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## **I. INTRODUCTION**

### **A. Preface**

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

The Peru Central School District maintains high expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity. The Peru Central Board of Education recognizes the need to clearly define these expectations for acceptable conduct, to identify the possible consequences of unacceptable conduct, and to ensure that consequences when necessary are administered promptly and fairly. To this end, the Board of Education adopts this code of conduct. This code of conduct has been drafted in collaboration with all stakeholders to meet the requirements of the Project SAVE legislation (Education Law §2801) and section 100.2(1) of the Education Commissioner's regulations.

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

### **B. Peru Central School Mission Statement**

Our school district is to be a community of learners involved in and dedicated to the learning process. We believe that every student should be provided with opportunities, and accept responsibility, to grow educationally, socially and emotionally.

Therefore, we expect our staff to:

- Teach all students a constantly updated curriculum, using a variety of methods to actively engage students and meet individual learning style;
- We expect our entire school community to;
- Provide a positive, safe, caring and child-centered environment where teaching and learning are emphasized and rewarded, and where there is mutual respect;
- We will hold ourselves accountable for this through continuous assessment of programs, practices and operations;
- Staff, students, parents, other family members, school volunteers, employers, service clubs and others.

### **C. Philosophy**

The Peru Central School District believes strongly in the positive development of its students in both areas of academics and personal growth. Each student must be afforded the opportunity to develop in each of these areas to his/her fullest potential. To provide and sustain the proper atmosphere for our students to progress in their development requires cooperation and understanding by students, teachers, parents, administrators, and the Board of Education.

The School Community, therefore, desires to work with each student and his/her parent/guardian to resolve together any problem which might prevent a student from achieving success.

In developing this code, we recognize and believe the following to be true:

- Parents influence their children;

- Parents, students, and school personnel must work together to help each student reach his/her greatest potential;
- A student and/or a family problem can affect all family members and may influence a student's success at school;
- Problems in school and at home can have long range effects;
- When people in school and at home are supportive of a student and give specific messages to that student, appropriate behavior should result;
- Students have certain rights and responsibilities.

#### **D. Dissemination and Review**

##### Dissemination of Code of Conduct

The code of conduct shall be available to each student household prior to the start of school either via the Web site or from the appropriate building Principal. Students, parents and/or guardians shall be encouraged to review the code together in order to best promote its understanding and acceptance. All new students will be given a copy of the code of conduct with their registration packets. A general assembly will be held for each school or each grade level at which the contents of the code shall be reviewed. Any questions about the code should be directed to the building Principal. The District shall make copies of the Code available for review by students, parents and other community members.

##### Review of Code of Conduct

Each year the code will be reviewed and updated as necessary by the code of conduct committee. In conducting the review, the Committee will consider how effective the Code's provisions have been and whether the Code has been applied fairly and consistently. The committee will seek input from faculty, staff and students each spring and open call for suggestions will be posted on the website where community members, parents and other interested constituents will be able to express concerns or make suggestions.

The Board of Education will consider recommendations for changes in the code each year. Before adopting any revisions to the Code, the Board will hold at least one public hearing at which school personnel, parents, students and other interested party may participate. The Code of Conduct and any amendments to it will be filed with the Commissioner, no later than thirty (30) days after adoption.

#### **E. Public Concerns**

The Board of Education recognizes the right of community members to register individual or group concerns regarding instruction, district programs, materials, operations, and/or staff members. The main goal of this District is to resolve such concerns with only the parties involved, whenever possible. Public concerns about the school district will be directed to the proper administrative personnel. Concerns about specific classroom practices shall be directed to the Teacher concerned. If the matter is not settled satisfactorily, the complainant shall then contact the building Principal; if there is no resolution on this level, the Superintendent of Schools shall be contacted. The Superintendent shall refer the issue to the Board for final resolution.

It is the responsibility of the building Principal to help in resolving the problem/concern, and/or to refer individuals to the next level of appeal. Matters involving specific classes, teachers, or school rules should be brought to an administrator's attention before an individual addresses members of the Board of Education. All matters referred to the Superintendent and/or the Board must be **in writing**. Concerns registered directly to the Board as a whole or to an individual Board member shall be referred, as soon as it is reasonably possible, to the Superintendent for investigation, report, and/or resolution.

The continued interest and support of district schools by members of the school community is vital to the success of Peru students.

### **F. Equal Opportunity and Non-Discrimination**

Each student is encouraged to develop and achieve individual educational goals. The District will provide every student with equal educational opportunities regardless actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity. No student will be excluded on such basis from participating in or having access to any course offerings, student athletics, counseling services, employment assistance, extracurricular activities, or other school resources.

A Secondary Principal and an Elementary Principal are designated as the district compliance officers, who will coordinate compliance with the nondiscrimination requirements of Title IX of the Education Amendments of 1972. The Director of Student Services is the designated district compliance officer for Section 504 of the Rehabilitation Act of 1973.

### **G. Family Educational Rights and Privacy Act**

The procedures for the confidentiality of students' records shall be consistent with federal statutes, including the Family Educational Rights and Privacy Act of 1974 (FERPA) (Buckley Amendment), its implementing regulations, and Commissioner's Regulations.

The District shall arrange to provide translation of the following notice to non-English speaking parents in their native language.

This section is intended to advise you of your rights with respect to the school records relating to (your son/daughter) and/or (you) pursuant to the Federal "Family Educational Rights and Privacy Act 1974."

A parent/guardian of a student under 18, or a student 18 or older, shall make a request for access to that student's school records. This includes all material that is incorporated into each student's cumulative record folder, and intended for school use or to be available to parties outside the school or school system, and specifically including, but not necessarily limited to:

- Identifying data;
- Academic work completed;
- Level of achievement (grades, standardized achievement test scores);
- Attendance;
- Discipline records;
- Data scores on standardized intelligence;
- Aptitude and psychological tests;
- Interest inventory results;
- Health data;
- Family background information;
- Teacher or counselor ratings and observations and verified reports of serious or recurrent behavior patterns.

A parent/guardian of a student under 18 years of age or a student 18 years of age or older shall make a request for access to that student's school records, in writing, to the building Principal. Upon receipt of such request, arrangements shall be made to provide access to

such records within a reasonable period of time, but in any case, not more than forty-five (45) days after the request has been received.

Such parents and students are also entitled to an opportunity for a hearing to challenge the content of such records, to ensure that they are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein. Any questions concerning the procedure to be followed in requesting such a hearing should be directed to the Superintendent.

Student records and any material contained therein which is personally identifiable, are confidential and may not be released or made available to persons other than parents or students without the written consent of such parents or student. There are a number of exceptions to this rule, such as other school employees and officials, and certain state and federal officials, who have a legitimate educational need for access to such records in the course of their employment.

#### **H. Dignity for All Students (DASA)**

Peru Central School District is committed to providing an educational and working environment that promotes respect, dignity and equality for all. Discrimination, such as harassment, hazing and bullying, are detrimental to student learning and achievement and these behaviors interfere with the mission of the District to educate its students and provide a safe, healthy environment in which to learn and grow.

In accordance with the Dignity for All Students Act (DASA), the District 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, whether on or off of school property. The District also prohibits discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds, including cyberbullying, which creates or would foreseeably create a risk of substantial disruption within the school environment where it is foreseeable that the conduct, threats intimidation or abuse might reach school property.

#### **DEFINITIONS:**

##### Bullying

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

##### Cyberbullying

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

##### Discrimination

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

### Hazing

Hazing is any act whether physical, mental, emotional, or psychological, which subjects another person, voluntarily, or involuntarily, to anything that may abuse, mistreat, degrade humiliate, harass, or intimidate the person, or which may in any fashion compromise the inherent dignity of the person. In addition, any requirements by a member which compels another member to participate in any activity which is against school policy or state/federal law will be defined as hazing.

### Harassment

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

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

The discriminating behavior or harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived:

- Race;
- Color;
- Weight;
- National origin;
- Ethnic group;
- Religion;
- Religious practice;
- Disability;
- Sex;
- Sexual orientation;
- Gender (including gender identity and expression).

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

### 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. To this end, the District has established a Positive School Environment Team ("PSET") for each District school building. The PSET will consist of one (1) team teacher leader; two (2) teachers; one (1) psychologist and/or counselor; one (1) clerical staff member (a member of the CSEA bargaining Unit); and two (2) parents. The members of the PSET will be listed on the District's website. The PSET will be responsible

for identifying social patterns of harassment, bullying and discrimination and for developing programs and initiatives aimed at increasing awareness and sensitivity and helping employees prevent and respond to harassment, bullying and/or discrimination.

#### Designation and Role of Dignity Act Coordinator ("DAC")

The Board of Education will annually designate at its annual organizational meeting at least one staff member for each building (usually the building principal), who has been trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression), and sex. In addition, the Board shall appoint a district-wide coordinator. The Dignity Act Coordinator ("DAC") is accountable for implementation of this policy and for coordinating and enforcing this policy.

#### 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, and may involve remediation. Remedial responses to bullying and harassment include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target. Remediation may be targeted to the individual(s) involved in the bullying behavior or systemic 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 either refer the student to designated resources for assistance, or to intervene in accordance with District policy. The Dignity Act Coordinators will be listed on the District's website.

#### Training

Training will be reflected in the District's annual professional development plan, new teacher orientation, and will be considered in the budget process. The DAC, administrative employees and other staff, such as school counselors, social workers, and school psychologists who have specific responsibilities for investigating and/or resolving complaints of bullying, shall receive yearly training to support implementation of this policy, regulation and on related legal developments.

#### Confidentiality

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

#### Reporting and Investigation

The District cannot effectively address bullying if incidents are not reported. Students, 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.

In accordance with State law, there shall be a duty for all school personnel to report any incidents of student-to-student and staff-to-student bullying that they observe or of which they are made aware to their building principal, the DAC or other administrator who supervises their employment, who will refer the information to appropriate district staff for investigation within one school day and to fill out the District reporting form within two school days. A district employee may be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident, whether or not the target complains. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with his/her supervisor.

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

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

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

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

## **INVESTIGATION AND RESOLUTION PROCEDURE**

### **A. Initial Procedure (building-level)**

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

As soon as possible, following receipt of a complaint, the principal, the principal's designee or the Dignity Act Coordinator should begin an investigation of the complaint by:

- Reviewing any written documentation provided by the target(s);
- Conducting separate interviews of the target(s), alleged perpetrator(s), and witnesses, if any, and documenting the conversations;
- Providing the alleged perpetrator(s) a chance to respond and notifying him/her that if objectionable behavior has occurred, it must cease immediately. The individual will be made aware of remediation opportunities as well as potential disciplinary consequences;
- Determining whether the complainant needs any accommodations to ensure his/her safety, and following up periodically until the complaint has been resolved.

### Resolution of Complaint

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

The Dignity Act emphasizes the creation and maintenance of a positive learning environment for all students. In addition, the amended Dignity Act requires the development of measured, balanced, progressive, and age-appropriate responses to discrimination, harassment, and bullying of students by students and/or employees. Remedial responses should be included in the Code of Conduct and place the focus of discipline on discerning and correcting the reasons why discrimination, harassment, and bullying occurred. The remedial responses should also be designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. Appropriate remedial measures may include, but are not limited to:

- Peer support groups;
- Assignment of an adult mentor at school that the student checks in with at the beginning and end of each school day;
- Corrective instruction that reemphasizes behavioral expectations or other relevant learning or service experience;
- Engagement of student in a reflective activity, such as writing an essay about the misbehavior and its impact on others and how the student might handle the situation differently in the future and/or make amends to those who have been harmed;
- Supportive intervention and/or mediation where constructive conflict resolution is modeled.
- Behavioral assessment or evaluation;
- Behavioral management plans or behavior contracts, with benchmarks that are closely monitored;
- Student counseling and parent conferences that focus on involving persons in parental relation in discipline issues.

Appropriate disciplinary action shall be recommended and/or imposed in accordance with District policy, the applicable collective bargaining agreement or state law.

The investigator shall report back to both the target and the accused regarding the outcome of the investigation and the action taken to resolve the complaint. If a complaint contains evidence or allegations of serious or extreme bullying, or a civil rights violation, the complaint shall be referred promptly to the Principal or his/her designee. The complainant will also be advised of other avenues to pursue their complaint, including contact information for state and federal authorities.

In addition, where the principal, associate principal, the principal's designee or the Dignity Act Coordinator has a reasonable suspicion that the alleged bullying incident involves criminal activity, he/she will notify the Superintendent (or his/her designee), and then contact the appropriate child protection, law enforcement authorities, and, if appropriate, school attorneys.

Any party who is not satisfied with the outcome of the initial investigation may request a District-level investigation by submitting a written complaint to the District Coordinator (Superintendent or designee) within ten (10) school days of receipt of outcome of investigation.

### **B. District-level Procedure**

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

The District-level investigation should begin as soon as possible following receipt of the complaint by the District Coordinator. In conducting the formal District-level investigation, the District will endeavor to use individuals who have received formal training regarding such investigations or that have previous experience investigating such complaints.

If a District-level investigation results in a determination that bullying did occur, prompt corrective action will be taken to end the misbehavior.

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

Any party who is not satisfied with the outcome of the District Coordinator investigation may appeal to the Superintendent by submitting a written request to the Superintendent within ten (10) school days of receiving notice of the outcome of the investigation.

When a request for review by the Superintendent has been made, the Superintendent or his/her designee shall promptly investigate and equitably resolve the bullying complaint.

In the event the complaint involves the Superintendent, the complaint should be filed with or referred to the Board President, who shall refer the complaint to an appropriate independent individual for investigation.

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

Any party who is not satisfied with the outcome of the Superintendent's investigation may appeal to the Board of Education by submitting a written request to the Board President within ten (10) school days of receiving notice of the outcome of the investigation.

### **C. Board-level Procedure**

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

The Board shall notify all parties concerned of the time and the place when a hearing will be held. Such hearing will be held within fifteen (15) school days of the receipt of the request of the complainant.

The Board shall render a decision in writing within fifteen (15) school days after the hearing has been concluded.

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

Provisions for Students Who do not Feel Safe at School. The District recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually, and the student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

#### *Disciplinary Consequences/Remediation*

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

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

#### *Non-Retaliation*

The District prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of allegations of harassment. Follow-up inquiries and/or appropriate monitoring of the alleged harasser and victim shall be made to ensure that harassment has not resumed and that those involved in the investigation of allegations of harassment have not suffered retaliation.

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

This policy, or a plain language summary, shall be published in student registration materials, student, parent and employee handbooks, and posted on the District's website. 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.

- School employees who witness harassment, bullying, and/or discrimination or receive an oral or written report of such acts shall promptly orally notify the principal, superintendent, or

their designee not later than one school day after such employee witnesses or receives a report of such acts, and shall also file a written report with the principal, superintendent, or their designee no later than two school days after making an oral report;

- The principal, superintendent or their designee shall lead or supervise the thorough investigation of all reports of harassment, bullying and/or discrimination, and ensure that such investigation is completed promptly after receipt of any written reports;
- When an investigation verifies a material incident of harassment, bullying, and/or discrimination, the superintendent, principal, or designee shall take prompt action, reasonably calculated to end the harassment, bullying, and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such behavior was directed;
- The principal, superintendent, or their designee shall notify promptly the appropriate local law enforcement agency when it is believed that any harassment, bullying or discrimination constitutes criminal conduct;
- The principal shall provide a regular report, at least once during each school year, on data and trends related to harassment, bullying, and/or discrimination to the superintendent;
- Pursuant to Education Law section 13, retaliation by any school employee or student shall be prohibited against any individual who, in good faith, reports or assists in the investigation of harassment, bullying, and/or discrimination.

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

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

**DASA Complaint Form**

Your statement is very important to our investigation of alleged student bullying, discrimination and/or harassment. All efforts will be made to keep the information you provide confidential. Retaliation or threats of retaliation against any person involved in an investigation of harassment, discrimination, or bullying is a violation of the law. If you believe you are subject to such action as a result of your cooperation with this investigation, please contact the Dignity Act Coordinator.

**PLEASE PRINT OR TYPE**

Date of Report: \_\_\_\_\_

Name of Reporter/Person Filing the Report: \_\_\_\_\_

Contact Information: Address: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Phone: Work \_\_\_\_\_ Home \_\_\_\_\_ Cell \_\_\_\_\_  
Other (please specify): \_\_\_\_\_

I am a  student  parent  employee  other \_\_\_\_\_  I am the target of the alleged harassment

**SOURCE OF INFORMATION REPORTED**

- I received a report of harassment/bullying or discrimination. Report made by: \_\_\_\_\_
- I observed harassment/bullying or discrimination.
- Other \_\_\_\_\_

**INFORMATION REGARDING THE ALLEGED HARASSMENT**

Name(s) of target(s) of alleged bullying and/or harassment:

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

Name(s) of alleged aggressor(s):

\_\_\_\_\_

The target was harassed because of his/her actual or perceived (check all that apply):

- Race  Religion  National Origin  Other Personal
- Ethnic Group  Weight  Sexual Orientation  Characteristic
- Religious Practice  Disability  Gender (identity or
- Color  Sex  expression)

Provide a detailed description of the incident(s) reported including a statement of how and when you first became aware of the alleged occurrence(s):

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

Date(s) of Incident(s):

---

Where did the incident(s) occur? (Be specific about location):

---

Where there any witnesses? \_\_\_ Yes \_\_\_ No    If yes, please list:

---

I certify that all statements on this form are accurate and true to the best of my knowledge.

---

Signature

---

Date

(If multiple incidents please number each one as set forth below)

**USE ADDITIONAL SHEETS IF NEEDED**

## **II. STUDENT RIGHTS AND RESPONSIBILITIES**

### **A. Student Rights and Responsibilities**

The District is committed to safeguarding the rights given to all students under federal and state law and District policy. The District's aim is to provide an environment in which a student's rights and freedoms are respected, and to provide opportunities which stimulate and challenge the student's interests and abilities to his /her highest potential. These opportunities will be available as long as the student pursues these interests and studies in an appropriate manner, and does not infringe upon the rights of others.

It shall be the right of each District student:

- To have a safe, healthy, orderly, and courteous school environment;
- To take part in all District activities on an equal basis regardless of race, weight, color, creed, religion, religious practice, sex, sexual orientation, gender, national origin, ethnic group, political affiliation, age, marital status or disability or other protected characteristics;
- To participate and stand to recite the Pledge of Allegiance (students who decide not to recite the Pledge of Allegiance must remain either seated or standing quietly, not making any display that distracts or disrupts others who are reciting the Pledge of Allegiance);
- To attend school and participate in school programs unless suspended from instruction and participation for legally sufficient cause as determined in accordance with due process of law;
- To have school rules and conditions available for review and, whenever necessary, explanation by school personnel;
- To be suspended from instruction only after his or her rights pursuant to Education Law Section 3214 have been observed; and;
- In all disciplinary matters, to have the opportunity to present his/her version of the facts and circumstances leading to imposition of disciplinary sanctions to the professional staff member imposing such sanction;
- To express his/her opinions verbally as long as his/her expression does not interfere with the rights of others or disrupt normal school operation;
- To be protected from intimidation, harassment or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion or religious practice, sex, gender/gender identity, sexual orientation, disability, or other protected characteristics by employees or students on school property or at a school sponsored event, function or activity.

It shall be the responsibility of each District student:

- To be familiar with and abide by all District policies, rules, and regulations pertaining to student conduct;
- To work to the best of his/her ability in all academic and extracurricular pursuits and strive toward the highest level of achievement possible;
- To conduct himself/herself, when participating in or attending school-sponsored extracurricular events, as a representative of the District and as such hold himself/herself to the highest standards of conduct, demeanor, and sportsmanship;
- To seek help to develop mechanisms to control anger and to solve problems that might lead to conduct referral;
- To be in regular attendance at school and in class unless legally excused;
- To arrive at school and class, on time, and prepared to learn;
- To contribute to the maintenance of an environment that is conducive to learning and to show due respect to other persons and property;
- To dress in accordance with standards as identified by the Board and the superintendent in the code of conduct;
- To make constructive contributions to the school and to report fairly on circumstances of school related issues;
- To react to direction given by teachers, administrators and other school personnel in a respectful, positive manner;

- To accept responsibility for his/her actions;
- To respect one another and treat others fairly in accordance with the District Code of Conduct and the Provisions of the Dignity Act;
- To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, or discrimination;
- To report and encourage others, to report any incidents of intimidation, harassment or discrimination.

## **B. Recognition of Responsible Student Behavior and Accomplishments**

Educators have learned that although steps to stop inappropriate behavior are necessary, praise and reward for responsible student behavior do more to encourage positive traits than anything else. Educators at Peru Central School are encouraged to practice assertive discipline techniques that are positive and realistic when responding to negative behavior.

The Peru Central School District recognizes responsible student behavior in many ways and encourages additional methods of recognition including but not limited to:

- Publicity of student achievement and activities in local newspapers and the District Newsletter;
- Individual Recognition Awards given by classroom teachers for positive social and academic growth;
- Various reading program awards;
- National Honor Society Induction Ceremony and reception;
- Publications of Honor and High Honor Rolls;
- Athletic Awards Banquet;
- Graduation Awards;
- Recognition of Student Council and Class Officers;
- Math Contest Awards;
- Elementary School Awards Program (Academic, Athletic and Behavior);
- Grades 6-8 Awards Program;
- Achievement Awards (Academic, Athletic and Behavior);
- Senior Privileges;
- Academic Awards Banquet;
- Certificates of Endorsement;
- Ray Kroc Award (Scholarship, Citizenship, Leadership, Extra-Curricular Activities);
- Administrative Letters of Recognition;
- Student of the Month

## **C. Student Due Process Rights**

In situations involving misconduct, students shall have the opportunity to present their version of the facts and circumstances, and students will not be suspended unless their rights to due process, as identified in Education Law 3214, have been observed. Building Principals may suspend a student for a period of up to five days. In cases of this type, the Principal conducts an informal hearing with the student and other individuals who may have information concerning the situation. When a suspension is imposed the student and parent(s) are notified and a written record of the case is made. If the student and parent's request, an informal conference will be held at which time the parents may question the person whose complaint initiated the suspension.

School personnel will identify problems and pursue appropriate, reasonable measures to affect student behavior. Parents/guardians, students and school personnel must work together to ensure the maintenance of the proper atmosphere for learning. Our objective is to provide all students an equal opportunity to grow intellectually, ethically, socially, emotionally, and physically.

The responses to student misconduct are designed to be fundamentally fair without imposing unreasonable burdens upon school authorities or students. General requirements in all instances include:

- Oral or written notice detailing the rules violation resulting in the conduct referral;
- An opportunity for the referred student to “tell his/her side of the story” to the person whose responsibility it is to investigate the situation;
- Explanation of the evidence of violation upon which action is being taken, should the student deny the infraction has occurred;
- When a student is referred to an administrator/designee for appropriate action, the administrator investigates the incident by meeting with the student and/or staff member, and additional students/staff as deemed necessary;
- Parental involvement ranges from written notification of the offense and consequence, to parent conferences with staff, student, and, if need be, outside agencies/authorities;
- A proper and accurate record of the offense and response is maintained for all incidents.

### **III. ESSENTIAL PARTNERS IN EDUCATION**

#### **A. Parents/Guardians**

All parents/guardians are expected to:

- Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community;
- Send their children to school ready to participate and learn;
- Ensure their children attend school regularly and on time;
- Ensure absences are excused;
- Insist their children be dressed and groomed in a manner consistent with the dress code;
- Help their children understand that in a democratic society appropriate rules are required to maintain a safe and orderly environment;
- Know school rules and help their children understand them;
- Convey to their children a supportive attitude toward education and the school district;
- Build good relationships with teachers, other parents and their children’s friends;
- Help their children deal effectively with peer pressure;
- Inform school officials of changes in the home situation that may affect student conduct or performance;
- Provide a place for study and ensure homework assignments are completed;
- Teach their child(ren) respect and dignity for themselves, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, sex, or other protected characteristics which will strengthen the child’s confidence and promote learning in accordance with the Dignity for All Students Act.

#### **B. Teachers**

All District Teachers are expected to:

- Establish and maintain a safe, orderly and stimulating school environment that emphasizes active engagement of students in the learning process;
- Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, sex, or other protected characteristics which will strengthen students’ self-concept and promote confidence to learn;
- Be prepared to teach;
- Demonstrate interest in teaching and concern for student achievement;
- Know school policies and rules, and enforce them in a fair and consistent manner;
- Communicate to students and parents:

- Course objectives and requirements
  - Marking/grading procedures
  - Assignment deadlines
  - Expectations for students
  - Classroom conduct plan
  - Growth and achievement
- Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function;
  - Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

### **C. School Counselors**

All District School Counselors are expected to:

- Assist students in coping with peer pressure and emerging personal, social and emotional problems;
- Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems;
- Regularly review with students their educational progress and career plans and graduation requirements, and provide information to assist students with career planning;
- Encourage students to benefit from the curriculum and extracurricular programs;
- Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, sex, or other protected characteristics which will strengthen students' self-concept and promote confidence to learn;
- Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administration and/or Dignity Act Coordinator (DAC) in a timely manner;
- Maintain confidentiality in accordance with Federal and State law;
- Make known to students and families the resources in the community that are available to meet their needs;
- Address personal biases that may prevent equal treatment of all students.

### **D. Principals**

All District Principals are expected to:

- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning;
- Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal to address grievances;
- Evaluate on a regular basis all instructional programs;
- Support the development of and student participation in appropriate extracurricular activities;
- Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly;
- Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, sex, or other protected characteristics which will strengthen students' self-concept and promote confidence to learn;
- Follow up on any incidents of discrimination and harassment that are witnessed, reported or otherwise brought to Principal's attention in a timely manner in collaboration with the Dignity Act Coordinator;
- Maintain confidentiality in accordance with Federal and State law;
- Address personal biases that may prevent equal treatment of all students and staff.

### **E. Board of Education and Superintendent**

The Board of Education and Superintendent of Schools is expected to:

- Promote a safe, orderly and stimulating school environment free from intimidation, discrimination and harassment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or other protected characteristics;
- Maintain confidentiality in accordance with Federal and State law;
- Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function;
- Address personal biases that may prevent equal treatment of all students and staff.

### **F. Board of Education**

The Board of Education is expected to:

- Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, District personnel and visitors on school property and at school functions;
- Adopt and review at least annually the District's Code of Conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation;
- Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, and sex. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act;
- Lead by example by conducting board meetings in a professional, respectful, courteous manner;
- Develop and recommend a budget that provides programs and activities that support the achievement of the goals of the Code of Conduct;

### **G. Superintendent**

The Superintendent is expected to:

- Review with district administrators the policies of the board of education and state and federal laws relating to school operations and management;
- Inform the board about educational trends relating to student discipline;
- Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs;
- Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly;

### **H. School Resource Officer (SRO)**

The School Resource Officer is expected to:

- Operate a marked police vehicle
- Maintain a safe and secure school campus
- Enforce state or local laws and ordinances
- Make referrals to other county or state agencies
- Form a positive relationship with the student body
- Maintain a close partnership and communication with school officials, staff, students and parents/guardians
- Give presentations on a variety of topics
- Teach the D.A.R.E. curriculum

#### **IV. PROHIBITED CONDUCT**

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

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on educating students so that they may grow in self-discipline.

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

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

##### **A. Engage in Conduct that is Disorderly**

Examples of disorderly conduct include, but are not limited to:

- Running in hallways;
- Making unreasonable noise.;
- Using language or gestures that are profane, lewd, vulgar or abusive;
- Obstructing vehicular or pedestrian traffic;
- Engaging in any willful act which disrupts the normal operation of the school community;
- Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building;
- Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account, accessing inappropriate websites or any other violation of the district's acceptable use policy.

##### **B. Engage in Conduct that is Insubordinate**

Examples of insubordinate conduct include, but are not limited to:

- Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect;
- Lateness for missing or leaving school without permission;
- Skipping detention.

##### **C. Engage in Conduct that is Disruptive**

Examples of disruptive conduct include, but are not limited to:

- Inappropriate public sexual contact;
- Display or use of personal electronic devices, such as, but not limited to, cell phones, I-pods, digital cameras, in a manner that is in violation of district or school's policy.

##### **D. Engage in Conduct that is Violent**

Examples of violent conduct include, but are not limited to:

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

## **E. Engage in any Conduct that Endangers the Safety, Physical or Mental Health or Welfare of Others**

Examples of such conduct include, but are not limited to:

- Subjecting other students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury;
- Stealing or attempting to steal the property of other students, school personnel or any other person lawfully on school property or attending a school function;
- Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them;
- Discrimination, which includes using race, color, creed, national origin, ethnic group, religion, religious practice, sex, gender (identity and expression), sexual orientation, weight or disability to deny rights, equitable treatment or access to facilities available to others;
- Harassment, is the creation of a hostile environment by conduct or threats, intimidation or abuse;
- Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm;
- Hazing, which includes an induction, initiation or membership process involving harassment (see policy 0115 for a more complete definition);
- Sexual Harassment, which includes unwanted and unwelcome behavior of a sexual nature that interferes with a student's ability to learn, study, achieve, or participate in school activities. It may result from words or behavior of a sexual nature that offend, stigmatize, demean, frighten or threaten a person because of his or her sex. Examples of sexual harassment include, but are not limited to: touching and grabbing body parts, sending sexual notes, writing sexual graffiti, spreading sexual rumors, sexting, being forced to do something sexual, sexual assault, or taking pictures of body parts typically considered private (up-skirting and down blousing);
- Bullying, which includes the intentional targeting by a student/students of an individual (or group) using physical, verbal, written, and/or psychological aggression with the intent to dominate the victim(s). This also includes, but is not limited to cyber bullying/harassment which involves the use of information and communication technologies including, but not limited to, e-mails, telephone and text messaging, instant messaging (IM), internet, defamatory online personal polling websites, and sexting to support deliberate, repeated, and hostile behavior by a student/students, that is intended to harm others;
- Selling, using, distributing or possessing obscene material;
- Using vulgar or abusive language, cursing or swearing;
- Smoking or being in possession of a cigarette or e-cigarette, vapor pen, cigar, pipe, chewing/smokeless tobacco or any other form of vaporizer is prohibited. Students who are caught with one of the above mentioned devices will be given two options:

### **Option1:**

1<sup>st</sup> offense- 3days ISS and referral to prevention counselor

2<sup>nd</sup> offense- 3 days ISS and referral to prevention counselor

3 or more offense- 5 days ISS and referral to prevention counselor

### **Option 2:**

1<sup>st</sup> offense:

-1 Day ISS

-referral to prevention counselor

-voluntary random searches

2<sup>nd</sup> offense:

-1 Day ISS

-referral to prevention counselor

-voluntary random searches

-no bathroom passes- nurse's office will be used

3<sup>rd</sup> or more offenses:

-3 days ISS

-referral to prevention counselor

-voluntary random searches

-no bathroom passes-nurse's office will be used

-student does not travel between periods with other students (leaves 3 minutes after other students)

- Possessing, consuming, selling, offering, manufacturing, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any synthetic version thereof, whether specifically illegal or not, commonly referred to as "designer drugs" which are substances designed and synthesized to mimic the intended effects and usages of, which are chemically substantially similar to, illegal drugs, which may or may not be labeled for human consumption;
- Inappropriately possessing, consuming, selling, offering, distributing or exchanging prescription and over-the counter drugs;
- Gambling;

- Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner;
- Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

#### **F. Engage in Misconduct while on a School Bus**

It is crucial for students to behave appropriately while riding on district buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Conduct described in paragraphs A through E (Pages 21 and 22) and section IX (Page 56) of this section including, but not limited to excessive noise, pushing, shoving and fighting will not be tolerated. Students must remain seated at all times while the bus is moving.

#### **G. Engage in any form of Academic Misconduct**

Examples of academic misconduct include, but are not limited to:

- Plagiarism;
- Cheating;
- Copying;
- Altering records;
- Assisting another student in any of the above actions.

#### **H. Engage in Off-Campus Misconduct that Interferes with or can reasonably be Expected to Substantially Disrupt the Educational Process in the School or a School Function**

Such misconduct includes, but is not limited to, threatening or harassing students or school personnel through any means off-campus, including cyberbullying (for a complete definition of harassment, bullying and cyberbullying refer to policy 0115, Student Harassment and Bullying Prevention and Intervention).

#### **I. Dress Code**

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

A student's personal hygiene, dress, grooming and appearance, jewelry or other accessories, makeup and nails, deodorizing sprays/perfumes, shall:

- Be safe, appropriate and not disrupt or interfere with the educational process. The following items are specifically prohibited: spiked jewelry, long pocket chains, or any jewelry or adornment symbolizing drug paraphernalia or any other inappropriate symbol that can be perceived as a weapon;
- Recognize that extremely brief and see-through garments are not appropriate. Also recognize that any garment/accessory that detracts from the learning environment or is inappropriate is not allowed;
- Ensure that underwear is covered with outer clothing.
- Footwear must be worn at all times. Footwear that is a safety hazard will not be allowed
- Students will not wear hats, bandanas, or other head covering except for a medical or religious purpose;

- Students will not wear items that are sexually suggestive, vulgar, obscene, libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation, disability, gang related activities; or detracts from the educational environment in any way.
- Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities;
- Backpacks, handbags, purses, and outer garments are to be stored in lockers;
- All students should dress appropriately for the weather and in the interest of safety;
- Attire that is worn for other than its intended purpose is prohibited. For example, pajamas and slippers are intended for bedtime; as such they are prohibited attire for school.

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

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

### **J. Student Protests, Demonstrations and Sit-Ins**

The Board of Education and the Superintendent of Schools have the authority and responsibility to maintain order and discipline within the District's schools as is necessary to protect the safety and welfare of the students, to secure the educational environment within the schools, and to protect the real and personal property owned and maintained by the District from damage. While the Board of Education recognizes that students have a constitutional right to demonstrate peacefully during school hours, students are prohibited from engaging in conduct which otherwise endangers the safety, morals, health, or welfare of themselves or others. The Board of Education prohibits students from willfully disrupting the routine and daily schedule of the school or a school-sponsored event by participating in an individual or group activity which has as its purpose the encouragement of noncompliance with an existing school policy, regulation, or administrative decision. In addition, the Board prohibits students as individuals or groups from participating in sit-ins, stand-ins, walk-outs and other similar conduct which disrupts the order and discipline of the school and/or endangers the safety and welfare of themselves and other students in the school.

### **K. Drug/Alcohol Abuse**

No student shall either attempt to or possess, use, transmit, or be under the influence\*\* of any of the following substances on school premises during any school term or off school premises at a school-related activity, function, or event\*\*\*:

- Any controlled substance or dangerous drug as defined by law, without regard to amount, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate;
- Alcohol or any alcoholic beverage;
- Any glue, aerosol paint, or any other chemical substance intended for inhalation (including e or vapor cigarettes) Any other intoxicant, mood-changing, mind-altering drugs and/or over the counter supplements that are meant to enhance performance or rapidly build muscle (either natural or synthetic: for more information refer to the NYS Health Department press release dated 3/29/2012 at: [www.health.ny.gov](http://www.health.ny.gov). Any medication including over the counter drugs is administered by the school nurse and must have the prescription label on it with a

note from the doctor regarding dosage and time to be given. An adult must transport it to school but the student cannot self-medicate.

### Use

Means a student has smoked, ingested, injected, imbibed, inhaled or otherwise taken internally a prohibited substance recently enough that is detectable by the student's physical appearance, actions, breath, or speech.

### Under the influence

Means a student's faculties are noticeably impaired, but the student need not be legally intoxicated.

It is the intention of the Peru Central School District to intervene at the earliest stages of student involvement with drug/alcohol use. Any student with an infraction of this drug/alcohol rule will be recommended to intervention services established by the District Drug and Alcohol Policy and Referral Program. Appropriate referrals and parental contact shall be made in any case involving substance misuse. On site referrals to the Champlain Valley Family Services Counselor or referral to other outside agency may be recommended. In addition, law enforcement and other local agencies may be contacted by the administrator/designee as a means of following up on the behaviors related to this section.

### Drug/Alcohol/Tobacco Use and Special Student Functions

Students under the influence and/or in possession of drugs, and/or alcohol and/or tobacco (including e or vapor cigarettes) at events sponsored by Peru Central School, including but not limited to school dances, athletic events, junior prom, senior banquet and/or class trip, will be immediately removed from the event, have a parental contact made, be subject to further conduct review and in the case of seniors, may not be allowed to participate in the graduation ceremony. The Administrator in charge of the event may also request assistance from law enforcement and/or use a drug/alcohol sensor in screening students attending the event.

## **L. Corporal Punishment**

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

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

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

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

### Investigation of Complaints

Any complaint about the use of corporal punishment shall be submitted in writing to the Superintendent of Schools. This written complaint will be forwarded to the school attorney within seven (7) days. The Superintendent will investigate the complaint to determine

whether an incident actually took place, and if so, to determine the identity of the person or persons who administered the punishment, the identity of the student or students punished the reasons for the action and any other relevant facts or circumstances. Results of this investigation will be forwarded to the school attorney upon completion of the investigation.

### **M. Student Searches and Interrogations**

#### **SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS**

Students are protected by the Constitution from unreasonable searches and seizures. A student may be searched and contraband/prohibited items seized on school grounds or in a school building by an authorized School District official only when the School District official has reasonable suspicion to believe the student has engaged in or is engaging in proscribed activity which is in violation of the law and/or the rules of the school (i.e., the *District Code of Conduct*). The reasonableness of any search involves a twofold inquiry. School officials must first determine whether the action was justified at its inception, and second, determine whether the search, as actually conducted, was reasonably related in scope to the circumstances which justified the interference in the first place.

Factors to be considered in determining whether reasonable suspicion exists to search a student include:

- The age of the student;
- The student's school record and past history;
- The predominance and seriousness of the problem in the school where the search is directed;
- The probative value and reliability of the information used as a justification for the search;
- The school official's prior knowledge of an experience with the student; and
- The urgency to conduct the search without delay.

If reasonable suspicion exists to believe that a student has violated or is violating the law and/or school rules, it is permissible for an authorized school official to conduct a search of a student. The search may include, but is not limited to, the student's outer clothing such as a jacket or coat, pockets, backpack, and/or purse. Such a search will involve asking the student to remove their coat, turn pockets inside out, open and dump backpack, purse, etc. The items when removed from the student's person, may be examined by school staff. Whenever possible, searches will be conducted with a staff member of the same sex and the student present and, whenever possible, another staff member will be present as a witness.

#### Cell Phone

Teachers and administrators are authorized to confiscate student cell phones that are being used in violation of the code of conduct and or policy 5695, Student Use of Electronic Devices. Teachers and administrators can request the student's cooperation to search the cell phone further. Without a student's permission, teachers and administrators should not undertake a more extensive search until conferring with the Superintendent or school attorney for guidance.

#### Strip Searches

A strip search is a search that requires a student any or all of his or her clothing, other than an outer coat or jacket. Strip searches will not be authorized under any circumstance. If school officials believe that a student has on his/her person something that is in violation of law that can be detected and secured only by a strip search, school officials shall contact the police and either have the police conduct the search or have the police remove the student from school. If the school officials believe that a student has something that is a violation of school rules, but not a violation of law on his/her person that cannot be detected without conducting a strip search, school officials should have the student removed from school by his/her parent(s)/guardian(s).

#### Searches and Seizure of School Property

Student desks, lockers, textbooks, computers, and other materials, supplies or storage spaces loaned by the school to students remain the property of the school, and may be opened and inspected by school employees at any time. The purpose of these searches, when they occur, is to ensure the safety of students, faculty and staff, enhance school security and prevent disruptions of the learning environment. Searches have been proven to have a deterrent effect on student behavior. Students have no reasonable expectation of privacy with respect to school property; and school officials retain complete control over such property. This means that student desks, lockers, textbooks, computers and other materials, supplies or storage spaces, may be subject to search and/or seizure of contraband/prohibited items at any time by school officials, without prior notice to students and without their consent. However, a student's personal belongings contained within the locker, desk, cell phone, etc., are subject to the reasonable suspicion standard for searches by an authorized school official.

#### Questioning of Students by School Officials

School officials have the right to question students regarding any violations of school rules and/or illegal activity. In general, administration may conduct investigations concerning reports of misconduct which may include, but are not limited to, questioning students, staff, parents/guardians, or other individuals as may be appropriate and, when necessary, determining disciplinary action in accordance with applicable due process rights.

Students may have the opportunity to have someone, an advocate, to be with them during questioning, if they ask.

Should the questioning of students by school officials focus on the actions of one particular student, the student will be questioned, if possible, in private by the appropriate school administrator. The student's parent/guardian may be contacted; the degree and immediacy of parental/guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity for further action which may occur as a result.

The questioning of students by school officials does not preclude subsequent questioning/interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right/responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to such statements given by students to school officials.

School officials acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials (at least until after the questioning of students by school authorities has been conducted) are not required to give the so-called "Miranda warnings" (i.e., advising a person, prior to any custodial interrogations as defined in law,

of the right to remain silent; that any statement made by the individual may be used as evidence against him/her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

If deemed appropriate and/or necessary, the Superintendent/designee may also review the circumstance with School District legal counsel so as to address concerns and the course of action, if any, which may pertain to and/or result from the questioning of students by school officials.

#### Law Enforcement Officials

It shall be the policy of the School District that a cooperative effort shall be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on school premises or during a school sponsored activity, or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property. Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions.

#### School Resource Officers

Districts may utilize School Resource Officers (SROs), law enforcement officers who work within the school building. There are different types of SROs: those employed by the District and those employed by local law enforcement. SROs, acting in their capacity as law enforcement, are held to a different search standard than School District staff. Searches by law enforcement SROs must be justified by probable cause, not the District's standard of reasonable suspicion. District staff need to clearly establish who is initiating and conducting a search, the District or law enforcement, and that the appropriate standard for such a search has been met.

#### Interrogation of Students by Law Enforcement Officials

If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students. Generally, police authorities may only interview students on school premises without the permission of the parent/guardian in situations where a warrant has been issued for the student's arrest (or removal). Police authorities may also question students for general investigations or general questions regarding crimes committed on school property. In all other situations, unless an immediate health or safety risk exists, if the police wish to speak to a student without a warrant, they should take the matter up directly with the student's parent/guardian. Whenever police wish to question a student on school premises, administration will notify the student's parent/guardian. If possible, questioning of a student by police should take place in a private and in the presence of the Building Principal/designee.

#### Child Protective Services Investigations

In certain situations of serious allegations of child abuse and/or neglect, child protective services may determine to interview a child on school property. Appropriate circumstances for an interview can but don't always involve allegations of domestic violence, serious physical injury, parental substance abuse and excessive absences. The Board encourages cooperation consistent with Social Services Laws as well as the

regulations of the New York State Education Department and the Office of Children and Family Services.

## **N. Sexual Harassment**

Sexual Harassment is unwanted and unwelcome behavior of a sexual nature. Sexual harassment comes in many forms:

### ➤ **Verbal Sexual Harassment**

Means offensive words and comments, spoken privately to a person or in front of others. For example:

- Comments about body parts or rating people's bodies –Sexual suggestions or threats;
- Spreading sexual rumors or stories;
- Sexual jokes;
- Using sexual orientation (homosexuality or bisexuality) as an insult.

### ➤ **Nonverbal Sexual Harassment**

- Staring or pointing at a person's body or body parts;
- Making obscene gestures;
- Displaying obscene sexual material or placing it in someone's locker or on someone's computer;
- Writing people's names along with sexual remarks, suggestions, or drawings in public places.

### ➤ **Physical Sexual Harassment**

Is any unwanted sexually oriented physical act. For example:

- Grabbing or touching someone, especially his/her sexual parts;
- Tearing or pulling at a person's clothing;
- Purposely bumping or rubbing against a person;
- Kissing or holding a person against his/her will;
- Impending a person's movements or preventing moving freely.

In the work or study environment, even flirtation may be inappropriate. What is flirtation to one person may be considered sexual harassment to another. Flirtation makes one feel good, in control, attractive, flattered, and equal. In contrast, sexual harassment makes one feel bad, powerless, unattractive, degrading and inferior. If you think you are being sexually harassed, your own thoughts and feeling are usually pretty good signals about what is happening to you.

### ➤ **Warning Signals of Sexual Harassment:**

#### Thoughts

I can't believe this is happening to me.  
What did I do?  
I wish I could make it stop.  
I hate you for doing this.  
If I say anything, no one will believe me.  
Just leave me alone.  
What's going to happen next?  
I wish I could get away.  
Why doesn't anyone help me?

#### Feelings

Confused Why me?  
Guilty  
Helpless  
Angry  
Frightened  
Hopeless  
Scared  
Trapped  
Alone

Students at Peru do not have to tolerate being victims of sexual harassment. It is not only against school policy it is against the law.

## **WHAT CAN YOU DO IF YOU ARE HARASSED?**

- **Say no to the harasser.** Be direct. If you feel you can, you might explain why you were offended by what transpired. Sometimes a clearing of the air is all that is needed. Remember that you have a right to your feelings. You may want to bring someone with you for support. Make every effort to let the student know that their action was inappropriate and ask them to STOP.
- **Keep a record of what happened and when.** Include dates, direct quotes, witnesses, and patterns to the harassment. Save any correspondences sent to you.
- **Talk to a counselor.** You can talk to a counselor as your first step in dealing with the harassment or after you have tried to resolve the situation yourself. You may find that an informal discussion solves the problem, or you may decide to make a formal complaint. We understand that you may be reluctant to talk about your experience. This is normal and may have several causes: uncertainty about whether you have been really harassed; shock or embarrassment over the incident; a sense that you are somehow responsible; a fear that people of a different sex or sexual orientation will not take your complaint seriously; or a general doubt that the situation can be satisfactorily resolved. We will try to be sensitive to the thoughts and feelings of everyone involved and will treat any consultation and complaint with seriousness and confidentiality.
- **Tell someone.** Tell someone you can talk to; your parent, counselor, teacher, principal or any school employee.
- **File a complaint.** To file a complaint, contact the Title IX Officer.

The Board of Education is committed to safeguarding the right of all employees and students within the School District to an environment that is free from all forms of sexual harassment. Sexual harassment does not depend only upon the offender's intention, but also upon how the victim perceives the behavior or is affected by it. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from peers as well as supervisors.

The Board condemns all unwelcome behavior of sexual nature which is addressed to a student to extort sexual favors from the student, or which has the purpose or effect of creating an intimidating, hostile, or offensive environment within the District. The Board also prohibits any retaliatory behavior against complainants or any witnesses.

Any employee or student who believes that he/she has been subjected to sexual harassment should immediately report the alleged misconduct to the employee designated by the School District to ensure compliance with Title IX of the 1972 Education Amendments (the "Title IX Officer") immediately so that appropriate corrective action, up to and including discharge of the offender, may be taken at once. The Title IX Officer is listed on the District's website. In the absence of a victim's complaint, the Board, upon learning of or having reason to suspect, the occurrence of any sexual misconduct, will ensure that appropriate individuals promptly commence an investigation.

The Superintendent is directed to develop and implement specific procedures on reporting, investigating, and remedying allegations of sexual harassment. Such procedures are to be consistent with any applicable provisions contained in the District's collective bargaining agreements and the tenure laws.

A copy of this policy and its accompanying regulations are to be distributed to all supervisory and non-supervisory personnel, employees, and students and posted in appropriate places.

## **Sexual Harassment Regulations**

### **DEFINITIONS:**

#### *Employee*

Shall mean all teaching, administrative and support personnel.

#### *Immediate supervisor*

Shall mean the person to whom the employee is directly responsible (e.g., department head, building principal).

#### *Student*

Shall mean an individual who is registered in the District and is taking academic classes.

#### *Title IX Officer*

Shall mean the individual who is designated by the District to ensure compliance with all provisions of Title IX of the 1972 Education Amendments.

### **PROCEDURES**

Employees who believe they have been subjected to sexual harassment are to report the incident to the Title IX Officer. Students who believe they have been subjected to sexual harassment are to report the incident to the Title IX Officer. Incidents of sexual harassment may be reported informally or through the filing of a formal complaint.

All reports of sexual harassment will be held in confidence subject to all applicable laws and any relevant provisions found in the District's collective bargaining agreements.

Consistent with federal and state law, and all applicable provisions contained in the District's collective bargaining agreements, the following procedures shall be employed in handling any report, investigation, and/or remedial action concerning allegations of sexual harassment.

#### *Informal Complaints*

Employees who believe they have been subjected to sexual harassment may request that an informal meeting be held between themselves, the Title IX Officer and their supervisor. In addition, students who believe they have been subjected to sexual harassment may request that an informal meeting be held between themselves, the Title IX Officer, and their principal. The purpose of such a meeting will be to discuss the allegations and remedial steps available. The Title IX Officer and the supervisor or building principal will then promptly discuss the complaint with the alleged harasser. Should the harasser admit the allegations the Title IX Officer is to obtain written assurance that the unwelcome behavior will stop. Depending on the severity of the charges, the Title IX Officer may recommend that further disciplinary action be taken.

Thereafter, the Title IX Officer is to prepare a written report of the incident and inform the complainant of the resolution. The complainant is to indicate on the report whether or not he/she is satisfied with the resolution.

If the complainant is satisfied with the resolution, the incident will be deemed closed. However, the complaint may be reopened for investigation if a recurrence of sexual

harassment is reported. The Title IX Officer is to inform the complainant to report any recurrence of the harassment or any retaliatory action that might occur.

If the complainant is dissatisfied with the resolution, he/she is to file a formal written complaint.

If during the Title IX Officer's informal attempt to resolve the complaint, the alleged harasser admits the allegations, but refuses to give assurance that he/she will refrain from the unwelcome behavior, the Title IX Officer is to file a report with the Superintendent. The report will contain the nature of the complaint, a description of what occurred when the Title IX Officer informed the alleged harasser of the allegations against him/her, the harasser's response to the allegations, and a recommendation that stronger corrective measures be taken. This report should be accompanied by the formal complaint.

If the alleged harasser denies the allegations, the Title IX Officer is to inform the complainant of the denial and state that a formal written complaint will be required for further formal investigation. The Title IX Officer shall file a report with the Superintendent. If the complainant submits a formal complaint, a copy of it should accompany the Title IX Officer's report with a recommendation for further action.

#### Formal Complaints

Formal complaints may be submitted either to initially report any incidence of sexual harassment, or as a follow-up to an unsatisfactory resolution of an informal attempt to resolve a complaint. In the latter case, the formal written complaint is to be submitted to the Title IX Officer who will then forward it to the Superintendent.

The formal written complaint will consist of any appropriate forms and a copy of any applicable reports of the Title IX Officer. The appropriate forms shall solicit the specifics of the complaint (e.g., date and place of incident, description of sexual misconduct, names of any witnesses, and any previous action taken to resolve the matter).

#### Investigating a Complaint

Upon receipt of a formal or informal complaint, a prompt, thorough, and impartial investigation of the allegations must follow. This investigation is to be conducted diligently. Complainants are to be notified of the outcome of the investigation.

#### Remedial Action

If the investigation reveals that sexual harassment has occurred, appropriate sanctions will be imposed in a manner consistent with any applicable law and collective bargaining agreement. Depending on the gravity of the misconduct, these may range from a reprimand up to and including dismissal from employment or the District can expel the student out of the district. When applicable, any lost employment benefits will be restored to the victims. Anyone subjecting complainants or witnesses to any form of retaliation will also be subject to disciplinary action in the manner prescribed by law and consistent with any applicable provisions in the District's collective bargaining agreements.

If the investigation reveals that no sexual harassment has occurred, or if the complainant is not satisfied with the remedial action taken after a finding of sexual harassment, the complainant may appeal to the next appropriate level of management. (E.g. the Superintendent) The appeal must include a copy of the original complaint, all relevant reports, the specific action being appealed, and an explanation of why the complainant is appealing.

### Post-Remedial Action

Following a finding of sexual harassment, victims will be periodically interviewed by the Title IX Officer and appropriate supervisory personnel to ensure that the harassment has not resumed and that no retaliatory action has occurred. These follow-up interviews will continue for an appropriate period of time. A report will be made of any victim's response.

### Complaint Records

Complainants should receive a copy of any resolution reports filed by the Title IX Officer concerning his/her complaint. Copies should also be filed with student records of both the complainant and alleged harasser.

### Investigation in the Absence of a Complaint

The Board will, in the absence of a victim's complaint, ensure that an investigation is commenced by the appropriate individuals, upon learning of, or having reason to suspect, the occurrence of any sexual misconduct.

## **O. Articles Not Allowed in School**

- Tobacco products (including e or vapor cigarettes), alcohol, drugs, or pepper spray;
- Guns, knives, chains and sharp objects (toy models included);
- Laser Pointers and/or Shocking Devices.

**Prohibited items will be confiscated and returned only to parents/guardians. Parents/guardians may recover confiscated items, not turned over to law enforcement or held by the District for evidentiary purposes, within 30 days. Items not recovered will be discarded at the end of the school year.**

## **P. Electronic Device Policy Grades 9-12**

Cell phones and other electronic devices serve as outstanding instructional tools and learning resources if used appropriately. We encourage our faculty, staff and students to use electronic devices and other 21<sup>st</sup> century learning tools to supplement instruction and learning. Additionally, we recognize that the use of an electronic device can be a significant distraction in the classroom, while walking in the hall, and while driving. We encourage students to recognize that there is an appropriate time and place for the use of electronic devices and to exercise caution when using them.

Electronic Devices include but are not limited to: Cellphones, MP3 players, CD players, iPod, iPad, laptops, notepads, electronic readers (such as Kindle or Nook), Beats (headgear) and/or game players and any other personal electronic devices.

All cell phones/electronic devices brought into school by a student are done so at the owner's risk. Peru CSD is not responsible for any lost, stolen, misplaced or broken items. The safest place to store a cell phone/electronic device is in a locker. This is especially true during PE class. While the school makes no commitment to investigate the loss of electronic devices, the school will cooperate with local law enforcement officers to recover items stolen on school grounds.

### **Acceptable Use:**

- Cell phones /electronic devices may only be used for educational purposes in the classroom setting. Students may use a cellphone/electronic device only with teacher permission. If a

student wishes to use their cell phone/electronic device for non-educational purposes, they may do so before the 7:28 AM bell, or outside the classroom setting. If used in a study hall or during lunch, headphones or earbuds must be used. Students attending athletic study hall are also required to follow the same guidelines as regular day study halls;

- Classroom teachers are allowed to set reasonable rules pertaining to classroom use of electronic devices. This may include collecting cell phones prior to testing and having the cell phone/electronic device powered off and placed in sight of the teacher during class.

Please see Transportation section regarding use of electronic devices on school transportation.

### **Not Permitted:**

- Personal electronic devices may not be used to record, transmit or post unauthorized photographic images, video or sound of a person or persons on campus or during off campus school activities;
- Cell phones/electronic devices that make noises that disturb others or disrupt the educational setting;
- Cell phones/electronic devices are prohibited in the ISS room at all times. Cell phones/electronic devices are to be turned in to the teacher monitoring the ISS room and must be powered off;
- Students who violate these policies, but are not caught at the time, may receive consequences if it is determined at a later time that they violated the policy. (Example: If a student posts a video on YouTube that was taken in a classroom the student will face consequences if it is brought to the attention of school administration.) In addition, Peru School Administrators and/or Deans may search students and their personal belongings, including cell phones if: the school has a reasonable suspicion that the search would turn up evidence of misconduct, and the extent of the search is relating to its purpose and is not excessively intrusive. In determining the scope of any search of an electronic device, the District will strive to balance the student's reasonable expectation of privacy against the school's special need to maintain a safe learning environment.

### **Electronic Device Violation Consequences:**

- **1<sup>st</sup> offense (minor offense)** – Electronic device turned into office, student will receive a warning, student picks electronic device up at end of the day;
- **2<sup>nd</sup> offense (minor offense)** – Electronic device turned into office, student will be assigned lunch ISS and Detention, student picks electronic device up at end of the day;
- **3<sup>rd</sup> offense (minor offense)** – Electronic device turned into office, student serves 5-days lunch ISS, 5-days detention and device is picked up by parent;
- **4<sup>th</sup> offense (minor offense)** – Electronic device turned into office, student will be assigned full-day(s) of In-School Suspension (Periods 1-10); days assigned to ISS will be determined by the Administrator. Device is not returned for 4 days;
- **5<sup>th</sup> and subsequent offenses** – Device is confiscated for up to one day per offense.

Major violations and/or repeated electronic device violations will be covered as a 3<sup>rd</sup> or 4<sup>th</sup> level of misconduct. The Administration reserves the right to revoke Cell phone/ Electronic device privileges at any time during the school year.

### **Q. Electronic Device Policy Grades 6-8**

To create an educational environment at the middle school level that is age appropriate and focused on learning, we ask all students and families to please keep personal electronic devices at home, including student cell phones. Students are permitted to bring such items to school, however, they must be in their lockers (in silent mode) between the

school hours of arrival (7:17AM) and dismissal (2:08PM). Students may use their cell phone during their lunch interim and 10<sup>th</sup> period (2:12-2:45PM) if they are not engaged in academic support; i.e., during athletic study hall. Personally owned computing devices such as laptops, netbooks, tablets, and eReaders can be used for instructional purposes at the discretion of the classroom teacher.

The Peru Central School District is not responsible for any device, data loss, theft, damage or other associated costs of replacement or repair incurred during the school day.

### **Consequences for Inappropriate Use:**

- **1<sup>st</sup> Offense:** Students will be required to meet with leadership to discuss the violation and how it is in conflict with the District's Code of Conduct. Following the meeting the student will be required to leave the device in a designated secured location in the Middle School Office for the remainder of the day.
- **2<sup>nd</sup> Offense:** Students will be required to meet with leadership to discuss the violation and how it is in conflict with the District's Code of Conduct. Following the meeting the student will be required to leave the device in a designated secured location in the Middle School Office during the school day for one week and parent contact will be made. Students will be required to drop the device off before first period each day and may pick it up at the end of the day.
- **3<sup>rd</sup> Offense:** Same consequence as second offense and request for a parent meeting.

Conduct exceeding the parameters of Cell Phone Appropriate Use will be subject to the corresponding sanctions of the Code of Conduct (Ex. Bullying).

### **R. Electronic Device Policy Grades PK-5**

To create an educational environment at the elementary level that is age appropriate and focused on learning, we ask all students and families to please keep personal electronic devices at home, including student cell phones. Students are permitted to bring such items to school, however, they must be off and out of sight between the school hours of arrival and dismissal. Personally owned computing devices such as laptops, netbooks, tablets, and eReaders can be used for instructional purposes at the discretion of the classroom teacher.

The Peru Central School District is not responsible for any device, data loss, theft, damage or other associated costs of replacement or repair incurred during the school day.

## **S. Assignment of Discipline/Consequences**

To the degree possible, the determination of consequences for misconduct and violation of the Code of Conduct shall be determined for each student involved individually. Consideration of a student's past history, conduct and cooperation in the investigation are to be considered as factors in determining levels/degrees of consequence. A reduced penalty may be imposed for students who are honest and take responsibility. A disciplinary penalty is appropriate as long as it is proportionate to the severity of the offense involved. All exit interviews or issuing of consequences shall be conducted individually and privately with each student involved. No "group" issuances of discipline shall be conducted.

## **V. ALTERNATIVE EDUCATION PROGRAM**

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

## **VI. DISCIPLINE OF STUDENTS WITH DISABILITIES**

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate the district's student code of conduct, and/or to temporarily remove a student with disabilities from his or her current placement because maintaining the student in that placement is substantially likely to result in injury to the student or to others. The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law enjoy certain procedural protections that school authorities must observe when they decide to suspend or remove them. Under certain conditions those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes.

Therefore, the Board is committed to ensuring that the district follows suspension and removal procedures that are consistent with those protections. The code of conduct for students is intended to afford students with disabilities and students presumed to have a disability for discipline purposes the express rights they enjoy under applicable law and regulations.

### **DEFINITIONS:**

For purposes of this portion of the code of conduct, and consistent with applicable law and regulations, the following definitions will apply:

#### *Behavioral intervention plan (BIP)*

Means a plan that is based on the results of a functional behavioral assessment and that, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.

#### *Controlled substance*

Means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).

#### *Disciplinary change in placement*

Means a suspension or removal from a student's current educational placement that is either:

- For more than 10 consecutive school days; or
- For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.

#### Illegal drug

Means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional, or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.

#### Interim alternative educational setting (IAES)

Means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable him or her to continue to participate in the general curriculum and progress toward meeting the goals set out in the student's individualized education program; as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

#### Manifestation review

Means a review of the relationship between the student's disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.

#### Manifestation team

Means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the committee on special education as determined by the parent and the district.

#### Removal

Means a removal of a student with a disability for disciplinary reasons from his or her current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.

#### School day

Means any day, including a partial day that students are in attendance at school for instructional purposes.

#### Serious bodily injury

Means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

#### Student presumed to have a disability for discipline purposes

Means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.

Suspension

Means a suspension pursuant to §3214 of New York's Education Law.

Weapon

Means the same as the term "dangerous weapon" under 18 USC §930(g)(2) which includes a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except a pocket knife with a blade of less than two and one-half inches in length.

Authority of School Personnel to Suspend or Remove Students with Disabilities

The Board, District Superintendent, Superintendent of Schools or a Building Principal with authority to suspend students under the Education Law may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days.

The Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed ten consecutive school days inclusive of any period in which the student has been suspended or removed for the same behavior pursuant to the above paragraph, if the Superintendent determines that the student's behavior warrants the suspension. The Superintendent also may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misconduct, as long as the suspensions do not constitute a disciplinary change of placement.

In addition, the Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for a period in excess of ten consecutive school days if the manifestation team determines that the student's behavior was not a manifestation of the student's disability. In such an instance, the Superintendent may discipline the student in the same manner and for the same duration as a non-disabled student.

Furthermore, the Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability to an IAES to be determined by the committee on special education for a period of up to 45 school days if the student either:

- Carries or possesses a weapon to or at school, on school premises or to a school function, or
- Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function under the district's jurisdiction, or
- Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district's jurisdiction.

The Superintendent may order the placement of a student with a disability to an IAES under such circumstances, whether or not the student's behavior is a manifestation of the student's disability. However, the committee on special education will determine the IAES.

Procedures for the Suspension or Removal of Students with Disabilities by School Personnel

In cases involving the suspension or removal of a student with a disability for a period of five consecutive school days or less, the student's parents or persons in parental relation to

the student will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short term suspensions of non-disabled students.

The suspension of students with disabilities for a period in excess of five school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the Superintendent or a designated hearing officer shall be bifurcated into a guilt phase and a penalty phase. Upon a finding of guilt, the Superintendent or the designated hearing officer will await notification of the determination by the manifestation team as to whether the student's behavior was a manifestation of his or her disability. The penalty phase of the hearing may proceed after receipt of that notification. If the manifestation team determined that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student, except that he or she will continue to receive services as set forth below. However, if the behavior was deemed a manifestation of the student's disability, the hearing will be dismissed, unless the behavior involved concerned weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, in which case the student may still be placed in an IAES.

#### Limitation on Authority of School Personnel to Suspend or Remove Students with Disabilities

The imposition of a suspension or removal by authorized school personnel may not result in a disciplinary change of placement of a student with a disability that is based on a pattern of suspensions or removals as set forth above in the *Definitions* section of this policy, unless:

- The manifestation team determines that the student's behavior was not a manifestation of the student's disability, or
- The student is removed to an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury as set forth above.

School personnel will consider any unique circumstances on a case-by-case basis when determining whether a disciplinary change in placement is appropriate for a student with a disability who violates the district's code of conduct.

In addition, school personnel may not suspend or remove a student with a disability in excess of the amount of time that a non-disabled student would be suspended for the same behavior.

#### Parental Notification of a Disciplinary Change of Placement

The district will provide the parents/guardians of a student with a disability notice of any decision to make a removal that constitutes a disciplinary change of placement because of a violation of the student code of conduct. Such notice will be accompanied by a copy of the procedural safeguards notice.

#### Authority of an Impartial Hearing Officer to Remove a Student with a Disability

An impartial hearing officer may order the placement of a student with a disability to an IAES for up to 45 school days at a time if he or she determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others. This authority applies whether or not the student's behavior is a manifestation of the student's disability.

#### Manifestation Review

A review of the relationship between a student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the student's disability will be made by the manifestation team immediately, if possible, but in no case later than 10 school days after a decision is made by:

- The Superintendent to change the placement of a student to an IAES;
- An impartial hearing officer to place a student in an IAES; or
- The Board, the Superintendent, or Building Principal to impose a suspension that constitutes a disciplinary change in placement.

The manifestation team must determine that the student's conduct was a manifestation of the student's disability if it concludes that the conduct in question was either:

- Caused by or had a direct or substantial relationship to the student's disability, or
- The direct result of the district's failure to implement the student's individualized education program.

The manifestation team must base its determination on a review all relevant information in the student's file including the student's individualized education program, any teacher observations, and any relevant information provided by the parents.

If the manifestation team determines that the student's conduct is a manifestation of the student's disability, the district will:

- Have the committee on special education conduct a functional behavioral assessment of the student and implement a behavioral intervention plan, unless the district had already done so prior to the behavior that resulted in the disciplinary change of placement occurred. However, if the student already has a behavioral intervention plan, the CSE will review the plan and its implementation, and modify it as necessary to address the behavior;
- Return the student to the placement from which he or she was removed, unless the change in placement was to an IAES for conduct involving weapons, illegal drugs or controlled substances or the infliction of serious bodily injury, or the parents and the district agree to a change in placement as part of the modification of the behavioral intervention plan.

If the manifestation team determines that the conduct in question was the direct result of the district's failure to implement the student's individualized education program, the district will take immediate steps to remedy those deficiencies.

#### *Services for Students with Disabilities during Periods of Suspension or Removal*

Students with disabilities who are suspended or removed from their current educational setting in accordance with the provisions of this policy and applicable law and regulation will continue to receive services as follows:

- During suspensions or removals of up to 10 school days in a school year that do not constitute a disciplinary change in placement, the district will provide alternative instruction to students with disabilities of compulsory attendance age on the same basis as non-disabled students. Students with disabilities who are not of compulsory attendance age will receive services during such periods of suspension or removal only to the same extent as non-disabled students of the same age would if similarly suspended;
- During subsequent suspensions or removals of up to 10 school days that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, the district will provide students with disabilities services necessary to enable them to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their respective individualized education program. School

personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed to comply with this requirement.

In addition, during such periods of suspension or removal the district will also provide students with disabilities services necessary for them to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

During suspensions or removals in excess of 10 school days in a school year that constitute a disciplinary change in placement, including placement in an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, the district will provide students with disabilities services necessary to enable them to continue to participate in the general curriculum, to progress toward meeting the goals set out in their respective individualized education program, and to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so it does not recur.

In such an instance, the committee on special education will determine the appropriate services to be provided.

#### *Students Presumed to Have a Disability for Discipline Purposes*

The parent of a student who is facing disciplinary action but who was not identified as a student with a disability at the time of misconduct has the right to invoke any of the protections set forth in this policy in accordance with applicable law and regulations, if the district is deemed to have had knowledge that the student was a student with a disability before the behavior precipitating disciplinary action occurred and the student is therefore a student presumed to have a disability for discipline purposes.

If it is claimed that the district had such knowledge, it will be the responsibility of the Superintendent, Building Principal or other authorized school official imposing the suspension or removal in question for determining whether the student is a student presumed to have a disability for discipline purposes. The district will be deemed to have had such knowledge if:

- The student's parent expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student that the student is in need of special education. Such expression may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
- The student's parent has requested an evaluation of the student; or
- A teacher of the student or other school personnel has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the district's director of special education or other supervisory personnel.

Nonetheless, a student will not be considered a student presumed to have a disability for discipline purposes if notwithstanding the district's receipt of information supporting a claim that it had knowledge the student has a disability,

- The student's parent has not allowed an evaluation of the student; or
- The student's parent has refused services; or
- The District conducted an evaluation of the student and determined that the student is not a student with a disability.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if the district receives a request for an individual evaluation while the student is subjected to a disciplinary removal, the district will conduct an expedited evaluation of the student in accordance with applicable law and regulations. Until the expedited evaluation is completed, the student shall remain in the educational placement determined by the district which can include suspension.

#### Expedited Due Process Hearings

The district will arrange for an expedited due process hearing upon receipt of or filing of a due process complaint notice for such a hearing by:

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

The district will arrange for, and an impartial hearing officer will conduct, an expedited due process hearing in accordance with the procedures established in Commissioner's regulations. Those procedures include but are not limited to convening a resolution meeting, and initiating and completing the hearing within the timelines specified in those regulations.

When an expedited due process hearing has been requested because of a disciplinary change in placement, a manifestation determination, or because the district believes that maintaining the student in the current placement is likely to result in injury to the student or others, the student will remain in the IAES pending the decision of the impartial hearing officer or until the expiration of the period of removal, whichever occurs first unless the student's parent and the district agree otherwise.

#### Referral to Law Enforcement and Judicial Authorities

Consistent with its authority under applicable law and regulations, the district will report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities. In such an instance, The Superintendent will ensure that copies of the special education and disciplinary records of the student are transmitted for consideration to the appropriate authorities to whom the crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

## **VII. PUBLIC CONDUCT ON SCHOOL PROPERTY**

### **A. Visitors to the School**

The Board recognizes that the success of the school program depends, in part, on support by the larger community. The Board wishes to foster a positive climate where members of the community have the opportunity to observe the hard work and accomplishments of the students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The Principal or his or her designee is responsible

for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

- Anyone who is not a regular staff member or student of the school will be considered a visitor;
- All visitors to the school must enter through the designated single point of entry and report to the building main office upon arrival at the school. There they will be required to present photo identification, sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the building main office before leaving the building;
- Visitors attending school functions that are open to the public after regular school hours, such as parent-teacher organization meetings or public gatherings, are not required to register;
- Parents or citizens who wish to observe a classroom or school activity while school is in session are required to arrange such visits in advance with the classroom teacher(s) and Building Principal, so that class disruption is kept to a minimum;
- Teachers are not expected to take class time to discuss individual matters with visitors;
- Any unauthorized person on school property will be reported to the Principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants;
- All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

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

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

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

**Please be aware: Video cameras are used for surveillance in all buildings on campus. Footage of any misconduct may be shared with legal authorities/outside agencies.**

## **B. Prohibited Conduct**

No person, either alone or with others, shall:

- Intentionally injure any person or threaten to do so;
- Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson;
- Disrupt the orderly conduct of classes, school programs or other school activities;
- Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program;

- Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation, disability or weight or other protected characteristic;
- Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed;
- Obstruct the free movement of any person in any place to which this code applies;
- Violate the traffic laws, parking regulations or other restrictions on vehicles;
- Possess, consume, sell, distribute or exchange alcoholic beverages, tobacco (including e or vapor cigarettes) products, controlled or illegal substances or any synthetic versions (whether or not specifically illegal or labeled for human consumption), or be under the influence of either on school property or at a school function;
- Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district;
- Loiter on or about school property;
- There will be no card or casino type games played for money;
- Refuse to comply with any reasonable order of identifiable school district officials performing their duties;
- Willfully incite others to commit any of the acts prohibited by this code;
- Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function;
- Leave school grounds without authorization;
- Possess or use a skateboard on school grounds.

### **C. Penalties**

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

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

### **D. Enforcement**

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

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

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

### **VIII. PROCEDURES/REFERRALS/PENALTIES**

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

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

- The student's age;
- The nature of the offense and 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;
- Other extenuating circumstances.

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

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

The types of misconduct and levels of severity are applicable to students in K-12. Specific rules and regulations for students in grades K-12 are found in the student rules/handbooks/brochures.

#### **A. Procedures**

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

Students who are to be given penalties other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below and in the student due process section of the code.

### Pass Restriction

Students on pass restriction are not allowed to leave class without administrative permission, unless there is an emergency.

### 10<sup>th</sup> Period Restriction

Students on 10<sup>th</sup> Period Restriction are required to leave the building at the 2:08 pm dismissal; 10th Period is a privilege and proper student deportment is expected. Students placed on 10<sup>th</sup> period restriction will be allowed to stay by the request of a teacher and with administrative approval.

### Detention

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

### Suspension from transportation

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

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

### Suspension from athletic participation, extra-curricular activities and other privileges

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

### In-school suspension

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

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

### 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:

- Short-term "time out" in an elementary classroom or in an administrator's office;
- Sending a student into the hallway briefly;
- Sending a student to the principal's office for the remainder of the class time only;
- Sending a student to a school 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 or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

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

The teacher must complete a district-established conduct referral form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

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

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

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

If at the informal meeting the student denies the charges, the principal or the principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal or on the second school day following the 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:

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

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

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

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

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

### *Suspension from school*

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

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

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

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

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

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

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

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

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

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

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

The superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record.

The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer shall be advisory only, and the superintendent may accept all or any part thereof.

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

Permanent suspension

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

Procedure After Suspension

The Board may condition a student's early return from a suspension on the student's voluntary participation in counseling or specialized classes, such as anger management or dispute resolution. The Board retains discretion in offering this opportunity. If and when the student and/or parent/guardian agrees to this option, the terms and conditions shall be specified in writing.

**B. Minimum Periods of Suspension**

Students who bring or possess a weapon on school property

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

- The student's age;
- The student's grade in school;
- The student's prior disciplinary record;
- The Superintendent's belief that other forms of discipline may be more effective;
- Input from parents, teachers and/or others;

- Other extenuating circumstances.

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

*Students who commit violent acts other than bringing or possessing a weapon on school property*

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 student's 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 student's 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.

*Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interferes with the teacher's authority over the classroom*

Any student, other than a student with a disability, 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 student's 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 student's 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.

**C. Referrals**

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

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

TYPES OF REFERRALS:

- PSAF (Preventative Services for Adolescents and Families)
- PINS (Persons in need of Supervision Diversion)
- PINS (Persons in need of Supervision Petition)
- Family Court

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

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

#### **D. Disciplinary Measures**

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. The school personnel will base their findings on the preponderance of the evidence. Consequences will take into consideration our progressive discipline policy.

- Oral Warning – any member of the district staff;
- Parent Contact – transportation supervisor, activity advisor, athletic director, coaches, school counselors, teachers, director of special education, dean of students, associate principal, principal and superintendent;
- Written Warning – bus drivers, hall and lunch monitors, coaches, school counselors, teachers, athletic director, director of special education, dean of students, associate principal, principal and superintendent;
- Written Notification to Parent – bus driver, hall and lunch monitors, coaches, school counselors, teachers, athletic director, director of special education, dean of students, associate principal, principal and superintendent;
- Special Assignment (written or oral) – school counselors, teachers, athletic director, director of special education, dean of students, associate principal, principal and superintendent;
- Behavioral Contract – school counselors, teachers, athletic director, director of special education, dean of students, associate principal, principal and superintendent;
- Teacher/Parent/Student Conference – school counselors, teachers, athletic director, director of special education, dean of students, associate principal, principal and superintendent;
- School Counselor Referral for follow-up;
- Detention (10th period) – teachers, dean of students, associate principal, principal and superintendent;
- Suspension from Transportation – director of transportation, superintendent or building administrator;
- Suspension from Athletic Participation – coaches, athletic director, dean of students, associate principal, principal and superintendent;
- Suspension from Social/Extracurricular Activities – activity director, dean of students, associate principal, principal and superintendent;
- Suspension of other privileges – dean of students, associate principal, principal and superintendent;
- In-School Suspension – dean of students, associate principal, principal and superintendent;
- Removal from Classroom – teachers, dean of students, associate principal and principal;
- Short-term (five days or less) Suspension from School – principal and superintendent;
- Long-term (more than five days) Suspension from School – superintendent;
- Involuntary Transfer – dean of students, associate principal, principal and superintendent;
- Alternative Education Placement/Homebound Instruction – special education
- Education Temporary Educational Placement; CV-TEC. – dean of students, associate principal, director of special education, principal and superintendent;
- Outside Agency Referral – school counselor, dean of students, associate principal, director of special education, principal and superintendent;
- Law Enforcement Referral – dean of students, associate principal, principal and superintendent;

- Permanent Suspension from School – superintendent.

**FIRST LEVEL OF MISCONDUCT**

<b>DESCRIPTION</b>	<b>PROCEDURE</b>
<i>Misconduct on the part of the student that interferes with the orderly operation of the school. These misbehaviors will be handled by an individual staff member.</i>	<i>There is immediate intervention by the staff member who is supervising the student or who observes the behavior. Any misconduct which results in student removal must be accompanied by a written referral and is automatically considered a level II violation.</i>

**EXAMPLES**

- Classroom disturbance (including being disruptive or disorderly during the recitation of the Pledge of Allegiance);
- Classroom tardiness/late to school;
- Passive defiance to complete assignments or to carry out directions;
- Bus rule violation;
- Littering;
- Auditorium/lunch/studyhall disturbances;
- Bullying/harassment;
- Dress code violation;
- Pass abuse;
- Public displays of affection (*limited to hand holding*);
- Cheating/plagiarism;
- Abusive/profane language or gestures/Verbal altercation;
- Insubordination/disrespect/ defiance;
- Electronic violation;
- Roughhousing/horseplay;

- Filing of a false statement and/or filing of excessive student statements.

***POSSIBLE RESPONSE OPTIONS***

- Verbal reprimand or warning;
- Written warning;
- Special assignment;
- Behavioral contract;
- Teacher/student/parent conference;
- Withdrawal of privilege (*computer/driving*);
- Time-out (*In classroom*);
- Parent contact;
- Referral to school counselor;
- ISS;
- Pass restriction;
- 10<sup>th</sup> period restriction.

## **SECOND LEVEL OF MISCONDUCT**

<b>DESCRIPTION</b>	<b>PROCEDURES</b>
Frequent or serious misconduct that tends to disrupt the learning climate or interferes with the orderly operation of the school. These infractions, which usually result from continuation of LEVEL I misconduct, require the intervention of personnel on the administrative level because the execution of LEVEL I response options has failed to correct the situation. Also included in this level are examples of misconduct which do not represent a direct threat to the health and safety of others but whose educational consequences are serious enough to require corrective action on the part of the administrative personnel.	Repeated misconduct requires a parent/teacher contact with referral to the administrator for appropriate response. The administrator meets with the student and if necessary, the teacher and effects the most appropriate response. The teacher is informed of the administrator's action. A proper and accurate record of the offense and the administrative response is maintained by the administrator and a copy is forwarded to the parent

### **EXAMPLE**

- Continuation of behavior of level I misconduct;
- Leaving school grounds without authorization;
- Damage to property;
- Class/school truancy;
- Class/school tardiness;
- Bullying/harassment;
- Physical altercation;
- Cheating/plagiarism;
- Forgery;
- Lying;
- Dress code violation;
- Use of or possession of lighter/matches;
- Distribution of materials without approval from principal;
- Violation of internet acceptable use policy;
- Unauthorized entry.
- Use or possession of tobacco products (including e or vapor cigarettes).

### **POSSIBLE RESPONSE OPTIONS**

- Continuation of administration of consequences from Level I response;
- Letter to parent;
- Referral to outside agency;
- Detention;
- In-school suspension;
- Out-of-school suspension;
- Referral to school counselor for follow-up;
- Temporary removal from class (individual periods of ISS or Principal's office);
- Suspension from transportation;
- Suspension from athletic participation;
- Suspension from social or extracurricular activities;
- Suspension of other privileges;
- Involuntary transfer;
- Letter to parent/conference.

### THIRD LEVEL OF MISCONDUCT

<b>DESCRIPTION</b>	<b>PROCEDURES</b>
Acts directed against persons or property that could potentially endanger the health or safety of others in the school. These acts might be considered criminal but most frequently can be handled by the student conduct review mechanism in the school.	The administrator initiates disciplinary action by investigating the infraction and conferring with staff on the extent of the consequences. The administrator meets with the student and confers with the parent about the student's misconduct and the resulting disciplinary action. A proper and accurate record of offenses and disciplinary actions is maintained by the administrator.

#### **EXAMPLES**

- Continuation of Level II Misconduct;
- Intimidating behavior;
- Harassment;
- Hazing;
- Sexual harassment;
- Bullying;
- Automobile safety violation;
- Physical altercation;
- Vandalism (*Including Graffiti*);
- Lewd behavior;
- Sexually inappropriate behavior and/or possession of sexually inappropriate materials;
- Dress code;
- Disorderly conduct;
- Profane language and/or gestures directed at a faculty or staff member;
- Use or possession of tobacco products (including e or vapor cigarettes).

#### **POSSIBLE RESPONSE OPTIONS**

- Continuation of response options from LEVEL II;
- Homebound instruction;
- Alternative program;
- Out-of-school suspension;
- Outside agency referral;
- Possible legal consequences.

## FOURTH LEVEL OF MISCONDUCT

<b>DESCRIPTION</b>	<b>PROCEDURES</b>
<p>Acts which result in violence to another's person or property or which pose a direct threat to the health or safety of others in school. These acts are clearly criminal and are so serious that they require administrative actions that will result in the immediate removal of the student(s) from school, the intervention of law enforcement authorities, and possible further action by the District.</p>	<p>The administration verifies the offense, confers with the staff involved, and meets with student. The student is immediately removed from the school environment and parents are notified. School officials contact law enforcement agency and assist in prosecuting offender if necessary. A complete and accurate report is submitted to the Superintendent for possible Superintendent's hearing where the student is given a full due process hearing.</p>

### EXAMPLES

- Continuation of Level III misconduct;
- Under the influence of alcohol/tobacco/mind-altering drug (either natural or synthetic);
- Use, possession, or distribution of alcohol, controlled or non-controlled medications, and other substances;
- Destruction of property;
- Threat toward another person with intent to inflict bodily harm;
- Menacing;
- Bullying;
- Arson;
- Extortion;
- Bomb threat/false 911 calls;
- Possession/use/transfer of dangerous weapons/fireworks/explosive devices;
- Assault/battery/reckless endangerment;
- Physical altercation/violent behavior;
- Petit larceny (*under \$1000*);
- Furnishing/selling/possession of illegal or suspected illegal substances;
- Pulling a fire alarm/AED;
- Theft (over \$ 1,000);

- Failure/refusal to follow administrative directive;
- Internet acceptable use violation (*Including the use both on and off school property of electronic technology including but not limited to: Email, Instant Messaging, texting, sexting, blogs, chat rooms, pagers, cellphones, gaming systems and social media websites*);
- Possession/use of prescription medications, except as prescribed by a physician.

### POSSIBLE RESPONSE OPTIONS

- Continuation of response options from LEVEL III;
- Suspension until superintendent's hearing;
- Alternative educational placement;
- Legal consequences (law enforcement referral, initiation of legal action);
- Other district action deemed necessary and appropriate;
- Homebound instruction until placement assigned;
- Electronic violation.

## **E. Reporting Violations**

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

All district staff that are authorized to impose misconduct responses are expected to do so in a prompt, fair and lawful manner. District staffs that are not authorized to impose misconduct responses are expected to promptly report violations of the code of conduct to their supervisor, who shall in turn impose an appropriate response, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

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

The building principal or his or her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or his or her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

## **IX. TRANSPORTATION PROCEDURES**

### **A. Student Carry-On Regulations**

The following guidelines have been established by state and school officials to insure rider safety.

#### REGULAR BUS RUNS

- NO consumption of food or drink will be allowed unless you have a documented medical condition. ALL food and drink must be kept in your backpack when possible while on the bus;
- NO bats, golf clubs, hockey sticks, sports equipment will be allowed on elementary buses at any time. They will however be allowed on high school buses provided they are secured in the seat with the student and the bus is not overfull;
- NO skateboards are allowed on ANY bus at any time;
- NO over the counter or prescription medication is to be transported on the bus. Parent/guardian must transport all medication, unless other arrangements have been made with the respective nurse's office. Such arrangements will be coordinated with the transportation department prior to transport;
- Potentially dangerous items may not be carried on a school bus. This includes items such as ski's, ski poles, weapons, ammunition, flammable liquids, animals, large size packages, large presentation boards, items made out of glass (regardless of size), and pressurized containers such as insect repellents and spray paints;
- NO large musical instruments such as drums, tubas, cello's and bass fiddles allowed;
- Musical instruments such as clarinets, flutes, trumpets, violins, trombones and guitars may be carried on the bus providing:
  - They are not stored in the center aisle or blocking window exits. (The center aisle and emergency exits must be free of obstacles at ALL times).
  - The instrument does not jeopardize the safety and comfort of the student carrying the instrument or any other rider on the bus.

Electronics such as cell phones, I pod's, tablets, etc. will be allowed with the understanding that the driver and school are not responsible for lost or stolen items. It is the student's responsibility to keep possession of their property (NO loud music or taking pictures/video's for malicious use is allowed at any time). Talking on phone will only be allowed with driver approval;

- NO tobacco products, illegal drugs or alcohol will be allowed at any time (this includes electronic cigarettes).

### FIELD TRIPS & SPORTS TRIPS

- All Musical instruments will be allowed as long as they can be secured and the center aisle and emergency windows are kept free of obstacles;
- Food and drink will be allowed ONLY under the direct supervision of the teacher, coach or chaperone (this does NOT include the driver);
- Bats, golf clubs and other sports equipment will be allowed if secured in the seat and center aisle and emergency exits are free of obstacles.

## **B. Student Bus Riding Rules**

A student who is granted the **privilege** of riding a school bus must assume certain safety responsibilities (the "Rules"). Students and parents are reminded that bus transportation is a **privilege** which may be suspended due to student's violation of the rules set forth herein. The following rules of conduct will apply to **ALL** students riding on school buses.

Students should be ready for the bus at least 5 minutes prior to pick up time. Students will cross the highway following correct procedure, and driver instructions, will not get mail at any time when discharging from bus. Upon entering or exiting the bus students will go in turn and avoid pushing, will take their assigned seats promptly and remain seated until the bus arrives at their stops. Students will keep their feet and other items out of the center aisle; keep their hands off other students and property not belonging to them.

Students will not lower windows without prior approval of the bus driver, will not shout, call, or throw anything out the windows, or put any part of their bodies out the windows. Students will avoid excess noise which might distract the driver, will be respectful to all staff members, and will respond promptly to the bus driver's instructions. Students will not use obscene language at any time.

**The school will not be responsible for any broken, lost or stolen items, including electronic devices such as cell phones or e-readers.**

## **C. Bus Conduct Reports**

Violations of rules of bus transportation may require the driver to issue a bus conduct report, which shall be sent to the student's administrator.

- High school students (Grades 7-12):  
White cards are written and sent directly to the appropriate administrator. The administrator shall then investigate the precipitating causes for the student's violation for the rules set forth herein.
- Elementary Students (Grades K - 6):  
Bus conduct reports are separated into two categories - Blue Cards (Minor incident) and Yellow Cards (Major Incident). With every blue card written parent contact will be made, driver will speak with student and seat changes will be made if necessary. 3 blue cards are written before a yellow card. Yellow cards are sent directly to the administrator. Behavior that presents a concern for student safety may result in immediate referral to administration without following the steps outlined above.

If the administrator determines that the student's behavior is in violation of the rules set forth herein and or his/her behavior endangers the safety of himself/herself or others, the administration shall notify the superintendent and the student's parents or guardian and may arrange a conference with the administrator and or superintendent of schools, the bus driver and/or the transportation supervisor, the student, and his/her parent or guardian. The Administrator or the Superintendent of Schools may temporarily suspend the student from riding the bus pending the conference of the above-named parties and the administrator shall notify the student's parent or guardian prior to such suspension.

If the administration determines that the driver or another individual is the cause of the incident, the Superintendent of Schools shall be notified by the school administrator and appropriate disciplinary action will be taken. The student and his/her parent or guardian will be notified of the school administrator's determination.

#### **D. Passing a School Bus**

Overtaking or passing a stopped school bus with red lights flashing is illegal at any time. State law also forbids overtaking or passing a stopped school bus in any school parking area when red lights are flashing.

#### **E. AM Bus Run**

Students in Grades 7-12 are not allowed to ride the AM Elementary buses, unless parent/legal guardian contacts the Junior/Senior High School office to receive authorization. Consequences for Junior/Senior High School students riding on the Elementary bus run are as follows:

- **1<sup>st</sup>** – Warning
- **2<sup>nd</sup>** – Lunch ISS
- **3<sup>rd</sup>** – Lunch ISS & Detention
- **4<sup>th</sup>** – Full-day ISS

#### **F. Bus Passes**

When a student requires transportation to a location other than that which is registered with the school, the following requirements must be met for the safety of the student: Students must have a note from his/her parent/legal guardian as well as the parent/legal guardian of the alternate location, if riding to another student's house; this is subject to administrative approval.

#### JUNIOR/SENIOR HIGH SCHOOL STUDENTS

Two written requests must be submitted to the appropriate Office by 9:00AM. A written request must be from the parent/guardian of the student making the request stating approval is given for the request. A written request must also be received from the parent/guardian of the location to which the student is requesting to go to stating approval is given for the request.

**Verbal requests will not be accepted for bus passes. Exception to the rule would be, on a case by case basis; sudden sickness/illness and/or family emergency.**

#### **G. Students in Grades 6-12 Riding 3:00PM Bus**

Students staying for 10th period extra help may ride the Elementary bus home. The student will be issued a special 3:00PM Bus Pass from the teacher for which the student stayed. The pass must have the student's **FULL NAME**. The teacher will sign the pass only on a day

that the student remains in school for extra help. The pass must then be stamped with the appropriate administrator's stamp of authorization. All passes will be collected by the Transportation Department when the student boards the bus. The passes will then be reviewed by the Transportation Department then turned over to the Administrative Offices for further review.

Any student arriving at the 3:00PM bus that is without a proper pass, or witnessed being off campus between the time 9th period ends and the student attempts to board the 3:00PM bus, will not be allowed to ride and sent back to the appropriate office to make other arrangements for a ride home.

#### **H. Elementary Bus Stop Responsibilities**

It is the responsibility of each and every parent/guardian, or designee, to be in attendance at the drop off bus stop location of all K-6 students of the Peru Central School District as referenced by Transportation Law 30:57.

A parent or guardian must be visible at the drop-off point. If no one is visible at the drop-off point, the Bus Driver will not be allowed to drop students off. The student will be transported back to the campus and transferred to the appropriate School Administrator. The parent/guardian will then have the responsibility to transport the student home after signing the student off campus from the appropriate Administrator.

A parent/guardian may request in writing an exemption to this requirement. The written request must be made for each individual student. The request will be reviewed by the appropriate School Administrator and filed in the office. A copy of the signed request will be forwarded to the Transportation Department. The School District requires annual updates to this exemption; arrangements from previous school years will not be honored without re-authorization.

#### **I. Students Driving on Campus**

##### *DRIVING PRIVILEGES*

Student parking is available on school grounds. Permission to drive and park on campus is not a right, but a privilege. Students who wish to drive to/from the CV-TEC campus need to obtain permission from the Associate Principal's office of Peru Junior/Senior High School and CV-TEC. Parking privileges may be available to underclassmen that have a compelling reason to park on school grounds as determined by the principal or associate principal. These privileges are given on a first-come-first-served basis. Underclassmen are not allowed to bring passengers unless they are siblings. Any student requesting to transport other students to/from school, please see Student Parking Registration form for the guidelines. Student Parking Registration forms can be picked up at the Associate Principal's office.

District parking privileges can be revoked, in addition to those penalties allowed to be imposed in accordance with the New York State Vehicle and Traffic Law. **In the event that enforcement of these Regulations requires a vehicle to be towed and stored, the owner of the vehicle shall be responsible for the payment of such towing and storage fees.**

- Students will register their cars with the Associate Principal's office. This registration will require students and parents to sign the safe driving pledge, and complete the Peru CSD registration form that includes make, model, year and plate number of the vehicle;
- Students will park their cars in the designated student parking spaces;
- Cars should be locked upon arrival to school;

- Cars will remain parked during school hours and until all buses are in and parked for dismissal;
- Students are not to go to their cars during the day, including lunch periods, without the permission of the principal or the associate principal;
- Students who drive or ride to school must report between the hours of 7:17AM and 7:25AM. Whenever a student comes to school late (after 7:28AM) other than on a school bus, they are to report directly and immediately to the main office. After the third time of arriving late without a legitimate reason, as determined by the principal, or associate principal, the privilege of parking on school grounds will be suspended according to the following:

### **Violation of Driving Privileges**

- **1<sup>st</sup>** – privileges revoked 2-weeks
  - **2<sup>nd</sup>** – privileges revoked until the end of semester
  - **3<sup>rd</sup>** – privileges revoked for the remainder of the school-year
- CV-TEC Students are NOT allowed to transport other students to CV-TEC;
  - Riding snowmobiles, ATV's or any other unlicensed motor vehicles is prohibited on school grounds at any time;
  - Student drivers shall not speed, drive recklessly, park illegally, squeal tires, or otherwise endanger others with their vehicle. **The speed limit in the parking lot is 10 MPH;**
  - Students may not engage in behavior that may damage other student's cars or property;
  - The building principals have authorization to conduct an inspection of student cars parked in the school parking lot during the regular school day where there is reasonable suspicion that the car contains items that would hinder the health and safety and morale of the student body;
  - This search will be done only after informing the driver and/or parent, with said driver present.
  - Failure on the part of the driver to allow this inspection will result in the loss of parking privileges;
  - Students may not park, on school grounds, a vehicle which displays any expressions (phrase, word, or words) or insignia (picture, symbol, or flag) which is lewd, obscene, indecent, or that promotes or advocates racial or religious prejudice, violence or interferes with the learning process;
  - Loitering in the parking lot is not permitted. Students arriving before 7:17AM must proceed directly from the parking lot to the grade appropriate cafeteria. Students arriving after 7:17AM must proceed directly to the main entrance.

## **X. ATTENDANCE: NEW YORK STATE ATTENDANCE LAW EDUCATION LAW**

### **A. Excused Absences and Tardiness**

Student absence or tardiness is to be excused for the following reasons:

- Personal illness or injury;
- Serious illness, emergency illness or death in the student's immediate family;
- Obligatory religious observance;
- Court-required appearance;
- Dental or other medical appointment;
- School-sponsored or activity or event;
- School-approved college visit or interview;
- Principal-approved career awareness or occupational education program;
- Driver's license road test [however not a driver permit test];
- Delayed arrival of the student's school bus to the campus;
- Inclement weather or impassable roads that make travel unsafe;
- School music lesson;
- Other reasons authorized by the Principal or Superintendent of Schools. Absences or tardiness for any other reason is considered to be unexcused.

## **B. Unexcused Absences**

### Unlawful Detention

When a student is absent with the knowledge or consent, stated or implied, of the parent/guardian, for other than excused reasons. Such absences as the following come under this heading: "visiting," "vacation," "shopping," "baby sitting," "work," "overslept," etc.

### Justice Referral

Students who fail to attend full time day instruction will be in violation of Section 3205, Subdivision 1-C of the Education Law of the State of New York.

### Truancy

When a student, whose parent/ guardian expect him to be in school, does not attend for other than excused reasons. Unexcused absences should be avoided. Truancy and unlawful detention are violations of law under the New York State Family Court Act. Such absences may carry a disciplinary consequence by the school.

### Late Arrival

When a student arrives at school after his/her designated time without a written legal excuse (see above).

## **C. Excuses**

A written excuse, signed by the parent/guardian, who describes the reason for an absence must accompany the student on his return to school. Such excuses are required for each absence and tardiness. Absences not verified by a written excuse may be investigated. All unverified excuses will be recorded as unexcused on a student's permanent attendance record.

### Sample Excuses

Please excuse John Doe at 9:30AM today, February 4, 2014. He has an appointment with his dentist Dr. Smith. He will be returning to school at approximately 11:00AM.

(Parent/guardian's signature)

Date

John Doe was absent from school February 4 and 5 due to a stomach virus.

(Parent/guardian's signature)

### Early Dismissal/Late Arrival

The school requires a written note signed by the student's parent/guardian for any early dismissal from school and/or late arrival to school. It is recommended that the parent/guardian include the time of the appointment and the name of the person with whom the student has an appointment, such as the doctor or dentist. If this is not possible, please include a telephone number where a parent/ guardian may be contacted for verification purposes. If the student is expected to return to school after the appointment, please include the estimated return time. For safety reasons, students who are being picked up from school must be signed out by a parent, guardian or other designated individual and may be asked to provide proper identification.

### Attendance Policy

The Peru Central School District Board of Education recognizes that providing clear, concise policy guidance to Principals, teachers, students and interested others in regard to attendance is necessary, in accordance with state law and appropriate, regard to district-wide consistency with attendance among the district's schools.

The goal of having all students who attend our schools receive a sound basic public school education that will enable them to enjoy life as productive citizens is best achieved by consistent student attendance and active participation by students in their classes.

Parents and families have the obligation to insure the consistent and punctual attendance of the children in their family who are enrolled in our district's schools and classes. Students themselves share in this obligation for consistent, punctual attendance and active student participation in classes. Principals and teachers have an obligation to encourage consistent and punctual attendance by students.

### Strategies

The basic strategy of this policy is to recognize and promote the positive connections among active student participation in class activities, student achievement throughout the disciplines, timely completion of graduation requirements for earning a high school diploma and consistent, punctual student attendance. Consistent and punctual student attendance helps to create an environment that fosters subject competency, continuity of learning, productive habits of work and mind, and enhanced student responsibility.

Students are expected to consistently attend and actively participate in class, and to arrive at class prepared to be actively engaged with class activities and assigned projects. Students within state-prescribed age limits are required to attend school each day when school is in session unless they have a legal excuse.

Failure of students to consistently attend class is in conflict with the overall goal of having our students receive a sound basic public school education that will enable them to enjoy life as productive citizens. Compensating or corrective actions are to be considered and implemented, upon careful consideration of valid data and the fact patterns associated with a particular student who has an emerging pattern or chronic pattern of unexcused absences.

### Charge to Principals

Consequently, Principals are charged with specific responsibility to see that class attendance is recorded in a manner consistent with state requirements, and a summary report of each individual student's attendance record is to be reported to parents/legal guardians at the end of each marking quarter or more frequently if so required by the schools' code of conducts or if that student's Principal or Principal's designee(s) determines more frequent notification to be necessary. Principals are to meet at the start of each academic year with faculty and support staff directly involved with generating and reporting attendance data to review this policy and to clarify individual and team roles associated with implementation. The Principal is to see that those who are charged with tracking attendance and/or electronic reporting of attendance data for the school receive training in proper procedures and protocols.

Students are to be given opportunity to make up work that was missed due to one or more excused absences.

The High School Principal will submit to the Superintendent guidelines and processes that will be used to deny students course credit or address a student's appeal.

The Superintendent will notify the Principal of refinement that needs to be completed to meet state regulations.

#### Attendance of Students Reporting System Codification

Principals, in consultation with the district's information technology coordinator and other individuals by the Principals as appropriate, are to establish a consistent district-wide attendance reporting system codification method.

#### Time Notice to Parents/Legal Guardians

Principals are to see the reasonable effort is made to contact parents by telephone or letter whenever absence become chronic, a consistent pattern or likely to result in academic failure to denial or course credit.

#### Intervention Strategies

Principals are charged to submit annual to the Superintendent of Schools by the last week in May the set of specific planned procedures and protocols to be followed that next school year when a student has a persistent and/or severe attendance problem.

The Superintendent will notify the Principal if the planned procedures and protocols are identified as need refinement to meet state regulations or satisfy the Peru Central School District expectations established via this policy.

Course credit awarded by our high school for Peru Central School District students attending the CVES career and technical center is to be determined by the very same set of local standards established at Peru Central for awarding course credit.

## **XI. SCHOOL RULES AND GUIDELINES**

To insure that our students have a safe and respectful learning environment, we ask your cooperation and support in maintaining the following rules:

For safety reasons, we ask that all visitors check in at the principal's office upon entering the building and receive a visitor's pass. Anyone in the building without a pass will be asked to go to the office to obtain one; please do not go directly to the classrooms. Anyone picking up his or her child is asked to remain in the designated area. Your child will come there to meet you.

Students must be signed out and picked up at the office by an adult.

### **A. School Hours**

#### Elementary School

Children walking to school should arrive no earlier than 8:55AM (unless eating breakfast) at the Elementary School. Breakfast program participants may arrive at 8:45AM. There is no supervision before the above times. The student must have a pass from a teacher to enter a classroom before 8:55AM.

#### Junior/Senior High School

Arrive no earlier than 7:15AM.

### Late Arrival / Early Dismissal

For individual late arrival and/or early dismissal, parents must sign out their child in the designated area (Main office or Nurse's office) and state the reason for late arrival and/or early dismissal. Please let the school know when your child will be arriving late due to an appointment. An adult must sign in late entrants at the designated area (Principal's office or Nurse's office). Chronic late arrivals and/or early dismissals will result in a mandatory conference with the classroom teacher and principal. Disciplinary action will be taken for chronic unexcused late arrivals.

- **1<sup>st</sup>** – Warning
- **2<sup>nd</sup>** – Lunch ISS
- **3<sup>rd</sup>** – Lunch ISS & Detention
- **4<sup>th</sup>** – Full-day ISS

### **B. Absences from School/Medications/Doctors Notes**

Students returning to school must, by law, bring written excuses for each absence and/or late arrival even if you have called the nurse to report the absence. Please make sure emergency information, including phone numbers and who to contact in case of an emergency, is on file and kept up to date in our health office. In the case of illness or injury, the school nurse will care for a student temporarily. When the situation is serious, you will be notified and 911 will be called.

All medication including over the counter drugs and cough drops is administered by the school nurse and must have the prescription label on it with a note from the doctor regarding dosage and time to be given. An adult must transport the medication to school. Please do not send your child with the prescription or over the counter medicines. He/she cannot self-medicate.

### **C. Respect**

Each child shall be RESPECTFUL of all teachers, staff members, students and/or visitors.

#### RESPECT all school property

- Landscaped areas are to be treated with respect;
- All materials, books, equipment and furnishings are to be handled with care;
- School buildings and grounds are to be kept clean, neat and free from litter and graffiti;
- Bathrooms are to be kept clean and neat for all to use.

#### RESPECT all people, people will respect you

- Polite language and courteous behavior is expected at all times. All people are to be treated with respect.

### **D. Hallway Safety**

- Walk quietly following established building rules;
- Walk down all steps use hand railings;
- Keep hands, feet and objects to yourself at all times;
- Close doors quietly;
- Close door behind you when entering or exiting the building;
- Doors should not be opened by anyone during the day;
- Report to your teacher or to the office anyone in the building without an identifying badge.

### **E. Dances – Prom – Banquet**

- Students in kindergarten through Grade 6 may not attend Junior/Senior High School dances;
- Students and belongings are subject to be searched at the Administrator's discretion;
- Grades 6-8 Dances: ONLY Peru students Grades 7 and 8 may attend;

- Grades 9-12 Dances: Individuals 18-years or older, who do not attend Peru Junior/Senior High School (Grades 9-12), will not be allowed to attend dances/Prom/Banquet.

#### **F. Cafeteria Conduct and Safety**

- Wait in line in an orderly manner and have money ready;
- Talk quietly;
- Pushing, shoving and running are not allowed in the cafeteria line or cafeteria;
- Follow the posted cafeteria rules;
- Respect monitors;
- Beverages should be in unbreakable containers;
- Stay at tables until finished eating;
- Obtain permission from monitor before leaving cafeteria;
- Raise hand for help;
- Clean up your personal area.

#### **G. Proper Playground Behavior**

- Equipment (as it applies to specific buildings);
- Swings – One at a time, stay seated, jumping off, spinning and/or climbing may result in injury;
- Slides – One at a time, slide feet first use ladder only for climbing;
- Seesaws – Stay seated, get off carefully and no one should sit in the middle;
- Specific Building playground safety guidelines will be sent home by each Building Principal.

#### **H. General Rules**

- Respect all playground monitors and go to them with problems;
- Pushing, shoving, fighting, running, wrestling, rock or snowball throwing anywhere on the playground will not be tolerated;
- No toys or electronic equipment are allowed on the playground;
- Stay on designated playground inside fenced areas and play away from windows;
- Respect other students and take turns;
- Only elementary school children are allowed on playgrounds during school hours;
- Stay a safe distance from playground equipment while it is being used by others;
- No flip flops or backless sandals allowed on playground.

#### **I. Emergency Evacuation**

In case of an emergency or early evacuation, please make sure your child is aware of your emergency plan. The plan must be on file with your child's school. Be advised that phone lines are often inoperable during evacuation situations.

#### **J. Remote Learning**

Peru Central School District recognizes that remote learning presents unique challenges for students, caregivers, and teachers. This document is intended to provide guidelines and expectations that will lead to a common vision of the remote learning experience and help reduce the impact that those challenges have on student learning.

Regardless of the grade level in which remote learning is taking place, it is important for students and families to recognize that when students are learning from home, their home becomes the classroom. While we recognize that not every situation lends itself to providing a quiet space that is totally free from distraction, efforts should be made to create an environment that is conducive to learning for both the students at home, as well as students that are in the school classroom. These efforts should include:

- ❖ The background around the student is appropriate for a school setting (tobacco devices, ecigs, alcohol containers or offensive material not in view)
- ❖ Student should have a place to work that is organized and student should be appropriately seated. (Students should not be in bed.)
- ❖ Student dress should comply with school dress code.
- ❖ Students must keep their camera turned on, face visible and respond to the teacher when asked to do so.
- ❖ Background noise that may distract others when unmuted should be kept as minimal as possible.
- ❖ Only the student should participate or be heard during the google meet.
- ❖ Work must be completed on time.
- ❖ Students must complete their own work.
- ❖ Students should utilize teacher office hours/live learning time to get help.
- ❖ If the school has issued a device to a student, that device must be used to complete their school work unless the school issued device is not capable of performing the functions required to complete the coursework.

## **XII. ELECTRONIC NETWORK USE RULES**

This Acceptable Use Policy/ Internet Safety Policy is an extension of school policies already in place whose purpose is to govern student and staff expectations and behavior. The use of the Internet and District Network support education and research and are used in accordance with the educational objectives of the Peru Central School District in compliance with the Children’s Internet Protection Act. It is expected that users will employ network etiquette and common sense.

### USE OF DISTRICT INSTRUCTIONAL TECHNOLOGY

Acceptable Use Policy for District Access to Electronic Information, Services, and Networks

#### *Technology is Integral to a Modern Society*

The Board of Education is committed to maximizing the intentional integration of instructional technology to enrich and extend learning opportunities for students and staff members. The Board considers student access to end-user devices, learning applications, educational software, and the worldwide web to be a fundamental educational and research tool.

To that end, the District is committed to building and maintaining a robust computer infrastructure capable of supporting the application of 21<sup>st</sup> Century modern learning tools and practices. The use of computer-related technology in classrooms across the District is strongly encouraged to advance and promote both learning and teaching.

Online navigation, research skills, and interconnectivity are fundamental to the preparation of global citizens and knowledge based participants of an interconnected world economy. Access to the Internet enables students to explore myriad libraries, electronic databases, and other important resources. Instruction to identify useful information and evaluate the value of that material to make connections, build understanding, produce and share knowledge is essential. Educational technology stands to empower learners in the acquisition of information. It also possesses synthesis tools to promote understanding and the production of knowledge. Finally, technology represents a powerful differentiation vehicle to personalize and extend the

learning experience.

Beyond the construction of knowledge, the District recognizes that students and staff member's alike benefit from the free-flowing exchange of ideas facilitated by modern communication technologies. The source of useful ideas and meaningful exchange need not be constrained by geography. Technological tools can greatly support and accelerate communication between students with other people from around the world.

A robust District network architecture provides the backbone that supports multiple uses of modern technology by students and staff members. First, the District network supports internal and external communication, including telecommunication, email, and print messaging. Second, it provides connectivity to the Internet for research, enhances the evaluation of information and formulation of understanding, and provides authentic means to share knowledge. Third, a functional network promotes continuous professional learning and collaboration. Fourth, it supports reliable operations, including the effective management of student information, routing of buses, and appropriate employee compensation.

#### *User Rights Balanced by Responsibility*

The Board of Education is committed to developing and supporting responsible cyber-citizenry of students and staff members by providing access to District infrastructure. A central premise of a democratic society is that individual freedoms are balanced with an interest in the collective welfare of others, which comprises both physical safety and emotional security. To this end, it is important that the District describes the acceptable and unacceptable uses of District technology. Clear behavioral expectations for the use of District technology are hereby described in this policy.

All students, staff members, and guest users of the District's network must understand that access to District infrastructure, end-user devices, and applications comprise a privilege, not a right, and that their use requires personal responsibility. The District reserves the right to control access to the Internet for all users of its devices, network, and systems architecture. More specifically, the District may either allow or prohibit certain uses of its devices and applications. Further, the District may limit the types of on line activity, including access to specific Internet websites.

In making decisions regarding student access to the Internet, the District considers its educational mission, goals, and objectives. Students utilizing District access to the Internet must agree to the terms and conditions of this acceptable use policy or AUP. They must agree to be supervised by District staff members. The students will be held responsible for using technology in a manner similar to how they are expected to behave and/or communicate in a classroom or other area of the school, as described in the District Code of Conduct.

The District expects that faculty will purposefully integrate uses of the Internet throughout the curriculum and will provide guidance and instruction to students in its acceptable use and maximal benefit. While students will be able to move beyond resources previewed and identified by their teachers, it is expected that they will be provided with specific class lists or project guidelines of resources particularly suited to stated learning objectives.

#### *Inappropriate Uses of Technology*

The following actions violate this Acceptable Use Policy:

- to access any individual's digital materials, information, or files without permission;
- to access, upload, download, or distribute pornographic, obscene, or sexually explicit material whether the material is in audio, graphic, or text format;
- to harass anyone in any way using the school district's electronic computer systems, networks, or communications systems;
- to perform commercial activities;
- to vandalize, damage, or disable the property of another individual or organization;
- to violate any local, state, or federal statute;
- to violate copyright or otherwise use the intellectual property of another individual or organization without permission;
- to install or operate computer or network equipment on Peru Central School property not previously approved by the systems administrator;
- to interfere with the functioning of the network or computer functions to include, but not limited to;
  - breaking computer security
  - causing broadcasting of e-mail or packets to cause denial of service conditions
  - computer hacking, attacks on computer resources that result in loss of function or access
  - destruction of others' files
  - distribution of viruses or tools that others might use to cause disruptions
  - running of processes on computers to bog them down
- to use any device or process to circumvent security, conduct hacking or cracking operations, or conduct sniffing of network resources;
- to vandalize, disable, or degrade computer and/or network related equipment;
- to waste consumable resources;
- to commit any other action that interferes with the instructional or learning process.

#### Protection of User Data

Staff members are required to attain pre-approval from their building or program administrator, who in turn will check with the NERIC Instructional Technology (IT) specialist, before directing or knowingly allowing any student to use any cloud-based educational software or application. This is especially important because of increased concern about identity theft, unwarranted invasion of privacy, and the necessity to protect personally identifiable information as required. The NERIC IT specialist will determine if a formal contract is required or if the terms of service are sufficient to address privacy and security requirements. The NERIC IT specialist will confirm with the Superintendent that all requirements have been satisfied and inform the building or program administrator.

#### Data Storage Expectations

Further, users of District devices or infrastructure should not expect that files stored on school-based computers will remain private. Electronic messages and files stored on school-based computers may be treated like school lockers. Administrators and faculty may review files and messages to maintain system integrity and ensure that users are acting responsibly.

#### Procurement of Technology Resources for Learning

The Superintendent, working in conjunction with the designated purchasing agent for the District, NERIC IT management team, and the Director of Curriculum, Assessment and

Professional Development will be responsible for the purchase and distribution of computer software and hardware throughout the District.

### Long-Term Planning

The District's Tech Vision Committee, a shared-decision making team, will provide input to prepare a comprehensive multiyear technology plan for approval from the Board of Education. The plan will be revised as necessary to reflect statutory changes, evolving technological tools, and/or alterations in District needs.

### Consequences for Violations of Use

All users of the District's network, devices, and/or applications shall comply with this policy and regulation. Failure to comply may result in disciplinary action as well as suspension and/or revocation of computer access privileges.

Any violation of District AUP, its rules, or related regulation may result in loss of District-provided access to the network, devices, and/or applications. This includes computers and access to the Internet. Additional disciplinary action may be determined by the Superintendent in keeping with existing procedures and practices regarding inappropriate language or behavior via technology. When and where applicable, law enforcement agencies may also be involved.

The Peru Central School District makes no warranties of any kind, neither expressed nor implied, for the Internet access it is providing. The District will not be responsible for any damages users suffer, including--but not limited to--loss of data resulting from delays nor interruptions in service. The District will not be responsible for the accuracy, nature or quality of information on District storage media, nor for the accuracy, nature, or quality of information gathered through District provided Internet access. The District will not be responsible for personal property used to access District computers or networks or for District-provided Internet access. The District will not be responsible for unauthorized financial obligations resulting from District-provided access to the Internet.

**Parents of students in the Peru Central School District shall be provided with the following information:**

The Peru Central School District provides access to the Internet. The Internet is an electronic highway connecting hundreds of thousands of computers and millions of individual users all over the world. This computer technology will help propel our schools through the information age by providing students and staff members with access to and use of resources from distant computers, communicate and collaborate with other individuals and groups around the world, and significantly expand their available information base. The Internet is a tool, integral to lifelong learning in the 21<sup>st</sup> Century.

The District will be educating all students regarding appropriate online behavior including interacting with other individuals over digital formats, and regarding cyberbullying awareness and response. The District is committed to developing responsible cyber-citizenship among its students.

Families should be aware that some material accessible via the Internet may contain items that are illegal, defamatory, inaccurate, or potentially offensive to some people. In addition, it is possible to purchase certain goods and services via the Internet which could result in unwanted financial obligations for which a student's parent or guardian would be liable.

While the District's intent is to make Internet access available in order to further educational goals and objectives, students may find ways to access other materials as well. Even though the District has instituted technological methods and systems to regulate students' Internet access, those methods cannot guarantee compliance with the District's acceptable use policy or AUP. The District believes however that the benefits to student access to the Internet exceed its disadvantages.

Ultimately, parents and guardians of minors are responsible for setting and conveying the Toward that end, the Peru Central School District makes the District's complete Acceptable Use Policy and procedures available upon request for review by all parents, guardians, and other members of the community.

### **XIII: GENERAL DEFINITIONS**

For the purpose of this code, it is important that the following definitions are understood:

#### Alternative Education

A provision of educational service to an elementary or Junior/Senior High School student through the age of 21 in a manner other than in the regular full-time day school. Students may receive homebound instruction, reduced school day or receive educational service in some other setting.

#### Bullying

In the context of this policy, is defined as inappropriate persistent behavior including threats and/or intimidation of others, treating others cruelly, terrorizing, coercing, or habitual put downs and/or badgering others.

#### Child Pornography

Any visual depiction, including any photograph, film, video, picture, or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct where the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct, the depiction is, or appears to be, of a minor engaging in sexually explicit conduct, the depiction has been created, adapted or modified to appear that an identifiable minor is engaging in sexually explicit conduct, or the depiction is advertised or described in such a manner that it conveys the impression that the material is or contains a visual depiction of a minor engaging in sexually explicit conduct.

#### Controlled Substance

A drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.

#### Copyright

According to the Copyright Act of 1976, "Fair Use" means that you may freely use any information that you legally find for scholarly purposes. You may not plagiarize or sell it.

For example, if you find copies of Microsoft Office or any other copyrighted or licensed software, you cannot legally copy it. However, if you find an article about Microsoft Office, you may copy it as long as you give credit to the author and do not sell it.

Dignity for All Students Act (DASA) – (§§10-18 of Education Law) defines harassment as the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance.

Disability

A physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or a record of such an impairment or a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law §11[4] and Executive Law § 292[21]).

Disorderly Conduct

Any act committed by a student through the age of 21 with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk that is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.

Disruptive Student

An elementary or Junior/Senior High School student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.

Employee

Any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involved direct student contact (Education Law § 11[4] and 1125[3]).

Gender

Actual or perceived sex and includes a person’s gender identity or expression (Education Law § 11[6]).

Gender Expression

The manner in which a person presents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

Gender Identity

One’s self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

Harassment

The creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities, or benefits, or mental emotional or physical wellbeing; or conduct, verbal threats, intimidation or abuse that reasonably causes

or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation, or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (Education Law § 11[7]).

#### Harmful to minors

Any picture, image, graphic image file, or other visual depiction that, taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex or excretion; 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, taken as a whole, lacks serious literary, artistic, political, or scientific value to minors.

#### Inappropriate materials

Any material that is obscene, child pornography or harmful to minors.

#### Insubordination

The outright refusal to comply with the reasonable request of any staff member or responsible adult serving in the capacity of chaperone by an elementary or Junior/Senior High School student through the age of 21.

#### Obscene

Any work that taken as a whole, appeals to prurient interest, whether the work depicts or describes in a patently offensive way specifically defined by applicable state law, and the work taken as a whole lacks serious literary, artistic, political or scientific value.

#### Parent

Parent, guardian or persons in parental relation to a student.

#### Plagiarism

Plagiarism is "taking ideas or writings from another person and offering them as your own." Credit should always be given to the person who created the article or is responsible for the idea. Take extra caution when using the information networks. Cutting and pasting ideas into your own document, without giving credit to the author is plagiarism.

#### School Bus

Every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law §11[1] and Vehicle and Traffic Law §142).

#### School Function

A school-sponsored extra-curricular event or activity (Education Law §11[2]).

#### 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 Junior/Senior High school, or in or on a school bus. Education Law §11[1]).

Sexual Orientation

Actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law § 11[5]).

Violent

Any visual depiction, including any photograph, film, video, picture, or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, involving physical force exerted to cause damage, abuse or injury.

Violent Student

A student under the age of 21 whom:

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

Weapon

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