspected disability or, if the student is already eligible under §504, it must consider possible program modification and disposition on a non-disciplinary basis.

2. If no nexus is found, yet a disability is indicated or has been identified, discipline may be imposed upon remand to the §3214 Hearing Officer. Students whose sole disabilities are founded under §504 and for whom no nexus is found shall be disciplined in the same manner as their non-disabled peers.

Any penalty imposed may not be based on past behavior for which a nexus determination was not made.

The School District must continue to provide a free appropriate public education to students who have been suspended from school as required by the regulations implementing §504 (34 CFR §104 et. seq.) until the end of the school year in which the student reaches the age of 21.

IDEA Disability

Before discipline may be meted out for a student classified or deemed to be known as having a disability under the Individuals with Disabilities Education Act (hereinafter IDEA) [a student with an educational disability], the Committee on Special Education (hereinafter the CSE) must make a determination of whether the conduct underlying the charges was a manifestation of the disability.

1. If a nexus is found between the disability and the conduct, the §3214 proceeding must be discontinued (except for weapons, drugs and dangerous behavior) and the matter placed under the jurisdiction of the CSE for any further consideration. The CSE must register a referral and bring about an evaluation in the case of a student who may be deemed to be known as having a disability or, if the student is already classified under IDEA, it must consider possible program modification and disposition on a non-disciplinary basis.

2. If no nexus is found, yet nonetheless a disability is indicated or has been identified, discipline may be imposed upon remand to the §3214 Hearing Officer. The relevant disciplinary procedures applicable to children without disabilities may be applied in the same manner in which they would be applied to children without disabilities, as long as the child continues to receive a free appropriate public education during any such term of suspension.

3. Where no nexus is found and no suspected disability is determined to exist, the matter shall be remanded to the §3214 Hearing Officer for a determination of penalty.

Any penalty imposed may not be based on past behavior for which a nexus determination was not made.

The School District must continue to provide a free appropriate public education to students who have been suspended from school.

Suspensions Beyond Ten (10) School Days

A student with a disability or suspected disability founded solely under §504/Title II of the ADA may not be suspended for more than 10 school days unless the §504 Committee has conducted a nexus determination and found that the behavior underlying the disciplinary charges were not a manifestation of the student's disability.

A student classified or deemed to be known as having an educational disability under IDEA may not be suspended for more than 10 school days unless:

1. The CSE has made a determination that the student's misconduct was not related to the student's disability;

2. The School District obtains a court order authorizing the suspension;

3. The disciplinary charges involve the carrying of a weapon to school or a school function or the knowing possession, use or sale of illegal drugs at school or a school function;

4. The parent or student 18 years of age or older gives their consent, in writing.

In determining a disciplinary outcome, a §3214 Hearing Officer and/or decision making authority may not consider incidents in the past anecdotal record of a student with a disability under §504/Title II ADA and/or IDEA, or suspected of being disabled unless there has been a negative manifestation determination regarding such incident(s) by the §504 Team or CSE, respectively.

Suspensions for Misconduct Involving Weapons and/or Drugs

A student classified or deemed to be known as having an educational disability under IDEA may be suspended and placed in an interim alternative educational setting for up to forty-five (45) days (less if the discipline is for a non-disabled student would be less), if the student carries a weapon to school or a school function, or knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school or a school function.

1. In accordance with law, the term weapon means a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2-1/2 inches in length.

2. In accordance with law, the term illegal drugs means controlled substances but not those legally possessed or used under the supervision of a licensed health care professional or other permitted authority under the Federal Controlled Substances Act or under any other provision of Federal law. Controlled substances are drugs and other substances identified under schedules set forth in applicable Federal law provisions.

Before a student is suspended and placed in an interim alternative educational setting for up to 45 days for behavior involving weapons and/or drugs, the CSE must conduct a manifestation determination and a functional behavioral assessment, as well as implement a behavioral intervention plan that addresses the behavior underlying the disciplinary proceeding or review any such pre-existing plan for modification, if necessary.

1. Placement in an interim alternative educational setting as a result of conduct involving weapons and/or drugs is not contingent upon a CSE determination that the misconduct is not related to the student's disability.

2. It is up to the CSE to determine what would constitute an interim alternative educational setting that would meet the requirements of the student's IEP and enable the student to participate in the general curriculum (although in another setting).

The exception allowed for the suspension/removal of students with educational disabilities for up to 45 days for conduct involving weapons and/or drugs does not apply to students whose disabilities are founded solely upon §504/Title II ADA.
Such an interim alternative educational setting shall be deemed the student's stay put placement during the pendency of any due process proceedings contesting the interim alternative educational setting for the duration of the interim placement.

Dangerous Students
To continue the suspension of a student classified or deemed to be known as having an educational disability under IDEA for more than 10 school days, the School District may initiate a hearing before a special education impartial hearing officer who can order the placement of the student in an interim alternative setting for up to 45 days.

1. The CSE must conduct a nexus determination within 10 school days of the initial disciplinary action. Placement in an interim alternative educational setting as a result of dangerous behavior is not contingent upon a CSE determination that the misconduct is not related to the student's disability.

2. It is up to the CSE to determine what would constitute an interim alternative educational setting.

3. The hearing officer may grant such if maintaining the student in the current placement is substantially likely to result in injury to the student and/or others, and the School District has made reasonable efforts to minimize the risk of harm in the current placement. The hearing officer must also consider the appropriateness of the student's current placement and whether the interim alternative educational setting meets all the requirements of the student's IEP, including continued participation in the general curriculum (although in another setting) with an appropriate behavioral component.

Such an interim alternative educational setting shall be deemed the student's stay put placement during the pendency of any due process proceedings contesting the interim alternative educational setting for the duration of the interim placement.

Declassified Students

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

N. Disciplinary Measures

The following shall constitute appropriate disciplinary measures authorized by this Student Code of Conduct:

1. Warnings (oral or written).
2. Confiscation.
3. Detention – To include Lunch/Recess Detention
4. Restricted study/Alternative learning center (In-school suspension).
5. Suspension from school for up to five (5) school days.
6. Suspension from school in excess of five (5) days.
7. Suspension from school for at least one (1) year for possession of a weapon pursuant to the Gun-Free Schools Act of 1994 (subject to the right of the Superintendent to modify such penalty) or, in the case of a student with a disability whose possession of a weapon is determined not to be related to his/her/their disability, placement in an interim alternative educational setting for a period of up to forty-five (45) days.
8. Placement in an interim alternative educational setting for a period of up to forty-five (45) days, in the case of a student with a disability whose knowing possession or use of illegal drugs, or sale or solicitation of the sale of a controlled substance at a school or a school function is determined not to be related to his/her/their disability.
9. Permanent suspension (Expulsion).

O. Serious Violations of Code of Conduct

Students, teachers and other District personnel must immediately, or as soon as is reasonably practicable, report any serious violation of this Code of Conduct of which they have firsthand knowledge, or otherwise have reasonable suspicion to believe, to any building administrator where the violation occurred. A serious violation means any infraction where an asterisk (*) appears beneath the infractions. The reporting individual will be given a written confirmation that the matter is being or has been investigated within two (2) weeks from the time when the report was made.

The Student and Parent/Guardian's Plain Language Guide to the Eldred Central School District's Code of Conduct by Grade, Level of Offense, Disciplinary Infraction, Disciplinary Response and Guidance Intervention

Eldred's Code of Conduct is "developmentally appropriate." It is organized first by grade level clusters (K-6 and 7-12), then by level of disciplinary offense, with Level 1 offenses being the least serious, and Level 5 offenses being the most serious. Each grade level cluster and disciplinary offense level lays out

its particular offenses, the range of possible disciplinary responses by school personnel, and also the range of possible guidance or interventions to be used, as appropriate.

The list of disciplinary offenses and consequences in the Code of Conduct is not exhaustive. The below charts are illustrative only and not intended to be an exhaustive list of offenses, disciplinary responses and/or interventions. The Eldred Central School District reserves the right to impose disciplinary responses and/or interventions for offenses not listed in the below charts. Therefore, the Superintendent of Schools has the right to impose disciplinary consequences for offenses not explicitly spelled out in the below charts. The Eldred Central School District also reserves the right to modify disciplinary responses and/or interventions, neither of which are intended to be administered sequentially, based on the student's age, the nature of the offense, the circumstances which led to the offense, the student's prior disciplinary record, the effectiveness of other forms of discipline, information from parents, teachers and/or others, as appropriate and other extenuating circumstances. The phrase "neither of which are intended to be administered sequentially" means that disciplinary consequences may not be given in any prescribed order during a given school year (i.e. a student may engage in behavior that severely hurts another at the beginning of the year and receive a 5-day out-of-school suspension because of the seriousness of the offense; the same student, 5 months later, may engage in "roughhousing" and receive a 1-day out-of-school suspension.)

Disciplinary consequences in the Code of Conduct are never automatic. No offense in the Eldred Central School District's Code of Conduct carries automatic disciplinary consequences (i.e., the Code of Conduct does not contain a table that explicitly assigns an automatic 5-day out-of-school suspension to a student who has engaged in a fight, or that automatically assigns a 3-day suspension to a student who has engaged in verbal abuse towards another student); rather, administration, having gathered and studied the material facts of a case, will assign disciplinary consequences to the student in question to the degree that the student has: 1.) endangered another's health, safety or welfare, and/or 2.) victimized another socially or emotionally, and/or 3.) victimized another physically, and/or created unsafe conditions in the school. Please note that the Commissioner's Regulations do introduce automatic minimum consequences. The Superintendent and her designees however have the power to modify these.

Disciplinary consequences that are also listed in the New York State Penal Code however have automatic ranges of consequences. Levels 4 and 5 contain offenses that are also listed in the New York State Penal Code. Therefore the "Possible Disciplinary Responses" columns in Levels 4 and 5 are divided into 2 levels of disciplinary responses: FIRST TIER and SECOND TIER. Students found guilty of offenses that are also listed in the NYS Penal Code (marked with the symbol "Δ") will likely be recommended to receive consequences in both the "FIRST TIER" and "SECOND TIER" sections of the "Possible Disciplinary Responses" column. Students found guilty of offenses that are not listed in the NYS Penal Code (not marked with the symbol "Δ") may receive only "FIRST TIER" consequences, or may receive consequences in both the "FIRST TIER" and "SECOND TIER" sections of the "Possible Disciplinary Responses" column.

Disciplinary consequences may be given for offenses to the Code of Conduct committed in or out of school. Any infraction against the Code that occurs off the premises of the Eldred Central School District that endangers the safety, morals, health or welfare of students or staff members within the school and/or adversely affects the educative process may result in disciplinary consequences being assigned to a

student, especially to the degree that the infraction has intended to endanger, has endangered, or has actually harmed the health, safety or welfare of others. (An example of this is cyber-bullying from a home computer.) The final decision is the Building Principal's.

Any disciplinary offense resulting in the consequence of In-school Suspension or Out-of-school Suspension will also carry the consequence of suspension from any and all extracurricular activities on each day of the suspension. In addition, on each day(s) of an out-of-school suspension, the student will not be permitted to on the grounds of the Eldred Central School District.

Kindergarten – Grade 6 – Level 1

	Infractions – Behaviors that are insubordinate or disorderly	**Possible Disciplinary Responses**	**Possible Interventions**
1	Unexcused absences or lateness to school (Note: Out-of-school suspension may not be given for this offense.) A student is chronically absent when they miss 10% or more of the school year.	• Warning by school personnel • Student/teacher or student/teacher/parent conference • Reprimand by Principal or Teacher • Confiscation of electronic device until the end of the school day • Suspension or exclusion from extracurricular activities • Lunch Detention and/or Silent Lunch • Removal from classroom by teacher • Recess Detention • Alternative Learning Center (ALC) • Out-of-school suspension (OSS)	• Parent contact • Intervention by counselor • MTSS conference • Individual/group counseling • Peer mediation • Mentoring • Conflict resolution • Check & Connect • Referral to MTSS
2	Using disallowed electronic devices during the school day		
3	Failing to be in one's assigned place on school premises		
4	Behavior that disrupts the educational process (excessive noise anywhere in the building)		
5	Verbally rude or disrespectful behavior		
6	Wearing any clothing or other items disruptive to the educational process		
7	Using school computers, faxes, telephones or other electronic devices without appropriate permission		
8	Running in the halls		

Kindergarten – Grade 6 – Level 2

	Infractions – Behaviors that are insubordinate or disorderly	**Possible Disciplinary Responses**	**Possible Interventions**
9	Vaping/Smoking		• Parent contact
10	Gambling		

11	Using profane, obscene vulgar, lewd or abusive language or gestures	• Warning by school personnel • Student/teacher or student/teacher/parent conference • Reprimand by Principal or Teacher • Confiscation of electronic device until the end of the school day • Suspension or exclusion from extracurricular activities • Lunch Detention and/or Silent Lunch • Removal from classroom by teacher • Recess Detention • Loss of bus riding privileges as per the district's Transportation Code of Conduct • Loss of computer privileges • Alternative Learning Center (ALC) • Out-of-school suspension (OSS)	• Intervention by counselor • MTSS conference • Individual/group counseling • Peer mediation • Mentoring • Conflict resolution • Check & Connect • Referral to MTSS • Substance abuse counseling • Referral to a program to support appropriate behavior
12	Misusing school property or property belonging to others		
13	Engaging in or causing disruptive behavior on the school bus		
14	Leaving class or the school building or premises without permission		
15	Failure to be in one's assigned place during a school sponsored event off campus		
16	Violating the district's Telecommunications Regulation		
17	Engaging in cheating, plagiarizing or colluding*		
18	Possession or use of lighter, vaping device, and/or matches		
19	Engaging in a persistent pattern of Level 1 behavior		

*A. Cheating (e.g., copying from another's test paper; using hidden notes or other material during a test which are not authorized by the person giving the test; helping or collaborating with another student during the test without authorization; knowingly using, buying, selling, stealing, transporting, or soliciting, in whole or part, the contents of an unadministered test; bribing another person to obtain a test that is to be administered; or securing copies of the test or answers to the test in advance of the test; knowingly using, buying, selling, stealing, transporting or soliciting a stolen test after it has been graded and returned; changing answers and seeking credit on a test after it has been graded and returned; changing the results on a performance test (e.g. a physical education test); substituting for another student or permitting another student to substitute for one's self to take a test; submitting another student's work as one's own; copying or stealing another student's work; permitting another student to copy one's work; using computers and/or programmable calculators in violation of guidelines established by the teacher; using help such as notes, books, experts or purchased services in violation of guidelines established by the teacher; resubmitting the same or similar research paper, project, essay or assignment in two different courses without the permission of the teacher; and, falsifying information on applications [i.e. college, scholarships, National Honor Society, etc.])

B. Plagiarizing (appropriating another's work, including, but not limited to, work generated using artificial intelligence, electronic work, and using it as one's own for credit without the required citation and attribution, e.g., copying written work from the Internet, or any other source; presenting another person's creative work or ideas as one's own in research projects, essays, poems, music, art, computer programs or other projects; failing to cite with quotation marks the written words or symbols of a source or author, including literary criticism or study guides; failing to cite the source of words, ideas, etc., which are quoted, paraphrased or summarized in a student's oral or written work.) (Grades 4-5 only)

C. Colluding (engaging in fraudulent collaboration with another person in preparing written work for credit)

Kindergarten – Grade 6 – Level 3

	Infractions – Seriously Disruptive Behavior	**Possible Disciplinary Responses**	**Possible Interventions**
20	Insubordination: defying or disobeying the lawful authority of school personnel	• Warning by school personnel • Student/teacher or student/teacher/parent conference • Reprimand by Principal or Teacher • Suspension or exclusion from extracurricular activities • Lunch Detention/Silent Lunch • Suspension of bus riding privileges as per the district's Transportation Code of Conduct • Suspension of computer privileges • Payment to restore damages for graffiti or other vandalism to property • Removal from classroom by teacher • Alternative Learning Center (ALC) • Out-of-school suspension (OSS) • Superintendent's hearing • Superintendent's hearing and extension of	• Parent contact • Intervention by counselor • MTSS conference • Individual/group counseling • Peer mediation • Mentoring • Conflict resolution • Check & Connect • Referral to MTSS • Community service (with the consent of student's parent/guardian) • Referral to program to support appropriate behavior
21	Using derogatory language that is based upon race, ethnicity, color, national origin, religion, gender, gender expression, gender identity, sexual orientation, disability or body type.		
22	Verbal abuse to faculty, staff and/or students		
23	Shoving, pushing or engaging in other similar physical behavior (e.g. rough-housing)		
24	Throwing objects (e.g. chalk, food or snowballs)		
25	Bringing unauthorized visitors to school		
26	Engaging in unwanted physical contact		
27	Engaging in seriously disruptive behavior on the school bus		
28	Vandalism, graffiti, or other intentional damage to school property or grounds		
29	Forgery		
30	Posting or distributing material in print in the school building or on the Internet that is not true about another person or that causes feelings of hurt, shame or other emotional stress.		

31	Posting personal student videos or school videos that invade the privacy of others on TikTok (or any other social media sites) to be seen by other students or school community members while they are on the district's or personal electronic devices.	out-of-school suspension	
32	Engaging in a persistent pattern of Level 2 behavior		

Kindergarten – Grade 6 – Level 4

	Infractions – Dangerous or Violent Behavior	**Possible Disciplinary Responses**	**Possible Interventions**
33	Posting or distributing literature or other material containing a threat of violence, injury or harm in the school building, on school grounds or on the Internet	**FIRST TIER** 1. Principal/teacher/parent conference 2. Suspension or exclusion from extracurricular activities 3. Lunch Detention/Silent Lunch 4. Reimbursement to the district's food service for food stolen from the cafeteria 5. Removal from classroom by teacher 6. Suspension of bus riding privileges as per the district's Transportation Code of Conduct 7. Alternative Learning Center (ALC) **SECOND TIER** 1. Out-of-school suspension (OSS) 2. Superintendent's hearing 3. Superintendent's hearing and referral to an alternate educational placement 4. Superintendent's hearing and extension of out-of-school suspension 5. Possible police involvement	• Parent contact • Intervention by counselor • MTSS conference • Individual/group counseling • Peer mediation • Mentoring • Conflict resolution • Check & Connect • Referral to MTSS • Referral to a community-based organization • Community service (with the consent of student's parent/guardian) • Referral to appropriate substance abuse counseling services • Referral to an Intensive Day
34	Endangering the health, safety and/or welfare of (an)other(s).		
35	Violations of suspension		
36	Fighting: engaging in an altercation and/or physically aggressive behavior that creates a substantial risk of or results in minor injury		
37	Coercion, extortion, or threatening violence, injury or harm to another or others		
38	Engaging in behavior on a school bus or at a bus stop that creates a substantial risk of or results in injury		
39	Any form of harassment, intimidation, bullying or cyberbullying		
40	Instigating or inciting any behavior in another/others that is not in compliance with the Code of Conduct or that is illegal		
41	Verbal abuse to faculty, staff and/or students		
42	Engaging in sexually suggestive comments, innuendoes,		

	propositions or other verbal or nonverbal or physical conduct of a sexual nature (e.g. touching, patting, pinching, lewd or indecent public behavior) ΔΔ (if the behavior is physical in nature)		Treatment (IDT) Program
43	Possessing alcohol, cannabis, concentrated cannabis, cannabinoid hemp, illegal drugs or drug paraphernalia, or controlled substances without appropriate authorization (with regard to controlled substances- without appropriate authorization) ΔΔ (if the substance is illegal)		
44	Stealing (not forcible) (including food from the cafeteria)		
45	Falsely activating a fire alarm, discharging a fire extinguisher or making a bomb threat ΔΔ		
46	Recklessly engaging in conduct, which creates a substantial risk of physical injury or actually causes physical injury by using instruments not intended to cause injury by and in themselves (e.g. umbrellas, lighters, forks, pencils, etc.)		
47	Possession, sale or use of any form of fireworks ΔΔ		
48	Arson ΔΔ		
49	Causing a riot ΔΔ		
50	Possessing any weapon ΔΔ		
51	Using controlled substances without authorization, alcohol or illegal drugs ΔΔ		
52	Engaging in a persistent pattern of Level 3 behavior		

Kindergarten – Grade 6 – Level 4

	Infractions – Seriously Dangerous or Violent Behavior	**Possible Disciplinary Responses**	**Possible Interventions**

53	Burglary (breaking and entering) or robbery (forcible stealing) ΔΔ	**FIRST TIER** 1. Principal/teacher/parent conference 2. Suspension or exclusion from extracurricular activities 3. Lunch Detention/Silent Lunch 4. Removal from classroom by teacher 5. Suspension of bus riding privileges as per the district's Transportation Code of Conduct **SECOND TIER** 1. Out-of-school suspension (OSS) 2. Superintendent's hearing 3. Superintendent's hearing and referral to an alternate educational placement 4. Superintendent's hearing and extension of out-of-school suspension 5. Possible police involvement	• Parent contact • Intervention by counselor • MTSS conference • Individual/group counseling • Peer mediation • Mentoring • Conflict resolution • Check & Connect • Referral to MTSS • Referral to a community-based organization • Community service (with the consent of student's parent/guardian) • Referral to appropriate substance abuse counseling services • Referral to an Intensive Day Treatment (IDT) Program
54	Using force against or inflicting or attempting to inflict serious injury against school personnel ΔΔ		
55	Using extreme force against or inflicting or attempting to inflict serious injury upon students or others ΔΔ		
56	Kidnapping (also includes the forced confinement of another person against his/her/their will in a place on school property) ΔΔ		
57	Participating in an incident of extreme group disruption or group violence		
58	Engaging in physical sexual aggression: compelling or forcing another to engage in sexual activity ΔΔ		
59	Selling or distributing alcohol, illegal drugs or controlled substances ΔΔ		
60	Using any weapon or dangerous instrument, other than a firearm, to attempt to inflict injury upon school personnel, students or others ΔΔ		
61	Causing injury or serious injuring by using any weapon or dangerous instrument, other than a firearm, against school personnel, students or others ΔΔ		
62	Possessing or using a firearm ΔΔ		
63	Causing injury or serious injury by using a firearm against school personnel, students or others ΔΔ		
64	Homicide (murder) ΔΔ		

Grades 7-12 – Level 1

	Infractions – Insubordinate Behaviors	**Possible Disciplinary Responses**	**Possible Interventions**

1	Unexcused absences or lateness to school or to cutting classes (including BOCES VoTech), or leaving school early without permission. (Note: Out-of-school suspension may not be given for this offense.) A student is chronically absent when they miss 10% or more of the school year.	• Warning by school personnel • Student/teacher or student/teacher/parent conference • Student/Principal Conference • Pass restrictions • Reprimand by Principal or Teacher • Detention • Penalties up to and including suspension or exclusion from some of all co-curricular or extracurricular activities * • Failing grade or grade of "0" • Removal from National Honor Society Barred from holding leadership positions • Confiscation of electronic device until the end of the school day • Suspension or exclusion from extracurricular activities • Lunch Detention • Removal from classroom by teacher • Suspension of parking or driving privileges • Suspension of driving privileges for tardiness- (1 week for 8 tardies), (1 month for 11), (Loss of privilege for year at 14+) • Towing of car at owner's expense • Alternative Learning Center Placement (ALC) • Out-of-school suspension (OSS)	• Parent contact • Intervention by counselor • MTSS conference • Individual/group counseling • Peer mediation • Mentoring • Conflict resolution • Check & Connect • Referral to MTSS • Referral to a community-based organization • Initiation of a PINS Petition
2	Senior Driving off Campus without Authorization/Senior Passenger in Car		
3	Underclassman leaving campus without authorization; Underclassman Driving or Riding in a car without authorization during the school day		
4	Using disallowed electronic devices during the school day		
5	Failing to be in one's assigned place on school premises		
6	Behavior that disrupts the educational process		
7	Verbally rude or disrespectful behavior		
8	Wearing any clothing or other items disruptive to the educational process		
9	Using school computers, faxes, telephones or other electronic devices without appropriate permission		
10	Cutting teacher or administrative detention		
11	Violating parking privileges (including parking in an unauthorized location) *Specific driving privilege penalties for tardiness		
12	Failure to follow school procedures		
13	Use or possession of lighters vaping devices, light or laser pointers or shock emitting toys of any kind.		

14	Cheating in any academic, extra-curricular or co-curricular activity		
15	Willful failure to obey the reasonable directives of school staff (insubordination), including directives not to engage in conduct otherwise referenced as an infraction in this code.		
16	Dress or grooming which is inappropriate as described in this code		
17	Use or possession of electronic gaming and music devices during *the school day.*		
18	Public displays of affection beyond hand holding		

*Suspension means for a defined amount of time (for example, the rest of the semester).
Exclusion means for the rest of a particular school year or for the rest of a student's time as a student in the Eldred Central School District. Full text:
1. Students who have been suspended or excluded from co-curricular or extracurricular activities for having violated the Code of Conduct during such activities (including but not limited to home or away meetings, academic or music competitions or performances, athletic competitions, banquets, visits to community organizations, or dances, or while on a one-day or overnight field trip) may not be allowed to continue to engage either as a participator or as a spectator in some or all future co-curricular or extracurricular activities for the time period stated in such suspension or exclusion.
2. Any money paid in advance for an upcoming co-curricular or extracurricular activity by (a) student(s) who has/have been suspended or excluded from cocurricular or extracurricular activities will not be reimbursed by the Eldred Central School District.
3. Activities that take place outside of the classroom and whose participation is mandatory for a student to gain academic credit for the course within which it occurs, are in fact not co-curricular or extracurricular, and as such will not be included in such suspensions or exclusions. An example of such an activity is performance in a culminating curricular project, such as a band or orchestra performance.

Grades 7-12 – Level 2

	Infractions – Behaviors that are disorderly or disruptive	**Possible Disciplinary Responses**	**Possible Interventions**

19	Gambling- including card games and use of dice with or without the direct exchange of money or other consideration.	• Warning by school personnel • Student/teacher or student/teacher/parent conference • Student/Principal Conference • Pass restrictions • Reprimand by Principal or Teacher • Detention • Penalties up to and including suspension or exclusion from some of all co-curricular or extracurricular activities * • Failing grade or grade of "0" • Removal from National Honor Society Barred from holding leadership positions • Confiscation of electronic device until the end of the school day • Suspension or exclusion from extracurricular activities • Lunch Detention • Removal from classroom by teacher • Suspension or revocation of parking or driving privileges • Suspension of bus riding privileges as per the district's Transportation Code of Conduct • Towing of car at owner's expense • Alternative Learning Center Placement (ALC) • Out-of-school suspension (OSS) • Possible law enforcement involvement	• Parent contact • Intervention by counselor • MTSS conference • Individual/group counseling • Peer mediation • Mentoring • Conflict resolution • Check & Connect • Referral to MTSS • Referral to a community-based organization • Initiation of a PINS Petition
20	Lewd behavior and/or sexually explicit behavior		
21	Smoking, vaping or other tobacco use or possession on campus or at school functions, including electronic cigarettes and vaping devices/substances.		
22	Unauthorized Vehicle on school property		
23	Possession or dissemination of obscene materials		
24	Unauthorized staff-student communications via e-mail, cell phones and text messaging.		
25	Driving recklessly, speeding, failing to follow staff member's directives on school grounds		
26	Trespassing while suspended from school		
27	Intentional or reckless destruction of school property or property of others.		
28	Harassment and bullying (race, color, weight, national origin, ethnicity, religion, religious practice, disability, sexual orientation, gender, or sex).		
29	Intimidation or coercion		
30	Abusive language and/or indecent gestures directed at staff, students or visitors on school grounds or at school functions. Engaging in verbally rude or disrespectful behavior.		
31	Abusive and/or indecent language and/or gestures directed at school employees or students on school grounds or at school functions which provoke a fight		
32	Willfully making false or inaccurate statements.		

33	Engaging in a persistent pattern of Level 1 behavior.		

Grades 7-12 – Level 3

	Infractions – Seriously Disruptive Behavior	**Possible Disciplinary Responses**	**Possible Interventions**
34	Insubordination: defying or disobeying the lawful authority of school personnel	• Warning by school personnel • Student/teacher or student/teacher/parent conference • Student/Principal Conference • Pass restrictions • Reprimand by Principal or Teacher • Detention • Penalties up to and including suspension or exclusion from some of all co-curricular or extracurricular activities * • Failing grade or grade of "0" • Removal from holding leadership positions in extracurricular clubs • Confiscation of electronic device until the end of the school day • Suspension of computer use privileges • Payment to restore damages for graffiti or other vandalism to property • Suspension or exclusion from extracurricular activities • Lunch Detention • Removal from classroom by teacher • Suspension or revocation of parking or driving privileges	• Parent contact • Intervention by counselor • MTSS conference • Individual/group counseling • Peer mediation • Mentoring • Conflict resolution • Check & Connect • Referral to MTSS • Referral to a community-based organization • Substance abuse counseling • Initiation of a PINS Petition
35	Entering or attempting to enter another school building without authorization		
36	Failure to be in one's assigned place during a school sponsored event off the ECSD campus		
37	Being on another school campus during the other school's operating hours without proper authorization from both schools		
38	Using derogatory language that is based upon race, ethnicity, color, national origin, religion, gender, gender expression, gender identity, sexual orientation disability or body type		
39	Verbal abuse to faculty, staff and/or students		
40	Shoving, pushing or engaging in other similar physical behavior (e.g. rough-housing)		
41	Throwing objects (e.g. chalk, food or snowballs)		
42	Bringing unauthorized visitors to school or allowing unauthorized visitors to enter the school building		
43	Tampering with, changing or altering a record or document of a school by any method, including, but not limited to, computer access or other electronic means		
44	Forgery or fraud		
45	Vandalism, graffiti or other intentional damage to school		

	property or property belonging to staff, students or others	• Suspension of bus riding privileges as per the district's Transportation Code of Conduct • Towing of car at owner's expense • Alternative Learning Center Placement (ALC) • Out-of-school suspension (OSS) • Police Involvement	
46	Knowingly possessing property belonging to another without his/her/their authorization		
47	Theft of personal property or - Theft of school property		
48	Posting or distributing material in print in the school building or on the Internet that is not true about another person or that causes feelings of hurt, shame or other emotional stress.		
49	Posting personal student videos or school videos that invade the privacy of others on TikTok, SnapChat and/or YouTube (or any other such Internet site) to be seen by other students or school community members while they are on their computers		
50	Engaging in academic dishonesty, including by use of electronic communication devices*		
51	Violating the district's the district's "Acceptable Use of Policy" (e.g. use of the district's system for noneducational purposes or security or privacy violations		
52	Engaging in or causing serious disruptive behavior on the school bus		
53	Commission of conduct which constitutes a NYS misdemeanor while on school property or at a school function		
54	Engaging in a persistent pattern of Level 2 behavior		

A. Cheating (e.g., copying from another's test** paper; using hidden notes or other material during a test which are not authorized by the person giving the test; helping or collaborating with another student during the test without authorization; knowingly using, buying, selling, stealing, transporting, or soliciting, in whole or part, the contents of an unadministered test; bribing another person to obtain a test that is to be administered; or securing copies of the test or answers to the test in advance of the test;

knowingly using, buying, selling, stealing, transporting or soliciting a stolen test after it has been graded and returned; changing answers and seeking credit on a test after it has been graded and returned; changing the results on a performance test (e.g. a physical education test); substituting for another student or permitting another student to substitute for one's self to take a test; submitting another student's work*** as one's own; copying or stealing another student's work; permitting another student to copy one's work; using computers and/or programmable calculators in violation of guidelines established by the teacher; using help such as notes, books, experts or purchased services in violation of guidelines established by the teacher; resubmitting the same or similar research paper, project, essay or assignment in two different courses without the permission of the teacher; and, falsifying information on applications [i.e. college, scholarships, National Honor Society, etc.])

B. Plagiarizing (appropriating another's work, including, but not limited to, work generated using artificial intelligence, electronic work, and using it as one's own for credit without the required citation and attribution, e.g., copying written work from the Internet, or any other source; presenting another person's creative work or ideas as one's own in research projects, essays, poems, music, art, computer programs or other projects; failing to cite with quotation marks the written words or symbols of a source or author, including literary criticism or study guides; failing to cite the source of words, ideas, etc., which are quoted, paraphrased or summarized in a student's oral or written work.)

C. Colluding (engaging in fraudulent collaboration with another person in preparing written work for credit)

** A test is any examination ranging from a quiz to a final, local, a NYSTP ELA, Math, Science or Social Studies Exam, any Regents, RCT, ACT or SAT.

***Work is a homework assignment, a paper, a project, a report, take-home test, or any other work that the teacher intended the student to complete independently.

PENALTIES FOR ACADEMIC DISHONESTY: Any act deemed in violation of the rules listed above will result in a zero for the work involved. The teacher will report the incident to the Principal who will contact the parents and oversee the enforcement of disciplinary actions.

***Suspension means for a defined amount of time (for example, the rest of the semester).

Exclusion means for the rest of a particular school year or for the rest of a student's time as a student in the Eldred Central School District.

1. Students who have been suspended or excluded from co-curricular or extracurricular activities for having violated the Code of Conduct during such activities (including but not limited to home or away meetings, academic or music competitions or performances, athletic competitions, banquets, visits to community organizations, or dances, or while on a one-day or overnight field trip) may not be allowed to continue to engage either as a participator or as a spectator in some or all future co-curricular or extracurricular activities for the time period stated in such suspension or exclusion.

2. Any money paid in advance for an upcoming co-curricular or extracurricular activity by (a) student(s) who has/have been suspended or excluded from cocurricular or extracurricular activities will not be reimbursed by the Eldred Central School District.

3. Activities that take place outside of the classroom and whose participation is mandatory for a student to gain academic credit for the course within which it occurs, are in fact not co-curricular or extracurricular, and as such will not be included in such suspensions or exclusions. An example of such an activity is performance in a culminating curricular project, such as a band or orchestra performance.

Grades 7-12 – Level 4

	Infractions – Dangerous or Violent Behavior	**Possible Disciplinary Responses**	**Possible Interventions**
55	Posting or distributing literature or other material containing a threat of violence, injury or harm in the school building, on school grounds or on the Internet	<u>First Tier</u> 1. Student/Principal Conference 2. Pass restrictions 3. Reprimand by Principal or Teacher 4. Detention 5. Penalties up to and including suspension or exclusion from some of all co-curricular or extracurricular activities * 6. Confiscation of electronic device until the end of the school day 7. Suspension of computer use privileges 8. Payment to restore damages for graffiti or other vandalism to property 9. Suspension or exclusion from extracurricular activities 10. Removal from classroom by teacher 11. Suspension or revocation of parking or driving privileges 12. Suspension of bus riding privileges as per the district's Transportation Code of Conduct	• Parent contact • Intervention by counselor • MTSS conference • Individual/group counseling • Peer mediation • Mentoring • Conflict resolution • Check & Connect • Referral to MTSS • Referral to a community-based organization • Substance abuse counseling • Initiation of a PINS Petition
56	Endangering the health, safety and/or welfare of (an)other(s).		
57	Engaging in sexually suggestive comments, innuendoes, propositions or other verbal or nonverbal or physical conduct of a sexual nature (e.g. touching, patting, pinching, lewd or indecent public behavior) ΔΔ (if the behavior is physical in nature)		
58	Engaging in sexual conduct on school premises or at school related functions whether on or off campus ΔΔ		
59	Violations of suspension or misbehavior in ALC** Fighting: engaging in an altercation and/or physically aggressive behavior that creates a substantial risk of or results in minor injury		
60	Coercion, extortion, or threatening violence, injury or harm to another or others		
61	Engaging in behavior on a school bus or at a bus stop that		

	creates a substantial risk of or results in injury	13. Towing of car at owner's expense 14. Alternative Learning Center Placement (ALC) 15. Superintendent/Principal may search student's book bag, purse, lunchbox, etc… and/or vehicle if on school property. <u>Second Tier</u> 1. Out-of-school suspension (OSS) 2. Superintendent's hearing 3. Superintendent's hearing and referral to an alternate educational placement 4. Superintendent's hearing and extension of out-of-school suspension 5. Police Involvement	
62	Any form of harassment, hazing, intimidation, bullying or cyberbullying		
63	Instigating or inciting any behavior in another/others that is not in compliance with the Code of Conduct or that is illegal		
64	Verbal assault		
65	Possession of illegal drugs, cannabis, concentrated cannabis, cannabinoid hemp, dangerous drugs, counterfeit drugs, synthetic marijuana, alcohol, vaping devices and substances, or a substance which the individual believes or represents to be such drugs or alcohol, at school or at school functions ΔΔ (if the substance is illegal)		
66	Stealing (not forcible)		
67	Falsely activating a fire alarm, discharging a fire extinguisher or making a bomb threat ΔΔ		
68	Bomb, fire or chemical threats regarding school property that are e-mailed, posted on a bulletin board or otherwise communicated whether on campus or off-campus.		
69	Mental or physical condition which endangers the health, safety and/or welfare of the student or others.		
70	Recklessly engaging in conduct, which creates a substantial risk of physical injury or actually causes physical injury by using instruments not intended to cause harm by and in themselves (e.g. umbrellas, matches, lighters, forks, pencils, Bunsen burners, etc.)		
71	Reckless driving or driving underclassmen off campus		

72	Possession, sale or use of any form of fireworks ΔΔ		
73	Arson ΔΔ		
74	Causing a riot ΔΔ		
75	Possessing any weapon ΔΔ		
76	Extortion		
77	Fighting between students where no dangerous instruments are involved and no person is injured in the altercation		
78	Fighting between students or any physical contact where harm is caused to one or more of the students.		
79	Conduct that endangers the safety and/or well-being of self and/or others on school premises, at school events, or while on a school vehicle.		
80	Use or being under the influence of illegal drugs, cannabis, concentrated cannabis, cannabinoid hemp, dangerous drugs, counterfeit drugs, synthetic marijuana, or alcohol, vaping substances, or a substance which the individual believes or represents to be such drugs or alcohol, at school or while attending school functions * ΔΔ		
81	Sale of services and/or goods, including food and candy on school property or at school events is prohibited except for school sanctioned fund-raising activities.		
82	Misconduct that occurs off campus, whether or not school related, that constitutes a danger to the health, safety, welfare or morals within our schools, or a potential material disruption to the educational process in our school.		
83	Unauthorized use of any device to record or transmit video, audio, or pictures during instructional, non-instructional		

	or practice time in school buildings, on school premises, or on a school bus. (For purposes of this provision, "unauthorized" shall mean taking such action without prior written administrative authorization.)		
84	Trespassing on school property, including buildings, in violation of postings.		
85	Misusing or knowingly possessing property belonging to another, including the misuse of school district equipment and/or property, without permission.		
86	Engaging in a persistent pattern of Level 3 behavior		

*Students found guilty of this infraction for the first time will be given an out-of-school suspension, a Superintendent's Hearing (with the possibility of an extension of the Principal's suspension depending on the seriousness of the incident), and will not be permitted to attend the Senior Prom. Students will be able to earn back the opportunity to attend the Prom if they meet with the School Counselor and upon his/her/their recommendation, attend further substance abuse counseling and/or perform community service. Should students repeat this infraction however, they will lose the privilege of attending the Senior Prom for that particular school year.

** Includes, but is not limited to, the following violations of suspension: any misbehavior in the ALC room, returning to the building or to the campus, or going to school-sponsored event while under suspension, or committing any infraction in the community related to the issue(s) at school that initiated the suspension.

Suspension means for a defined amount of time (for example, the rest of the semester). Exclusion means for the rest of a particular school year or for the rest of a student's time as a student in the Eldred Central School District.

1. Students who have been suspended or excluded from co-curricular or extracurricular activities for having violated the Code of Conduct during such activities (including but not limited to home or away meetings, academic or music competitions or performances, athletic competitions, banquets, visits to community organizations, or dances, or while on a one-day or overnight field trip) may not be allowed to continue to engage either as a participator or as a spectator in some or all future co-curricular or extracurricular activities for the time period stated in such suspension or exclusion.

2. Any money paid in advance for an upcoming co-curricular or extracurricular activity by (a) student(s) who has/have been suspended or excluded from cocurricular or extracurricular activities will not be reimbursed by the Eldred Central Schools.

3. Activities that take place outside of the classroom and whose participation is mandatory for a student to gain academic credit for the course within which it occurs, are in fact not co-curricular or extracurricular, and as such will not be included in such suspensions or exclusions. An example of such an activity is performance in a culminating curricular project, such as a band or orchestra performance.

Grades 7-12 – Level 5

	Infractions – Seriously Dangerous or Violent Behaviors	**Possible Disciplinary Responses**	**Possible Interventions**
87	Burglary (breaking and entering) or robbery (forcible stealing) ΔΔ	<u>First Tier</u> 1. Student/Principal Conference 2. Pass restrictions 3. Reprimand by Principal or Teacher 4. Detention 5. Penalties up to and including suspension or exclusion from some of all co-curricular or extracurricular activities * 6. Confiscation of electronic device until the end of the school day 7. Suspension of computer use privileges 8. Payment to restore damages for graffiti or other vandalism to property 9. Suspension or exclusion from extracurricular activities 10. Removal from classroom by teacher 11. Suspension or revocation of parking or driving privileges 12. Suspension of bus riding privileges as per the	• Parent contact • Intervention by counselor • MTSS conference • Individual/group counseling • Peer mediation • Mentoring • Conflict resolution • Check & Connect • Referral to MTSS • Referral to a community-based organization • Substance abuse counseling • Initiation of a PINS Petition
88	Using force against or inflicting or attempting to inflict serious injury against school personnel ΔΔ		
89	A fight involving the use or threatened use of a dangerous or deadly weapon.		
90	Any violent act against another student or person in the schools or at a school function, as described in this code.		
91	Using extreme force against or inflicting or attempting to inflict serious injury upon students or others ΔΔ		
92	Kidnapping (also includes the forced confinement of another person against his/her/their will in a place on the school grounds) ΔΔ		
93	Participating in an incident of extreme group disruption or group violence		
94	Engaging in physical sexual aggression: compelling or		

	forcing another to engage in sexual activity ΔΔ	district's Transportation Code of Conduct 13. Towing of car at owner's expense 14. Alternative Learning Center Placement (ALC) 15. Superintendent/Principal may search student's book bag, purse, lunchbox, etc… and/or vehicle if on school property. <u>Second Tier</u> 16. Out-of-school suspension (OSS) 17. Superintendent's hearing 18. Superintendent's hearing and referral to an alternate educational placement 19. Superintendent's hearing and extension of out-of-school suspension 20. Superintendent's hearing and extension of out-of-school suspension including up to one year (use of firearm) 21. Police Involvement	
95	Sale or other distribution of illegal drugs, dangerous drugs, alcohol, drug related paraphernalia, or counterfeit drugs, synthetic marijuana, vaping devices and substances, or a substance which the individual believes or represents to be such drugs or alcohol, at school or while at school functions* ΔΔ		
96	Using any weapon or dangerous instrument, other than a firearm, to attempt to inflict injury upon school personnel, students or others ΔΔ		
97	Causing injury or serious injury by using any weapon or dangerous instrument, other than a firearm, against school personnel, students or others ΔΔ		
98	Directed threats of serious bodily injury regarding other students, officers or employees of the District that are e-mailed, posted on bulletin boards or otherwise communicated, whether on campus or off campus.		
99	Commission of a crime off-campus, whether or not school related, that constitutes a danger to the health, safety, welfare or morals of those within our schools.		
100	Possession of dangerous or deadly weapons on school property		
101	Possession of a knife, dagger, stiletto, razor, paint ball gun, BB gun, stun gun and gun		

	facsimile or other dangerous weapon not defined as a firearm under the Gun Free Schools Act.		
102	Possessing or using a firearm ΔΔ		
103	Homicide (murder) ΔΔ		

THE REPEATING OF AN INFRACTION MAY LEAD TO THE IMPOSITION OF ADDITIONAL MEASURES OF DISCIPLINE. SCHOOL AUTHORITIES HAVE THE RIGHT TO ADJUST THE PENALTIES FOR INFRACTIONS BASED ON THE CIRCUMSTANCES INVOLVED IN AN INDIVIDUAL CASE.

Eldred Central School District
Transportation Code of Conduct

The school bus is an extension of the classroom. Students riding school buses are expected to conform to the rules of conduct in order to permit the bus driver to transport his/her/their passengers safely. Student cooperation is mandatory for the safety of our children. Excessive noise, pushing, shoving and fighting will not be tolerated. In order to ensure discipline, health, welfare and safety, video cameras may be used to monitor student behavior on vehicles transporting students to and from school or extracurricular activities. In addition to the guidelines set forth in the Code of Conduct and The Student and Parent/Guardian's Plain Language Guide to the Eldred Central School District's Code of Conduct by Grade, Level of Offense, Disciplinary Infraction, Disciplinary Response and Guidance Intervention, students riding on school buses must abide by the following rules:

- Never engage in conduct that creates an unsafe environment for yourself or other students or impairs the driver's ability to drive safely.
- Follow the bus driver's instructions & always obey all safety rules. At no time will a student act toward, or address comments to a bus driver in a disrespectful manner, or refuse to cooperate with the driver.
- Do not run or play while waiting for the bus. ¬ Stay in line and do not push when getting on or off the bus.
- Always remain seated while on the bus. Do not change seats.
- Bus driver is authorized to assign seats.
- No drugs or alcohol on the bus.
- No smoking on the bus. No lighting matches.
- Keep head, arms, etc. inside the bus at all times.
- Keep books, feet and other objects out of the aisles of the bus.
- During the bus ride student should face forward and keep their feet on the floor in front of them. ¬ Talk in a quiet voice; loud noises create an unsafe condition.
- No horse playing, fighting, or use of obscene, vulgar or profane language either on the bus or at the bus stop.
- Do not be destructive to the bus. Do not mark, cut or scratch any part of the bus.

- Emergency door and exits are to be used only during supervised drills or actual emergencies.
- Never attempt to operate the passenger door or other driver controls except in case of an emergency.

Students who engage in inappropriate conduct on the school bus will be subject to disciplinary action for their behavior, including, but not limited to: conference with Principal, conference with Principal and parent(s), suspension from the bus and/or additional suspension from school.

The levels listed below are illustrative only and not intended to be an exhaustive list of offenses, disciplinary responses and/or interventions. The District reserves the right to impose disciplinary responses and/or PPS interventions for offenses not listed in the below charts. The District also reserves the right to modify disciplinary responses and/or interventions based on the student's age, the nature of the offense, the circumstances which led to the offense, the student's prior disciplinary record, the effectiveness of other forms of discipline, information from parents, teachers and/or others, as appropriate and other extenuating circumstances.

Level One – Unacceptable behavior includes, but is not limited to: Intentionally taking an unassigned bus without permission, failing to properly take seat upon boarding bus; unauthorized use of bus pass; occupying an unreasonable amount of seating space; failing to remain properly seated while bus is in motion; littering or soiling the bus; shouting or other loud or boisterous behavior; refusing to follow driver's instructions; engaging in horse-playing, rough-housing or wrestling; crossing roadway improperly after leaving bus; annoying other children; behaving in an unsafe or unruly manner at bus stop; using improper bus or bus stop; engaging in profanity or obscene talk; eating on bus; and talking back to driver or otherwise showing lack of respect.

Level One - Discipline Practice:

- First Bus Referral: Principal conference with student who may be reminded by principal of expected bus behavior and next referral would result in suspension of riding privilege. Copy of referral and principal's comments sent to parents.
- Second Bus Referral: Principal conference with student and parent(s)/guardian(s). Student may be reminded by principal of expected bus behavior. Student may be suspended from the bus losing riding privileges for one to three (1-3) days. In the event a bus suspension is deemed appropriate, a bus suspension letter with a copy of the referral will be given or sent to the parents by the principal.
- Third Bus Referral: Principal conference with student and parent(s)/guardian(s). Student may be reminded by principal of expected bus behavior. Student may be suspended from the bus losing riding privileges for two to four (2-4) days. In the event a bus suspension is deemed appropriate, a bus suspension letter with a copy of the referral will be given or sent to the parents by the principal.
- Fourth Bus Referral: Principal conference with student and parent(s)/guardian(s). Student may be reminded by principal of expected bus behavior. Student may be suspended from the bus losing riding privileges for five (5) days. In the event a bus suspension is deemed appropriate, a bus suspension letter and a copy of referral will be given or sent to the parents by the principal.
- Fifth Bus Referrals: Student may be suspended from the bus for one full quarter or it's equivalent number of days.

Level Two - Behavior that warrants suspension from bus includes, but is not limited to: Fighting; throwing objects inside the bus; throwing objects out of bus window; lighting matches on the bus; damaging the seats, glass or other parts of the bus; and throwing snowballs or other missiles at the bus.

Level Two – Suspension Practice:

- First Bus Referral: Possible bus suspension for five (5) or more days.
- Second Bus Referral: Possible bus suspension for ten (10) or more days.
- Third Bus Referral: Possible bus suspension for fifteen (15) or more days.
- Fourth Bus Referral: Student may be suspended from the bus for one full quarter or it's equivalent number of days.

Level Three - Behavior that warrants suspension from bus includes, but is not limited to: Fighting or wrestling; smoking, vaping or use of drugs or alcohol while on the bus; using obscene language and exiting bus through backdoor, roof hatch, window or any other manner that compromises the safety of the student(s) without permission.

Level Three – Suspension Practice:

- First Bus Referral: Possible bus suspension of twenty (20) or more days.
- Second Bus Referral: Possible bus suspension of thirty (30) or more days.
- Third Bus Referral: Possible bus suspension of forty (40) or more days.
- Fourth Bus Referral: Student may be suspended from the bus for one full quarter or it's equivalent number of days.

PUBLIC CONDUCT ON SCHOOL PROPERTY

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

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

PROHIBITED CONDUCT

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

- willfully cause physical injury to any other person, or threaten to do so, for the purpose of compelling or inducing such other person to refrain from any act which s/he has a lawful right to do, or to do any act which s/he has a lawful right not to do;
- intimidate, harass or discriminate against any person;
- physically restrain or detain any other person, or remove such person from any place where s/he is authorized to remain;
- willfully damage or destroy property of the District or under its jurisdiction, or remove or use such property without authorization;
- without permission, expressed or implied, enter into any private office of an administrative officer, member of the faculty or staff member;
- enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others;
- without authorization, remain in any building or facility after it is normally closed;
- refuse to leave any building or facility after being required to do so by an authorized administrative officer, member of the faculty or staff member, or member of the Board of Education;
- obstruct the free movement of persons and vehicles in any place to which these rules apply;
- violate posted speed limits on school property;
- deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures, meetings, and/or school events or deliberately interfere with the freedom of any person to express his/her/their views, including invited speakers;
- knowingly have in his/her/their possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm or weapon without written authorization of the Superintendent of Schools or his/her/their designee, whether or not licensed to possess the same has been issued to such person; and/or
- have in his/her/their possession or use of alcohol, drugs and tobacco;
- use a skateboard, all-terrain vehicles (ATV), or off-road vehicles on school property;
- have a pet of any kind on school property without prior authorization;
- willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so.
- engage in conduct prohibited by Commissioner's Regulations at 8 NYCRR § 100.2 (gg)

PENALTIES AND PROCEDURES

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

- If a licensee or invitee, his/her/their authorization to remain upon the grounds or other property shall be withdrawn and s/he shall be directed to leave the premises. In the event of failure to do so, s/he shall be subject to ejection. Further, said person may be subject to suspension of the privilege to be present at school activities, in school buildings, on school grounds and at school facilities for up to one year, as determined upon inquest proceedings conducted by the Superintendent of Schools.
- If trespasser or visitor without specific license or invitation, s/he shall be subject to ejection and/or arrest. Further, said person may be subject to suspension of the privilege to be present at school

activities, in school buildings, on school grounds and at school facilities for up to one year, as determined upon inquest proceedings conducted by the Superintendent of Schools.

- If s/he is a student, s/he shall be subject to disciplinary action as the facts of the case may warrant, as prescribed by §3214 of the Education Law and the Student Code of Conduct. In the case of a graduating senior, the penalties and procedures applicable to trespassers shall apply.
- If a faculty member, s/he shall be subject to disciplinary action as prescribed by and in accordance with procedures of the Education Law and the collectively negotiated agreement.
- If a staff member in the classified service of the Civil Service, described in §75 of the Civil Service Law, s/he shall be guilty of misconduct and subject to the penalties and procedures prescribed in said section and be subject to ejection.
- If a staff member other than one described above, s/he shall be subject to discipline in accordance with law and any applicable collectively negotiated agreement.

ENFORCEMENT PROGRAM

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

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

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

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

THIS CODE AND THE PENALTIES SET FORTH HEREIN ARE NOT CONSIDERED TO BE INCLUSIVE OR TO PRECLUDE IN ANY WAY THE PROSECUTION AND CONVICTION OF ANY PERSON FOR THE VIOLATION OF ANY FEDERAL OR STATE LAW OR LOCAL ORDINANCE AND THE IMPOSITION OF A FINE OR PENALTY PROVIDED FOR THEREIN.

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ACADEMIC INTEGRITY

It is Eldred Junior-Senior High School's goal to establish for each student an ethic of academic integrity. Because we strive to reinforce ethical values and practices, the ECSD faculty will have a zero tolerance policy for cheating.

1. Students must not copy from another student's test, quiz paper, or work, including homework. During a test or quiz, students must avoid even the appearance of cheating by putting away all notes, cell phones and other electronic devices, keeping their eyes on their own papers, working in silence, and refraining from leaving their seats. Discussing homework with other students is encouraged, but copying homework from another student or from your textbook is unacceptable. Homework must be written in the students' own words.

2. In any course submitting another student's paper or one created by artificial intelligence and representing it as your own is forbidden. Utilizing work that is generated by artificial intelligence is a form of academic dishonesty.

3. We encourage students to collaborate and deepen their knowledge of their subjects by fully discussing academic topics. Students may collaborate with others on assignments. If a student is unsure about the appropriateness of collaboration for a specific assignment, he/she/they should consult with the teacher. When collaboration takes place, the work should clearly bear the names of all the students who participated. However, students need to practice their critical thinking and writing skills by independently structuring their responses to assignments and writing with their own words. By merely copying the form and paraphrasing another's ideas, students demonstrate an "inability to develop and express their own thoughts" (MLA Handbook 66).

4. Offering or receiving specific or general information about the content of tests or quizzes is not permitted. Knowingly using, buying, selling, transporting, or soliciting the contents of a quiz, test or exam is forbidden.

5. Students may not substitute for another student or permit another student to substitute for you in an examination.

6. Altering a test paper or grade in any manner is forbidden.

Academic integrity, like all values, is primarily learned at home; Eldred Central School District is committed to reinforcing academic honesty. The health of the school community depends upon each student's commitment to this ethic.

What is Plagiarism?

In its brochure "Academic Honesty Misconduct - Stop and Think," Ohio University defines plagiarism as "the presentation of the ideas or writing of someone else as one's own work." It includes the following:

- Reproducing another person's work, whether published or unpublished, including using materials from companies that sell research papers.
- Submitting as your own any academic exercise prepared totally or in part by another person or by electronic means.
- Allowing another person to alter or revise your work substantially and submitting it as your own.
- Using another's written ideas or words without properly acknowledging the source. If a student uses the words of someone else, he/she/they must put quotation marks around the passage and add indication of its origin. Simply changing a word or two while leaving the organization and content substantially intact and failing to cite the source is plagiarism. Students should also note that failure to acknowledge study aids such as Cliff Notes, Spark Notes, or other common reference sources constitutes plagiarism.
- All sources, including the sources of ideas, must be acknowledged and cited in ways appropriate to one's discipline. Sources include, but are not limited to, Internet pages, books, magazines, lyrics, photos, publicly printed matter, government documents, etc.
- Utilizing work that was generated using artificial intelligence
- Failure to acknowledge sources is plagiarism, regardless of intention.

If a student is unsure about a question of plagiarism or cheating, he/she/they is encouraged to consult his or her teacher on the matter <u>before</u> submitting the material.

Procedures

1. Students will be made aware of all expectations regarding their own work and the consequences of plagiarism.
2. Teachers will first confer with the student about his or her infraction and notify both parents and administrators.

Range of Possible Consequences

In addition to the range of consequences in the Code of Conduct under "Cheating in any academic, extra-curricular or co-curricular activity", the following steps shall be taken where a violation of this regulation is determined to have occurred:

- If an offense occurs, involving a midterm exam, midterm project, final examination or a final project, a zero will be recorded and will count for 10% of the final grade for the course.
- A conference will be held by the administrator. In addition to the administrator, the student, and parent(s)/guardian(s) should attend. Following the meeting, both student and parent will be asked to sign a statement that they fully understand that additional violations will result in further consequences as listed in the Code of Conduct and in this addendum.
- If a member of the National Honor Society, the student may be removed from membership, pursuant to the procedures outlined in the constitution of the National Honor Society.

- A conference may be held by the principal for subsequent violations. Any or all of the following may be invited to participate at the conference: the student, the parent(s)/guardian(s), the teacher and the counselor.
- The student could be removed or barred from holding or being a candidate for any leadership position where character, honesty, or integrity are stated or implied qualifications, including athletic teams and clubs. Additionally, the student could be denied membership in the National Honor Society.

Appeals Procedure

1. Appeal of the decision resulting from the first conference is made to the principal.
2. Appeal of the decision of the principal is made to the superintendent.
3. Appeal of the decision of the superintendent is made to the Board of Education via the Secretary of the Board.

Grateful acknowledgement is made for the preceding material in the Academic Integrity section adapted from:

- Academic Honesty: Misconduct- Stop and Think: Ohio University, Office of Dean of Students/Office of Legal Affairs/Dept. of English
- Northern Highlands Regional High School
- Blind Brook High School
- Montclair Kimberly Academy
- University of Pennsylvania
- Randolph High School
- Glen Ridge High School
- MLA Handbook for Writers of Research Papers. 6th edition. Ed. Joseph Gibaldi. New York: The Modern Language Association of America, 2003.

SSEC—School Safety and Educational Climate Reporting - Part 100.2 (gg)

Uniform violent or disruptive incident reporting system, also known as the **"School safety and educational climate reporting system".** School districts, boards of cooperative educational services, charter schools and county vocational education and extension boards shall submit to the commissioner annual reports of violent or disruptive incidents that occurred in the prior school year, commencing with the 2001-2002 school year, in accordance with sections 15 and 2802 of the Education Law and this subdivision.

1. Definitions. For the purposes of this subdivision:

    a. *School function* means a school-sponsored or school-authorized extracurricular event or activity, regardless of where such event or activity takes place, including any event or activity that may take place in another state.
    b. *School property* shall mean 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 section 142 of the Vehicle and Traffic Law; or at a school function.
    c. *Weapon* shall mean any weapon defined in Article 265 of the Penal Law.
    d. *Violent* or *disruptive incident* shall mean one of the following categories of incidents that occurs on school property of the school district, board of cooperative educational services, charter school or county vocational education and extension board, committed with or without a weapon (except in the case of weapons possession):

        i. *Homicide.* Any intentional violent conduct which results in the death of another person.
        ii. *Sexual offense.* An act committed by a person 10 years of age or older which would constitute a felony under Article 130 of the Penal Law, taking into consideration the developmental capacity of the person to form the intent to commit such act, and where the school has referred the person to the police for the act.
        iii. *Assault.* An act committed by a person 10 years of age or older which would constitute a felony under Article 120 of the Penal Law, taking into consideration the developmental capacity of the person to form the intent to commit such act, and where the school has referred the person to the police for the act.
        iv. *Material incident of harassment, bullying, and/or discrimination.* A single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function. In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, as defined in subparagraph (kk)(1)(viii) of this section, such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person's actual or perceived race as defined in Education Law section 11(9) and subdivision (kk) of this section, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual

orientation, gender, or sex; provided that nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Education Law sections 3201-a or 2854(2)(a) and title IX of the Education Amendments of 1972 (20 U.S.C. section 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under section 504 of the Rehabilitation Act of 1973.

v. *Threat (other than bomb threat or false alarm).* A verbal, telephoned, written or electronic message of a threat of violence on school property or at a school related function.

vi. *Bomb threat.* A telephoned, written or electronic message that a bomb, explosive, chemical or biological weapon has been or will be placed on school property.

vii. *False alarm.* Causing a fire alarm or other disaster alarm to be activated knowing there is no danger, or through false reporting of a fire or disaster.

viii. *Weapons possession.* An act committed by a person 10 years of age or older which would constitute a felony under Article 265 of the Penal Law, taking into consideration the developmental capacity of the person to form the intent to commit such act, and where the school has referred the person to the police for the act.

ix. *Use, possession or sale of drugs.* Illegally using, possessing, or being under the influence of a controlled substance or marijuana, on school property or at a school function, including having such substance on a person in a locker, vehicle, or other personal space; selling or distributing a controlled substance or marijuana, on school property; finding a controlled substance or marijuana, on school property that is not in the possession of any person; provided that nothing herein shall be construed to apply to the lawful administration of a prescription drug on school property.

x. *Use, possession or sale of alcohol.* Illegally using, possessing, or being under the influence of alcohol on school property or at a school function, including having such substance on a person or in a locker, vehicle, or other personal space; illegally selling or distributing alcohol on school property or at a school function; finding alcohol on school property that is not in the possession of any person.

2. Recording of offenses.

a. For purposes of reporting pursuant to this subdivision, each incident shall be reported once in the highest ranking category of offense that applies, except that incidents involving a weapon and one of the offenses listed in clauses (1)(iv)(a) through (g) of this subdivision shall be reported in the highest ranking category of offense that applies as an offense committed with a weapon, and not in weapons possession; and incidents involving drug use, possession or sale and/or alcohol use, possession or sale and another offense shall be reported in the highest ranking category in clauses (1)(iv)(a) through (g) of this subdivision that applies. If the offense involves only the use, possession or

sale of drugs or alcohol, it shall be recorded in the applicable category of drug or alcohol use, possession or sale as an incident involving drug or alcohol use, possession or sale only. For purposes of determining the highest ranking offense pursuant to this subparagraph, offenses shall be ranked in the order that they appear in clauses (1)(iv)(a) through (h) of this subdivision, followed by weapons possession, drug use, possession or sale and alcohol use, possession or sale.

b. All incidents involving threats (other than bomb threats), bomb threats or false alarms as defined in clauses (1)(iv)(e) through (g) of this subdivision shall be reported. All incidents involving material incidents of harassment, bullying, and/or discrimination as defined in clause (1)(iv)(d) of this subdivision shall be reported.

3. Submission of report. Each annual school safety and educational climate incident report shall be in a form prescribed by the commissioner and shall contain such information as the commissioner shall prescribe, including but not limited to information on the frequency and types of incidents, offenders, victims and student discipline or referral actions taken, as is available on the date the annual report is submitted. Each school district, board of cooperative educational services, charter school and county vocational education and extension board shall annually submit its report on violent or disruptive incidents, in the manner prescribed by the commissioner, on or before the basic educational data system (BEDS) reporting deadline or such other date as determined by the commissioner.

4. Content of report. Each individual violent or disruptive incident report shall be in a form prescribed by the commissioner and shall contain the following information concerning each violent or disruptive incident that occurred in the prior school year:
    a. the number and types of offenders, identified as student, teacher, school safety officer, other school staff, student intruder, visitor, unknown or other;
    b. if any offender is a student, the age and grade of the student;
    c. the location at which the incident occurred, including:
        i. the school building in which the incident occurred or whose real property boundary line includes the athletic playing field, playground, parking lot or land on which the incident occurred, and whether the incident occurred in a classroom, laboratory, hall, staircase, gymnasium, locker room or pool, cafeteria, bathroom, auditorium, playground or athletic field or otherwise on school grounds; or
        ii. where applicable, that the incident occurred on a school bus; or
        iii. where applicable, that the incident occurred at a school function conducted off school grounds.
    d. the types of incident, identified by category listed in clauses (1)(vi)(a) through (i) of this subdivision;
    e. whether the incident occurred during or outside of regular school hours;
    f. where the incident involves a weapon, whether the weapon was a firearm, knife or other weapon;
    g. whether the incident was bias-related, drug-related, or gang or group-related;

h. the actions taken by the school in response to the incident, including when the incident was reported to police or other law enforcement officials and whether disciplinary action was taken against the offenders;
i. any student discipline or referral action taken against a student/offender, including but not limited to an out-of-school suspension, a teacher removal, an involuntary transfer to an alternative placement, an in-school suspension, a referral for community service, a referral for counseling, or a referral to the juvenile justice system or the criminal justice system, and the duration of such action; and
j. the number and nature of the victims, identified as a student, teacher, school safety officer, other school staff or other and the victim's age and grade where the victim is a student.

5. Local procedures. The governing body of each school district, board of cooperative educational services, charter school and county vocational education and extension board shall establish local procedures for the reporting of violent or disruptive incidents by each building and/or program under its jurisdiction. Such procedures shall assure that copies of each violent or disruptive incident report at the building or program level are retained for period prescribed by the commissioner in the applicable records retention schedule, and are available for inspection by the department upon request; provided that a district or board that adopts an electronic reporting system may fulfill such requirement by retaining an electronic record of the information reported at the building or program level.

6. Confidentiality. Pursuant to subdivision 6 of section 2802 of the Education Law, all personally identifiable information included in a violent or disruptive incident report shall be confidential, and shall not be disclosed to any person for use by any person for purposes other than the purposes of section 2802 of the Education Law, except as otherwise authorized by law.

7. School violence index. Each school year, commencing with the 2005-2006 school year, the department shall establish a school violence index as a comparative measure of the level of school violence in a school. The school violence index will be computed in accordance with a formula established by the commissioner that takes into account the enrollment of the school and is weighted to reflect the most serious violent incidents, which shall include only the following categories of incidents: homicide, sexual offense, assault, and incidents involving the possession or use of a weapon.

8. Persistently dangerous schools. For purposes of determining persistently dangerous schools pursuant to section 120.3 of this Subchapter, only the most serious violent incidents, which shall include only the following categories of incidents: assault, homicide, sexual offense, and incidents involving the possession or use of a weapon, as defined in this subdivision, shall be used in making such determination.

Eldred Code of Conduct – Dignity for All Students Act (DASA) Summary

The Eldred Central School District is committed to maintaining high standards of education for our students. In addition, the District and Board of Education is committed to providing an educational environment that promotes respect, dignity and equality in accordance with the *Dignity for All Students Act (DASA)*, and Policy 0105 (Equity, Inclusivity, and Diversity in Education, the District is dedicated to creating a positive and inclusive environment where all students, especially those currently and historically marginalized, feel safe, welcomed, and accepted. The Eldred Central School District Code of Conduct creates and maintains high behavioral standards and expectations.

All students have the right and responsibility to attend and participate in school regularly, be respectful and considerate of others and follow the Code of Conduct in school buildings, on school grounds, on school buses, field trips, and at all other school functions and events. Students are expected to treat others as they would like to be treated. All students have the right to feel safe at school, to grow and learn without worry or fear of physical or emotional harm.

To that end, administrators, faculty and staff participate in developmentally appropriate activities designed to proactively prevent discrimination, harassment, and bullying, including cyberbullying. These developmentally appropriate activities are designed to foster an acceptance and understanding of differences, provide alternative behaviors and responses, and build the capacity to prevent and reduce bullying. The District integrates curricular materials that raise awareness and sensitivity to civility in relationships across all protected characteristics into the K-12 instructional program.

All students have the responsibility to treat each other with caring and respect. No student shall be treated differently or unfairly because of actual and/or perceived differences. This includes saying hurtful words and/or doing hurtful things either in person, on a computer, or in any other way. Students who feel uncomfortable and/or unsafe because of the words or actions of others should immediately speak with a teacher, administrator, coach, other adult or to the designated Building Dignity Act Coordinator for each school.

Under New York State law, staff members who observe or learn of an incident of bullying or harassment are required to orally report it to the Building District Act Coordinator within one (1) school day and file a written DASA complaint/report within two (2) school days. The Building Dignity Act Coordinator will complete the investigation, findings and determination of each complaint. The Building Dignity Act Coordinator will inform the parents of the findings and the determination. If the parents would like to appeal the decision, they would then contact the District's Dignity Act Coordinator.

The Eldred Central School District Code of Conduct, in accordance with DASA, specifically prohibits, discrimination, harassment, bullying, taunting, hurtful teasing, and cyberbullying, that negatively impacts the ability of a student to focus on school work and participate in school activities based on the following characteristics:

Dignity for All Students	
Race	White, Black or African American, Hispanic/Latino, American Indian or Alaskan

	Native, Asian, Native Hawaiian of Other Pacific Islander; Two or more races. The definition of race has also expanded to include traits that are historically associated with race, including but not limited to hair texture and protective hairstyles (e.g., braids, locks, and twists).
Color	Color of a person's skin.
Weight	The size or physical appearance of a person.
National Origin	Where your relatives were born.
Ethnic Group	Being a part of or connection to a group of people who are connected by a shared language, culture, and/or common religion.
Religion & Religious Practice	Religious or spiritual belief and their expression through customs or attire
Disability	A person's body or mind that does not look or work the same as others.
Sex	A person's biological sex or gender preference
Sexual Orientation	A person's actual or perceived sexual preferences
Gender Identity	One's self conception as being male or female, as distinguished from biological sex assigned at birth
Gender Expression	The manner in which a person represents gender to others through behavior, clothing, hairstyles, activities, or mannerisms
Socio-Economic Status	A family's financial standing or earnings.

In addition to DASA, any complaint involving sexual harassment will also be reviewed under the District's Title IX grievance procedure (Policy 0111) to ensure compliance with federal regulations. All verified incidents of harassment, bullying, and discrimination are documented and reported annually to the state via the School Safety and Educational Climate (SSEC) system.

0100 - EQUAL OPPORTUNITY AND NONDISCRIMINATION

The Board of Education, its officers and employees, will not discriminate in its programs and activities on the basis of legally protected classes, such as, but not limited to: race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, national origin, creed, religion (including religious practices), marital status, sex (including pregnancy, childbirth, or related medical condition), gender identity and expression (i.e., actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including but not limited to the status of being transgender), age, sexual orientation, disability (physical or mental), predisposing genetic characteristic, military work or status, domestic violence victim status, citizenship/immigration status, or use of a guide dog, hearing dog, or service dog, as applicable. The district will provide notice of this policy in accordance with federal and state law and regulation.

This policy of nondiscrimination includes access by students to educational programs, counseling services for students, course offerings, and student activities, as well as recruitment and appointment of employees and employment pay, benefits, advancement and/or terminations.

Employees also have protections under state law against discrimination on the basis of their familial status, reproductive healthcare decisions (their own or their dependents) and certain prior criminal history.

Specific protections for students under the Dignity for All Students Act are addressed in policy 0115, Student Bullying and Harassment Prevention and Intervention.

As a condition of participation in federal meal programs, the district will post the following statement: "In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity." Discrimination complaint information is available at https://www.fns.usda.gov/civil-rights/usda-nondiscrimination-statement-other-fns-programs.

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

Nothing in this policy will be construed to prohibit a denial of admission into, or exclusion from, a course of instruction or activity based on a person's gender that would be permissible under the law, or to prohibit, as discrimination based on disability, actions that would be permissible under the law.

Website Accessibility

To promote the accessibility of the district's website and social media to persons with disabilities, and as required by federal regulations implementing the Americans With Disabilities Act, the district's website content and mobile apps will conform to the WCAG 2.1 Level AA standard for accessibility on or after April 26, 2027. If a technical or legal limitation prevents accessibility, conforming alternate versions of web content may be used. Exceptions to this requirement are outlined in federal regulations 28 CFR Part 35, and includes certain archived web content, certain preexisting electronic documents, certain third-party content, individualized secured electronic documents, and preexisting social media posts). The district's Director of Technology is responsible for addressing the accessibility of the district's website content and mobile apps.

Annual Notification

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

1. inform parents, employees, students and the community that education programs, including but not limited to vocational programs, are offered without regard to actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex; sexual orientation, or gender (including gender identity and expression);

2. provide the name, address and telephone number of the person designated to coordinate activities concerning discrimination; and
3. be included in announcements, bulletins, catalogues, and applications made available by the district.

Complaints of sex discrimination and sex-based harassment are addressed by the district's Title IX grievance procedure, and will also be addressed by other district policies if the conduct is not a violation of Title IX. Complaints of discrimination and harassment made by employees and applicants are also addressed by the process outlined in policy 0110.2, Sexual Harassment in the Workplace. Complaints of discrimination and harassment by students are also addressed by the process outlined in policy 0115, Student Bullying and Harassment Prevention and Intervention.

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

The Board authorizes the Superintendent of Schools to establish such rules, regulations and procedures necessary to implement and maintain this policy.

Cross-ref:

0110.2, Sexual Harassment in the Workplace
0111, Sex Discrimination and Sex-Based Harassment Under Title IX
0115, Student Bullying and Harassment Prevention and Intervention
5030, Student Complaints and Grievances
5300, Code of Conduct
9140.1, Staff Complaints and Grievances

Ref:

Age Discrimination in Employment Act of 1967 29 U.S.C. §§621 *et seq.*
Americans with Disabilities Act, 42 U.S.C. §§12101 *et seq.*
Title VI, Civil Rights Act of 1964, 42 U.S.C. §§2000d *et seq.* (nondiscrimination based on race, color, and national origin in federally assisted programs)
Title VII, Civil Rights Act of 1964, 42 U.S.C. §§2000e *et seq.* (nondiscrimination based on race, color, and national origin in employment)
Title IX, Education Amendments of 1972, 20 U.S.C. §§1681 *et seq.* (nondiscrimination based on sex)
§504, Rehabilitation Act of 1973, 29 U.S.C. §794
Individuals with Disabilities Education Law, 20 U.S.C. §§1400 *et seq.*
Genetic Information Nondiscrimination Act of 2008 P.L. 110-233
28 CFR Part 35
34 C.F.R. §§ 100.6; 104.8; 106.9; 110.25
Executive Law §§290 *et seq.* (New York State Human Rights Law)
Education Law §§10-18 (The Dignity for All Students Act)
Education Law §§313(3); 3201; 3201-a
Creating a Safe, Supportive, and Affirming School Environment for Transgender and Gender Expansive Students: 2023 Legal Update and Best Practices, https://www.nysed.gov/sites/default/files/programs/student-support-services/creating-a-safe-

supportive-and-affirming-school-environment-for-transgender-and-gender-expansive-students.pdf

Cross References:
0000 - MISSION STATEMENT AND VISION
Adoption Date: September 9, 2010
Revised Dates: June 10, 2021; August 10, 2023, September 5, 2024

0105 EQUITY, INCLUSIVITY, AND DIVERSITY IN EDUCATION

The Board of Education is committed to creating and maintaining a positive and inclusive learning environment where all students, especially those currently and historically marginalized, feel safe, included, welcomed, and accepted, and experience a sense of belonging and academic success.

Generally Accepted Beliefs and Agreements

All children deserve to have equal access to opportunity regardless of the color of their skin, their gender, their sexual orientation, the language they speak or their background. This freedom is fundamental to our K-12 education program and is extended to everyone without exception. However, the district also recognizes that students have been historically marginalized due to inequities associated with aspects of their identities and their contexts, including, but not limited to, race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex; sexual orientation, or gender (including gender identity and expression). Racism, discrimination, and marginalization of any people or groups of people, whether intentional or not, have no place in our schools, our district or our community. Such actions damage not only those individuals and groups at which they are directed, but also our community as a whole. We are committed to addressing these inequities and helping each and every student to equitably access learning opportunities in school to enable them all to thrive and to build a better society.

Goals

The goal of the school district is to provide equitable, inclusive and diverse opportunities for all students to reach their highest potential. To achieve educational equity and inclusive education, the district will acknowledge the presence of culturally diverse students and the need for students to find relevant connections among themselves and the subject matter and the tasks teachers ask them to perform. The district will develop the individual and organizational knowledge, attitudes, skills, and practices to create culturally responsive learning and working environments that expect and support high academic achievement for students and employees from all racial groups. Differences will not just be seen as strengths, but they will be nourished, celebrated, and welcomed because they are what make students and families unique.

The Superintendent or designee(s) will ensure that curriculum and instructional materials reflect the Board's commitment to educational equity. Curriculum and instructional materials for all grades shall reflect diversity and include a range of perspectives and experiences, particularly those of historically underrepresented groups. All curriculum materials shall be examined for bias. Class instructional

activities and extracurricular programs shall be designed to provide opportunities for cross-cultural and cross-racial interactions that foster respect for diversity.

Equity and inclusive education is an ongoing process that requires shared commitment and leadership if a district is to meet the ever-evolving society, unique learning needs of all students, and diverse backgrounds of our communities and schools. The Board understands that equity and inclusive education is achieved when each adult collaborates and affirms each student by creating a respectful learning environment inclusive of actual or perceived personal characteristics.

Educational equity is based on the principles of fairness and ensuring that every student has access to the resources and educational rigor they need at the right moment in their education, despite any individual's actual or perceived personal characteristics, not to be used interchangeably with principles of equality, treating all students the same.

Inclusive education is based on the principles of acceptance and inclusion of all students. Students see themselves reflected in their curriculum, their physical surroundings and the broader environment, in which diversity is honored and all individuals are respected.

Diversity in education means students, staff, families and community are our greatest strength and diversity is viewed as an asset. Diversity means the condition of being different or having differences, including, but not limited to, sex, race, ethnicity, sexual orientation, gender, age, socioeconomic class, religion, and ability, and other human differences. Embracing these diversities and moving beyond tolerance and celebration to inclusivity and respect will help the district reach our goal of creating a community that ensures that each and every voice is heard and valued.

Accountability, Transparency and Review

The Board, its officers and employees, accepts responsibility and will hold themselves and each other accountable for every student having full access to quality education, qualified teachers, challenging curriculum, full opportunity to learn, and sufficient, individually-tailored support for learning so they can achieve at excellent levels in academic and other student outcomes. The district also accepts its responsibility for moving forward on this journey and to committing time, energy and resources to develop a more equitable, inclusive, and diverse welcoming environment for all students, parents and staff. To this end, the Superintendent will establish a district-wide Task Force in each school. Committees will include representation from staff, administration, students and parents. The district-wide task force and the school-level committee will assist the administration in developing and implementing specific prevention initiatives, including the adoption and revision of policies and implementation of practices designed to promote diversity, prevent discrimination, assure equitable access to high quality educational staff, facilities and materials, and to maximize student achievement for all students. The accompanying exhibit provides more detail on the specific programs and strategies implemented by the district.

The Superintendent of Schools, or designee, will adopt goals and corresponding metrics related to this policy. The district will identify the multiple indicators necessary to monitor student outcomes, engagement, and school climate, and specific data that will be used to ensure accountability for

student, school, and district-wide performance; to reduce variability in outcomes; and to ensure that academic outcomes will not be predictable by actual or perceived personal characteristics and can be assessed and reported transparently to the public. Reporting may include, but is not limited to, standardized test scores; referrals, suspension and expulsion reports; the percentage of students placed in Bilingual or English as a New Language (ENL), Advanced Placement and remedial classes; as well as employee, parent and student perceptions about school.

With committee input, the Superintendent of Schools is directed to develop and implement a plan for ensuring that equitable educational opportunities are being provided to all students. In addition, the Board directs that training programs be established for students, and annually for employees, to raise awareness of the issues surrounding cultural responsiveness, equity and inclusion and to implement preventative measures to help counteract biases and practices that perpetuate achievement disparities and lead to disproportionate levels of student success. Age-appropriate instructional materials will be incorporated into the curriculum to educate students so that they can learn from a diverse range of experiences and points of view. Curricular materials and staffing decisions will support these efforts.

The Board of Education and the Superintendent district will monitor and review the district's metrics and equity activities to determine the extent to which district schools are complying with this policy, the progress made toward attaining the goals of this policy, whether this policy is having a positive effect on improving academic opportunities for all students and increasing family engagement and reducing achievement gaps. The Superintendent will regularly report progress on the equity, inclusivity, and diversity plan and outcomes. Based on those results, this policy, and the specific objectives set to meet its goals, may be revised as needed.

Equity Policy Communication

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 district's commitment to equity and inclusion by fostering a positive learning environment that embraces all diverse, unique and individual differences.

The Superintendent, or designee(s), is directed to ensure that this policy is communicated to students, staff, and the community. This policy will be posted on the district's website, and will also be published in student registration materials, student, parent and employee handbooks, and other appropriate school publications.

Policy Enforcement

The Board directs the Superintendent or designee(s) to enforce this policy and create regulations and practices to implement this policy. The Board will annually review the district's implementation of this policy and take appropriate action to ensure compliance with and enforcement of this policy.

Cross-ref:

4000, Goals for Instructional Programs
4511, Textbook Selection and Adoption
5153, Student Assignment to Schools and Classes
9240, Recruiting and Hiring

9700, Professional Development
Adoption date: November 12, 2020

0111 SEXUAL HARASSMENT GRIEVANCES UNDER TITLE IX

Under federal regulations implementing Title IX, sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. A district employee conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Federal Title IX regulations only address complaints of discrimination or harassment occurring against a person in the United States.

If contacted by a person alleging sexual harassment under Title IX, the District's Title IX Coordinator will explain the process for filing a formal complaint, which initiates an investigation into the Title IX sexual harassment allegations.

If any district employee is notified of alleged sexual harassment, they must inform the District's Title IX Coordinator.

Complaints of discrimination on the basis of sex under federal Title IX regulations are addressed in the manner provided by policy 0100, Non-Discrimination and Equal Opportunity. If alleged discrimination or sexual harassment is not covered by Title IX regulations, it may be covered by state laws, addressed in district policies 0100, Non-Discrimination and Equal Opportunity; 0110.2, Sexual Harassment in the Workplace; 0115, Student Harassment and Bullying Prevention and Intervention; and 5300, Code of Conduct.

Supportive Measures
Once the district has notice of sexual harassment or allegations of sexual harassment, the Title IX Coordinator will promptly contact the complainant of sexual harassment under Title IX and discuss the availability of supportive measures regardless of whether the complainant chooses to file a formal complaint under Title IX or not. Potential supportive measures offered to both complainants and respondents include:

- Counseling,
- Extensions of deadlines or other course-related adjustments,
- Modifications of work or class schedules,
- Campus escort services,
- Mutual restrictions on contact between the parties,

- Changes in work locations,
- Leaves of absence,
- Increased security and monitoring of certain areas.

The district's Title IX coordinator will discuss and determine the complainant's wishes with respect to supportive measures.

Formal Complaints
A formal complaint is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment under Title IX against an individual and requesting that the district investigate the allegation of sexual harassment under Title IX. The formal complaint must be a written document but need not be in any specific form. At the time a formal complaint is filed, the complainant must be participating or attempting to participate in the district's education program or activity.

The formal complaint investigation and process will only be triggered when the complainant files a formal complaint of sexual harassment under Title IX.

The district will investigate the complaint and make determinations regarding a complaint's allegations using a preponderance of evidence standard.

The district's Title IX Coordinator, investigator, decision-maker or facilitator of an informal resolution process, if applicable, must not have a conflict of interest or bias for or against complainants or respondents. All individuals with conflicts of interest or bias must recuse themselves.

The roles of Title IX Coordinator, investigator, and decision-maker will be held by different persons.

District Responsibilities
Throughout the Title IX process the district will, among other things:
- Treat complainants and respondents equitably.
- Perform an objective evaluation of all available evidence.
- Presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- Ensure that no information protected by a legal privilege such as the attorney-client privilege may be used for any purpose or be sought through disclosure unless the person holding the privilege has waived such privilege.

Timeframes
The district has established reasonably prompt approximate time frames for the conclusion of the grievance process ***include if appropriate:*** and informal resolution process,] unless delayed or extended. The time frames for appeals are set forth in the section below on Appeals.
The district has also established a process that allows for a temporary delay or limited extension of timeframes for good cause with notice to the parties that includes the reason for the delay.

- Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.
- The Title IX Coordinator will evaluate the request for an extension of timeframes and make a prompt determination to either extend the timeframes, or take or recommend other action to be able to meet the timeframes.
- If an extension is granted, the Title IX Coordinator will notify the parties in writing of the reason(s) for the delay, and the estimated date the stages in the timeframe will be complete.

Notice

Upon receipt of a formal complaint of sexual harassment under Title IX, the district will provide written notice to the complainant and respondent(s) in sufficient time to allow the parties who are known to prepare a response before an initial interview.

The notice to the complainant and respondent will include, among other items:

- Information regarding the grievance process and the informal resolution process.
- The conduct allegedly constituting sexual harassment under Title IX, and if known, the identities of the parties involved in the incident, as well as the date and location of the alleged incident.
- A statement that the respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- Notification that the parties may inspect and review evidence.
- Policies regarding knowingly making false statements or submitting false information during the grievance process.
- Notification that after commencing an investigation of a formal complaint, the district may decide to also investigate allegations that were not included in the initial notice to the parties. In that case, the district will provide notice of the additional allegations to the parties.

Informal Resolution

In lieu of resolving a formal complaint through the district's Title IX grievance procedures, at any time prior to reaching a determination of responsibility, the parties may instead elect to participate in a district-facilitated informal resolution process such as mediation, which does not involve a full investigation and determination. The district will obtain the parties' voluntary written consent to the informal resolution process. Informal resolution is not available to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student, or when such a process would conflict with Federal, State, or local law.

The district will provide the parties with a written notice of:

- The allegations.
- The requirements of the informal resolution process.
- That at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the formal complaint grievance process.
- Any consequences that result from participation in informal resolution, including records that will be maintained or could be shared.

Investigations
Upon receipt of a formal complaint of sexual harassment under Title IX, the Title IX Coordinator will assign an investigator. The assigned harassment investigator will:

- Gather additional information through interviews of the complainant, respondent, and witnesses and synthesize the information in a report.
- The investigator has the discretion to determine the relevance of any witness or other evidence and may exclude information in preparing the investigation report if the information is irrelevant, immaterial, or more prejudicial than informative.
- Produce a written report that contains the relevant information and facts learned during the investigation, and may include direct observations and reasonable inferences drawn from the facts and any consistencies or inconsistencies between the various sources of information. The investigator may exclude statements of personal opinion by witnesses and statements as to general reputation for any character trait, including honesty. The investigator will not make a finding or recommended finding of responsibility. The investigator's report will include credibility assessments based on their experience with the complainant, respondent, and witnesses, as well as the evidence provided.
- The investigator's written report will be provided to both parties and their representatives, if any.

During the formal complaints process, the parties will have an equal opportunity to:

- Present witnesses and to gather and present relevant evidence.
- Have others present during any grievance proceeding, including the representative of their choice who may be, but is not required to be, an attorney.
- Inspect and review all evidence obtained as part of the investigation that is directly related to the allegations in the complaint, and respond to the evidence prior to the conclusion of the investigation. Parties must be given at least ten (10) calendar days to submit a written response that the investigator will consider prior to completing the investigative report.

Dismissal
The district must dismiss a formal complaint when the conduct alleged in the formal complaint of sexual harassment under Title IX:

- Would not constitute sexual harassment under Title IX even if proved;
- Did not occur in the district's education program or activity; or
- Did not occur against a person in the United States.

Such a dismissal does not preclude action under another provision of the district's code of conduct, or another policy adopted pursuant to state law.

The district may dismiss a formal complaint when:

- A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the formal complaint or any of its allegations;
- The respondent is no longer enrolled or employed by the district; or
- Specific circumstances prevent the district from gathering enough evidence to reach a determination on the formal complaint or its allegations.

If a complaint is dismissed, the decision-maker will send written notice of the dismissal and reason(s) therefor simultaneously to the parties

Questions
Prior to issuing a written determination, the decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants to be asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Determinations
Following the question-and-answer process and upon receipt of the investigative report, the decision-maker will issue a written determination. The decision-maker's written determination will address:

- The allegations,
- The procedural steps taken in the case at hand,
- The findings of fact,
- The applicability of code of conduct and local rules to the facts, and
- The result with corresponding rationale for each addressed allegation, including a determination of responsibility, disciplinary sanctions, and whether remedies to restore or preserve access will be provided.

Disciplinary Sanctions and Remedies
If the district determines responsibility for sexual harassment, if the decision is not appealed, or if the appeal is dismissed, the district will impose disciplinary sanctions, which may include: the Title IX Coordinator will facilitate the transfer of information and determinations from the Title IX complaint process to the appropriate administrator, to aid in the imposition of disciplinary consequences.

The district may also provide or facilitate remedies, which may include:

Appeals

- Following a decision-maker's written determination, either party may appeal the written determination or dismissal of the complaint.
- An appeal must be submitted to the Title IX Coordinator within seven (7) calendar days of receipt of the determination or dismissal (as applicable) and must identify all information a party wishes to have considered on appeal.
- Any appeal statement will be shared with the other party, who will have two (2) calendar days to submit a response to the Title IX Coordinator.
- The appeal and any response will be considered by a decision-maker other than the decision-maker who issued the determination or dismissal that is being appealed.

Grounds for an appeal are limited to the following:

- Procedural irregularity that affected the outcome of the matter; and/or
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or
- The Title IX Coordinator, investigator(s), or any decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; and/or
- The sanction is inappropriate.
  A decision responding to the written appeal will be issued to the parties and the Title IX Coordinator within thirty (30) calendar days.

Cross-ref:

0100, Non-Discrimination and Equal Opportunity
0110.2, Sexual Harassment in the Workplace
0115, Student Harassment and Bullying Prevention and Intervention
5300, Code of Conduct

Ref:

20 USC §§1681 *et seq*.
34 CFR Part 106

Adoption Date: **March 13, 2025**

0115 STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION

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

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

Definitions

1. Bullying. Bullying, under the amended Dignity for All Students Act, has the same meaning as harassment (see below). The accompanying regulation provides more guidance regarding the definition and characteristics of bullying to help the school community recognize the behavior.
2. Cyberbullying. Cyberbullying is defined as harassment (see below) through any form of electronic communication.
3. Discrimination. Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as enumerated in the *Definitions* section, under Harassment, below).
4. Hazing. Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.
5. Harassment. Harassment has been defined in various ways in federal and state law and regulation. The Board recognizes that these definitions are important standards, but the Board's goal is to prevent misbehavior from escalating in order to promote a positive school environment and to limit liability. The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for their physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived:

- Race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as but not limited to braids, locks, and twists),
- color,
- weight,
- national origin,
- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression).

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

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

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

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

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

In order to implement this program the Board will designate at its annual organizational meeting a *Dignity Act Coordinator (DAC)* for each school in the district. One of the DAC's will be designated as the district-wide coordinator whose responsibilities are described in the accompanying regulation. The role of each DAC is to oversee and enforce this policy in the school to which they are assigned.

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

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

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

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

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

Incident Reporting and Investigation
Although it can be difficult to step forward, the district can't effectively address bullying if incidents are not reported. Students who have been bullied, parents whose children have been bullied or other students who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided. Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to make an oral report to *building principal or DAC* within one school day and to fill out the district reporting form within two school days. Staff who are unsure of the reporting procedure are expected to ask their supervisors how to proceed. District employees may be deemed to have permitted unlawful discrimination or harassment if they fail to report an observed incident, whether or not the target complains.

At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy, or, if applicable, 0100, Equal Opportunity and Nondiscrimination, or 0110, Sexual Harassment and the district's Code of Conduct. The *DAC or Building Principal* will prepare a *quarterly* report for the Superintendent based on complaints filed.

The district is also required under the federal Title IX law and its implementing regulations to adopt a grievance procedure for addressing complaints of sex discrimination and sex-based harassment. The Title IX regulations contain a definition of sex discrimination and sex-based harassment, and a standard under which complaints must be assessed, that is different from the one in state law and this policy. The district is required to address complaints that might constitute sex discrimination and sex-based harassment prohibited under Title IX pursuant to its grievance procedure. Because of this, any complaint of sexual harassment under this policy (covered by state law) should also be reviewed under the district's Title IX grievance procedure, either prior to or in tandem with this policy. See policy 0111 and regulation 0111-R.

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

The Board will receive the annual School Safety and Educational Climate (SSEC) Summary Data Collection Form, the state-required report relevant to bullying, violent and disruptive incidents, and the school climate, for each building and for the district as whole. Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy and additional training.

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

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

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

Training
The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent, the districtwide DAC and the

District Professional Development Team will incorporate training to support this program in new teacher orientation and the annual professional development plan, as needed. Training opportunities will be provided for all staff, including but not limited to bus drivers, cafeteria and hall monitors and all staff who have contact with students. The DACs will be trained in accordance with state requirements and will continue their professional development so as to successfully support this policy and program.

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

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

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

Cross-ref:

0100, Equal Opportunity and Nondiscrimination
0110, Sexual Harassment
0111, Sex Discrimination and Sex-Based Harassment Under Title IX
4321, Programs for Students with Disabilities
5300, Code of Conduct
5710. School Safety and Educational Climate (SSEC) Reporting
9700, Staff Development

Ref:

Dignity for All Students Act, Education Law, §10 – 18
Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.*
Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.*
Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*; 34 CFR §100 *et seq.*
Title IX, Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*; 34 CFR Part 106
§504, Rehabilitation Act of 1973, 29 U.S.C. §794
Individuals with Disabilities Education Law, 20 U.S.C §§1400 *et seq.*
Executive Law §290 *et seq.* (New York State Human Rights Law)
Education Law §§313(3), 3201, 3201-a
8 NYCRR §§100.2(c), (l), (jj), (kk); 119.6
Tinker v. Des Moines Independent Community School Dist., 393 U.S. 503 (1969)
Mahanoy Area School District v. B.L., 594 U.S. ___, 141 S. Ct. 2038 (2021)
Pollnow v. Glennon, 594 F.Supp. 220, 224 aff'd 757 F.2d 496
Zeno v. Pine Plains 702 F.3d 655 (2nd Cir. 2012)
Cuff v. Valley Central School District F.3d 109 (2nd Cir 2012)

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)
Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)
Faragher v. City of Boca Raton, 524 U.S. 775 (1998)
Burlington Industries v. Ellerth, 524 U.S. 742 (1998)
Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)
Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)
Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)
Appeal of K.S., 43 Ed. Dept. Rep. 492
Appeal of Ravick, 40 Ed. Dept. Rep. 262
Appeal of Orman, 39 Ed. Dept. Rep. 811
Adoption Date: September 9, 2010
Revised Dates: June 10, 2022; May 4, 2023, September 5, 2024

4526 COMPUTER AND INTERNET USE

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

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

All users of the district's computer network and the Internet must understand that use is a privilege, not a right and that use entails responsibility.

The Superintendent of Schools shall establish regulations governing the use and security of the district's computer network. All users of the district's computer network and equipment shall comply with this policy and those regulations. Failure to comply may result in disciplinary action as well as suspension and/or revocation of computer access privileges.

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

The Superintendent, working in conjunction with the designated purchasing agent for the district, the computer network coordinator, and the instructional materials planning committee will be responsible for the purchase and distribution of computer software and hardware throughout district schools. They shall prepare and submit for the Board's approval a comprehensive multi-year technology plan which shall be revised as necessary to reflect changing technology and/or district needs.

The Eldred Central School District monitors ALL network activity including but not limited to, E-MAIL and INTERNET activity by all users to protect and preserve its property and the network. The Eldred Central School District reserves the right to open, and view any material stored on, accessed through, or used in conjunction with its network. By continuing, you also agree to utilize ONLY district approved applications and streaming services.

Adopted: July 1, 1991
Revised: March 12, 2009; February 8, 2023

4526.1-R , INTERNET SAFETY REGULATION

The following rules and regulations implement the Internet Safety policy adopted by the Board of Education to make safe for children the use of district computers for access to the Internet and World Wide Web.

I. Definitions

In accordance with the Children's Internet Protection Act,

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

II. Blocking and Filtering Measures

- The Superintendent or his or her designee shall secure information about, and ensure the purchase or provision of, a technology protection measure that blocks access from all district computers to visual depictions on the Internet and World Wide Web that are obscene, child pornography or harmful to minors.
- The district's computer network coordinator shall be responsible for ensuring the installation and proper use of any Internet blocking and filtering technology protection measure obtained by the district.
- The computer network coordinator or his or her designee may disable or relax the district's Internet blocking and filtering technology measure only for adult staff members conducting research related to the discharge of their official responsibilities.

- The computer network coordinator shall monitor the online activities of adult staff members for whom the blocking and filtering technology measure has been disabled or relaxed to ensure there is not access to visual depictions that are obscene or child pornography.

III. Monitoring of Online Activities

- The district's computer network coordinator shall be responsible for monitoring to ensure that the online activities of staff and students are consistent with the district's Internet Safety policy and this regulation. He/she/they may inspect, copy, review, and store at any time, without prior notice, any and all usage of the district's computer network for accessing the Internet and World Wide Web and direct electronic communications, as well as any and all information transmitted or received during such use. All users of the district's computer network shall have no expectation of privacy regarding any such materials.
- Except as otherwise authorized under the district's Computer Network or Acceptable Use policy, students may use the district's computer network to access the Internet and World Wide Web only during supervised class time, study periods or at the school library, and exclusively for research related to their course work.
- Staff supervising students using district computers shall help to monitor student online activities to ensure students access the Internet and World Wide Web, and/or participate in authorized forms of direct electronic communications in accordance with the district's Internet Safety policy and this regulation.
- The district's computer network coordinator shall monitor student online activities to ensure students are not engaging in hacking (gaining or attempting to gain unauthorized access to other computers or computer systems), and other unlawful activities.

IV. Training

- The district's computer network coordinator shall provide training to staff and students on the requirements of the Internet Safety policy and this regulation at the beginning of each school year.
- The training of staff and students shall highlight the various activities prohibited by the Internet Safety policy, and the responsibility of staff to monitor student online activities to ensure compliance therewith.
- The district shall provide age-appropriate instruction to students regarding appropriate online behavior. Such instruction shall include, but not be limited to: positive interactions with others online, including on social networking sites and in chat rooms; proper online social etiquette; protection from online predators and personal safety; and how to recognize and respond to cyberbullying and other threats.
- Students shall be directed to consult with their classroom teacher if they are unsure whether their activities when accessing the Internet or World Wide Web are directly related to their course work.

- Staff and students will be advised to not disclose, use and disseminate personal information about students when accessing the Internet or engaging in authorized forms of direct electronic communications.
- Staff and students will also be informed of the range of possible consequences attendant to a violation of the Internet Safety policy and this regulation.

V. Reporting of Violations

- Violations of the Internet Safety policy and this regulation by students and staff shall be reported to the Building Principal.
- The Principal shall take appropriate corrective action in accordance with authorized disciplinary procedures.
- Penalties may include, but are not limited to, the revocation of computer access privileges, as well as school suspension in the case of students and disciplinary charges in the case of teachers.

Adoption: March 14, 2002
Revised: October 19, 2017

4526-E ACCEPTABLE USE OF ELECTRONIC NETWORKS PROCEDURE (ELDRED CENTRAL SCHOOL DISTRICT)

All use of electronic networks shall be consistent with the District's goal of promoting educational excellence by facilitating resource sharing, innovation, and communication. These procedures do not attempt to state all required or proscribed behaviors by users.

However, some specific examples are provided. The failure of any user to follow these procedures will result in the loss of privileges, disciplinary action, and/or appropriate legal action.

Terms and Conditions

1. **Acceptable Use** – Access to the District's electronic networks must be:
    - For the purpose for education or research and consistent with the educational objectives of the District; or
    - For legitimate school business use.

2. **Privileges** – The use of the District's electronic networks is a privilege, not a right, and inappropriate use will result in a cancellation of those privileges. The system administrator (and/or building principal) will make all decisions regarding whether or not a user has violated these procedures, and may deny, revoke, or suspend access at any time. His or her decision is final.

3. **Unacceptable Use** – The user is responsible for his or her actions and activities involving the network. Some examples of unacceptable uses are:

- Using the network for any illegal activity, including violation of copyright or other contracts, or transmitting any material in violation of any U.S. or state law:
- Unauthorized downloading of software.
- Downloading copyrighted material for other than personal use;
- Using the network for private financial or commercial gain;
- Wastefully using resources, such as file space;
- Hacking or gaining unauthorized access to files, resources, entities;
- Invading the privacy of individuals, which includes the unauthorized disclosure, dissemination, and use of information of a personal nature about anyone;
- Using another user's account or password;
- Posting material authored or created by another, without his/her/they consent;
- Posting anonymous messages;
- Using the network for commercial or private advertising;
- Accessing, submitting, posting, publishing, or displaying any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, harassing, or illegal material; and
- Using the network while access privileges are suspended or revoked.

4. **Network Etiquette** – The user is expected to abide by the generally accepted rules of network etiquette. These include, but are not limited to, the following:
    - Be polite. Do not become abusive in messages to others.
    - Use appropriate language. Do not swear or use vulgarities or any other inappropriate language.
    - Do not reveal personal information (PII,) including the addresses or telephone numbers, of students or colleagues.
    - Recognize that electronic mail (e-mail) is not private. People who operate the system have access to all mail. Messages relating to or in support of illegal activities may be reported to the authorities.
    - Do not use the network in any way that would disrupt its use by other users.
    - Consider all communications and information accessible via the network to be private property.

No Warranties – The District makes no warranties of any kind, whether expressed or implied, for the service it is providing. The District will not be responsible for any damages the user suffers. This includes loss of data resulting from delays, non-deliveries, missed deliveries, or service interruptions caused by its negligence or the user's errors or omissions. Use of any information obtained via the internet is at the user's own risk. The District specifically denies any responsibility for the accuracy or quality of information obtained through its services.

Indemnification – The user agrees to indemnify the District for any losses, costs, or damages, including reasonable attorney fees, incurred by the District, relating to or arising out of any violation of these procedures.

Security – Network security is a high priority. If the user can identify a security problem on the internet, the user must notify the system administrator or building principal. Do not demonstrate the problem to other users. Account information and passwords are confidential. ELDRED CENTRAL SCHOOL DISTRICT employees are required to change their system password every 90 days. Users are not to use another individual's account without written permission from that individual. Attempts to log on to the internet as a system administrator will result in cancellation of user privileges. Any user identified as a security risk may be denied access to the network.

Vandalism – Vandalism will result in cancellation of privileges, and other disciplinary action. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the internet, or any other network. This includes, but is not limited to, the uploading or creation of computer viruses.

Telephone Charges – The District assumes no responsibility for any unauthorized charges or fees, including telephone charges, long-distance charges, per-minute surcharges, and/or equipment or line costs.

Copyright Web Publishing Rules – Copyright law and District policy prohibit the republishing of text or graphics found on the Web or on District websites or file servers, without explicit written permission.

- For each re-publication (on a Website or file server) of a graphic or text file that was produced externally, there must be a notice at the bottom of the page crediting the original producer and noting how and when permission was granted. If possible, the notice should also include the Web address of the original source.
- Students and staff engaged in producing Web pages must provide library media specialists with e-mail or hard copy permissions before the Web pages are published. Printed evidence of the status of "public domain" documents must be provided.
- The absence of a copyright notice may not be interpreted as permission to copy the materials. Only the copyright owner may provide the permission. The manager of the Website displaying the material may not be considered a source of permission.
- The "fair use" rules governing student reports in classrooms are less stringent.
- Student work may only be published if there is written permission form both the parent/guardian and the student.

Use of Electronic Mail

- The District's electronic mail system is managed by the District. The District provides e-mail to aid students and staff members in fulfilling their duties and responsibilities and as an educational tool.
- The District reserves the right to access and disclose the contents of any account on its system, without prior notice or permission from the account's user. Unauthorized access by any student or staff member to an electronic mail account is strictly prohibited.
- Each person should use the same degree of care in drafting an electronic mail.
- Electronic messages sent through the district provided services are considered property of ELDRED CENTRAL SCHOOL DISTRICT. Such messages reflect on the name and

reputation of the district. Users will be held personally responsible for the content of any and all electronic messages transmitted to both internal and external recipients.

- Any message received from an unknown sender via the internet should be verified as to the message's authenticity and the nature of the file so transmitted.
- Use of the District's electronic mail system constitutes consent to these regulations.

Internet Safety and Privacy

- Internet access is limited to only those "acceptable uses", as detailed in these procedures. Internet safety is almost assured if users will not engage in "unacceptable uses", as detailed in these procedures, and will otherwise follow these procedures.
- Staff members shall supervise students while students are using District internet access, to ensure that the students abide by the Terms and Conditions for internet access, as contained in these procedures.
- Confidentiality of Student Information (taken from ISBA 3270-6) Personally identifiable information concerning students may not be disclosed or used in any way on the internet without the permission of a parent or guardian and the student or, if the student is 18 or over, the permission of the student. Students should be aware that conduct on the District's computer or using the District's server may be subject to public disclosure depending upon the nature of the communication. Users should never give out private or confidential information about themselves or others on the internet, particularly credit card numbers and social security numbers.
- Each District computer with internet access has a filtering device that blocks entry to visual depictions that are: a) obscene, b) pornographic, or c) harmful or inappropriate for students, as defined by the Children's Internet Protection Act and as determined by the Superintendent or designee.
- The system administrator and building principals shall monitor student internet access.

Legal Reference:
Children's Internet Protection Act, P.L. 106-554
20 U.S.C. §6801, *et seq.*
47 U.S.C. §254(h) and (l).

ELDRED CSD TECHNOLOGY ACCEPTABLE USE AGREEMENT

The Eldred Central School District provides network technology access, including Internet, to all faculty staff and students to enhance the educational mission and instructional goals of the District. In accordance with the NYS Learning Standards for Mathematics, Science, and Technology, students will use technology as a resource to access, generate, process, and transfer information.

The following information serves to describe the District technology services and student responsibilities regarding the use of those services. A signed user agreement must be on file with the Building Principal, in order to initiate and maintain student use of the District technology network. A breach of this agreement may be considered an act of insubordination, which may result in discipline under the student code of conduct and pursuant to law.

NETWORK COMPUTER USE- I understand that my access/use of District technology networks is subject to inspection by school district administrators and personnel without prior notice and that I have no expectation of privacy with respect to such review and inspection of computer files used by me.
RESPECT FOR PROPERTY-

- I will use the computers, printers, hardware, and software in a responsible manner.
- I will not tamper with, illegally enter, steal, or willfully vandalize equipment.
- I will not make changes to the network systems or attempt to disarm security systems.

RESPECT FOR OTHERS-

- I will access, change, or delete only those files belonging to me.
- I will keep my password confidential.
- I will not use profane, obscene, disrespectful, or threatening words or pictures.
- I will not publish any information which violates or infringes upon the rights of others or which can be considered abusive, profane or sexually offensive.
- I will respect the rights and ideas of others, giving credit to the source (copyright law & citation).

INTERNET USE

Internet and telecommunications access is provided through the District network. The use of this Internet service is solely in support of school based research, instruction, and curricula. The District Internet, in compliance with federal law, is filtered at all access points. Any attempt to disable this filtering is a violation of the agreement.

- I will only access telecommunications and/or the Internet under the supervision of an adult.
- I will only use telecommunications and/or the Internet for school related research and/or communication.
- I will use the appropriate language and etiquette in electronic transmissions and information searches.
- I will not provide personal information and/or email addresses via the Internet.
- I will not download or upload computer programs or files without permission from a supervising adult.

ELDRED CSD TECHNOLOGY ACCEPTABLE USE AGREEMENT

I, the undersigned, have read and agree to the terms and conditions set forth in the Eldred SD Technology Acceptable Use Agreement and Policy Regulations outlined in the district Code of Conduct. I understand that any violation of these regulations may cause my access privileges to be revoked, and school disciplinary action and /or appropriate legal action be taken. A student and parent/legal guardian must sign this agreement.

_____ _____

STUDENT USER (Print) STUDENT USER (Signature)

Building _____ Grade_____ Date_____

I, the parent/legal guardian of the above named student, have read the contents of this agreement, understand it, and agree to be bound by its terms and conditions. I also understand that although the district is providing supervision and guidance during student use of network resources, including the Internet, complete blockage of all unauthorized material is not guaranteed and I will not hold the district responsible for my student's access to unauthorized material. I further agree to indemnify and hold harmless the Eldred SD for any liability that it may incur as a result of my child's unauthorized use of the network and Internet resources. My signature below grants permission for my child's access to ECSD network resources.

Parent/Legal Guardian (Signature) _____

Date_____

Revised (5/2010)

5025 - SEXUAL HARASSMENT POLICY FOR STUDENTS

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

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

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

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

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

1. Registering an informal compliant verbally or in writing; or
2. Registering a formal complaint verbally or in writing; or
3. Engaging in mediation to arrive at a resolution of the matter; or
4. Placing the district on notice of the objectionable conduct without seeking a resolution through the complaint process or mediation.

The Title IX Officer shall be authorized to proceed with a matter raised in paragraph 4 as if it had been filed as an informal complaint or a formal complaint at his/her/their discretion.
The intake Title IX Officer will also explain that the complaining student shall not be subject to retaliation or retribution by reason of making the complaint and that confidentiality shall be maintained throughout the process, except as necessary to assure fair and due process.

Informal Complaints
An informal complaint will be promptly reviewed by an intake Title IX Officer, who shall issue a written report to the Superintendent of Schools, within seven (7) days. The Superintendent shall take such further action necessary to reasonably deter any further act prohibited by this policy. Such further

action may include referring the matter to a Title IX investigator as if it had been filed as a formal complaint.

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

1. A finding that this policy has not been violated; or
2. A finding that this policy has been violated and a critical evaluative letter has been issued with a requirement of corrective training for the subject of the complaint if an employee; or
3. That disciplinary action has been taken or where pre-disciplinary charges must be preferred, that they have been preferred in order to convene a disciplinary hearing.

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

Appeal of Formal Complaints
If a formal complaint hasn't been processed to a satisfactory disposition by the Superintendent within thirty (30) calendar days, unless extended with the written consent of the complainant, the complainant may appeal in writing to the Board to address the failure and direct an expedited investigation with report back to the Board within fifteen (15) calendar days. Regarding matters that have been timely investigated to conclusion, an appeal to the Board may be taken by the complainant or the subject of the complaint within thirty (30) calendar days of being informed of the findings upon the allegations in the complaint.

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

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

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

*District Title IX Officers
Superintendent of Schools

Adoption: March 22, 2018

5020.3 -- DISABILITY DISCRIMINATION POLICY FOR STUDENTS

It is the policy of this school district to prohibit discrimination and harassment of students with disabilities as defined in Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990. This policy covers school programs, activities, and events sponsored by the school district. To that end, all officers, supervisory personnel, employees and students of the school district shall be given a copy of this policy and training regarding its terms, procedures, protections and penalties.

Definitions
Disability discrimination is defined as discrimination against a student with a disability recognized under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 whereby such student is not afforded equal educational opportunities, access to educational programs, and/or access to extra- and co-curricular activities for which the student is otherwise qualified in accordance with law.

Disability Harassment is defined as conduct that creates a hostile learning or school environment that is either pervasive and/or severe conduct in the nature of: remarks, jokes, gestures, displayed materials or printed materials about the student's disability status or disabled individuals in general. The determination of a hostile learning or school environment shall be objective, based upon the viewpoint of a reasonable person and subjectively perceived to be so by the complainant.

Procedure
Any student who believes that he/she/they has been subjected to disability discrimination by an officer, employee, student or business invitee is encouraged to address the matter with the District's Compliance Coordinator* or alternate, as designated by the Board, who shall promptly conduct an intake interview and explain the following options for resolution:

1. Registering an informal complaint verbally or in writing; or
2. Registering a formal complaint verbally or in writing; or
3. Engaging in mediation to arrive at a resolution of the matter; or
4. Placing the district on notice of the objectionable conduct without seeking a resolution through the complaint process or mediation.

The District's Compliance Coordinator or alternate shall be authorized to proceed with a matter raised under paragraph 4 as if it had been filed as an informal complaint or a formal complaint at his/her/their discretion.
The District's Compliance Coordinator or alternate will also explain that the complaining student shall not be subject to retaliation or retribution by reason of making the complaint and that confidentiality shall be maintained throughout the process, except as necessary to assure fair and due process.

Informal Complaints
An informal complaint will be promptly reviewed by the district's Compliance Coordinator or alternate, who shall issue a written report to the Superintendent of Schools, within seven (7) days. The Superintendent of Schools shall take such further action necessary to reasonably deter any further act prohibited by this policy. Such further action may include referring the matter to a complaint investigator as if it had been filed as a formal complaint.

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

1. A finding that this policy has not been violated; or
2. A finding that this policy has been violated and appropriate corrective, disciplinary and/or other action has been taken.

Alternates
The Board shall appoint an alternate Compliance Officer and several designated formal complaint investigators. Complainant will have a choice of which Compliance Officer or alternate to approach regarding a complaint. If the complaint is about the Superintendent of Schools, the Board shall stand in the Superintendent's place for review activities.

Appeal of Formal Complaints
If a formal complaint hasn't been processed to a satisfactory disposition by the Superintendent within thirty (30) calendar days, unless extended with the written consent of the complainant, the complainant may appeal in writing to the Board to address the failure and direct an expedited investigation with report back to the Board within fifteen (15) calendar days. Regarding matters that have been timely investigated to conclusion, an appeal to the Board may be taken by the complainant or the subject of the complaint within thirty (30) calendar days of being informed of the findings upon the allegations in the complaint.

Confidentiality
The district's Compliance Officer and alternates, complaint investigators, the Superintendent of Schools and the Board of Education shall, to the maximum extent possible, maintain as confidential the transactions(s) underlying the proceedings or complaint, the outcome of a mediated agreement and action taken, other than formal discipline. The subject of the proceedings or complaint, however, shall

be informed of the identity of the person who commenced the proceedings or complaint in order to provide fair and due process.
Both the complainant and the subject of the complaint shall be given a copy of the findings in the matter of a formal complaint.

Consequences
Any officer, supervisor or employee who violates this policy shall be subject to corrective action up to and including termination of office or employment, with due process provided as necessary. Students who violate this policy shall be subject to disciplinary or other corrective action.
Any complaint that is determined to have been processed maliciously or in bad faith shall be deemed to be in violation of this policy and may give rise to disciplinary consequences against the complainant.

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

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

***District Compliance Coordinator – CSE Chairperson**

Adoption: March 28, 2018

5460 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 them and their families.

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

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

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

The report must be made by telephone or by telephone facsimile machine on a form supplied by the Commissioner of Social Services. A written report must 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 must 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 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.

Child Protective Services Investigations

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

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

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

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if they 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.

Training Program and Dissemination of Information

The school district will maintain an ongoing training program for all current and new school officials which will address the identification (i.e., signs and indicators) and reporting of child abuse, maltreatment, and neglect, including the legal implications of reporting and not reporting. Attendance at sessions of this training program is required of all school officials. Attendance records will be kept, and notations will be made in personnel files as to the dates of attendance.

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

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

Cross-ref:
5100, Student Attendance

Ref:
Child Protective Services Act of 1973, Social Services Law §§411 *et seq.*
Social Services Law §34-a
Family Court Act §1012
Family Educational Rights and Privacy Act, 20 U.S.C. §1232g, 45 CFR §99.36
Education Law §§409-l; 3209-a, 3036
Penal Law 240.50
18 NYCRR §432.3
8 NYCRR §100.2

Adoption Date: July 1, 1991
Revised Dates: March 12, 2009; October 19, 2017; September 9, 2021

9130 --SEXUAL HARASSMENT POLICY FOR EMPLOYEES

It is the policy of this school district to prohibit sexual harassment and gender discrimination in the workplace. To that end, all officers, supervisory personnel and employees of the school district shall be given a copy of this policy and training regarding its terms, procedures, protections and penalties.

Definitions
Sexual Harassment is defined as discrimination against a person of a different or the same sex because of their sex, in the nature of *quid pro quo* sexual harassment or that which creates a sexually hostile work environment.
Quid pro quo sexual harassment is that which threatens the loss of employment or a change in working conditions, including promotion, demotion, work assignment, extra-earnings opportunities and extra assignments based upon submission to demands for sexual favors.

Sexual harassment that creates a *hostile work environment* is either pervasive and/or severe conduct that involves unwelcome: sexual advances; sexual conduct that constitutes a crime; sexual touching; indecent exposure of a sexual nature; pervasive sexual remarks, comments, displayed materials, printed materials, electronic media or jokes. The determination of a hostile work environment shall be objective, based upon the viewpoint of a reasonable person and subjectively perceived to be so by the complainant.
Gender discrimination is defined as pervasive and/or severe conduct intended to intimidate or demean a person or persons of the other gender or that which treats a person of the other gender differently in the work place because of his or her gender.

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

1. Registering an informal compliant verbally or in writing; or
2. Registering a formal complaint verbally or in writing; or
3. Engaging in mediation to arrive at a resolution of the matter; or
4. Placing the district on notice of the objectionable conduct without seeking a resolution through the complaint process or mediation.

The Title VII Officer shall be authorized to proceed with a matter raised in paragraph 4 as if it had been filed as an informal complaint or a formal complaint at his/her/their discretion.
The intake Title VII Officer will also explain that the complaining employee shall not be subject to retaliation or retribution by reason of making the complaint and that confidentiality shall be maintained throughout the process, except as necessary to assure fair and due process.

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

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

1. A finding that this policy has not been violated; or
2. A finding that this policy has been violated and a critical evaluative letter has been issued with a requirement of corrective training for the subject of the complaint; or
3. That disciplinary action has been taken or where pre-disciplinary charges must be preferred, that they have been preferred in order to convene a disciplinary hearing.

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

Appeal of Formal Complaints
If a formal complaint hasn't been processed to a satisfactory disposition by the Superintendent within thirty (30) calendar days, unless extended with the written consent of the complainant, the complainant may appeal in writing to the Board to address the failure and direct an expedited investigation with

report back to the Board within fifteen (15) calendar days. Regarding matters that have been timely investigated to conclusion, an appeal to the Board may be taken by the complainant or the subject of the complaint within thirty (30) calendar days of being informed of the findings upon the allegations in the complaint.

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

Consequences
Any officer, supervisor, or employee who violates this policy shall be subject to corrective action up to and including termination of office or employment, with due process provided as necessary.
Any complaint that is determined to have been processed maliciously or in bad faith shall be deemed to be in violation of this policy and may give rise to disciplinary consequences against the complainant.

***District Title VII Officers** *Superintendent of School* and *District Treasurer*
Adoption: March 22, 2018