

# EXHIBIT 1

## **0110 SEX DISCRIMINATION AND SEXUAL HARASSMENT**

The Board of Education recognizes that harassment of students, staff and certain “non-employees” (which includes contractors, subcontractors, vendors, consultants and other persons providing services pursuant to a contract, or their employees) based on their sex, gender and/or sexual orientation (referred to in this policy as “sexual harassment”) is a form of discrimination and constitutes abusive and illegal behavior that harms victims and negatively affects the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board further recognizes that preventing and remedying sexual harassment in schools is essential to ensure a healthy, nondiscriminatory environment in which students can learn and employees and “non-employees” providing services in the schools can work productively. Sexual harassment of students is addressed in this policy and accompanying regulation (Policy 0110-R); sexual harassment of staff and “non-employees” is addressed in Policy 9010.2 and its accompanying regulation.

Sexual harassment can be comprised of either or both of two types of behavior: sexual harassment and gender-based harassment. Sexual harassment is unwelcome conduct of a sexual nature, which can include unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature. Gender-based harassment includes verbal, non-verbal or physical aggression, intimidation or hostility that is based on actual or perceived gender as well as sexual stereotypes. Sexual harassment or gender-based harassment can deny or limit the student’s ability to participate in or to receive benefits, services or opportunities from the district’s programs and activities and can create a hostile and unwelcome atmosphere for that student.

The Board is committed to providing an educational and working environment that promotes respect, dignity and equality and that is free from all forms of harassment. To this end, the Board condemns and strictly prohibits all forms of sexual harassment on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the district. Conduct that occurs off school grounds and/or outside of the district’s educational programs and activities is covered by this policy if there is some nexus or relationship between the conduct at issue and the district, including where off-campus conduct involving students endangers the health and/or safety of students or staff within the educational system, substantially disrupts education, or adversely affects the educative process, and with respect to staff and “non-employees” if the harassment adversely affects the individual’s employment in a manner that violates their legal rights.

For the purposes of this policy, sexual harassment includes conduct between or involving staff (including “non-employees”) to student, student to staff, staff to staff, student to student, male to female, female to male, male to male or female to female. Sexual harassment also includes harassment against transgender, questioning, transitioning, intersexual or asexual students. It shall be a violation of this policy for any student, employee or third party (school visitor, vendor, etc.) to sexually harass any student or employee.

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The district will promptly investigate all complaints of sexual harassment, either formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation. If the alleged victim reports that he or she feels unsafe at school due to the issues raised in the complaint or the investigative process, the district will determine if accommodations need to be made during the pendency of the issue and will implement such accommodations that are reasonable and appropriate in light of the circumstances.

If, after appropriate investigation, the district finds that a student, an employee, a “non-employee”, or a third party has violated this policy, prompt corrective action will be taken in accordance with the

applicable collective bargaining agreement, contract, district policy and federal or state law.

All complainants, alleged victims and those who participate in the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind. Complaints concerning retaliation shall be made to the district utilizing the complaint procedures for reporting of sex discrimination and/or sexual harassment, and shall be investigated and resolved using the processes and procedures for resolution of complaints of sex discrimination and/or sexual harassment.

The Superintendent of Schools is directed to develop and implement regulations for reporting, investigating and remedying allegations of sexual harassment, consistent with this policy, its regulations, and applicable contracts and law. In addition, training programs shall be established for students and employees to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment.

This policy and its implementing regulations shall be communicated and publicized in accordance with the Policy on Non-Discrimination and Equal Opportunity.

Cross-ref:

0100, Non-Discrimination and Equal Opportunity

0110-R, Sexual Harassment Regulation

0115, Dignity for All Students: Prohibiting Bullying, Discrimination and Harassment of Students

0115-R, Student Harassment and Bullying Prevention and Intervention Regulation

0115-E, Discrimination/Harassment/Bullying Report Form for Students

5300, Code of Conduct

9010, Equal Employment Opportunity

9010.2, Harassment of Employees

9010.2-R, Harassment of Employees Regulation

9010.2-E.1, Harassment Formal Complaint Form

9010.2-E.2, Harassment Complaint Appeal Form

9520, Staff Complaints and Grievances

9520-R, Staff Complaint and Grievances Regulation

Ref:

Education Amendments of 1972, Title IX, [20 U.S.C. §1681](#) *et seq.*

Title VII of Civil Rights Act (1964), [42 U.S.C. §2000e](#) *et seq.*; [34 CFR §100](#) *et seq.*

[Executive Law, § 290](#) *et seq.* (New York State Human Rights Law)

[Davis v. Monroe County Board of Education](#), 526 U.S. 629 (1999)

[Gebser v. Lago Vista Independent School District](#), 524 U.S. 274 (1998)

[Public Health Law, §2782](#)

Adoption date: June 14, 2018 (replacing Policy 0110, Sexual Harassment)

Revised: March 25, 2021

**Croton-Harmon Schools**

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# EXHIBIT 2

## 0110-R SEXUAL HARASSMENT REGULATION

It is the district's commitment to provide a healthy and productive environment for all students and employees (including all staff, applicants for employment, interns and volunteers) and "non-employees" (i.e. contractors, subcontractors, vendors, consultants, and others providing services to the district) that promotes respect, dignity and equality. This regulation is intended to create and preserve an educational and working environment free from unlawful sexual harassment on the basis of sex, gender and/or sexual orientation.

### "Sexual Harassment" Defined to Include Sexual Harassment and Gender-Based Harassment

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature. This term includes harassment on the basis of actual or perceived or self-identified sex, sexual orientation, gender identity, gender expression and transgender status.

"Gender-based harassment" means verbal, non-verbal or physical aggression, intimidation or hostility that is based on actual or perceived gender identity or expression.

Sexual or gender-based harassment includes unwelcome conduct which is either of a sexual nature or is directed at an individual because of that individual's sex, gender, or sexual orientation, when:

1. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of an employee's employment or a student's education (including any aspect of the student's participation in school-sponsored activities, or any other aspect of the student's education); or
2. submission to or rejection of that conduct or communication by an individual is used as the basis for a decision affecting an employee's employment or a student's education; or
3. the conduct or communication has the purpose or effect of substantially or unreasonably interfering with an employee's work performance or a student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile or offensive working or educational environment, even if the complaining individual is not the intended target of the conduct or communication.

### Unacceptable Conduct

School-related conduct that the district considers unacceptable and which may constitute sexual harassment includes, but is not limited to, the following:

1. rape, attempted rape, sexual assault, attempted sexual assault, forcible sexual abuse, hazing, and other sexual and gender-based activity of a criminal nature as defined under the State Penal Law;
2. unwelcome sexual advances or invitations or requests for sexual activity, including but not limited to those made in exchange for grades, promotions, preferences, favors, selection for extracurricular activities or job assignments, homework, etc., or when accompanied by overt or implied threats concerning the target's employment or school evaluations, or other benefits or detriments;
3. unwelcome or offensive public sexual display of affection, including kissing, hugging, making out, groping, fondling, petting, inappropriate touching of one's self or others (e.g., pinching, patting, grabbing or poking), sexually suggestive dancing, and massages;
4. any unwelcome communication that is sexually suggestive, sexually degrading or derogatory or implies sexual motives or intentions, such as sexual remarks or innuendoes about an individual's

clothing, appearance or activities; sexual jokes; sexual gestures; public conversations about sexual activities or exploits; sexual rumors and "ratings lists;" howling, catcalls, and whistles; sexually graphic computer files, messages or games, etc.;

5. unwelcome and offensive name calling or profanity that is sexually suggestive, sexually degrading, implies sexual intentions, or that is based on sexual stereotypes or sexual orientation, gender identity or expression;
6. unwelcome physical contact or closeness that is sexually suggestive, sexually degrading, or sexually intimidating such as the unwelcome touching of another's body parts, cornering or blocking an individual, standing too close, spanking, pinching, following, stalking, frontal body hugs, etc.;
7. unwelcome and sexually offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking," "mooning," "snuggies" or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt "flip-ups," "spiking" (pulling down someone's pants or swimming suit); pinching; placing hands inside an individual's pants, shirt, blouse, or dress, etc.;
8. unwelcome leers, stares, gestures, or slang that are sexually suggestive, sexually degrading or derogatory, or imply sexual motives or intentions;
9. clothing with sexually obscene or sexually explicit slogans or messages;
10. unwelcome and offensive skits, assemblies, and productions that are sexually suggestive, sexually degrading, or that imply sexual motives or intentions, or that are based on sexual stereotypes;
11. unwelcome written or pictorial display or distribution (including by electronic devices) of pornographic or other sexually explicit materials such as signs, graffiti, calendars, magazines, videos, films, Internet material, etc.;
12. other hostile actions taken against an individual because of that person's sex, sexual orientation, gender identity or transgender status, such as interfering with, destroying or damaging a person's work or school area or equipment; sabotaging that person's work or school activities; bullying, yelling, or name calling; or otherwise interfering with that person's ability to work or participate in school functions and activities; and
13. any unwelcome behavior based on sexual stereotypes and attitudes that is offensive, degrading, derogatory, intimidating, or demeaning, including, but not limited to:
  - a. disparaging remarks, slurs, jokes about or aggression toward an individual because the person displays mannerisms or a style of dress inconsistent with stereotypical characteristics of the person's sex;
  - b. ostracizing or refusing to participate in group activities with an individual during class projects, physical education classes or field trips because of the individual's sex, gender expression or gender identity;
  - c. taunting or teasing an individual because they are participating in an activity not typically associated with the individual's sex or gender.

For purposes of this regulation, action or conduct shall be considered "unwelcome" if the student did not request or invite it and regarded the conduct as undesirable or offensive.

#### Determining if Prohibited Conduct is Sexual Harassment

Complaints of sexual harassment will be thoroughly investigated to determine whether the totality of the behavior and circumstances meet any of the elements of the above definition of sexual harassment and should therefore be treated as sexual harassment. Not all unacceptable conduct with sexual connotations may constitute sexual harassment. To be actionable under these Regulations (other than quid pro quo situations where the alleged harasser offers academic or employment rewards or

threatens punishment as an inducement for sexual favors), unacceptable behavior must be sufficiently severe, pervasive and objectively offensive to be considered sexual harassment. If the behavior doesn't rise to the level of sexual harassment, but is found to be objectionable behavior, the individual will be educated and counseled in order to prevent the behavior from continuing.

In evaluating the totality of the circumstances and making a determination of whether conduct constitutes sexual harassment, the individual investigating the complaint should consider:

1. the degree to which the conduct affected the ability of the student to participate in or benefit from his or her education or altered the conditions of the student's learning environment or altered the conditions of the employee's working environment;
2. the type, frequency and duration of the conduct;
3. the identity of and relationship between the alleged harasser and the subject of the harassment (e.g., sexually based conduct by an authority figure is more likely to create a hostile environment than similar conduct by another student or a co-worker);
4. the number of individuals involved;
5. the age and sex of the alleged harasser and the subject of the harassment;
6. the location of the incidents and context in which they occurred;
7. other incidents at the school; and
8. incidents of gender-based, but non-sexual harassment.

### Reporting Complaints

Any person who believes he or she has been subjected to sexual harassment by a student, district employee or third party related to the school is required to report complaints as soon as possible after the incident in order to enable the district to effectively investigate and resolve the complaint. Such persons are encouraged to submit the complaint in writing; however, complaints may be filed verbally. Additionally, any person who witnesses or is aware of sexual harassment of a student, employee, or "non-employee" should report the incident or behavior to the district. Written complaints may be made using the Bullying/Harassment Report Form (Policy 0115-E) or by letter or verbally to the Superintendent or another administrator or manager.

Complaints should be filed with **the Title IX coordinator or the Dignity Act (DASA) coordinator** in the building in which the incident occurred or that the student attends.

Any school employee who receives a complaint or report of conduct from a student of conduct that may constitute sexual harassment, including verbal complaints or reports, shall inform the student of the employee's obligation to report the complaint to the school administration, and then shall immediately notify **the Title IX coordinator or the building DASA coordinator**. School employees receiving complaints of sexual harassment from employees and "non-employees" shall either direct the complainant to the Building Principal, or may report the incident themselves. Supervisory and managerial personnel are required to report complaints of sexual harassment received by staff and will be subject to discipline for failing to report suspected or reported sexual harassment, knowingly allowing sexual harassment to continue, or engaging in any retaliation.

In order to assist investigators, alleged victims should document the harassment as soon as it occurs and with as much detail as possible including: the nature of the harassment; dates, times, places it has occurred; name of harasser(s); witnesses to the harassment; and the response to the harassment.

### Confidentiality

It is district policy to respect the privacy of all parties and witnesses to complaints of sexual



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

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

1. the request may limit the district's ability to respond to the alleged improper conduct;
2. district policy and federal law prohibit retaliation against alleged victims, complainants and witnesses;
3. the district will attempt to prevent any retaliation; and
4. the district will take strong responsive action if retaliation occurs.

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

#### Investigation and Resolution Procedure

##### A. Initial (Building-level) Procedure

The **Title IX coordinator or the building DASA coordinator** shall conduct a preliminary review when they receive a verbal or written complaint of sexual harassment, or if they observe sexual harassment. Except in the case of severe or criminal conduct, **the Title IX coordinator or the building DASA coordinator** should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal investigation and resolution procedures is to end the harassment and obtain a prompt and equitable resolution to a complaint.

Investigations in which an employee who is represented by a labor organization is the subject of the inquiry shall be conducted in conformity of all provisions of an applicable collective bargaining agreement.

This investigation shall be prompt and thorough and shall be completed as soon as possible.

As soon as possible but no later than three school days following receipt of a complaint, the **Title IX coordinator or the building DASA coordinator** shall begin an investigation of the complaint, which investigation shall include the following steps as appropriate:

1. Interview the alleged victim and document the conversation. Instruct the alleged victim to have no contact or communication regarding the complaint with the alleged harasser. Ask the alleged victim specifically what action he/she wants taken in order to resolve the complaint. Refer the alleged victim, as appropriate, to school social workers, school psychologists, crisis team managers, other school staff, or appropriate outside agencies for counseling services.

2. Review any written documentation of the harassment prepared by the alleged victim. If the alleged victim has not prepared written documentation, instruct the alleged victim to do so, providing alternative formats for individuals with disabilities and young children, who have difficulty writing and need accommodation. If the complainant refuses to complete a complaint form or written documentation, the Title IX coordinator or the building DASA coordinator shall complete a complaint form (Exhibit 0115-E) based on the verbal report.
3. Request, obtain, review and preserve relevant evidence of harassment (e.g., documents, emails, phone records, etc.) and other documentation relevant to the complaint.
4. Interview the alleged harasser regarding the complaint and inform the alleged harasser that if the objectionable conduct has occurred, it must cease immediately. Document the conversation. Provide the alleged harasser an opportunity to respond to the charges in writing.
5. Instruct the alleged harasser to have no contact or communication regarding the complaint with the alleged victim and to not retaliate against the alleged victim. Warn the alleged harasser that if he/she makes contact with or retaliates against the alleged victim, he/she will be subject to immediate disciplinary action.
6. Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and his/her statement confidential.
7. Where appropriate, suggest mediation as a potential means of resolving the complaint. In addition to mediation, use appropriate informal methods to resolve the complaint, including but not limited to:
  - a. discussion with the alleged harasser, informing him or her of the district's policies and indicating that the behavior must stop;
  - b. suggesting counseling and/or sensitivity training;
  - c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
  - d. requesting a letter of apology to the victim of improper behavior;
  - e. writing letters of caution or reprimand; and/or
  - f. separating the parties.
8. Parent/Student/Employee Involvement and Notification
  - a. Parent(s)/guardians(a) of alleged victims and alleged harassers shall be notified within one school day of the receipt of an allegation of harassment.
  - b. The investigator may permit parent(s)/guardian(s) of the alleged victim and of the alleged harasser(s) to participate, if such participation may be beneficial to investigation and resolution of the matter, as deemed appropriate by the investigator.
  - c. If the alleged harasser is a disabled student receiving special education services under an IEP or section 504 accommodations, the Title IX Coordinator will consult with the Committee on Special Education to determine whether the student's disability would impair the student's ability to participate in the investigation.
  - d. The **Title IX coordinator or the building DASA coordinator** (i.e., the investigator) shall submit a copy of all investigation and interview documentation to the Superintendent.
  - e. The investigator shall report back to both the alleged victim and the alleged harasser, notifying them in writing, and also in person as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The investigator shall instruct the alleged victim to report immediately if the objectionable

behavior occurs again or if the alleged harasser retaliates against him/her.

10. Document the investigation, including:
  - a. A list of all documentation and other evidence reviewed, along with a detailed summary and copies of documentary evidence;
  - b. A list of names of those interviewed along with a detailed summary of their statements;
  - c. A timeline of events;
  - d. A summary of prior incidents, reported or unreported, that are relevant to the complaint; and
  - e. The final resolution of the complaint, together with an enumeration of any corrective action(s) taken with respect to the alleged victim(s), the alleged harasser(s), or otherwise.

Such documentation shall be maintained in a secure and confidential manner, consistent with the district's privacy and confidentiality obligations. Such documentation shall be made available to the district's counsel or as otherwise required by law.

The Superintendent shall be informed of the results of the investigation. If the investigation determines that sexual harassment occurred, the Superintendent or designee shall then take prompt corrective action in accordance with district policy, the applicable collective bargaining agreement or state law. If it is determined that corrective action is to be taken with respect to a student, such corrective action shall be consistent with the district Code of Conduct, which may include actions consistent with the district's programs for restorative justice. If it is determined that a "non-employee" engaged in conduct that constitutes sexual harassment, the Superintendent shall take appropriate action with respect to that individual, which may include determining that the individual shall no longer provide services to the district or requesting that the individual no longer be assigned to work for the district, consistent with any applicable contract with the district.

If a complaint received by **the Title IX coordinator or the building Dignity Act (DASA) coordinator** contains evidence or allegations of serious or extreme harassment, such as employee to student harassment, criminal touching, quid pro quo (e.g., offering an academic or employment reward or punishment as an inducement for sexual favors), or acts which shock the conscience of a reasonable person, the complaint shall be referred promptly to the Superintendent. In addition, where **the Title IX coordinator or the building DASA coordinator** has a reasonable suspicion that the alleged harassment involves criminal activity, he/she should immediately notify the Superintendent, who shall then contact appropriate child protection and law enforcement authorities. Where criminal activity is alleged or suspected by a district employee, the accused employee shall be suspended pending the outcome of the investigation, consistent with all contractual or statutory requirements.

At the conclusion of the investigation, **the Title IX coordinator or the building Dignity Act (DASA) coordinator** shall communicate with the complainant or the alleged victim of harassment as to the result of the investigation. Such communications shall be made with due regard for, and in accordance with, the Family Educational Rights and Privacy Act ("FERPA"), Policy 5500, and Policy 5500-R, and in accordance with the rights of privacy and confidentiality of District staff members.

#### Retaliation Prohibited

Any act of retaliation against any person who opposes sexually harassing behavior, or who has filed a  
0110-R

complaint in good faith, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has in good faith testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a sexual harassment complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, discipline, discrimination, demotion, denial of privileges, any action that would keep a person from coming forward to make or support a sexual harassment claim, and any other form of harassment. Such actions need not be job- or education-related, or occur in the workplace or educational environment, to constitute unlawful retaliation. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension or termination.

### External Remedies

In addition, targets have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights (OCR). The OCR can be contacted at (800) 421-3481, 400 Maryland Avenue SW, Washington, DC 20202-1100, or at <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.

Employee targets also have the right to register complaints with the federal Equal Employment Opportunity Commission (EEOC) and the New York State Division of Human Rights (DHR). The EEOC can be contacted at (800) 669-4000, <https://www.eeoc.gov/employees/howtofile.cfm>, [info@eeoc.gov](mailto:info@eeoc.gov), or at 33 Whitehall Street, 5th Floor, New York, NY 10004. The DHR can be contacted at (888) 392-3644, [www.dhr.ny.gov/complaint](http://www.dhr.ny.gov/complaint), or at 1 Fordham Plaza, Fourth Floor, Bronx, NY 10458. "Non-employee" targets may contact the DHR.

Nothing in these regulations shall be construed to limit the right of the complainant to file a lawsuit in either state or federal court, or to contact law enforcement officials if the sexual harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, which may constitute a crime. No district contract or collective bargaining agreement may include a binding arbitration clause for sexual harassment requiring arbitration before bringing the matter to a court.

### Discipline/Penalties

Any individual who violates the sexual harassment policy by engaging in prohibited sexual harassment will be subject to appropriate disciplinary action. Disciplinary measures available to school authorities include, but are not limited to the following:

Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the District Code of Conduct and applicable law.

Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.

Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.

"Non-employees" (i.e., contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees): Penalties may range from a warning up to and including loss of district business.

Other individuals: Penalties may range from a warning up to and including denial of future access to school property.

### False Complaints

False or malicious complaints of sexual harassment may result in corrective or disciplinary action taken against the complainant.

### Training

All students and employees shall be informed of this policy in student and employee handbooks, on the district website, and in student registration materials. A poster summarizing the policy shall also be posted in a prominent location at each school. The district shall provide all existing employees with either a paper or electronic copy of the district's sexual harassment policy and regulation and shall provide the same to new employees before the employee commences employment.

In addition, age-appropriate curricular materials will be made available so that it can be incorporated in instruction K-12 to ensure that all students are educated to recognize and report sexual harassment.

All new employees shall receive information about this policy and regulation at new employee orientation or as soon as possible after starting their job, unless he/she can demonstrate that they have received equivalent training within the past year from a previous employer. All other employees shall be provided training at least once a year regarding this policy and the district's commitment to a harassment-free learning and working environment. Principals, Title IX coordinators, and other administrative employees who have specific responsibilities for investigating and resolving complaints of sexual harassment shall receive yearly training on this policy, regulation and related legal developments.

Annual employee training programs shall be interactive and include: (i) an explanation of sexual harassment consistent with guidance issued by the NYS Department of Labor and the NYS Division of Human Rights; (ii) examples of conduct that is unlawful sexual harassment; (iii) information on federal and state laws about sexual harassment and remedies available to victims of sexual harassment; and (iv) information concerning employees' right to make complaints and all available forums for investigating complaints; and (v) address the conduct and responsibilities of supervisors.

Principals in each school and program directors (e.g. the athletic director) shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures established for investigation and resolution of complaints, general issues surrounding sexual harassment, the rights and responsibilities of students and employees, and the impact of sexual harassment on the target.

### Cross-ref:

0100, Non-Discrimination and Equal Opportunity

0110, Sex Discrimination and Sexual Harassment

0115, Dignity for All Students: Prohibiting Bullying, Discrimination and Harassment of Students

0115-R, Student Harassment and Bullying Prevention and Intervention Regulation

0115-E, Discrimination/Harassment/Bullying Report Form for Students

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9010, Equal Employment Opportunity

9010.2, Harassment of Employees

9010.2-R, Harassment of Employees Regulation

0110-R

9010.2-E.1, Harassment Formal Complaint Form

9010.2-E.2, Harassment Complaint Appeal Form

9520, Staff Complaints and Grievances

9520-R, Staff Complaint and Grievances Regulation

Ref:

Education Amendments of 1972, Title IX, [20 U.S.C. §1681](#) *et seq.*

Title VII of Civil Rights Act (1964), [42 U.S.C. §2000e](#) *et seq.*; [34 CFR §100](#) *et seq.*

[Executive Law § 290](#) *et seq.* (New York State Human Rights Law)

[Civil Law Practice and Rules \(“CPLR”\) § 5003-b](#)

[General Obligations Law 5-336](#)

[Davis v. Monroe County Board of Education](#), 526 U.S. 629 (1999)

[Gebser v. Lago Vista Independent School District](#), 524 U.S. 274 (1998)

[Public Health Law, §2782](#)

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**Croton-Harmon Schools**

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# EXHIBIT 3

## 0115 DIGNITY FOR ALL STUDENTS: PROHIBITING BULLYING, DISCRIMINATION AND HARASSMENT OF STUDENTS

The Board of Education is committed to providing a safe and productive learning environment within its schools. It is the commitment of the Board and the District that bullying of a student by another student or an employee of the District is strictly prohibited on school property, in school buildings, on school buses, and at school sponsored events and activities whether occurring on or off campus. Bullying of a student by another student or an employee of the district is also prohibited outside of school if such conduct endangers the health or safety of a student or substantially disrupts the educational environment or can reasonably be expected to have such a consequence. The District will promptly address incidents of bullying, discrimination or harassment that may impede a student's ability to learn or a student's health or safety, promptly upon becoming aware of such incidents. Prohibition of bullying, discrimination and harassment will be incorporated in the District Code of Conduct and each school building's code of conduct.

### Definitions

The term "*bullying*", as used in this policy and in the District Code of Conduct, means intentional and aggressive behavior that involves an imbalance of power or strength and is usually repeated over time. Bullying involves actions such as hitting or punching (physical bullying); teasing or name-calling (verbal bullying); or intimidation through gestures, social exclusion, spreading rumors, or manipulating social relationships (psychological bullying). Bullying may occur through a single negative act (depending on severity) or a series of acts that involve a real or perceived imbalance of power, i.e. where a more powerful (real or perceived) group of students or individual student engages in harassment of another student or group of students who is/are less powerful or perceived to be less powerful.

"*Cyberbullying*", as that term is used in this policy and in the District Code of Conduct, is a form of bullying, and is prohibited whether or not it involves the use of school facilities and equipment and whether it occurs in school or outside of school. "Cyberbullying" (also known as "electronic bullying") means the use of information technology such as the Internet, email, instant messaging services, blogs, cell phones and gaming systems to deliberately harass, threaten or intimidate others. Cyberbullying may also involve sending mean, vulgar or threatening messages or images; posting sensitive or private information about another person; pretending to be someone else in order to malign that person; or intentionally excluding someone from an Internet-based group or activity.

"*Discrimination*", as that term is used in this policy, in the District Code of Conduct, and in the Board's policies and regulations on Equal Opportunity, is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of individuals because of the group, class or category to which that person belongs. Discriminatory conduct includes denial of access to facilities, the application of a dress code, or restrictions on the use of names or pronouns or the pronunciation of names if such actions are based on the group, class or category to which the person subjected to such conduct belongs.

"*Harassment*", as that term is used in this policy, in the District Code of Conduct, and in the Board's policies and regulations on Equal Opportunity, is the creation of a hostile environment by conduct or by threats, intimidation or abuse that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits within the school setting, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (c) reasonably causes or would reasonably be expected to cause a student to fear for their physical safety. Harassment encompasses conduct or acts constituting threats, intimidation or abuse that occur on school property (irrespective of whether they occur during the school day) or off school property if such conduct or acts constituting threats,



intimidation or abuse create or foreseeably (i) would create a risk of substantial disruption within the school environment or (ii) would adversely affect the educational performance, opportunities or benefits within the school setting, or mental, emotional or physical well-being of any individual or group of individuals.

"*Sexting*", as that term is used in this policy and in the District Code of Conduct, means the sending, receiving or forwarding of sexually provocative nude or nearly nude photographs through text messages or email which can be used to hurt, harass and humiliate others.

"*Threats, intimidation or abuse*", as used in this policy includes verbal and non-verbal actions.

### Behavioral Expectations

The district expects students to conduct themselves in keeping with their levels of development, maturity, and demonstrated capabilities, with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment, consistent with the Code of Conduct. The Board believes that standards for student behavior must be met cooperatively through interaction among the parents, school administrators, school employees, volunteers, and students, creating an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for school and community property.

### Prohibition of Bullying

No student will be subjected to bullying or harassment by employees or students on school property or at a school function. Nor will any student be subjected to discrimination because of their race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as but not limited to braids, locks, and twists), color, creed, national origin, ethnic group, weight, religion, religious practice, gender or sexual orientation or disability. Further, no student will be subjected to bullying, harassment, or discrimination outside of school if such conduct endangers the health or safety of a student within the education system or adversely affect the educative process, or can reasonably be expected to have such a consequence.

### Reporting of Allegations of Bullying/Cyberbullying Behavior

Any student who believes that he/she is being subjected to bullying/cyberbullying behavior, as well as any other person who has knowledge of or witnesses any possible occurrence of bullying/cyberbullying, is expected to report the behavior to any staff member or to the Building Principal or Assistant Principal. A staff member who receives such a report or complaint, or who has knowledge of or witnesses such conduct, will report such information immediately to the Building Principal or Assistant Principal (the "building administrator"), the building Dignity Act Coordinator, or the Superintendent. Such report must be made no later than one school day after the staff member witnesses harassment, bullying or discrimination, or receives an oral or written report of such conduct. The building administrator will promptly inform the Superintendent of Schools or his/her designee of the complaint or report; will expeditiously investigate such complaint or report; and will take appropriate action reasonably calculated to end any improper conduct found to have occurred, to create a more positive school environment, to prevent recurrence of the conduct, and to protect the safety of the student or students against whom such harassment, bullying or discrimination was directed. The building administrator's actions in response to a complaint or report of harassment, bullying or discrimination may include referral of the matter to the Superintendent or his/her designee for appropriate action. Further, if the Building Principal or Assistant Principal determines that such conduct may constitute Child Abuse in the Educational Setting, the building administrator will take such actions required to report the incident in accordance with law and with District policy. Allegations

of bullying/cyberbullying will be treated as confidential and private to the extent possible within legal constraints.

### No Retaliation

All complainants and those who participate in the investigation of a complaint in conformity with state law and district policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind. Any retaliatory action against any complainant, victim, witness, and/or other individual who participated in the investigation of a complaint or report of bullying/cyberbullying is strictly prohibited, and the commission of such acts will subject the perpetrator of such retaliation to consequences under the District Code of Conduct (if a student) or other appropriate corrective action (if a non-student).

### Prevention and Intervention

The Board will appoint, at its annual Organizational Meeting, a Dignity Act Coordinator for each school in the district. It will be the responsibility of the building Dignity Act Coordinator to be knowledgeable about bullying prevention, to provide staff development and training in bullying prevention, to work with staff to implement programs and to involve students in bullying prevention and awareness activities. The Board will also appoint, at its annual Organizational Meeting, a District Dignity Act Coordinator, who may be one of the building Dignity Act Coordinators or another staff member. Staff training will be provided, as appropriate, to raise awareness of the problem of bullying/cyberbullying within the District's schools and to facilitate staff identification of and response to bullying/cyberbullying behavior by students, and to reinforce to all staff members their responsibility to become actively involved in the prevention of bullying before overt acts occur and to report and address acts of bullying of which they become aware.

Staff members and students will be sensitized, through district-wide professional development and instruction, to the warning signs of bullying, as well as to their responsibility to become actively involved in the prevention of bullying before overt acts occur. Prevention and intervention techniques within the District to prevent against bullying/cyberbullying behavior and to support and protect victims will include building-level and classroom-level strategies and activities. Individual intervention will be provided by appropriate staff members to bullies, victims and their parent(s)/guardian(s) to address and eliminate bullying/cyberbullying conduct.

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

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

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

### Incident Reporting and Investigation

Students who have been bullied, parents whose children have been bullied or other students who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided. Staff who observe or learn of incident(s) of bullying are required to make an oral report to the building principal, the building DAC, the athletic director, or the Superintendent within one school day and to fill out the district

reporting form within two school days. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with his/her supervisor. A bullying complaint form will be available on the district's website. The district will ensure that the process of reporting bullying is clearly explained to students, staff and parents on an annual basis.

At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy, or, if applicable, the district's Code of Conduct.

An equitable and thorough investigation will be carried out by the building principal or assistant principal in accordance with the accompanying regulation. In addition, the results of the investigation will be reported back to both the alleged victim and the alleged harasser as specified in the accompanying regulation. If either of the parties disagrees with the results of the investigation, they can appeal the findings in accordance with the regulations that accompany this policy.

#### Disciplinary Consequences/Remediation

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

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

#### Reporting to State of Bullying/Cyberbullying Incidents

The District will report to the State Education Department all incidents of alleged bullying/cyberbullying insofar as such conduct is within a reporting system designated by the State Education Department.

#### Training

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

#### Dissemination, Monitoring and Review

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

Each building principal will regularly report to the Superintendent data and trends observed within his/her school regarding harassment, bullying and discrimination. The Superintendent will evaluate the information received from building principals and, as appropriate, recommend revisions to the

district's policies and regulations concerning bullying/cyberbullying or to the district's Code of Conduct.

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.

#### Communication of Policy

Annually, the district will provide all school employees, students and parents with a written or electronic copy of its policy and regulations concerning harassment, bullying and discrimination, or a plain-language summary of the policy and regulations, which will include notification of the process by which students, parents and employees can report harassment, bullying and discrimination. Such distribution will be in conjunction with the annual distribution of the Code of Conduct.

The district will maintain a copy of the policy and regulations concerning harassment, bullying and discrimination on its website, along with the reporting forms for use by staff members, parents, students, or other individuals to report suspected harassment, bullying or discrimination.

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

#### Cross-ref:

0100, Non-Discrimination and Equal Opportunity

0110, Sex Discrimination and Sexual Harassment

0110-R, Sexual Harassment Regulation

0115-R, Student Harassment and Bullying Prevention and Intervention Regulation

0115-E, Dignity for All Students Exhibit (reporting forms)

4321, Programs for Students with Disabilities

5300, Code of Conduct

5465, Child Abuse in an Educational Setting

#### Ref:

Dignity for All Students Act, [Education Law, §10 - 18](#)

Americans with Disabilities Act, [42 U.S.C. §12101 et seq.](#)

Title VI, Civil Rights Act of 1964, [42 U.S.C. §2000d et seq.](#)

Title VII, Civil Rights Act of 1964, [42 U.S.C. §2000e et seq.](#); [34 CFR §100 et seq.](#)

Title IX, Education Amendments of 1972, [20 U.S.C. §1681 et seq.](#)

§504, Rehabilitation Act of 1973, [29 U.S.C. §794](#)

Individuals with Disabilities Education Law, [20 U.S.C §§1400 et seq.](#)

[Executive Law §290](#) *et seq.* (New York State Human Rights Law)

[Education Law §§313\(3\), 3201, 3201-a](#)

[Tinker v. Des Moines Independent Community School Dist.](#), 393 US 503, (1969)

*Doninger v. Niehoff*, 527 F.3d 41 (2d. Cir. 2008)

*Pollnow v. Glennon*, 594 F.Sup. 220, 224 *aff'd* 757 F.2d. 496

[Davis v. Monroe County Board of Education](#), 526 U.S. 629 (1999)

[Gebser v. Lago Vista Independent School District](#), 524 U.S. 274 (1998)

[Faragher v. City of Boca Raton](#), 524 U.S. 775 (1998)

[Burlington Industries v. Ellerth](#), 524 U.S. 742 (1998)

[Oncale v. Sundowner Offshore Services, Inc.](#), 523 U.S. 75 (1998)

[Franklin v. Gwinnett County Public Schools](#), 503 U.S. 60 (1992)

[Meritor Savings Bank, FSB v. Vinson](#), 477 U.S. 57 (1986)

*Appeal of K.S.* 43 Ed. Dept. Rep. 492

*Appeal of Ravick* 40 Ed. Dept. Rep. 262

*Appeal of Orman* 39 Ed. Dept. Rep. 811

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June 6, 2019

May 5, 2022

**Croton-Harmon Schools**

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# **EXHIBIT 4**

## **0115-R STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION REGULATION**

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

### **Definitions**

#### **Bullying**

In order to facilitate implementation, provide meaningful guidance and prevent behaviors from rising to a violation of law, bullying is understood to be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. Bullying may be premeditated or a sudden activity. It may be subtle or easy to identify, done by one person or a group. Bullying often includes the following characteristics:

1. Power imbalance - occurs when a bully uses his/her physical or social power over a target.
2. Intent to harm - the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.
3. Threat of further aggression - the bully and the target believe the bullying will continue.
4. Terror - when any bullying increases, it becomes a "systematic violence or harassment used to intimidate and maintain dominance."

There are at least three kinds of bullying: verbal, physical and social/relational.

- Verbal bullying (which can be delivered orally, electronically or in writing) includes name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs,), anonymous notes, etc.
- Physical bullying includes poking, slapping, hitting, tripping or causing a fall, choking, kicking, punching, biting, pinching, scratching, spitting, twisting arms or legs, damaging clothes and personal property, or threatening gestures.
- Social or relational bullying includes excluding someone from a group, isolating, shunning, spreading rumors or gossiping, arranging public humiliation, undermining relationships, teasing about clothing, looks, giving dirty looks, aggressive stares, etc.

#### **Discrimination**

Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as listed under *Harassment* as defined below). Discriminatory conduct includes denial of access to facilities, the application of a dress code, or restrictions on the use of names or pronouns or the pronunciation of names if such actions are based on the group, class or category to which the person subjected to such conduct belongs.

#### **Harassment**

Harassment, as that term is used in this policy, in the District Code of Conduct and in the

Board's policies and regulations on Equal Opportunity, is defined as the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits within the school setting, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (c) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. Harassment encompasses conduct or acts constituting threats, intimidation or abuse that occur on school property (irrespective of whether they occur during the school day) or off school property if such conduct or acts constituting threats, intimidation or abuse create or foreseeably (i) would create a risk of substantial disruption within the school environment or (ii) would adversely affect the educational performance, opportunities or benefits within the school setting, or mental, emotional or physical well-being of any individual or group of individuals.

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

- race (hair texture and certain hairstyles as a trait associated with race),
- color,
- weight,
- national origin,
- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression).
- Gender identity is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.
- Gender expression is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.

## **Hazing**

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

## **Prevention**

Prevention is the cornerstone of the district's effort to address bullying. The components of such an effort involve the following:

- Developing and implementing curriculum that emphasizes empathy, tolerance and respect for others.
- Learning about and identifying the early warning signs and precursor behaviors that may lead to bullying.
- Gathering information about bullying at school directly from students (through surveys and



other mechanisms); analyzing and using the data gathered to assist in decision-making about programming and resource allocation.

- Establishing clear school wide and classroom rules about bullying consistent with the district's code of conduct.
- Training adults in the school community to respond sensitively and consistently to bullying.
- Raising awareness among adults, through training, of the school experiences of marginalized student populations, social stigma in the school environment, gender norms in the school environment, and strategies for disrupting bullying or other forms of violence.
- Providing adequate supervision, particularly in less structured areas such as in the hallways, cafeteria, school bus and playground.
- Raising parental awareness and involvement in the prevention program and in addressing problems.
- Using educational opportunities or curriculum, including, if applicable, the Individual Educational Program (IEP), to address the underlying causes and impact of bullying.

### **Sexting**

"Sexting", as that term is used in this policy and in the District Code of Conduct, means the sending, receiving or forwarding of sexually provocative nude or nearly nude photographs through text messages or email which can be used to hurt, harass and humiliate others.

### **Threats, Intimidation or Abuse**

"Threats, intimidation or abuse", as used in this policy includes verbal and non-verbal actions.

### **Role of the Dignity Act Coordinator(s)(DAC)**

The Board of Education will annually designate a staff member as the Dignity Act Coordinator (DAC) for each school, accountable for implementation of this policy. In addition, the Board shall annually designate a District Dignity Act Coordinator (who may be a building DAC) who will be responsible for ensuring equivalency in programming across buildings. The building-level DAC will be responsible for coordinating and enforcing this policy and regulation in the school to which they are assigned, including but not limited to coordination of:

- the work of the building-level committees;
- professional development for staff members and,
- the complaint process, and
- management of the Dignity Act's civility curriculum components.

### **Incident(s) Reporting**

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims of bullying and persons with knowledge of bullying report such behavior immediately to the building principal, the DAC, the Athletic Director, the Superintendent, or any staff member as soon as possible after the incident so that it may be effectively investigated and resolved. The district will also make a bullying complaint form available on its website to facilitate reporting. The person (other than a staff member) will be provided the opportunity to make an anonymous report through a written report form. However, such form shall make clear that the failure to identify the reporter may make it more difficult for the district to conduct a thorough and fair investigation of the report. The district will collect relevant data from written and verbal complaints to allow for systematic reporting.

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

The district will thoroughly, promptly and equitably investigate all reports and complaints, formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner, although limited disclosure may be necessary to complete a thorough investigation. An investigation of a report or complaint of harassment, bullying, or discrimination shall be conducted without regard to whether the alleged victim of such conduct requests that the matter not be pursued.

In order to assist investigators, individuals should document the bullying as soon as it occurs and with as much detail as possible including: the nature of the incident(s); dates, times, places it has occurred; name of perpetrator(s); witnesses to the incident(s); and the victim's response to the incident.

## **Confidentiality**

It is district policy to respect the privacy 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 alleged victim 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 and alleged victims.

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

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

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

## **Investigation and Resolution Procedure**

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

Whenever a complaint of bullying is received whether verbal or written, it will be subject to a thorough preliminary review and investigation. Except in the case of severe or criminal conduct, the principal or the assistant principal shall make all reasonable efforts to resolve complaints through conciliation prior to investigation at the school level. The goal of conciliation procedures is to end the bullying, prevent future incidents, ensure the safety of the victim and obtain a prompt

and equitable resolution to a complaint.

As soon as possible, but no later than two school days following receipt of a complaint, the principal or the assistant principal will begin an investigation of the complaint by:

- Reviewing any written documentation provided by the victim(s).
- Conducting separate interviews of the victim(s), alleged perpetrator(s), and witnesses, if any, and documenting the conversations.
- Providing the alleged perpetrator(s) a chance to respond and notify 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 and/or the alleged victim(s) needs any accommodations to ensure his/her safety, and following up periodically until the complaint has been resolved.

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.

Parents of alleged victims and parents of students alleged to have engaged in bullying should be notified of allegations that are serious or involve repeated conduct.

Where appropriate, non-disciplinary methods may be used to resolve the complaint, including but not limited to:

- a. discussion with the accused, informing him or her of the district's policies and indicating that the behavior must stop;
- b. suggesting counseling, skill building activities and/or sensitivity training;
- c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
- d. requesting a letter of apology to the victim;
- e. writing letters of caution or reprimand; and/or
- f. separating the parties.

Appropriate disciplinary action shall be recommended and imposed in accordance with district policy, the applicable collective bargaining agreement or state law. The district will make every reasonable effort to attempt to first resolve the misconduct through non-punitive measures.

The investigator shall report back to both the alleged victims and parents of students alleged to have engaged in bullying, at the conclusion of the investigation, notifying them regarding the outcome of the investigation and the action taken to resolve the complaint. The actions taken will be in conformance with the *Remediation/Discipline/Penalties* section of this regulation. The alleged victim shall be assured of the district's policy against retaliation and shall be directed and encouraged to report immediately if any objectionable behavior occurs again (whether by the alleged perpetrator(s) or others) or if the alleged perpetrator(s) or other individuals retaliate against him/her.

In addition, where the principal or the assistant principal has a reasonable suspicion that the

alleged bullying incident involves criminal activity, he/she should immediately notify the Superintendent, who shall then contact the school attorney, appropriate child protection and, if appropriate, law enforcement authorities. If any "mandated reporter" has a reasonable suspicion that the alleged bullying incident involves activity constituting child abuse in the educational setting, such individual shall comply with the policy on reporting of such suspected conduct.

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 Superintendent within 30 days of the date he/she was informed of the results of the building-level investigation.

#### B. District-level Procedure

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

The district level investigation should begin as soon as possible but not later than three school days following receipt of the complaint by the Superintendent or Board President.

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 in accordance with the *Remediation/Discipline/Penalties* section of this regulation.

No later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the alleged victim and alleged perpetrator(s), 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 30 days following receipt of the complaint.

Any party who is not satisfied with the outcome of the district-level investigation may appeal to the Board of Education by submitting a written request to the Board President within 30 days.

#### 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 matter to the President of the Board.

The Board shall render a decision in writing within thirty (30) school days after the request for review has been made.

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

### **Retaliation Prohibited**

Any act of retaliation against any person who opposes bullying behavior, or who has filed a complaint, is prohibited, and therefore subject to disciplinary action. Likewise, retaliation against any person who

has testified assisted, or participated in any manner in an investigation, proceeding, or hearing of a bullying complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action up to and including suspension or termination.

### **Remediation/Discipline/Penalties**

Any individual who violates this policy by engaging in bullying will be subject to appropriate action, which may include disciplinary action. Remedial responses to bullying are alternatives to discipline for violation of the District Code of Conduct and include measures designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the victim of the act. Appropriate remedial measures may include, but are not limited to:

- Restitution and restoration;
- Peer support group;
- Corrective instruction or other relevant learning or service experience;
- Changes in class schedule;
- Supportive intervention;
- Behavioral assessment or evaluation;
- Behavioral management plan, with benchmarks that are closely monitored;
- Student counseling;
- Parent conferences; or
- Student treatment or therapy.

Environmental remediation may include, but is not limited to:

- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- Modification of schedules;
- Adjustment in hallway traffic and other student routes of travel;
- Targeted use of monitors;
- Parent education seminars/workshops;
- Peer support groups.

Disciplinary measures available to school authorities include, but are not limited to the following:

Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the Code of Conduct and applicable law.

Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.

Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.

Vendors: Penalties may range from a warning up to and including loss of district business.

Other individuals: Penalties may range from a warning up to and including denial of future access to school property.

## Policy Dissemination

All students and employees shall be informed of this policy in student and employee handbooks, on the district website and student registration materials. A poster summarizing the policy shall also be posted in a prominent location at each school.

All employees shall receive information about this policy and regulation at least once a year.

Principals in each school shall be responsible for informing students and staff on an annual basis of the provisions of this policy, either by disseminating the policy or disseminating a plain-language summary, including the procedures for filing a complaint or report of suspected harassment, bullying, or discrimination.

## Training

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

### Cross-ref:

0100, Non-Discrimination and Equal Opportunity

0110, Sex Discrimination and Sexual Harassment

0110-R, Sexual Harassment Regulation

0115-R, Dignity for All Students Regulation

0115-E, Dignity for All Students Exhibit (reporting forms)

4321, Programs for Students with Disabilities

5300, Code of Conduct

5465, Child Abuse in an Educational Setting

### Ref:

Dignity for All Students Act, [Education Law, §10 - 18](#)

Americans With Disabilities Act, [42 U.S.C. §12101](#) *et seq.*

Title VI, Civil Rights Act of 1964, [42 U.S.C. §2000d](#) *et seq.*

Title VII, Civil Rights Act of 1964, [42 U.S.C. §2000e](#) *et seq.*; [34 CFR §100](#) *et seq.*

Title IX, Education Amendments of 1972, [20 U.S.C. §1681](#) *et seq.*

§504, Rehabilitation Act of 1973, [29 U.S.C. §794](#)

Individuals with Disabilities Education Law, [20 U.S.C §§1400](#) *et seq.*

[Executive Law §290](#) *et seq.* (New York State Human Rights Law)

[Education Law §§313\(3\), 3201, 3201-a](#)

[Tinker v. Des Moines Independent Community School Dist.](#), 393 US 503, (1969)

*Doninger v. Niehoff*, 527 F.3d 41 (2d. Cir. 2008)

*Pollnow v. Glennon*, 594 F.Sup. 220, 224 *aff'd* 757 F.2d. 496

[Davis v. Monroe County Board of Education](#), 526 U.S. 629 (1999)

[Gebser v. Lago Vista Independent School District](#), 524 U.S., 274 (1998)

[Faragher v. City of Boca Raton](#), 524 U.S. 775 (1998)

[Burlington Industries v. Ellerth](#), 524 U.S. 742 (1998)

[Oncale v. Sundowner Offshore Services, Inc.](#), 523 U.S. 75 (1998)

[Franklin v. Gwinnett County Public Schools](#), 503 U.S. 60 (1992)

[Meritor Savings Bank, FSB v. Vinson](#), 477 U.S. 57 (1986)

*Appeal of K.S.* 43 Ed. Dept. Rep. 492

*Appeal of Ravick* 40 Ed. Dept. Rep. 262

*Appeal of Orman* 39 Ed. Dept. Rep. 811

Adoption July 9, 2013

Revised: June 14, 2018

May 5, 2022

**Croton-Harmon Schools**

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# EXHIBIT 5



0115-E

**CROTON-HARMON SCHOOL DISTRICT**  
**BULLYING/HARASSMENT REPORT FORM**

**Please fill out the bullying/harassment report form below. Your name, telephone number and email address are requested for verification purposes and to enable the district to conduct a thorough investigation. Each report is taken very seriously and fully investigated. We will treat each report with the highest level of confidentiality and sensitivity.**

Name of person(s) harassing or bullying:

Name of person(s) subjected to bullying/harassment:

Your Name:

Telephone number:

Email Address (Where you can be contacted):

**Providing your name and contact information is not required. However, if the district is unable to contact you during its investigation to obtain details related to your report, it may not be able to conduct a complete investigation**

I am a:

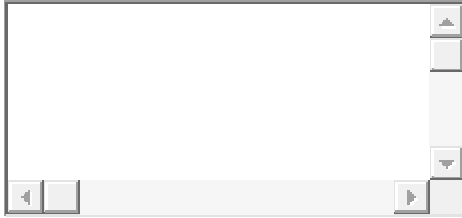
- Student
- School Employee
- Parent/Guardian
- Person being bullied or harassed
- Community Member
- Other

Type of Event (Select all that Apply):

- Physical-Hitting/kicking/other physical aggression
- Verbal-Teasing, name-calling, put downs, or other behavior that would hurt others
- Emotional/Exclusion-Starting rumors, telling others not to be friends with someone, or other action
- Cyber bullying-Using an electronic medium to engage in any previously mentioned bullying

Other

Please describe the events (Be specific - include date, time, specific location):

A large, empty rectangular text box with a thin border. On the right side, there are three small, vertically stacked square buttons with upward-pointing arrows. On the bottom side, there are two small square buttons with left-pointing arrows and two small square buttons with right-pointing arrows.

Did you witness the event?

Yes

No

If YES, list any other witnesses to the event:

A large, empty rectangular text box with a thin border. On the right side, there are three small, vertically stacked square buttons with upward-pointing arrows. On the bottom side, there are two small square buttons with left-pointing arrows and two small square buttons with right-pointing arrows.

If NO, how did you learn of the event?

A large, empty rectangular text box with a thin border. On the right side, there are three small, vertically stacked square buttons with upward-pointing arrows. On the bottom side, there are two small square buttons with left-pointing arrows and two small square buttons with right-pointing arrows.

**IF YOU BELIEVE THAT THE PERSON(S) BEING HARASSED OR BULLIED ARE IN IMMINENT DANGER, PLEASE SUBMIT THIS REPORT AND ALSO CONTACT THE APPROPRIATE AUTHORITIES (SUCH AS THE POLICE)**

Adoption date: July 9, 2013

Reviewed and maintained without change: May 9, 2019

# EXHIBIT 6

## 5300 CODE OF CONDUCT

### CROTON-HARMON UFSD CODE OF CONDUCT—ADOPTED AS REVISED—JUNE 16, 2022

#### I. Introduction

The District's Code of Conduct is based on the District's commitment to a Culture of Respect—one in which empathy, diversity and respect for all is valued and practiced. All members of the school community are urged to embrace this commitment, and the District shall take all appropriate actions to realize this commitment.

In this regard, the Board 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. Essentially, this means that relationships are such that students can learn and teachers can teach. Responsible behavior by students, teachers, other District personnel, parents and other visitors is essential to achieving this goal.

This commitment is consistent with the District's mission, vision and core values—to provide an excellent learning environment and the dedicated development of every student's generosity of spirit, passion for learning, and ultimate success. The vision is educating students to become ethical decision-makers, self-directed learners, complex thinkers, collaborative workers, quality producers, and community contributors.

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

Appropriate conduct and strong character are reflected in a civil, respectful, healthy and caring environment.

The Board is also committed to protecting First Amendment freedoms within the school system. However, inappropriate or illegal conduct will not be tolerated. The District will not permit students to engage in any conduct intended to destroy personal or school property; to disrupt or interfere with teaching, research, service, administrative functions; or to disrupt or interfere with any District-sponsored or approved activity.

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

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

All policies regarding student conduct and discipline shall be uniformly applied and enforced.

With the input of administrators, faculty, staff, and parents, and (as appropriate) students at each school, a summary of the District Code of Conduct, addressing subjects relevant to the students of that school and stated in language appropriate to the students, shall be adopted. The summary shall be distributed annually to students, faculty, and staff of the school and shall be mailed or otherwise transmitted to parents/guardians of the students in the school. The District Code of Conduct, and the summary of the Code of Conduct for each school, shall be made available to teachers, staff members, parents/guardians, students, and other community members, through the District website and additional means as appropriate.

While there are formal disciplinary procedures in place, it is critical that parents and educators realize the importance of communication and positive relationships in resolving discipline issues. The formal discipline process is often unnecessary when parents, educators, and students have an opportunity to develop cooperative partnerships. Collaborative discussions of this type often lead to creative and student-specific solutions that support appropriate behavior and educational achievement. Student discipline and support policies and practices will be implemented in a manner which is caring and equitable, respectful and based on trust among administration, staff, students, and families and holds all individuals accountable, but is restorative and solutions oriented, rather than solely punitive. This will help students:

- learn from their mistakes;
- understand why their behavior was unacceptable;
- acknowledge the harm they caused or the negative impact of their actions;
- understand what they could have done differently;
- take responsibility for their actions;
- learn pro-social strategies and skills to use in the future; and
- understand that further consequences and/ or interventions will be implemented if their unacceptable behavior persists.

If parents or school officials believe that a student's placement is not appropriate, they should work together to recommend an appropriate change. Collaborative and cooperative partnerships between parents, educators, and students are more likely to result in a change that will meet the needs of the student, ensure improved learning opportunities, and create a safe environment.

Adoption date: August 2, 2012

Revised: July 8, 2014, August 6, 2015, June 14, 2018, June 16, 2022

## II. Definitions

For purposes of this code, the following definitions apply:

*"Behavior"* is the way in which one acts or conducts oneself, especially towards others. It is expected that students, staff, and visitors will conduct themselves in such a way that is in line with this Code of Conduct.

*"Bullying"* means intentional and aggressive behavior that involves an imbalance of power or strength and is usually repeated over time. Traditionally, bullying has involved actions such as hitting or punching (physical bullying); teasing or name-calling (verbal bullying); or intimidation through gestures or social exclusion.

*"Cyberbullying"* (also known as *"electronic bullying"*) means the repeated use of information technology such as the Internet, email, instant messaging services, blogs, cell phones and gaming systems to deliberately harass, threaten or intimidate others. Cyberbullying may also involve sending mean, vulgar or threatening messages or images; posting sensitive or private information about another person; pretending to be someone else in order to malign that person; or intentionally excluding someone from an Internet-based group or activity.

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

"*Drug Related Paraphernalia*" means objects or materials designed to facilitate the taking, imbibing, injecting, inhaling or sale of illicit or illegal drugs or substances.

"*Gender*" means actual or perceived sex and shall include a person's gender identity or expression.

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

"*Gender identity*" means one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

"*Harassment*" means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for their 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, religions practice, disability, sexual orientation, gender identity, gender expression, gender or sex.

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

"*Protective hairstyles*" includes, but is not limited to, such hairstyles as braids, locks ("locs"), and twists.

"*Race*" includes traits historically associated with race, including, but not limited to, hair texture and protective hairstyles.

"*Relationships*" are the way in which two or more people regard and behave toward each other.

"*Removal*" means the act of a teacher in discontinuing the presence of a student in their classroom.

"*Respect*" is an act of treating everyone in the school community with dignity. This is demonstrated by: treating others with kindness and care, being polite and using manners, expressing thoughts in opinions in ways that are polite and courteous, using a polite tone of voice and body language, listening to others who are speaking to you, keeping one's hands to one's self and not violating others' personal space.

"*Responsibility*" is an obligation to behave in accordance with social norms and being held accountable for one's actions.

"*Restorative Practices*" are a response to student actions that violate the dignity, safety, or well-being of others by connecting the person responsible for the harm with those who have been harmed, in order to reach a resolution that guides, and assists the person responsible for the harm in accepting responsibility, apologizing for the harm, making meaningful reparation and improving the relationship between parties.

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

"*School function*" means any school-sponsored trip, or extra-curricular or co-curricular event or activity.

"*Sexting*" means the sending, receiving or forwarding of sexually provocative nude or nearly nude photographs through text messages or email which can be used to hurt, harass and humiliate others.

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

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

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Possesses, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, what appears to be or is a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school District property or the personal property of any school employee or any person lawfully on school property or at a school function.
8. Damages property or harms another person as a result of reckless behavior.

"*Weapon*" means a firearm as defined in federal law for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, paintball gun, pocket knife, dagger, dirk, razor, stiletto, switchblade knife, laser pointer, 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, corrosive substance, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death. An exception may be made by prior written permission of the principal where a weapon is to be part of a dramatic or musical performance or is to be used as an artifact in an instructional unit. As a prerequisite to such permission, all such weapons shall be rendered inoperative to the extent necessary to avoid and avert possible accidents or injury due to any use, handling, or misconduct, whether intentional or otherwise. This policy shall not preclude the use of certain corrosive materials or sharp instruments by staff or medical personnel in the course of duty.

Adoption date: August 2, 2012

Revised: July 8, 2014, August 6, 2015, August 22, 2016, June 16, 2022

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

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

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

1. Take part in all District activities on an equal basis regardless of the student's actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locs, and twists), color, creed, national origin, ethnic group, weight, religion, religious practice, sex, gender, sexual orientation, gender identity, gender expression, or disability, or any other status protected by law or policy.
2. Learn in an environment that is free from harassment of any kind, whether in the form of sexual harassment or harassment based on a student's actual or perceived race, color, ethnicity, disability, religion, national origin, sex, gender, sexual orientation, gender identity, gender expression, or any other category prohibited by law or of an unlawful nature.
3. To be respected as an individual and treated fairly and with dignity by other students and school staff.
4. To express one's opinions, either verbally or in writing, as long as it is done so in a respectful manner.
5. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
6. Access school policies, regulations, and rules and, when necessary, receive an explanation of those rules from school personnel.
7. Due process, as defined by applicable law and policy.
8. To be provided with clear expectations regarding:
  - a. Course objectives, requirements and state standards;
  - b. Grading criteria and procedures;
  - c. Assignment requirements and deadlines; and
  - d. School and classroom rules and expectations regarding behavior.

## **B. Student Responsibilities**

All District students have the responsibility to:

1. Contribute to maintaining a safe, supportive and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Help make school a community free of violence, intimidation, bullying, harassment, and discrimination
3. Be familiar with and abide by all District policies, rules and regulations dealing with student conduct.
4. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn, and complete assignments when due.
5. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
6. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
7. Work to develop the social behaviors necessary to interact with others in a positive manner.
8. Ask questions when they do not understand.
9. Seek help in solving problems.
10. Dress appropriately for school and school functions.
11. Accept responsibility for their actions.
12. Conduct themselves as representatives of the District when participating in or attending



school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

13. Students may find themselves in the unique situation of possessing information that could be potentially dangerous to themselves or others. They should report any and all situations or suspicions about harmful acts to other students, to their teachers, or to other school personnel. All suspicions should be immediately reported. The identities of students who report such situations or suspicions will be kept confidential by school authorities until legally required to do otherwise.

Adoption date: August 2, 2012

Revised: July 8, 2014, August 6, 2015, August 22, 2016, June 14, 2018, June 16, 2022

#### **IV. Essential Partners**

A critical component of all codes of conduct is the shared beliefs of all stakeholders. Implementation without belief will be unsuccessful. Understanding, support, participation and belief of all members of the school community are needed for successful implementation of this code of conduct.

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

A cooperative relationship between home and school is essential for each student's successful development and achievement. Research indicates that significant parental involvement in the education of their children leads to higher academic achievement, increased self-esteem, and fewer behavior problems. To achieve this wholesome relationship, parents are encouraged to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community and collaborate with the district to optimize their child's educational opportunities.
2. Send their children to school ready to participate and learn.
3. Ensure students bring only items appropriate and related to instructional programs to school.
4. Ensure their children attend school regularly and on time.
5. Ensure that absences are excused and provide a written explanation for each absence to school authorities.
6. Insist their children be dressed and groomed in a manner consistent with the student dress code.
7. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
8. Know school and classroom rules and help their children understand them.
9. Convey an enthusiastic and supportive attitude toward school and education.
10. Build positive, constructive relationships with school officials, teachers, other parents and their children's friends.
11. Recognize that teachers merit the same consideration and respect parents expect from their child.
12. Cooperate with the school in jointly resolving any school-related problems.
13. Help their children deal effectively with peer pressure.
14. Listen to the views and observations of all parties concerned.
15. Inform school officials of changes in the home situation that may affect student conduct or

performance.

16. Provide a place for study and ensure homework assignments are completed.
17. Encourage their children's participation in extracurricular activities.
18. Set an example of good sportsmanship at athletic events, and an example of good citizenship.
19. Promote participation in restorative practices to resolve incidents and conflict and to support their child in receiving the maximum benefit from a restorative justice approach

Parents should be aware that they are responsible for any financial obligations incurred by their child in school, including but not limited to lost books, damage to property, etc.

## **B. Teachers**

Every teacher knows that s/he works every day with this nation's future generation. Teacher skill and preparation, combined with higher expectations for student achievement and effective communication with home, are known to contribute to student success. In view of this responsibility, each teacher must:

1. Lead by example in adhering to the code of conduct.
2. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locs, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity, gender expression, gender or sex, which will strengthen students' self-esteem and promote confidence to learn.
3. Be prepared to teach.
4. Plan and conduct instruction that will make learning challenging and stimulating.
5. Demonstrate interest in teaching and concern for student achievement.
6. Communicate to students and parents:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline plan.
7. Communicate regularly with students, parents and other teachers concerning growth and achievement.
8. As appropriate, provide information to assist students with career planning and college planning.
9. Encourage students to benefit from the curriculum and extracurricular programs
10. Manage classroom procedures.
11. Organize the classroom physical space - for safety and accessibility.
12. Know the support services available to students and refer students who are in need of such services.
13. Read, understand and comply with a student's individualized education plan, §504 plan, or behavior improvement plan.
14. Know school policies and rules, and enforce them in a fair and consistent manner.
15. Demonstrate effective and appropriate management of student behavior.

16. Recognize that some disciplinary problems may be caused by a student's personal and/or academic frustration.
17. Distinguish between minor student misconduct best handled by the teacher and major problems requiring assistance of an administrator.
18. Handle individual infractions privately and avoid punishing the group for the misbehavior of one or two.
19. Identify changing student behavior patterns and notify appropriate personnel.
20. Report to the Principal or Assistant Principal any student who jeopardizes their own safety, the safety of others or of the teacher, or who seriously interferes with the instructional program of the classroom.
21. Comply with state education law and Board policy regarding corporal punishment and mandated reporting of child abuse in the domestic setting or educational setting.
22. In the event of removal from class, inform the student and the Principal of the reason for the removal.
23. Immediately report and refer violent students to the Principal or the Superintendent of Schools.
24. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
25. Participate in school-wide efforts to provide adequate supervision in all school spaces.
26. 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.
27. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
28. Be open to active participation in resolving conflicts through a restorative process.

**C. Other School Staff (including pupil services staff, coaches, advisors, clerical staff, lunch aides, building and grounds personnel, and security personnel)**

1. Lead by example in adhering to the code of conduct.
2. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locs, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity, gender expression, gender or sex, which will strengthen students' self-esteem and promote confidence to learn.
3. Maintain confidentiality in accordance with federal and state law.
4. Be familiar with the code of conduct.
5. Know school policies and rules, and enforce them in a fair and consistent manner.
6. Participate in school-wide efforts to provide adequate supervision in all school space.
7. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students.
9. Promote a safe and orderly school environment.
10. Follow District policies and procedures.
11. Be open to active participation in resolving conflicts through a restorative process.

## **D. Bus Drivers**

1. Maintain the highest degree of driving safety.
2. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locs, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity, gender expression, gender or sex.
3. Require proper behavior of students.
4. Load and unload students correctly.
5. Learn and practice defensive driving techniques.
6. Obey all applicable state and federal laws, rules and regulations.
7. Help children understand the district's expectations for maintaining a safe, orderly environment.
8. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
9. Address personal biases that may prevent equal treatment of all students.
10. Follow District policies and procedures.

## **E. School Counselors (including guidance counselors, psychologists, student assistance counselors, social workers) and student health service providers**

1. Lead by example in adhering to the code of conduct.
2. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locs, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity, gender expression, gender or sex, which will strengthen students' self-esteem and promote confidence to learn.
3. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
4. Provide support for students in coping with peer pressure and personal, social and emotional problems.
5. Provide assessment of students to determine whether a student is a danger to himself/herself or others, with a referral for a psychiatric evaluation when deemed necessary.
6. Provide recommendations for appropriate interventions, provide follow-up, and maintain contact with student, staff, parents and outside agencies, as needed.
7. Initiate teacher/student/counselor conferences and parent/teacher/student/ counselor conferences, as necessary, as a way to resolve problems.
8. Regularly review with students their educational progress and career plans.
9. Provide information to assist students with career planning.
10. Encourage students to benefit from the curriculum and extracurricular programs.
11. Maintain confidentiality in accordance with federal and state law.
12. Inform students and families of available community resources to meet their needs.
13. Participate in school-wide efforts to provide adequate supervision in all school spaces.

14. 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.
15. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
16. Be open to active participation in resolving conflicts through a restorative process.

#### **F. Building Administrators (Principals and Assistant Principals)**

1. Lead by example in adhering to the code of conduct.
2. Demonstrate leadership qualities that set a positive example for students and staff.
3. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locs, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity, gender expression, gender or sex, which will strengthen students' self-esteem and promote confidence to learn.
4. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
5. Develop procedures that reduce the likelihood of student misconduct.
6. Establish necessary building security.
7. Ensure that all disciplinary cases referred are resolved promptly; that students are provided with fair, reasonable and consistent discipline; and that laws and Board policies governing hearings, suspensions, and student rights are adhered to.
8. Ensure that students and staff have the opportunity to communicate regularly with the building administrator and approach the building administrator for redress of grievances.
9. Evaluate on a regular basis all instructional programs, including to ensure infusion of civility education in the curriculum.
10. Support the development of and student participation in appropriate co-curricular activities.
11. Be responsible for enforcing the code of conduct within the designated parameters and ensuring that all cases are resolved promptly and fairly.
12. Encourage parental participation in their children's education.
13. Maintain confidentiality in accordance with federal and state law.
14. Participate in school-wide efforts to provide adequate supervision in all school spaces.
15. 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.
16. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
17. Be open to active participation in resolving conflicts through a restorative process.

#### **G. Bullying Prevention Coordinator(s)**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locs, and twists), color, weight, national origin, ethnic group, religion, religious practice,

- disability, sexual orientation, gender identity, gender expression, gender or sex.
2. Oversee and coordinate the work of the district-wide and building-level bullying prevention committees.
  3. Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
  4. Coordinate, with the Professional Development Committee, training in support of the bullying prevention committee.
  5. Be responsible for monitoring and reporting on the effectiveness of the district's bullying prevention policy.
  6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
  7. Address personal biases that may prevent equal treatment of all students and staff.
  8. Be open to active participation in resolving conflicts through a restorative process.

#### **H. Superintendent and Other Central Office Administrators**

1. Lead by example in adhering to the code of conduct.
2. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locs, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity, gender expression, gender or sex, which will strengthen students' self-concept and promote confidence to learn.
3. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
4. Review with District administrators the policies of the Board of education and state and federal laws relating to school operations and management.
5. Inform the Board about educational trends relating to student discipline.
6. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
7. Work with District administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
8. Demonstrate a willingness to communicate with parents on behavioral and educational issues concerning their students that parents have not resolved with teachers or building administrators.
9. Demonstrate a willingness to communicate meaningfully with students about their concerns and issues.
10. Maintain confidentiality in accordance with federal and state law.
11. Participate in school-wide efforts to provide adequate supervision in all school spaces.
12. 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.
13. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
14. Be open to active participation in resolving conflicts through a restorative process.

## **I. Board of Education**

1. Lead by example in adhering to the Code of Conduct and in conducting Board meetings in a professional, respectful, courteous manner.
2. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locs, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity, gender expression, gender or sex, which will strengthen students' self-esteem and promote confidence to learn.
3. 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.
4. 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.
5. Maintain confidentiality in accordance with federal and state law.
6. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
7. Lead by example by conducting Board meetings in a professional, respectful, and courteous manner.
8. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
9. Address personal biases that may prevent equal treatment of all students and staff.
10. Support professional development for the Board and all staff, providing a safe school environment, encouraging the forming of trusting relationships with students, allowing for student choice and autonomy, and encouraging student skill-building and competence.
11. Be open to active participation in resolving conflicts through a restorative process.

## **J. Conduct of Visitors**

In an effort to maintain a safe and healthy educational environment, all visitors to the schools of the District must sign in at the office or the Welcome Center in the lobby of the building being visited and must receive and display a visitor's identification badge. Visitors are expected to comport themselves in a manner that does not disrupt the academic process and to act in accordance with the law and this District Code of Conduct.

Adoption date: August 2, 2012

Revised: July 8, 2014, August 6, 2015, August 22, 2016, June 16, 2022

## **V. Student Dress Code**

The following are guidelines for appropriate dress for school and school functions, which may vary according to the function or event, and may differ from school to school within the district as determined by the building principal in the manner described below. Individual students and parents have the responsibility for student dress and general appearance. Student attire (including dress, grooming and appearance, hair, jewelry, make-up and nails) and personal cleanliness should be in good taste and appropriate for the business of learning. Teachers and all other District personnel should exemplify in their own attire and presentation and reinforce to students expectations for

acceptable student dress and attire and help students develop an understanding of appropriate appearance in the school setting. The student dress code shall not be applied in a disparate or discriminatory manner with regard to a student's actual or perceived race, color, creed, national origin, ethnic group, religion, religious practice, sex, gender identity or expression, sexual orientation, weight or disability, or any other status protected by law.

Students are required to attend school in appropriate dress that meets health and safety standards and does not interfere with the educational process. Students may be asked to wear appropriate protective gear in certain classes (e.g. home and careers classes, science laboratory classes, physical education classes).

The principal of each school building in the district shall be responsible for establishing the specific dress code for that building, in consultation with teachers, parents, and (as appropriate) students; the individual school dress code shall be subject to the approval of the Superintendent of Schools. Each individual school dress code must, at a minimum, incorporate the restrictions stated in this section of the Code of Conduct, which include:

- Students may not wear extremely brief, revealing or see-through garments, or garments that expose underwear.
- Students must wear footwear at all times. Footwear that is a safety hazard will not be allowed.
- Hats, other head coverings, and coats may be worn in the hallways. Students may not wear clothing that covers the student's face to the extent that the student is not identifiable, except for a medical or religious reason. Unless otherwise prohibited or restricted in an individual school dress code, hats, other head coverings, and coats may be worn in the classroom; however, individual teachers may direct students to remove hats, sunglasses, bandanas, hoods, or other head coverings (other than those worn for a religious or medical reason) or coats in the classroom.
- Students shall not wear clothing or items that display messages that (i) are sexually explicit or display sexual acts, bodily functions, or nudity or that denigrate others individually or on account of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locs, and twists), color, religion, creed, national origin, gender identity, gender expression, gender or sex, sexual orientation, weight, or disability; (ii) promote, encourage or endorse acts of violence or membership in groups that promote, encourage or endorse acts of violence; (iii) glorify or promote illegal or controlled substance, alcohol, or tobacco use, or illegal activities, and/or is otherwise materially disruptive to the learning environment; or (iv) denote or represent gang affiliation such as bandanas, beads, jewelry or other indicators and/or symbols intended expressly to do so.

Nothing in this policy will be construed to limit the ability of students to express their gender identity through clothing, jewelry, makeup, or nail color or styles, or to discipline students for doing so. Likewise, nothing in this policy will be construed to restrict students from wearing hairstyles as a trait historically associated with race (such as hair texture and protective hairstyles like braids, locs, and twists) or to discipline them for doing so.

At the beginning of the school year, each building principal or their designee shall be responsible for informing all students, in an age appropriate manner, and their parent(s) of the individual school dress code and thereafter of any revisions to the dress code made during the school year.

Enforcement of this dress code must be approached with careful consideration and sensitivity, with the goal of supporting students in reaching their full potential, not shaming or criminalizing them, and to minimize loss of instructional time. Staff, preferably those who have a positive relationship with the student, are expected to address dress code violations with students privately, determine if there are



factors impacting the student's ability to meet the dress code, and help address these issues.

If a student is found wearing attire that is not in conformity with the district Student Dress Code or with the individual school dress code, the student will be required to change clothes and/or remove or replace the non-conforming item prior to returning to class or being allowed to continue to participate in any school-related activity. Any student who repeatedly fails to comply with the district or individual school dress code or who refuses to comply with an instruction to change clothes or remove a non-conforming item shall be considered to have engaged in prohibited student conduct and shall be subject to appropriate consequences under this Code of Conduct.

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## **VI. Prohibited Student Conduct**

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

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. 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:

1. Running in hallways.
2. Making unreasonable noise.
3. Using language or gestures that are profane, lewd, vulgar or abusive.
4. Obstructing vehicular or pedestrian traffic, or reckless driving.
5. Engaging in any willful act which disrupts the normal operation of the school community.
6. Trespassing - Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
7. Trespassing - Students are not permitted to be in any unauthorized area of any school building without permission from the administrator in charge of the building.
8. Trespassing - Students are not permitted on school property beyond the hours designated by property signage except as authorized by school personnel.
9. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate web sites; or any other violation of the District's acceptable use policy.
10. Computer/electronic communications misuse off-campus includes using such means of

communication to threaten, harass, or annoy school personnel and/or other students, sending "hate mail" or creating messages or documents of a threatening or inflammatory nature.

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

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

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

1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
2. Interrupting or interfering with the orderly conduct of classes, school programs or school activities.

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

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

**E. Engage in conduct that is destructive.** Examples of such conduct include:

1. Acts of vandalism on school property or the personal possessions of school personnel and/or other students (including defacing, damaging or destroying property).
2. Graffiti or graffiti "art" on school property.

**F. Engage in any conduct that endangers the safety, morals, health or welfare of others.**

Examples of such conduct include but are not limited to:

1. Lying to school personnel.
2. 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.
3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.

4. Discrimination, which includes the use of a person's actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locs, and twists), color, creed, national origin, ethnic group, religion, religious practice, sex, gender identity or expression, sexual orientation, weight or disability as a basis for treating another in a negative manner, or to deny rights, equitable treatment or access to facilities available to others.
5. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as hostile, ridiculing or demeaning (including unwanted sexual advances); this includes sexual harassment, gender-based harassment, or harassment based on a person's actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locs, and twists), color, creed, national origin, ethnic group, religion, religious practice, sex, gender identity or expression, sexual orientation, weight or disability, or any other status protected by law.
6. Sexual misconduct, which includes sexually inappropriate conduct, sexual exploitation, sexual assault, and any other conduct of a sexual nature that is nonconsensual, age-inappropriate, or has the effect of threatening, intimidating, or coercing a person, committed against a student, a school employee, or any other person lawfully on school property or attending a school function.
7. Bullying, including cyberbullying, and harassment, sexual or otherwise, which involves a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be, or which a reasonable person would perceive as, hostile, ridiculing or demeaning.
8. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
9. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
10. Selling, using, displaying or possessing obscene material, including but not limited to the sending or receiving of sexually explicit messages or photographs, primarily between mobile phones or other electronic devices.
11. Using vulgar or abusive language or gestures, cursing or swearing.
12. Smoking, consuming, selling, offering, manufacturing, distributing or exchanging a cigarette, cigar, pipe or using an electronic cigarette (e-cigarette) or similar device including but not limited to e-hookahs, hookah pens and vape pens, or chewing or smokeless tobacco, or smoking/vaping/ingesting/consuming cannabis or concentrated cannabis (includes cannabis products) or smoking cannabinoid hemp or selling, offering, manufacturing, distributing or exchanging cannabis, concentrated cannabis or cannabinoid hemp (except for lawful medical cannabis use prescribed by a medical care provider in compliance with state law and regulation and district policy on administration of medication on school premises or while engaged in school activities).
13. Possessing, remaining in the presence of, 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, cocaine, LSD, PCP, amphetamines, heroin, steroids and other performance enhancing substances, look-alike drugs, and any synthetic version thereof, whether specifically illegal or not, commonly referred to as "designer drugs," being substances designed and synthesized to mimic the intended effects and usages of, or which are chemically substantially similar to, illegal drugs, which may or may not be labeled for human

consumption.

14. Possessing drug related paraphernalia.
15. Inappropriately using, selling, or sharing prescription and over-the-counter drugs, or any other substance for the purpose of altering the student's physical or mental state (e.g. "huffing" or "sniffing" of aerosols).
16. Using, and/or displaying any radio, walkman-style tape, CD, or DVD player, audio and/or video recorder, laptop computer or tablet device (including an iPad), external speaker, pager, digital music player, cell phone (including, but not limited to, talking, text messaging, message playing, ring-tone playing, game playing, music playing, audio recording, picture taking and video taking), electronic game, e-book reader, or other electronic device in any manner that interferes with instruction, that is prohibited by the individual school code of conduct, or that continues after the student has been directed by an administrator, teacher, or other district employee to cease using or displaying such device Notwithstanding the previous sentence, such devices may be used, with prior permission of the school authorities, in connection with teaching, learning, or research or for assistive purposes in accordance with an Individualized Educational Program ("IEP") or a Section 504 plan, or the equivalent. In addition,
  - o Electronic games with age-appropriate software are permitted to be used by K-12 students on District transportation.
  - o No recording, broadcasting, and/or playback equipment or materials, including but not limited to video recorders, cameras, cell phone cameras, tape recorders, or videophones, are permitted to be used in school, on school grounds, and/or at school events without prior teacher or administrator approval. Exception: possessing or using such devices at an athletic, recreational, or entertainment event or performance open to the public is permitted, when the sole use is to record the event for non-commercial purposes. In no circumstance may the device be used to embarrass or invade the privacy of any person, or to interfere with property rights, or to record or transmit confidential information. Such use includes, but is not limited to, the uploading, on-line posting, texting, and/or any other form of sharing of such content with one or more individuals, through any current or future method, medium or technology. In the event that such prohibited equipment is used or is used in a way that is prohibited, a teacher or any other member of the staff will see that it the recording equipment, including content if applicable, is turned in to the main office and kept there until the end of the day. Repeated incidents, or possession of recording equipment containing inappropriate content, will require a parent conference in order to retrieve the confiscated items, and may be subject the student to consequences under this Code of Conduct. The District reserves the right to confiscate and retain equipment that is reasonably suspected of having been used to record, to receive and/or to transmit visual or auditory content that might be a violation of law, for review and determination by law enforcement officials.
17. Using skateboards, roller skates, in-line skates, scooters or other similar items recreationally in school or on school grounds. In the interest of personal and traffic safety, using these items is prohibited in school and on school grounds at all times. In the event that such prohibited items are used, a teacher or any other member of the staff will see that the items are turned in to the main office and kept there until the end of the day. Repeated incidents will require a parent conference in order to retrieve the confiscated items.
18. Gambling.
19. Engaging in lewd behavior or inappropriate displays of affection.
20. Indecent exposure, that is, exposure to sight of the private parts of the body.

21. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
22. Knowingly making false statements or knowingly submitting false information to school staff during a disciplinary process or investigation.
23. 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.

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

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

1. Plagiarism.
2. Cheating.
3. Copying.
4. Altering records.
5. Computer or electronic communications misuse.
6. Assisting another student in any of the above actions.

**I. Engage in off-campus conduct** that endangers the health and safety of students or staff within the school or substantially disrupts education, or adversely affects the educative process, or can reasonably be expected to have such a consequence. Off-campus conduct shall be covered by the Code of Conduct if there is a nexus or relationship between the conduct at issue and the district. Examples of such misconduct include, but are not limited to, harassment, bullying and cyberbullying; threatening or harassing students or staff through electronic means; or using electronic means to convey threats, derogatory or violent comments or images, or posting pornographic pictures of students or school personnel (sexting).

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Revised: July 8, 2014, August 6, 2015, August 22, 2016, June 14, 2018, June 16, 2022

## **VII. Reporting Violations**

Conversations and comments (including on-line communications) that mention or imply the threat of physical harm to an individual or a group should be immediately reported to an appropriate adult, i.e. a parent and/or a teacher and, ultimately, to a school official. It is important that students, parents, and staff understand that any threat of violence, even one seemingly made jokingly or in a casual manner, is a cause for concern and will be treated seriously by school authorities.

In addition, all students are expected to promptly report other violations of the code of conduct to a teacher, guidance counselor, the assistant principal, the building principal or their designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the assistant principal, the building principal, the principal's designee or the Superintendent.

All District staff who are authorized to impose disciplinary sanctions are expected to do so in a

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

Any weapon, tobacco product, drug related paraphernalia, alcohol, cannabis, 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.

Notification of these types of code violations will be communicated to the building staff on a need-to-know basis, in consideration of the confidentiality rights of the student who violated the code of conduct.

The District will report to law enforcement authorities any (1) acts of violence that constitute a felony or misdemeanor, or (2) threatened acts of violence. The District may report to law enforcement authorities other violations of the District Code of Conduct which constitute a felony or misdemeanor. The report shall be made as soon as practicable. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

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### **VIII. Disciplinary Interventions, Consequences, Procedures, and Referrals**

Historically, the discipline of students in schools has focused mainly on handing out punishments based on specific actions. These punishments include reprimands, loss of privileges, office referrals, detentions and suspensions.

However, understanding discipline as a “teachable moment” is fundamental to a positive approach to discipline with the ultimate goal of teaching pro-social behavior. Therefore, the board authorizes restorative practices to be employed where appropriate, use conflict resolution, restitution to those harmed, and group, classroom, community and re-entry circles to address misbehaviors with the ultimate goal of teaching pro-social behavior. This approach seeks concurrent accountability and behavioral change.

The main principles of restorative justice are valuing and restoring relationships, repairing the harm done to affected parties, respecting others’ opinions, and reintegrating into the school community.

Under this model, we ask:

- Who has been hurt?
- What are their needs?
- Whose obligations are these?

Essential to the implementation of restorative practices is helping students who have engaged in unacceptable behavior to:

- Understand why the behavior is unacceptable and the harm it caused;
- Understand what could have been done differently in the same situation;
- Take responsibility for their actions;
- Make reparations and or restitution to repair the harm done;

- Be given the opportunity to learn pro-social strategies/skills to use in the future; and
- Understand the progression of more increasingly punitive consequences may be imposed if the behavior reoccurs.

While there may be more traditional punishments in conjunction with teaching behavior expectations and treating disciplinary matters as teachable moments, this is a more effective approach than merely reacting to specific events unless student behaviors pose an immediate or ongoing threat to the safety of other students and staff.

The Board directs staff and administration to utilize restorative practices where appropriate in addressing student disciplinary issues.

In the application of restorative practices, the process is always voluntary for the students. Any parent (or student over the age of 18) can request to go to the traditional disciplinary route and not participate in the restorative process. This may happen at any time during the process, or if a student is unwilling to accept responsibility for their actions and is not demonstrating willingness to make amends.

When addressing student behaviors that may impede learning, school personnel should consider a range of positive supports, strategies, and interventions described in this section before removals and suspensions. Discipline policies, practices, and behavioral intervention plans should include a variety of interventions. These may include addressing a student's motivation, social skills, and problem-solving abilities, and using positive reinforcement and logical consequences.

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

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

1. The student's age.
2. The nature of the offense and the circumstances which led to the offense.
3. The student's prior disciplinary record.
4. The effectiveness of other forms of discipline.
5. Information from parents, teachers and/or others, as appropriate.
6. Other extenuating circumstances.

As a general rule, depending on the circumstances and the nature of the conduct, discipline will be progressive. This means that a student's first violation will usually merit a lesser consequence than subsequent violations; however, out of school suspension may be the initial consequence depending on the conduct or as may be provided elsewhere in this policy.

It is also the Board's desire that staff members imposing a consequence for prohibited student conduct take into account all relevant factors in determining the appropriate consequence to be imposed and to seek the consequence that is both appropriate to the circumstances while still preserving the quality of the student's education to the greatest extent possible. The consequences set forth below may be imposed either alone or in combination.

If the conduct of a student is related to a disability or suspected disability under IDEA, [Article 89](#), and the [Part 200 Regulations](#), copies of which are available by contacting the Director of Special

Education, the student shall be referred to the Committee on Special Education. 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 their disability. The relationship between the disciplinary infraction and the disability shall require a determination by the Committee on Special Education.

### **A. Interventions**

Students who are found to have violated the District's code of conduct may be subject to the following interventions, either alone or in combination. These interventions are not necessarily listed in sequential order. The school personnel identified after each intervention are authorized to provide or arrange for the provision of that intervention.

1. Positive alternatives, such as: - any member of the District staff
  - a) student motivation
  - b) social skills
  - c) problem-solving skills
  - d) positive reinforcements
  - e) logical consequences
  - f) anger management
  - g) conflict resolution, and
  - h) behavior management techniques
2. Team therapeutic intervention - social worker, guidance counselor, school psychologist
3. Utilization of appropriate temporary settings - any member of the District staff

### **B. Consequences**

If a parent or student age 18 or older opts out of participating in the restorative practices or if restorative practices have not been effective with the student in question, if the student's alleged conduct is not amenable to resolution through restorative practices, or if disciplinary consequences are mandated by law, the list below will be utilized to determine consequences. Students who are found to have violated the District's code of conduct may be subject to the following consequences, either alone or in combination. The school personnel identified after each consequence are authorized to impose that consequence, consistent with the student's right to due process. Administrators seeking to address a particular code infraction with a penalty that is outside the range of consequences designated for that infraction must first consult with the Superintendent of schools to review the unique and/or extenuating circumstances that might justify such a deviation.

1. Oral warning - any member of the District staff
2. Written warning - teachers, assistant principal, principal, assistant superintendent, Superintendent
3. Referral to building administrator - bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers



4. Notification of parent - coaches, guidance counselors, teachers, assistant principal, principal, assistant superintendent, Superintendent
5. Detention - teachers, assistant principal, principal, assistant superintendent, Superintendent
6. Suspension from transportation - assistant principal, principal, Director of Pupil Personnel Services, assistant superintendent, Superintendent
7. Suspension from athletic participation - assistant principal, principal, Athletic Director, assistant superintendent, Superintendent
8. Suspension from social or extracurricular activities - assistant principal, principal, assistant superintendent, Superintendent
9. Suspension of other privileges - assistant principal, principal, assistant superintendent, Superintendent
10. In-school suspension - principal, assistant superintendent, Superintendent
11. Removal from classroom by teacher - teacher
12. Short-term (five days or less) suspension from school, which includes suspension from athletic participation and from social or extracurricular activities - principal, Superintendent, Board of Education, consistent with [Education Law §3214](#) and [§2801](#).
13. Long-term (more than five days) suspension from school, which includes suspension from athletic participation and from social or extracurricular activities - Superintendent, Board of Education
14. Permanent suspension from school - Superintendent, Board of Education.
15. An appropriate alternative to disciplinary or corrective action offered to the student in lieu of a consequence listed above - assistant principal, principal, assistant superintendent, Superintendent

If appropriate, law enforcement agencies will be notified and/or involved in the situation.

Counseling, although not considered discipline, may be an alternative to the imposition of disciplinary consequences, provide that such counseling is provided by an appropriate staff member, such as a guidance counselor or school psychologist.

## **C. Procedures**

The type of due process a student is entitled to receive before a consequence is imposed depends on the consequence being imposed. In all cases, regardless of the consequence imposed, the school personnel authorized to impose the consequence 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 consequence in connection with the imposition of the penalty.

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

### **1. Detention**

Teachers, an assistant principal, principals, assistant superintendent, and the Superintendent may use detention as a consequence for student misconduct in situations where removal from the classroom or suspension would be inappropriate.

The student will be provided 24 hours to arrange transportation from school after an after-school detention.

2. Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the attention of the building principal or assistant principal and/or the Supervisor of Transportation. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal, assistant principal, Director of Pupil Personnel Services, assistant superintendent, or Superintendent. In such cases, the student's parent will become responsible for seeing that their 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. This section does not limit the authority of the Superintendent, building principal or their designees from imposing other disciplinary measures as deemed appropriate.

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 to be heard by the individual imposing the suspension to discuss the conduct and the penalty involved.

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

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to [Education Law §3214](#). However, the student and the student's parent will be provided with a reasonable opportunity to be heard at a meeting with the District official imposing the suspension the purpose of which is to review the conduct and the penalty involved. In addition, student athletes are expected to comply with the standards of conduct set forth in the Croton-Harmon Athletic Handbook. Consequences for violations of provisions of the Athletic Handbook may be imposed as set forth in the Athletic Handbook.

4. In-school suspension

The Board recognizes that 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 is an alternative to out-of-school suspension. Students who commit suspendable offenses (such as truancy, excessive class cutting, excessive tardiness, disruptive behavior) may be assigned to an in-school suspension where they will receive appropriate academic work to complete and may be provided with the opportunity for counseling in an effort to rectify their disruptive behavior.

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

5. Teacher disciplinary removal of disruptive students

A student's behavior can affect a teacher's ability to teach and can make it difficult for other

students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include defusion, de-escalation, and redirection.

After the classroom teacher has exhausted these and other appropriate interventions, the teacher may need to direct a student to leave the classroom briefly to give the student an opportunity to regain their composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student into the hallway briefly; (3) sending a student to the principal's office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other District staff member for counseling. These classroom management techniques do not constitute disciplinary removals for purposes of this code.

On occasion, a student's behavior may become disruptive in class. 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 teacher finds that the student's continued presence in the classroom does not pose a continuing danger to persons and property and does not present an ongoing threat of disruption to the academic process, the teacher shall, prior to removing the student from the classroom, provide the student with an explanation of the basis for the removal and allow the student to informally present their version of the relevant events. In all other cases, the teacher shall provide the student with an explanation of the basis for the removal and an informal opportunity to be heard within twenty-four hours after the student's removal.

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 they were removed from the classroom and give the student a chance to present their version of the relevant events within 24-hours.

The teacher must complete a District-established disciplinary referral form and meet with the principal or their 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 referral form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the principal's secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

Within 24 hours after the student's removal, the principal or another District administrator designated by the principal must notify the student's parents, by telephone and letter, that the student has been removal from class and the reasons for the removal. The notice must also inform the parent(s) that they have the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal. The written notice must be provided by personal delivery, express mail delivery, or some other means, to the last known address of the parent, which is reasonably calculated to ensure receipt

within 24 hours of the removal.

If the parent, upon notification by the authorized administrator, requests an informal conference, the teacher who ordered the removal may be required to be present at the informal conference. If the student has an IEP or a Section 504 Plan, the chairperson of the Committee for Special Education must also be present at the conference.

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

The principal may overturn the removal of the student from class if the principal finds any one of the following:

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

The principal 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 they are permitted to return to the classroom. In the event of teacher removal of a disruptive student in accordance with the code of conduct, continued educational programming will be provided as soon as practicable.

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 their class until he or she has verified with the principal and the chairperson of the Committee on Special Education that the removal will not constitute a change in placement (i.e. that such removal, together with other discipline previously imposed, will not result in suspensions or other removals accumulating to more than 10 school days or would otherwise violate federal or state laws or regulations on discipline of a student with an IEP or a Section 504 plan).

#### 6. Suspension from school

Suspensions will be limited to students who pose an immediate or ongoing threat to oneself or others or are repeatedly substantially disruptive, for whom restorative practices have not been effective, who have declined to participate in restorative practices, who have not participated in restorative practices in good faith, or whose conduct is of such severity that, in the Building Principal's determination, restorative practices are not appropriate.

Suspension from school is a severe penalty, which may be imposed only upon students

who are insubordinate, seriously disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others. A student suspended from a BOCES vocational program is automatically suspended from the home school, and a student suspended from the home school is automatically suspended from the BOCES vocational program.

Where appropriate, alternative remedial measures should be considered before suspension is necessitated. These measures may include: counseling by teachers, guidance personnel, child study teams or administrators; teacher removal; in-school suspension; suspension from cocurricular, extracurricular and/or athletic programs; parent conferences and alternative programming. Any long-term suspensions from a student's regular school setting should be appropriate to the circumstances of the offense and with due regard for the student's educational program and to the health and safety of others on school property.

Where alternative measures are provided and the student and/or parent does not cooperate, or student behavior continues to be unacceptable, suspension may become unavoidable. Suspension is also appropriate, without the use of alternative measures, for serious misbehavior or misconduct. In all cases of suspension, immediate steps should be taken to ensure that alternative instruction is provided within a reasonable time as and to the extent provided in the Code of Conduct.

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

Students who participate in restorative practices ending in a restorative conference and written agreement may be permitted to return to school sooner than those who do not. Early return is entirely at the discretion of the district.

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 or designated "Acting Principal", upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

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

The Superintendent and/or principal or designated "Acting Principal" shall have the power to suspend a student for a period not to exceed five (5) school days. When the Superintendent or principal or designated "Acting 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 parent 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 written notice shall provide a description of the offending behavior and 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 in accordance with [Education Law §3214\(3\)\(d\)](#). If the suspension is imposed by the building principal, the principal shall immediately notify the Superintendent of this action.

The informal conference, if requested, must be scheduled, excluding days on which school is closed, within twenty-four hours of the notice by telephone or by mail (if no telephone notice can be provided), unless the principal is requested by the parent to delay the conference and grants the request, during which delay the suspension may be enacted.

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 building principal shall promptly advise the parents in writing of their decision, at which point in time the suspension will be served, as designated by the building principal. The building 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 ten (10) 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 Superintendents' decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education within 30 calendar days of the decision.

Except in the case of a student whose conduct endangers the safety, morals, health, or welfare of the student or others, the Superintendent shall have the discretion to refrain from enacting the suspension during the appeal.

After a student returns from a suspension, it is incumbent upon the school administration to see that the student receives all appropriate counseling, guidance, and support services in order to minimize the possibility of reoccurrence of the reasons for suspension.

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

When the Superintendent or building principal determines that a suspension for more than five days may be warranted, the Superintendent 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 be informed regarding the privilege against self-incrimination, and shall have the right to be represented by counsel, the right to question witnesses against them, the right to testify on their behalf, and the right to present witnesses and other evidence on their behalf.

The notice of hearing shall advise the student and their parent(s) of the grounds for the charges in specific enough terms to enable the student and their parent(s) to anticipate reasonably the subject content of the proposed hearing and to prepare a defense. The notice of hearing shall also indicate whether the student's anecdotal record will be considered to determine the appropriate penalty in the event the student is found to have committed the charged conduct. If the anecdotal record will be considered, the notice of hearing shall advise the parent(s) and the student that they may request an opportunity to review the content of the student's anecdotal record prior to the hearing.

The student may be allowed to remain in school prior to the hearing unless, in the judgment of the Superintendent, that student's presence in school poses a danger to their own or other's physical or emotional safety, to school District property, or to the continuation of the learning process.

The Superintendent shall personally hear and determine the proceeding or may, in their 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 them. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape or digital recording shall be deemed a satisfactory record. If the Superintendent has designated a hearing officer, 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.

The Superintendent shall promptly inform the student and the parent, in writing, of any determinations regarding the suspension. If a student of mandatory school age is not reinstated, the school authorities shall immediately provide alternative instruction for such student. As a general rule, the District shall provide alternative instruction for a student who is not of mandatory school age if the student has demonstrated a sincere desire to complete their high school education.

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 ten (10) business days of the date of the Superintendent's decision, unless the parent(s) 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 of Education within thirty (30) days of the decision under the provisions of [Education Law §310](#).

### **c. Permanent suspension**

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

#### **d. Procedure after suspension**

The Board may condition a student's early return from a suspension on the student's voluntary participation in a restorative conference, reentry circles, 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 agrees to this option, the terms and conditions shall be specified in writing.

### **D. Minimum Periods of Suspension**

#### **1. 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. A student with a disability or suspected disability shall be reviewed in accordance with the provisions of imposition of discipline against students with disabilities.

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

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

#### **2. 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 (5) days. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

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

Any student, other than a student with a disability, who repeatedly is substantially disruptive



of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days. For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to [Education Law § 3214\(3-a\)](#) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

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

### **E. Minimum Discipline for Certain Alcohol and Illegal Substance Conduct**

A student will likely be subject to an out-of-school suspension, in the discretion of the district, if they are found to have been

1. possessing, remaining in the presence of, consuming, selling, offering, manufacturing, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either, or smoking/vaping/ingesting/consuming cannabis or concentrated cannabis (includes cannabis products) or smoking cannabinoid hemp or selling, offering, manufacturing, distributing or exchanging cannabis, concentrated cannabis or cannabinoid hemp (except for lawful medical cannabis use prescribed by a medical care provider in compliance with state law and regulation and district policy on administration of medication on school premises or while engaged in school activities);
2. possessing drug related paraphernalia; or
3. inappropriately using, selling, or sharing prescription and over-the-counter drugs, or another substance for the purpose of altering the student's physical or mental state, shall be subject to the minimum consequence of an out-of-school suspension.

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

### **F. Referrals**

#### **1. Counseling**

The Guidance Office shall handle all referrals of students to counseling.

#### **2. PINS Petitions**

The District may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that they require supervision and treatment by:

- a. Being habitually truant and not attending school as required by part one of [Article 65 of the Education Law](#).

- b. Being ungovernable, or habitually disobedient and beyond the lawful control of the school.
- c. Engaging in prostitution in violation of [Penal Law §230.00](#) (engaging or agreeing or offering to engage in sexual conduct with another person in return for a fee); or
- d. Appearing to be a sexually exploited child under [Social Services Law §447-a\(1\)\(a\)](#), (c), or (d), but the student must consent to filing the PINS petition.

For items 'a' and 'b' above, when filing the petition, the district must describe the diversion efforts it has undertaken or services provided to the student, and the grounds for concluding the allegations cannot be resolved without the petition.

### 3. Juvenile Delinquents and Juvenile Offenders

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

With respect to all students under age 16, except students age 14 or 15 who qualify for juvenile offender status under the [Criminal Procedure Law 1.20\(42\)](#).

The Superintendent is required to refer such students to the appropriate law enforcement authorities:

All students age 16 or older, and all students age 14 or 15 who qualify for juvenile offender status under the [Criminal Procedure Law §1.20\(42\)](#).

Adoption date: August 2, 2012

Revised: July 8, 2014, August 6, 2015, August 22, 2016, June 16, 2022

## **IX. Alternative Instruction**

When a teacher removes a student of any age from class or a student of compulsory attendance age is suspended from school pursuant to [Education Law §3214](#), the District will take immediate steps to provide alternative means of instruction for the student. The Board of Education expects students, administrators, teachers and parents to make every effort to maintain student academic progress in the event of removal or suspension, and support student re-entry to the classroom at the conclusion of the disciplinary action. In addition, the District shall provide alternative instruction for a student who is not of mandatory school age if the student has demonstrated a sincere desire to complete their high school education. In the event of teacher removal of a disruptive student in accordance with the Code of Conduct, continued educational programming will be provided as soon as practicable.

Adoption date: August 2, 2012

Revised: July 8, 2014, August 6, 2015

## **X. 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 their current placement because maintaining the student in that placement is substantially likely to result in injury to the student or to others. The Board expects that this will be a sparingly used option and staff will employ conflict resolution meetings, restitution to those harmed, and group, classroom, or community circles as appropriate for a particular student. Restorative practices will be the considered first in dealing with disciplinary issues, as long as

the student with disabilities is able to meaningfully participate in the process and such practices are allowable under their IEP.

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:

1. 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.
2. 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\(c\)](#)).
3. Disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  - a. For more than 10 consecutive school days; or
  - b. 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.
4. 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 or state law.
5. 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 them 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.
6. 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.
7. 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.

8. Removal means a removal of a student with a disability for disciplinary reasons from their current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.
9. School day means any day, including a partial day, that students are in attendance at school for instructional purposes.
10. 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.
11. 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.
12. Suspension means a suspension pursuant to [§3214 of New York's Education Law](#).
13. 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 misbehavior, 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:

1. Carries or possesses a weapon to or at school, on school premises or to a school function, or
2. 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
3. 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

1. 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.
2. 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 will be bifurcated into a guilt phase and a penalty phase (as defined in Commissioner's regulations, [8 NYCRR § 201.9](#)). 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 their 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 they 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:

1. The manifestation team determines that the student's behavior was not a manifestation of the student's disability, or
2. 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 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 they determine 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:

1. The Superintendent to change the placement of a student to an IAES;
2. An impartial hearing officer to place a student in an IAES; or
3. 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:

1. Caused by or had a direct or substantial relationship to the student's disability, or
2. 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:

1. 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.
2. Return the student to the placement from which they were 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:

1. 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.

2. 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.

3. 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 misbehaviors 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:

1. 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
2. The student's parent has requested an evaluation of the student; or
3. 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,

1. The student's parent has not allowed an evaluation of the student; or
2. The student's parent has refused services; or
3. 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 will 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:

1. 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 their current educational placement;
2. The district during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in their current educational placement during such proceedings;
3. The student's parent regarding a determination that the student's behavior was not a manifestation of the student's disability; or
4. 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).

Adoption date: August 2, 2012

Revised: July 8, 2014, August 6, 2015, June 16, 2022



## **XI. 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:

1. Protect oneself, another student, teacher or any person from physical injury.
2. Protect the property of the school or others.
3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school District functions, powers and duties, if that student has refused upon verbal command 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.

Adoption date: August 2, 2012

Revised: July 8, 2014, August 6, 2015

## **XII. Questioning of Students and Student Searches**

### **Questioning of Students by School Personnel**

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any administrator, teacher, guidance counselor, or other professional employed by or engaged by the District may question a student about an alleged violation of law or the District Code of Conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials must tell the student why they are being questioned.

### **Searches of Students by School Personnel—General Guidelines**

In addition, the Board authorizes the Superintendent, Assistant Superintendent, building principals, assistant principals, other building administrators designated by the building principal, District security personnel acting under the direction and supervision of one of the aforementioned administrators, and the school nurse to conduct searches of students and their belongings except as set forth below in paragraphs A, B and C, if the authorized school official has reasonable suspicion at the inception of the search to believe that the search will result in evidence that the student violated the law or the District Code of Conduct, and the search is reasonably related in scope to the circumstances that justified the search as part of the inquiry or investigation. An authorized district administrator may, upon reasonable suspicion, search a student's vehicle that is parked on school property. Searches may be conducted, upon reasonable suspicion, during school functions off of school property, including searches of lockers at out of school locations, hotel rooms, vehicles or other facilities used by students during school sponsored trips, or athletic or academic events, in which case the staff member chaperones or coaches involved in such activity shall have the same authority to act as applies to a building principal or administrator on school property.

The term "belongings" includes briefcases, bookbags, backpacks, knapsacks, purses, wallets, and other items in which a student may be carrying material or physical evidence.

Reasonable suspicion to conduct a search of a student or a student's possessions and the scope of

the particular search shall be based on the student's age, history and record in school, the prevalence and seriousness of the incident or situation to which the search is directed, and the probative value and reliability of information used as justification for the search.

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

Before searching a student or the student's belongings, the authorized school official should attempt to obtain an admission from the student of possession of material or physical evidence that the student violated the law or the District Code of Conduct, or to obtain voluntary consent to the search. If practicable, another professional employee of the District shall be present during the questioning preceding the search. Searches will be limited to the extent necessary to locate the evidence sought.

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

Whenever practicable, searches will be conducted in the privacy of administrative offices or the nurse's office in the presence of another professional employee of the District. The student will be present when their possessions are being searched.

### **A. Student Lockers, Desks and Other School Storage Places**

The rules in this Code of Conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school personnel, without prior notice to students and without their consent.

### **B. Searches of a Student's Person**

1. Searches of a student's person includes any search that involves physical contact with a student's body, including clothing worn by the student, or the requirement that a student remove clothing, with the exception of outer garments such as hats, coats, jackets, sweatshirts, sweaters, vests, and gloves. A student may be directed to remove any outer garment, and may be directed to remove their shoes and socks and to turn out or empty their pockets in any outer garment or pants or shirts. These searches also include, but are not limited to, pat-down searches and the sniffing of a student by a police search dog.
2. A strip search is a search that requires a student to remove any or all of their clothing, other than outer garments, shoes, and socks. If an authorized school official believes it is necessary to conduct a strip search of a student, the school official may do so only if the search is authorized in advance by the Superintendent. The only exception to this rule requiring advanced authorization is when the school official believes there is an emergency situation that could threaten the safety of the student or others.

Strip searches may only be conducted by an authorized school official of the same sex as

the student being searched and in the presence of another District professional employee who is also of the same sex as the student.

In every case, the school official conducting a strip search must have probable cause - not simply reasonable cause - to believe the student is concealing evidence of a violation of law or the District Code of Conduct. In addition, before conducting a strip search, the school official must consider the nature of the alleged violation, the student's age, the student's record and the need for such a search.

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

### **C. Treatment of Cellphones**

Teachers and administrators are authorized to confiscate student cell phones that are being used in violation of the District Code of Conduct and/or in violation of a policy of the District or any school regarding the use of cellphones in the school. Further, teachers and administrators are authorized to confiscate a student's cellphone as part of an investigation of a violation of law or the District's Code of Conduct. Teachers and administrators are permitted to look at the screen of the cell phone and 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 of the contents of the cellphone until conferring with the Superintendent or school attorney for guidance or unless the teacher or administrator has reasonable cause to believe there exists an imminent threat of harm to persons or property.

### **D. Documentation of Searches**

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

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

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

### **E. Police Involvement in Searches and Interrogations of Students**

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

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function.

If police are involved in the questioning of students on school property or at a school function occurring off school property, 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 property or at a school function without the permission of the parent in situations where a warrant has been issued for the student's arrest (or removal). Police authorities may also question students for general investigations, general questions regarding crimes committed on school property. If a student is to be questioned by police on school property or at a school function, it is the responsibility of the school administration to see that the interrogation takes place privately, in the presence of an administrator and in the presence of a parent, except when a parent gives verbal consent to the school administration for the interrogation to take place in the absence of the parent or when a warrant has been issued for the student's arrest. 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.

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

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

Adoption date: August 2, 2012

Revised: July 8, 2014, August 6, 2015, August 22, 2016, June 16, 2022

### **XIII. Visitors to the Schools**

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

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must enter through the designated single point of entry for the school building upon arrival at the school. There they will be required to sign the visitor's register, will be

issued a visitor's identification badge, which must be worn in a visible manner at all times while in the school or on school grounds. The visitor will be directed by a member of the staff to report to the appropriate location. The visitor must return the identification badge to the staff member at the reception area and sign out before leaving the building.

3. Visitors attending school functions that are open to the public, or which are outside school hours, are not required to register. Visitors attending a function held in a school building, outside of school hours, that is sponsored by an outside community group or organization, in accordance with the Board's policy on Public Use of School Facilities (Policy 1500) are not required to register.
4. 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/or Building Principal, so that class disruption is kept to a minimum.
5. Visitors shall not take class time to discuss individual matters with instructional personnel.
6. Any unauthorized person on school property will be reported to the principal or their designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

Adoption date: August 2, 2012

Revised: July 8, 2014, August 6, 2015, June 16, 2022

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

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

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

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

##### **A. Prohibited Conduct**

No person, either alone or with others, shall:

1. Intentionally or willfully injure any person or threaten to do so.
2. Physically detain or restrain another person.
3. Intentionally or willfully 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.
4. Disrupt the orderly conduct of classes, school programs or other school activities, including entering onto the field of play or into the area of such class, school program or other school activity before, during, or after such class, school program or other school

activity without the consent of a District official.

5. Use language or gestures that are obscene, are abusive, advocate illegal action, or are disruptive to the class, school program, or other school activity, including but not limited to harassing or abusive comments to participants, staff members, coaches, officials, and/or other attendees.
6. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, or are disruptive to the class, school program, or other school activity.
7. Distribute or post any written material, pamphlets or posters without prior written approval of the Superintendent or their designee.
8. Intimidate, harass or discriminate against any person on the basis of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locs, and twists), color, creed, national origin, ethnic origin, religion, religious practice, age, sex, gender (including gender identity and expression), sexual orientation, weight or disability.
9. Enter any portion of school grounds or the school premises without legitimate school business to conduct and/or without expressed advance administrative authorization, or remain in any building or facility after it is normally closed, or refuse to leave any building or facility after being required to do so by an authorized administrator or staff member.
10. Obstruct the free movement of any person in any place to which this code applies.
11. Violate the traffic laws, parking regulations or other restrictions on vehicles.
12. Allow pets to defecate on school grounds without cleaning up after them.
13. Possess, consume, sell, share, offer, manufacture, distribute or exchange alcoholic beverages, and/or other controlled substances (including prescription drugs) or any other substance used for the purpose of altering an individual's physical or mental state, or be under the influence on school property or at a school function.
14. Smoke a cigarette, cigar, or pipe, or use an electronic cigarette (e-cigarette) or similar device including but not limited to e-hookahs, hookah pens and vape pens, or use any chewing or smokeless tobacco, or smoking/vaping/ingesting/consuming cannabis or concentrated cannabis (includes cannabis products) or smoking cannabinoid hemp or selling, offering, manufacturing, distributing or exchanging cannabis, concentrated cannabis or cannabinoid hemp (except for lawful medical cannabis use prescribed by a medical care provider in compliance with state law and regulation and district policy on administration of medication on school premises or while engaged in school activities).
15. 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.
16. Use any recording, broadcasting, and/or playback equipment or materials, including but not limited to video recorders, cameras, cell phone cameras, tape recorders, or videophones, in school, on school grounds, and/or at school events without prior teacher or administrator approval, except at school functions that are open to the public, unless otherwise prohibited,
17. Loiter on or about school property.
18. Gamble on school property or at school functions.
19. Refuse to comply with any reasonable order of identifiable school District officials performing their duties.
20. Willfully incite others to commit any of the acts prohibited by this code.
21. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

## B. Penalties

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

1. Visitors' 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. The District shall have the authority, consistent with law and Board policy, to prohibit the visitor from attending future school functions.
2. Students shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members shall be subject to disciplinary action as the facts may warrant in accordance with [Education Law §3020-a](#) or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of [Civil Service Law §75](#) shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with [Civil Service Law §75](#) or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 3 and 4 shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

## C. Enforcement

The building administrator or their designee shall be responsible for enforcing the conduct required by this code.

When the building administrator or their designee sees an individual engaged in actions not conducive to achieving the goal of making school a community free of violence intimidation, bullying, harassment, and discrimination, misconduct or otherwise not allowed behaviors, which in their judgment does not pose any immediate threat of injury to persons or property, the principal or their designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or their 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 their designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

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Revised: July 8, 2014, August 6, 2015, June 13, 2019, June 16, 2022

**Croton-Harmon Schools**

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# **EXHIBIT 7**



## **4526 ACCESS TO COMPUTER NETWORK FOR USE IN INSTRUCTION**

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

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

The district provides faculty, staff and students with access to the district's electronic network. This network includes Internet access (including through its wireless network), computer services, email, videoconferencing, computer equipment and related equipment for educational purposes. The purpose of this network is to assist in preparing students for success in life and work in the 21st century by providing them with electronic access to a wide range of information and the ability to communicate with people throughout the world, to gain the ability to create new technological tools and content, and to provide faculty and staff with the resources to provide instruction to students and to perform their duties and responsibilities for the district.

As part of the district's instructional program, students (and their parents/guardians) and staff may be provided with access to and use of accounts from an outside internet educational resource provider through which access will be provided to that provider's services. The district shall comply with all contractual and other requirements related to the use of such services by its students (and their parents/guardians) and staff, and shall ensure that all such users execute any consent or authorization forms required for such use.

This document contains the rules and procedures relating to the acceptable use of the district's electronic network.

### **Acceptable network use by district students and staff includes:**

- Creation of files, projects, videos, web pages, podcasts and other media using network resources in support of educational research;
- Creation of new programs, applications or other code for educational purposes, under appropriate faculty supervision;
- Participation in blogs, wikis, bulletin boards, social networking sites and groups and the creation of content for podcasts, e-mail and web pages that support educational research;
- The use of online applications for learning that support the educational process in accordance with applicable district policies;
- With parental permission, the online publication of original educational material, curriculum related materials and student work. Sources outside the classroom or school must be cited appropriately;
- Staff use of the network for incidental personal use in accordance with all District policies and guidelines;
- Connection of staff personal electronic/digital devices in accordance with applicable district policies.

### **Unacceptable network use by district students and staff includes but is not limited to:**

- Use for personal gain, commercial solicitation and compensation of any kind;

- Use that may result in liability or cost incurred by the district;
- Downloading, installation and use of new applications without the prior approval of the Technology Coordinator;
- Updating of existing applications without prior approval of the Technology Coordinator;
- Use that may result in the potential for data breach or the loss of District, student or employee records or data;
- Downloading games without prior approval of the Technology Coordinator;
- Support or opposition for ballot measures, candidates and any other political activity;
- Hacking, cracking, vandalizing, the introduction of viruses or other malicious software and changes to hardware, software and monitoring tools;
- Unauthorized access to other district computers, networks and information systems;
- Cyberbullying, hate mail, defamation, harassment of any kind, discriminatory jokes and remarks, or any communication that could reasonably be construed as racist, sexist, abusive or harassing to others;
- Information posted, sent or stored online that could endanger others (e.g., bomb construction, drug manufacturing);
- Accessing, uploading, downloading, storage and distribution of obscene, pornographic or sexually explicit material; and
- Attaching unauthorized equipment to the district network. Any such equipment will be confiscated and possibly destroyed.

The District will not be responsible for any damages suffered by any user, including but not limited to, loss of data resulting from delays, non-deliveries, mis-deliveries or service interruptions caused by its own negligence or any other errors or omissions. The District will not be responsible for unauthorized financial obligations resulting from the use of, or access to, the District's computer network or the Internet.

### **Personal Information and Inappropriate Content:**

- Students and staff should not reveal personal information, including a home address and phone number, on web sites, blogs, podcasts, videos, wikis, e-mail or as content on any other electronic medium.
- Students and staff should not reveal personal information about another individual on any electronic medium.
- No student pictures or names can be published on any class, school or District web site unless the appropriate permission has been verified according to district policy.
- If students encounter dangerous or inappropriate information or messages, they should notify the appropriate school authority.

The district has selected an Internet filtering program, which has been installed on the district's network. This software protects against access by adults and minors to visual depictions that are obscene, child pornography, or - with respect to use of electronic/digital devices with Internet access by minors - harmful to minors. Website-specific exceptions to blocking shall be granted for the purpose of engaging in bona fide research related to an academic or co-curricular program or activity of the district, and only to the degree necessary and for the period necessary for conducting that research. The temporary access shall be enabled by the Technology Coordinator or his/her designee. If a student requests access, the Technology Coordinator or his/her designee shall initially review the site for appropriateness, after which the student's teacher must give prior approval before access is provided by the Technology Coordinator or his/her designee. If a staff member requests access, the

Technology Coordinator or his/her designee must provide access.

The selection of which websites are blocked, or exempted from blocking, shall be conducted fairly. Care shall be taken to ensure that a broad variety of views are available for student access, and to ensure that there is no bias – intentional or inadvertent – in the application of restrictions on access, especially in relation to controversial issues or political positions.

Any attempt to defeat or bypass the district's Internet filtering system or conceal Internet activity is prohibited, and will result in suspension or revocation of permission to use the district's computer network or Internet.

The fact that the filtering technology has not blocked access to certain material shall not create the presumption that such material is appropriate for users to access. The fact that the filtering software has blocked access to certain material shall not create the presumption that the material is inappropriate for users to access.

Users are responsible for the information they communicate across the network. This includes but is not limited to the disclosure of personal contact information (without specific building administrative approval).

Teachers or other staff members recommending or assigning the use of online services by students must verify in advance that the service has adequate measures in place to maintain student safety and privacy.

Downloading, copying, duplicating and distributing software, music, sound files, movies, images, intellectual property, or other copyrighted materials without the specific written permission of the copyright owner is generally prohibited. However, the duplication and distribution of materials for educational purposes are permitted when such duplication and distribution fall within the Fair Use Doctrine of the United States Copyright Law ([Title 17, USC](#)) and complies with district policy, and content is cited appropriately. All student work is copyrighted. Permission to publish any student work requires permission from the parent or guardian.

All users of the district's computers, electronic/digital devices and electronic network shall, as a condition for use, read [Policy 4526.1-R](#), Acceptable Use Policy for Computer and Internet Access Regulation (the [Regulations](#)). Each user, and in addition in the case of a minor child the parent(s) or legal guardian(s) of the user, shall receive a copy of the Acceptable Use Contract for Computer and Internet Use ("AUP Contract"), which must be signed and returned to the district on or before October 1<sup>st</sup> of each year. Individuals who do not return the signed AUP Contract by October 1<sup>st</sup> shall be blocked from access to the district's computers, electronic/digital devices and the Internet. A signed AUP Contract shall be submitted by each student user in Kindergarten through 4th grade, 5th grade, and 9th grade at the beginning of the school year, or at the time of entry into the school district if a student enrolls after the commencement of the school year.

The [Regulations](#) set forth examples of prohibited conduct and contain certain cautionary information that will help the user use the internet properly and appropriately. These [Regulations](#) define and explain policy violations and set forth the respective responsibilities of the district and the user.

The Superintendent shall be responsible for ensuring that appropriate instruction is provided at each grade, annually, as to the district's acceptable use policy; conduct that is prohibited under the acceptable use policy; proper "netiquette" expected of users of the district's computers, electronic/digital devices, and network. The Superintendent shall be responsible for ensuring that appropriate instruction and training is provided to every employee of the district as to the district's acceptable use policy; conduct that is prohibited under the acceptable use policy; proper "netiquette"

expected of users of the district's computers, electronic/digital devices, and network.

Communication through the Internet or the district's networks, however, is not considered private and there should be no expectation of privacy regarding any computer use of school district computers. Network administrators may review files and communications to maintain system integrity and insure that users are using the system responsibly. Network administrators may remove or delete files, material and/or communications that are violative of district policy.

Students using a personal computer or personal electronic device on school property or during a school sponsored or related activity are subject to the rules and regulations regarding acceptable use in district policies, administrative rules, and federal and state law. Any use that is in violation of the foregoing may result in the student no longer being allowed to bring his/her personal electronic device onto school property and/or other disciplinary or corrective action in accordance with the Code of Conduct. By bringing a personal computer or personal electronic device onto school property or to a school sponsored or related event and/or connecting a personal electronic device to any technology resource of the district, the student consents that an authorized staff member may, if he/she has reasonable suspicion that the student has engaged in activities with such personal computer or personal electronic device that are inconsistent with this policy, any other policy of the district, or federal or state law, may confiscate said device and search the electronic device in a manner and to an extent that is consistent with and limited to the basis for the reasonable suspicion in order to determine whether a violation of district policy and/or federal or state law has occurred.

The district makes no guarantee that the functions or the services provided by or through the district network will be error-free or without defect. The district will not be responsible for any damage suffered, including but not limited to, loss of data or interruptions of service.

The district is not responsible for the accuracy or quality of the information obtained through or stored on the network. Each user is responsible for verifying the integrity and authenticity of the information that is used and provided. The District will not be responsible for financial obligations arising through the unauthorized use of the network.

The Superintendent will be responsible for maintaining a process for the dissemination of this policy to ensure that it is known and understood by staff and by students and their parents and guardians. This shall include an annual dissemination and review by teachers of age-appropriate Internet information and guidelines with all students; inclusion of this policy in all student and parent handbooks; written dissemination of the policy to parents; posting of the policy in computer laboratories, on the district website, and display upon login to the district network; discussion at parent "open house" nights; and other such measures as the Superintendent may determine.

Ref:

Cross-ref:

4500, Instructional Resources

[4526-R](#), Acceptable Use Policy for Computer and Internet Access Regulation

[4526-E](#), Acceptable Use Contract for Computer and Internet Use

[4526.1](#), Internet Safety

[4526.1-R](#), Internet Safety Regulation

4810, Teaching About Controversial Issues

[5300](#), Code of Conduct

[8635](#), Information Security Breach and Notification

[8635-R](#), Information Security Breach and Notification Regulation

[8650](#), School District Compliance with Copyright Law

[8650-R](#), School District Compliance with Copyright Law Regulation

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### **Croton-Harmon Schools**

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# EXHIBIT 8

## **4526-R ACCEPTABLE USE FOR COMPUTER AND INTERNET ACCESS REGULATION**

Use of the District's computers, electronic/digital devices and Internet use is a privilege. It serves as a point of voluntary access to information and ideas and as a learning laboratory for students as they acquire critical thinking and problem solving skills. Inappropriate use of the district's computer resources and electronic/digital devices is not only a policy violation, but may result in cancellation or suspension of those privileges at the discretion of a student's building principal or a staff member's administrator. The appropriate administrator will determine whether a policy violation has occurred, and the appropriate sanction. A policy violation may result in suspension or revocation of computer and Internet privileges, even for a single violation.

Every District student, staff or community member using the District's computers, electronic/digital devices and/or the Internet must acknowledge his or her acceptance of the attached Acceptable Use Contract for Computer and Internet Use before access to the District's computers and the Internet will be granted.

The District Technology Coordinator shall develop and implement procedures to monitor and enforce compliance with this regulation.

A copy of this Regulation shall be available in the main office of each school, and shall be posted in the computer laboratory.

### ***Terms and Conditions:***

1. Acceptable Use: The use of the district's computers and/or electronic/digital devices or the maintenance of an account on the district's network by a student must be in support of education and research and consistent with the educational objectives of the District. Use by teachers and other staff members of the district's network or computing resources must comply with the rules appropriate for that network.

Recognizing that no list of sanctioned behaviors is completely exhaustive, these prohibited behaviors include, but are not limited to:

- Using profane, abusive or obscene language in either private or public messages
- Placing information obtained or used unlawfully on the Internet
- Using the Internet illegally in ways which violate federal, state and local laws
- Sending information over the Internet that is likely to damage the recipient's work or system
- Using the Internet for commercial purposes--specifically, offering or providing products or services
- Posting or e-mailing unauthorized solicitations on behalf of charities, other organizations or persons
- Using the Internet for more than incidental personal use
- Sending or knowingly receiving copyrighted material without permission
- Using another person's log-in credentials
- Using the Internet for accessing, sending, or receiving pornographic materials, similar inappropriate text files, or files dangerous to the system
- Circumventing security measures on school computers or computers outside the school network

- Falsifying one's identity to others while using the Internet
- Posting or sending private student or District employee information, or any other information that might result in a violation of privacy
- Downloading unauthorized software from the Internet
- Downloading audio or video files not related to appropriate academic, administrative or co-curricular activities
- Unauthorized distribution of copyrighted, trademarked or patented materials
- Installing unauthorized software programs
- Changing any computer files that do not belong to the user
- Attempting to gain access to files which are not publicly available
- Attempting to access sites on the Internet that are known to contain material inappropriate for schoolwork
- Using the Internet to harass or harm other people
- Sending hate mail, making discriminatory remarks, and any other similar antisocial activities
- Engaging in use with the purpose to cause others personal humiliation or embarrassment

2. Privileges: The use of the Internet/Computer Network is a privilege, not a right, and inappropriate use will result in cancellation of that privilege by the Superintendent or his/her designee. Any problems and/or questions must be directed to the Superintendent or such designee. The Superintendent, administration, faculty and staff of the District may deny, revoke, or suspend specific user accounts at their discretion for any misuse or violation of this policy. If the student's privileges have been revoked and the student has an assignment which requires use of the Internet, the teacher will give a comparable assignment not requiring use of the Internet. If this is not possible, then the Internet research can only be done, at the school, with adult supervision at all times. Individuals have the full responsibility for the use of their accounts, and a user of the district's computers or network must not share his or her account or password with any other person. Any sharing of passwords or the use of accounts of other persons is prohibited. All recipients of accounts must participate in training pertaining to the proper use of the network. Account users are responsible for maintenance of their accounts. The Superintendent or his or her designee will conduct a review of all accounts to determine adherence to this policy.

3. Netiquette: Individuals are expected to abide by the generally accepted rules of network etiquette. These include (but are not limited to) the following:

- a. Be polite. Do not be abusive in your messages to others.
- b. Use appropriate language. Do not swear, use vulgarities or any other inappropriate language.
- c. Do not reveal your personal address, phone number, social security number, or credit card number, or such information for other students or colleagues.
- d. Note that electronic mail (e-mail) and data files are not guaranteed to be private. People who operate the system have access to all mail and data. Message or other electronic data relating to or in support of illegal activities may be reported to the authorities or the Superintendent or his/her designee.
- e. Do not use the network in such a way that will disrupt its use by others.



f. All communications and information accessible via the network should be assumed to be the property of the provider.

g. Use of the system and the data acquired must be in strict compliance with the law.

4. Disclaimer: The District makes no warranties of any kind, whether expressed or implied, for the service access or information it is providing pursuant to this policy. The District will not be responsible for any damage suffered. This includes loss of data resulting from delays, non-deliveries, mis-deliveries, or service interruptions caused by the District's negligence or error or omissions. Use of any information obtained is at the user's risk. Any violation of State, of Federal or local laws, ordinances, rules, or regulations, and any attended penalties, shall be the sole responsibility of the individual(s) who abuse the system, violate this policy and/or the law. The District specifically denies responsibility for the accuracy or quality of information obtained through Internet services. It is the responsibility of each user to verify the integrity and authenticity of the information that is used.

5. Commercial Services: Commercial services are available on the Internet. If a user chooses to access these services, the user is liable for any costs that may be incurred.

6. Security Issues: If any user identifies a security problem on the Internet/Computer Network, they must notify the Superintendent or his/her designee. Any unauthorized attempt to login to the Internet/ Computer Network purporting to act as a system administrator will result in cancellation of user privileges. Any user identified as a security risk or having a history or problems with other computer systems may be denied access to the Internet/Computer Network.

7. Vandalism: Vandalism will result in cancellation of privileges. Vandalism includes any malicious attempt to harm or destroy District equipment, software or data, or that of another user, the Internet or any agencies or other networks that are connected to the Internet. This includes, but is not limited to, the uploading or creation of computer viruses. In the case of vandalism to District equipment, the user will be financially responsible to reimburse the District for repair or replacement of said equipment.

8. District Right to Access Users' Computers and Accounts: Communication through the Internet or the District's networks is not considered private and there should be no expectation of privacy regarding any computer use of school district computers. Network administrators may review files and communications to maintain system integrity and insure that users are using the system responsibly. Network administrators may remove or delete files, material and/or communications that are violative of district policy.

9. Use of Online Services from Internet Educational Resource Providers: As part of the district's instructional program, students (and their parents/guardians) and staff may be provided with access to and use of accounts from an outside internet educational resource provider, such as Google, through which access will be provided to that provider's services. The district shall comply with all contractual and other requirements related to the use of such services by its students (and their parents/guardians) and staff, and shall ensure that all such users execute any consent or authorization forms required for such use.

10. Use of Online Services for Learning: Teachers or other staff recommending or assigning the use of online services by students must verify in advance that the service is listed on the district's Approved Services List, or must obtain pre-approval by the Technology Coordinator, to ensure that adequate measures are in place to maintain student safety and privacy, in accordance with Policy 8630, Computer Resources and Data Management.

Cross-ref:

[4526](#), Access to Computer Network for Use In Instruction

[4526-E](#), Acceptable Use Contract for Computer and Internet Use

[4526.1](#), Internet Safety

[4526.1-R](#), Internet Safety Regulation

8630, Computer Resources and Data Management

[8635](#), Information Security Breach and Notification

[8635-R](#), Information Security Breach and Notification Regulation

[8650](#), School District Compliance with Copyright Law

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