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SCHOOL CONDUCT AND DISCIPLINE CODE
2021-2022

Adopted: March 16, 2021

WEST HEMPSTEAD UNION FREE SCHOOL DISTRICT

BOARD OF EDUCATION

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**WEST HEMPSTEAD UNION FREE SCHOOL DISTRICT
SCHOOL CONDUCT AND DISCIPLINE CODE**

Article One

RIGHTS AND RESPONSIBILITY

The **School Conduct and Discipline Code** seeks to preserve the safety and security of the school community, to promote an effective teaching-learning situation within the classroom, and to promote student self-discipline and an appreciation of democratic due process. It describes clearly those activities and types of behavior that cannot and should not be tolerated in school or during school sponsored functions, while detailing those procedures designed to protect the rights of students and school staff, and guaranteeing "due process" to all in accordance with New York State Education Law. The Code provides administrators and teachers with the discretion and guidelines to make fair and informed decisions in matters of discipline, demonstrating to students that fairness in school discipline as well as in their daily dealings with both classmates and school staff is a principle worth preserving.

- Section 1.1 Each student has the responsibility not to interfere with or threaten the education of others by his/her actions.
- Section 1.2 Each student has the responsibility to attend school regularly, to work to the best of his/her ability in all academic and extra curricular pursuits, and to abide by the policies and regulations of the school.
- Section 1.3 Each student must refrain from libel, slanderous remarks and any obscenity in verbal and written expression.
- Section 1.4 Each student should respect the dignity and worth of other individuals, of his/her school and school property, as well as the property of other individuals - both within and without the various school buildings.
- Section 1.5 The school district will not discriminate on the basis of a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender, including gender identity and expression or actual or perceived sex, and must be in compliance with Title IX.
- Section 1.6 Students have the right to be free from discrimination, bullying and harassment, including, but not limited to discrimination, bullying and harassment on the basis of actual or perceived race, color, religion, religious practice, sex, sexual orientation, ethnic group, national origin, creed, disability, gender, including gender identity and expression.

Section 1.7

The District's procedure for reporting and investigating incidents of bullying, harassment and discrimination is set forth in Board of Education policy #5161 and the associated Administrative Regulations for 5161 (Dignity of Students—Student Bullying Prevention and Intervention and Administrative Regulation)

In order for the Board to effectively enforce this policy and to take prompt corrective measures when the policy is violated, it is essential that all victims and persons with knowledge of bullying, harassment or similar behavior report it immediately to District administrative staff.

The District will promptly investigate all complaints of bullying and harassment, whether informal or formal, verbal or written as set forth in Board of Education policy #5161 (Dignity of Students—Student Bullying Prevention and Intervention). Corrective action under Board of Education policy #5161 (Dignity of Students—Student Bullying Prevention and Intervention) may include disciplinary action as set forth in the Code of Conduct.

Any person having reasonable cause to suspect that a student has been subjected to bullying or harassment who, acting in good faith, either reports such information to school officials, to the Commissioner, or to law enforcement authorities, or otherwise participates in proceedings related to such bullying or harassment, shall have immunity from any civil liability arising from making such report or participating in the related investigation. Retaliation for reporting incidents of bullying or harassment, or for participation in a related investigation constitutes a violation of this policy. False reports or retaliation against the alleged bully or harasser also constitutes a violation of this policy.

Acts of retaliation should be reported to the Administration. The District will investigate such reports and if, after investigation, the District finds that there has been a violation of this policy, prompt corrective action will be taken.

Section 1.8

The West Hempstead School District is committed to the implementation of the Dignity For All Students Act. Below is a list of coordinators for anyone with questions regarding the Dignity Act.

Dina Reilly, Assistant Superintendent – 390-3119
James DeTommaso, Principal High School – 390-3218
Sean Murray, Principal Middle School – 390-3160
Deanna Sinito, Principal Cornwell Avenue – 390-3140
Michelle Notti, Principal George Washington – 390-3130
Faith Tripp, Principal Chestnut Street – 390-3150

Definitions

Section 1.9 The following definitions apply to the guidelines included in this Code of Conduct.

- “Disability” – (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law §11[3] and Executive Law §292[21]).
- “Discrimination” – discrimination against any student by a student or students and/or an employee or employees on school property or at a school function, including, but not limited to, discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- “Employee” – any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to Title Nine of Article Five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law §§11[4] and 1125[3]).
- “Gender” – actual or perceived sex and includes a person’s gender identity or expression (Education Law §11[6]).
- “Harassment” and “Bullying” – the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical wellbeing; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student ;or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

Acts of harassment and bullying shall include, but not be limited to those acts based upon a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

Such definition shall include acts of harassment or bullying that occur on school property, at a school function and/or off school property, where such acts create or foreseeably create a risk of substantial disruption within the school environment. (8 NYCRR §100.2[jj][1][c]). For purposes of this definition, threats, intimidation or abuse shall include verbal and non-

verbal actions. (Education Law §11[7]; 8 NYCRR §100.2[jj][1][d]).

- “School Bus” – every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children or pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law §11[1] and Vehicle and Traffic Law §142).
- “School Function”: - means a school sponsored extracurricular event or activity (Education §11[2]).
- “Emotional harm” within the context of harassment or bullying means harm to a student’s emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education. (8 NYCRR §100.2[jj][1][e]).
- “School Property” – in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a West Hempstead Union Free School District public elementary or secondary school; or in or on a school bus, as such term is further described in this section and Section 142 of the Vehicle and Traffic Law (Education Law §11[1]).
- “Sexual Orientation” – actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11[5]).
- “Synthetic Cannabinoids” -__herbs sprayed with chemicals called “synthetic cannabinoids” and other similar chemical agents used in the same manner as controlled substances. These products include, but not limited to, Spice, K2, Cloud 9, Black 9, edibles, vape pens, “Bath salts”, and/or “substituted cathinones.”
- “Electronic Cigarette” - an electronic device that delivers vapor for inhalation. Electronic cigarette shall include any refill, cartridge, and any other component of an electronic cigarette.
- “Cyberbullying” – harassment or bullying, as defined in this Section and in Education Law Section 11, where such harassment or bullying occurs through any form of electronic communication. (Education Law §11[8]).

Article Two

Discipline Code

- Section 2.1 Discipline is vital to maintaining an environment in which learning may flourish. It should be used to educate or to establish useful habits as a step toward developing self-discipline. Among these habits is dressing appropriately for school and school sponsored activities.
- Section 2.2 Students are responsible for compliance with disciplinary codes established by the Board of Education and the school administration, and are subject to disciplinary action in accordance with school district policies and administrative regulations.
- Section 2.3 While corporal punishment is prohibited, members of the staff may use reasonable force to: 1) protect oneself, another student, teacher or any person from physical injury; 2) protect the property of the school or others; and 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 to refrain from further disruptive acts.
- Section 2.4 The amount of due process a student is entitled to receive before a penalty/consequence is imposed depends on the nature of the incident. In all cases, regardless of the consequence imposed, the authorized school personnel must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct.
- Prior to imposing the disciplinary consequence, the authorized school personnel shall provide the student with an opportunity to present their version of the facts.
- Section 2.5 Pursuant to Education Law sections 101, 207, 305, 2801 and 3214 and Chapter 181 of the Laws of 2000 a classroom teacher may remove a student from class for up to two days if the teacher determines that the student is substantially disruptive to the educational process in the classroom. The removal from class applies to the class of the removing teacher only, at the secondary level. In the case of elementary students, the removal applies to a defined period of instructional time.
- If the student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student, before the student is removed, with an explanation for why he or she is being removed. The student must also be given the opportunity to present his or her version of the relevant events. Only after this informal discussion may the teacher remove a student from class.

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

The teacher must complete a form provided by the school and meet with the Principal 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 is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the Principal prior to the beginning of classes on the next school day.

Within one school day after the student's removal, the Principal or principal's designee, together with the teacher, must attempt to notify the student's parent by phone that the student has been removed from class and why. In addition, the Principal or principal's designee must also inform the parent of the removal in writing. In both cases the parent must be notified that he or she has the right, upon request, to meet informally with the Principal or the principal's designee and the teacher to discuss the reasons for the removal and behavior modifications to remedy the cause for the removal. The written notice must be mailed and sent home with the student within one full day after the removal process is initiated.

If at the informal meeting the student denies the charges, the Principal or the principal's designee, together with the teacher, 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 two school days of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent, teacher and principal.

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

- The charges against the student are not supported by substantial evidence.
- The student's removal is otherwise in violation of law.
- The conduct warrants suspension from school.

The Principal or the principal's designee must make a determination as to whether to overturn the removal before the close of business on the day after the day of the informal hearing. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the Principal or the principal's designee makes a final determination, or the period of removal expires, whichever is less.

The removing teacher will provide any student removed from the classroom work for that class. The work provided will cover the length of the removal from the classroom. Each school will decide how best to supervise students removed from class by their teachers.

Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from his/her class. The Principal or principal's designee must keep a log of all removals of students from class. The Chairperson of the CSE must approve all removals from class of Special Education students.

Nothing in this section of the Code of Conduct abridges the right of the Principal to suspend a student from school or the right or responsibility of the teacher to manage student behavior in the classroom. Short-term, time honored classroom management techniques such as "time-out" are not considered removals from class.

Definitions:

Disruptive Student means a 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.

"Repeatedly is substantially disruptive" means engaging in conduct which results in the removal of the student from the classroom by teacher(s) pursuant to Education Law § 3214 (3-a) and this code on four (4) or more occasions during a semester, or three (3) or more occasions during a trimester, as applicable.

Weapon is defined as a shotgun, rifle, pistol, revolver, knife, bomb, grenade, explosive, gas dangerous chemical, firearm muffler, firearm lancer, firearm, dagger, dangerous knife, dirk, razor, stiletto, imitation pistol or any other instrument capable of inflicting bodily harm.

Violent Student – a student under the age of 21 who:

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

- Knowingly and intentionally damages or destroys school or district property.

Section 2.6

The Board of Education or the Superintendent of Schools, or designee pursuant to Section 3214, subdivision 3 (a) of the Education Law of the State of New York, may suspend the following pupils, as set forth in Section 3214, subdivision 3 (a), for a period not to exceed five (5) school days, from required attendance at instruction including all school sponsored activities:

a pupil who is insubordinate or disorderly, or whose conduct otherwise endangers the safety, morals, health or welfare of others;

a pupil whose physical or mental condition endangers the health, safety or morals of himself/herself or of other pupils;

a pupil who offends the dignity of others.

When the Superintendent or Principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five (5) days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. The suspending authority must provide the student with an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

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

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student’s presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student’s presence does not pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the Principal shall promptly advise the parents in writing of his or her decision. The Principal shall advise the parents that if

they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within ten (10) business days, the Superintendent may excuse a delay by the parents for good cause shown up to a maximum of thirty (30) days. The Superintendent shall issue a written decision regarding the appeal within ten (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 thirty (30) days of the date of the Superintendent's decision. Only final decisions of the Board may be appealed to the Commissioner of Education within thirty (30) days of the decision.

Section 2.7

When the Superintendent imposes the initial suspension, the Superintendent of Schools or his/her designee, shall implement the initial suspension in the same manner as a Building Principal.

Suspensions in excess of five (5) days shall be made pursuant to 3214, subdivision 3 (c) (and following) of the Education Law.

When the Superintendent or Principal determines that a suspension for more than five (5) days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.

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

An appeal of the decision of the Superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within thirty (30) days of the date of the Superintendent's decision. 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. A permanent suspension is considered a long term 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.

Section 2.8 Students will be released to police officers by a school administrator without parental consent only under the following circumstances:

- a) When a warrant is presented for a student's arrest;
- b) When a court order is issued for the appearance of a student or students in court, or
- c) Where there are reasonable grounds to believe that a violation of law has been committed on school grounds.

However, every effort will be made to notify the parent(s) prior to such release.

Section 2.9 Students who are suspended from West Hempstead High School shall be suspended from B.O.C.E.S., as well, for the same days. If a student shall be suspended from B.O.C.E.S., he/she shall be suspended from West Hempstead High School, as well, for the same days.

Section 2.10 The Board of Education recognizes the necessity and pervasiveness of personal cell phones and mobile devices in today's society. The Board further recognizes parental desire to be in contact with their children via these devices on a constant basis.

However, such devices in a school setting may cause security and safety risks if their use is not regulated. Such risks may include the compromise of the academic setting and the testing/assessment structure, as well as safety concerns in terms of communication should a school or the school district be facing a threat from outside or within a school building.

Student use of cell phones/mobile devices during the school day must be supervised. These devices must be off and put away unless being used in the acceptable manners outlined below. Consequences for violating acceptable cell phone/mobile device use will be determined by the principal but may include confiscation of the device until such time as a parent/guardian is able to take possession of the device.

At no time should a student use his/her cell phone/mobile device to communicate with a parent during the school day. Any and all communication between parents and students will take place in designated offices in the school building (e.g. school counselor, health, main).

At the elementary and middle school levels, cell phones/mobile devices are only to be used under the supervision and direction of the administration and/or faculty. At the high school level, cell phones/mobile devices may also be used in designated areas where deemed appropriate by building administration.

Use of these devices in the classroom should be for instructional purposes and enhance the learning environment. These purposes may include, but are not limited to: approved classroom activities, research, communication with experts, career development, and other activities as deemed appropriate by school staff.

Students are expected to use their cell phones/mobile devices thoughtfully and responsibly. Violating this section of the code of conduct or the District's Acceptable Use Policy (AUP) will be grounds for discipline according to the District's Code of Conduct including confiscation of the device and restricting access to the District network.

The District will not be liable for the loss, damage, misuse or theft of any personal cell phones and other mobile devices brought to school. The District reserves the right to monitor, inspect and/or confiscate personal technology when administration has reasonable suspicion to believe that a violation of school policy or criminal law has occurred.

At NO TIME may a cell phone/mobile device or other recording device be used in the school setting without authorization of and supervision by the administration and/or faculty.

Article Three

Strategies and Procedures

Section 3.1 Good discipline is usually positive and preventive. It begins with the provision of educational activities that keep students interested and busy in constructive endeavors, and with the provision of positive advice and adult role models.

Section 3.2 The West Hempstead School District is committed to the creation and maintenance of a positive learning environment and requires measured, balanced and age-appropriate responses to discrimination, bullying and harassment, with remedies and procedures focusing on intervention and education. These remedies and procedures include, but are not limited to:

- Corrective instruction
- Supportive intervention;
- Behavioral assessment or evaluation;
- Behavioral management plans, with benchmarks that are closely monitored;
- Student counseling and parent conferences;
- Individual-focused remedial responses; and school-wide or environmental remediation strategies, including:
 - empower school staff with prevention and intervention tools to address incidents of bullying and harassment;
 - adoption of research-based, systemic harassment prevention programs (Second Step);
 - targeted use of monitors;
 - staff professional development;
 - parent conferences;
 - involvement of parent-teacher organizations;
 - peer support groups; and
 - service experience

Section 3.3 In order to create and maintain a positive learning environment, all members of the school community have important roles to play.

The Board of Education's role includes the following responsibilities:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, including gender identity and expression or actual or perceived sex, which will strengthen students' confidence and promote learning;
2. Confront issues of discrimination and 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;

3. Appoint DASA Coordinators upon the recommendation of the superintendent for each school and for the district.
4. Address personal biases that may prevent equal treatment of all students in the district; and
5. Provide funding in the budget to support professional development for all staff members in the implementation of the Dignity Act.
6. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
Maintain confidentiality in accordance with federal and state law.
7. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
8. 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.
9. 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.
10. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.

The Superintendent's role includes the following responsibilities:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, including gender identity and expression or actual or perceived sex, which will strengthen students' confidence and promote learning;
2. Confront issues of discrimination and 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;
3. Recommend DASA Coordinators to the Board of Education for appointment for each school and for the district.
4. Address personal biases that may prevent equal treatment of all students in the district; and
5. Provide access to professional development for all staff members in the implementation of the Dignity Act.
6. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

7. Inform the Board about educational trends relating to student discipline
8. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
9. Maintain confidentiality in accordance with federal and state law.
10. Work to create instructional programs that minimize incidence of misconduct and are sensitive to student and teacher needs.
11. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
12. Participate in school-wide efforts to provide adequate supervision in all school spaces.

The *principals'/administrators'* role includes the following responsibilities:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, including gender identity and expression or actual or perceived sex, which will strengthen students' confidence and promote learning;
2. Confront issues of discrimination and 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;
3. If appointed by the Board of Education, serve as DASA Coordinators for the school/district;
4. Receive professional development in DASA implementation;
5. Share information concerning DASA with staff, parents and students;
6. Address personal biases that may prevent equal treatment of all students in the district;
7. Provide access to professional development for all staff members in the implementation of the Dignity Act;
8. Report incidents of bullying, discrimination and harassment witnessed or brought to the administrator's attention in a timely manner, in compliance with District Policy and Administrative Regulation 5161 and/or where appropriate, investigate incidents of bullying, discrimination and harassment witnessed by or brought to the principal's/administrator's attention in a timely manner.
9. Ensure that students and staff have the opportunity to communicate regularly with the principal/administrators and have access to the principal/administrators for redress of grievances.
10. Maintain confidentiality in accordance with federal and state law.
11. Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
12. Support the development of and student participation in appropriate extracurricular activities.

13. Provide support in the development of the code of conduct, when called upon. Disseminate the code of conduct and anti-harassment policies.
14. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
15. Participate in school-wide efforts to provide adequate supervision in all school spaces.

The *school counselors' and support staff's* roles include the following responsibilities:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, including gender identity and expression or actual or perceived sex, which will strengthen students' confidence and promote learning;
2. Confront issues of discrimination and 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;
3. Address personal biases that may prevent equal treatment of all students in the school or classroom setting;
3. Provide support to teachers, other school personnel, parents and students in the implementation of the Dignity Act;
4. Participate in professional development in the implementation of the Dignity Act; and
5. Report incidents of bullying discrimination and harassment witnessed by or brought to the individual's attention in a timely manner, in compliance with District Policy and Administrative Regulation 5161.
6. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
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. Maintain confidentiality in accordance with federal and state law.
10. Provide information to assist students with career planning.
11. Encourage students to benefit from the curriculum and extracurricular programs.
12. Make known to students and families the resources in the community that are available to meet their needs.
13. Participate in school-wide efforts to provide adequate supervision in all school spaces.

The *teacher's* role includes the following responsibilities:

1. Maintain a climate of mutual respect and dignity for all students

regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, including gender identity and expression or actual or perceived sex, which will strengthen students' confidence and promote learning;

2. Confront issues of discrimination and 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;
3. Address personal biases that may prevent equal treatment of all students in the school or classroom setting;
4. Participate in professional development in the implementation of the Dignity Act; and
5. Report incidents of bullying, discrimination and harassment witnessed by or brought to the teacher's attention in a timely manner in compliance with District Policy and Administrative Regulation 5161.
6. Be prepared to teach.
7. Demonstrate interest in teaching and concern for student achievement.
8. Know school policies and rules, and enforce them in a fair and consistent manner.
9. Maintain confidentiality in conformity with federal and state law.
10. Communicate to students and parents:
 - ❖ Course objectives and requirements
 - ❖ Marking/grading procedures
 - ❖ Assignment deadlines
 - ❖ Expectations for students
 - ❖ Classroom discipline plan.
11. Communicate regularly with students, parents and other teachers concerning growth and achievement.
12. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.

Other school personnel's role includes the following responsibilities:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, including gender identity and expression or actual or perceived sex, which will strengthen students' confidence and promote learning;
2. Confront issues of discrimination and 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;
3. Address personal biases that may prevent equal treatment of all students in the school or classroom setting;
4. Participate in professional development in the implementation of

- the Dignity Act; and
5. Report incidents of bullying, discrimination and harassment witnessed by or brought to the individual's attention in a timely manner in compliance with District Policy and Administrative Regulation 5161.
 6. Maintain confidentiality in accordance with federal and state law.
 7. Be familiar with the code of conduct.
 8. Help children understand the district's expectations for maintaining a safe, orderly environment.
 9. Participate in school-wide efforts to provide adequate supervision in all school spaces.

The *parents' role* includes the following responsibilities:

1. Recognize that the education of their children 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 their children attend school regularly and on time.
4. Ensure absences are excused by contacting the attendance office for each absence.
5. Ensure their children are dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them so that their children can help create a safe, supportive school environment by reading and signing the District Code of Conduct, which is mailed out in the summer mailing, and returned during the first week of school.
8. Convey to their children a supportive attitude toward education and the district.
9. Build positive, constructive relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed
13. Assist the District in maintaining a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, including gender identity and expression or actual or perceived sex, which will strengthen students' confidence and promote learning;
14. Reinforce the implementation of the Dignity Act in conversations with children in the family; and
15. Report incidents of bullying, discrimination and harassment witnessed or reported by the parent in a timely manner.

The students' role includes the following responsibilities:

1. Support the District climate of mutual respect and dignity for all fellow students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, including gender identity and expression or actual or perceived sex, which will promote learning;
2. Refrain from discrimination and harassment or any situation that threatens the emotional or physical health or safety of any fellow student, school employee or any person who is lawfully on school property or at a school function;
3. Participate in assemblies and/or activities to learn about the implementation of the Dignity Act;
4. Reinforce the implementation of the Dignity Act in conversations and actions with peers; and
5. Report incidents of bullying, discrimination and harassment witnessed by the student in a timely manner in compliance with District Policy and Administrative Regulation 5161.
6. Act in accordance with District Policies, Regulations and Code of Conduct.
7. Know school rules and understand them to help create a safe, supportive school environment.

Section 3.4

Courtesy and freedom will prevail in the well-regulated classroom. The Board believes that use of a well modulated, friendly but firm tone of voice helps a teacher promote discipline. Teachers are encouraged to use evidence-based practice of classroom management techniques such as: time out; eliminating free time; change of assignment; etc.

Section 3.5

At times, discipline may require punishment. Punishment for repeated offenses will be progressive and cumulative. Punishment should be conducted in a fair, dignified, and even-tempered manner. The use of the word "fair" does not mean that, especially for lesser offenses, punishment must always be the same for the same offense. Discretion will be exercised in administering punishment in recognition of the fact that what may be considered light punishment for one student could be overly severe for another. A range of consequences for particular behaviors may include but not be limited to: oral warning, written warning, written notification to parent, detention, suspension from transportation, suspension from athletic participation, suspension from social or extracurricular activities, suspension of other privileges, in-school suspension, removal from classroom by teacher, short-term (five days or less) suspension from school long-term (more than five days) suspension from school, permanent suspension from school, restitution, police referral, and alternative placement.

The following chart lists various kinds of student behavior offenses ("Action"), and possible consequences for committing the offenses ("Possible Consequences"). 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;
and
6. Other extenuating circumstances.

<u>Action</u>	<u>Possible Consequence</u>
False Alarm	Suspension from school ♦ ■
Possession, distribution or sale of alcohol, controlled substances, tobacco/tobacco products, electronic cigarettes and/or synthetic cannabinoids	Suspension from school ♦ ■ Restitution/Suspension from school ♦ ■
Vandalism ** Fighting	Suspension from school ♦ ■
Drug Abuse	Suspension from school ♦ ■
Theft	Alternate Achievement Center or Suspension from school ♦ ■
Arson	Suspension from school ♦ ■
Weapons Possession	As Per District Policy #5124 • ■ “Student Possession of Weapons” (See Appendix)
Unexcused Absence from class	Detention, Alternate Achievement Center, ineligibility for extra-curricular activities
Late to school/class	Detention, Alternate Achievement Center, ineligibility for extra-curricular activities
Inappropriate Use of Computer/Internet	As per District Policy #5170 • “Internet Acceptable Use Policy (AUP)” (See Appendix)

Abusive language
Student Conferences, Detention, Parent/School Counselor Conferences, Loss of Privileges, Special Assignments, Removal from Class by the Classroom Teacher, Assignment to Alternate Achievement Center, Suspension, Expulsion

Insubordination
Student Conferences, Detention, Parent/School Counselor Conferences, Loss of Privileges, Special Assignments, Removal from Class by the Classroom Teacher, Assignment to Alternate Achievement Center, Suspension, Expulsion

Action

Possible Consequence

Inappropriate or Unsafe Bus Behavior

Student Conferences, Detention, Parent Notification, Parent/Conferences, Removal from bus, Suspension of bus privileges ■

Plagiarism/Cheating

Student Conferences, Detention, Parent/ School Counselor Conferences, Loss of Privileges, Special Assignments, Assignment to Alternate Achievement Center, Suspension

Smoking on School Premises or use of an electronic cigarette.

Detention, Alternative Achievement Center (AAC), Out of School Suspension (OSS), Ineligibility for Extracurricular Activities

Physical/Verbal Intimidation or Coercion, Harassment, Bullying, (including cyberbullying)

Student Conferences, Detention, Alternative Achievement Center(AAC), Out of School Suspension(OSS), Parent Notification, Parent/Conferences, Removal from bus (See Appendix) ◆■**

Use of Cell phones or Other Electronic Devices to Videotape or Photograph Without Proper Consent

(As per District Policy #5130) • Confiscation to be Returned at End of Detention, Multiple Parent Conferences. (See Appendix)◆■

Sexual Harassment

Student Conferences, Detention,
Alternative Achievement Center(AAC), Out
of School Suspension(OSS), Parent
Notification, Parent/Conferences, Removal
from bus (See Appendix) ◆■

- ◆ Possible Superintendent's Hearing
- Copies of these policies are available at the District Office, Public Library and the Principal's office in each school.
- Notification of Juvenile Authorities or Law Enforcement Agencies.
- ** Other consequences may be applied depending on infraction.

Section 3.4 Each school building will utilize an individualized Code of Conduct based upon this Conduct and Discipline Code. These codes are age and grade appropriate.

Article Four

Early Identification and Resolution

Section 4.1 Discipline, it has long been recognized, has implications beyond control. Discipline is a process of learning about self. Many schools have long recognized the need to lead students toward self-discipline and self-responsibility. Implicit in this recognition has been the notion that schools must trust students and have confidence in their ability to make sound judgments. Behavior, in this context means more than adherence to the disciplinary rules and regulations and extends to the formalized learning experiences, both in and out of classroom settings, throughout the school environment, including lunchroom, recess, halls, etc. which will allow students to become independent and comfortable in assuming responsibility for their behavior.

This chart identifies various sources of student misbehavior and resolutions for improvement of behavior.

<u>Sources of Student Misbehavior</u>	<u>Prevention</u>	<u>Phases of Discipline Control</u>	<u>Behavior Adjustment</u>
Casual or capricious actions	Establish fair and reasonable expectations	Use reminder, restraint disapproval	Routine Management Approaches: enforce reasonable consequences
Chronic emotional or adjustment problems	Communicate clearly the reasonable expectations	Be compassionate but firm; ascertain the syndrome of misbehavior	Behavior Modification Approaches: reinforcement of approved behavior may require referral to CSE
Student's negative attitudes toward Teacher or class	Create positive climate; consider student's perceptions, attitudes, and expectations	Be firm, fair, and considerate. Avoid anger and retaliation	Classroom Climate Approaches: assess appropriateness of teaching methods; adjust instruction and management approaches
Volatile intragroup conditions or interpersonal relations	Involve students in developing the expectations	Analyze the group dynamics; conduct a class meeting to address group problems	Group Dynamics Approaches: guide class toward ownership of its internal problems

Section 4.2 A strong and broad counseling component that provides a humanistic approach to discipline serves in helping to reduce the number of students who may be getting into difficulty. Counseling is not a cure-all, but when it is used appropriately and sufficiently, it tends to get closer to problems and create a better understanding of

student behavior.

Article Five

Alternative Educational Program

Section 5.1 For those students who are unable to benefit from the learning experiences offered within the regular school program and/or whose behavior is asocial and who are deemed to be disruptive in the regular school setting, the District may refer a student to the Committee on Special Education for evaluation and a determination of appropriate placement if the student is classified as a student with a disability.

Section 5.2 The Special Education Class program offers opportunities for students requiring special approaches to learning and provides for the students' and/or parents' participation in determining his/her individual educational program as approved by the Committee on Special Education.

Section 5.3 The Individuals with Disabilities Education Act (“IDEA”) includes specific provisions regarding the discipline of students with disabilities.

The discipline provisions included in the IDEA and Sections 3214 of Education Law and 201 of the Regulations of the Commissioner of Education help school officials to proactively address a student’s behavior in the individualized education program (IEP) development process and to respond appropriately when students with disabilities violate a school’s code of conduct.

Students with disabilities are subject to a school district’s discipline policies and procedures. However, the school district’s disciplinary policies and procedures shall be implemented consistent with the Part 201 of the Commissioner’s Regulations and the IDEA. The school district’s disciplinary policy shall not:

- Deprive a student of his or her special education and related services;
- Constitute a disciplinary change of placement of the IDEA; or
- Conflict with a student’s individualized education program or behavioral intervention plan.

Article Six

Guidelines

Section 6.1 Whenever possible, school personnel shall attempt to obtain the cooperation of parents in solving disciplinary problems before they become acute, and confer with the parent/legal guardian if the student's misbehavior continues. Parental responsibility is an integral part of the discipline program.

Whenever practicable, teachers shall attempt to resolve disciplinary problems in the classroom prior to referral to the Principal or his designee. Teachers shall attempt to contact parents/legal guardians whenever possible by phone or letter for this purpose, or meet with them at mutually convenient times. Whenever possible, or when so directed, disciplinary referrals by school personnel to the Principal or designee shall be in writing. The School Conduct and Discipline Code shall be provided to parents each year.

Section 6.2 This School Conduct and Discipline Code shall be filed in each school building, in the West Hempstead Library and two copies presented to the PTA and PTSA and shall be available for review by any individual.

Section 6.3 This School Conduct and Discipline Code should be reviewed annually and amended when appropriate.

**APPENDIX
TO SCHOOL CONDUCT AND DISCIPLINE CODE
2020-2021**

- #5120** - *Attendance Policy*
- #5124** - *Student Possession of Weapons*
- #5125** - *Student Dress Code*
- #5126** - *Student Suspension and Appeal*
- #5130** - *Student Use of Cell Phones*
- #5161** - *Dignity of Students – Student Bullying Prevention and Intervention*
- #5170** - *Internet Acceptable Use Policy (AUP)*
- #2200** - *Sexual Harassment*

District Attendance

Statement of Purpose

Attendance is a strong component of a comprehensive educational experience. Student attendance maximizes students' opportunities for learning. Improved student attendance helps improve student achievement and lowers the dropout rate. This attendance policy is designed to ensure that classroom attendance and participation are encouraged and valued. It will also provide for early intervention for students with attendance problems. In order for this policy to be a success, we require the cooperation of the entire educational community including staff, parent, students and community.

Notification

For this policy to be a success, it is imperative that all students and parents be aware of this policy, its purpose, procedures and the consequences of non-compliance. To ensure that students, parents, teachers and administrators are notified of and understand this policy, the following will occur:

- The policy will be mailed to all students' homes annually and posted on the District website
- An orientation session will be held where the policy will be explained to students at the secondary level each year and to parents of all students at "back to school" night annually
- At the elementary level, the policy will be explained to students at their orientation assembly.

Attendance Incentives

Each school will design and implement their own systems to acknowledge student efforts to maintain or improve school attendance. These systems may take the form of certificates, rewards, special activities and/or schoolwide recognition as deemed appropriate by the individual schools.

Absences related to homelessness shall not result in negative consequences where the District determines that it would be in the best interests of the student to retain the student in school.

Procedures

1. High School

Classroom participation shall be an integral component of a student's overall performance grade. Each marking period a percentage of the grade shall be based upon classroom participation.

Students are expected to attend all scheduled classes. An absence from class that is not made up will result in loss of credit for student participation in that session.

When students are absent from a class, they are responsible to make up any and all work missed. Any student who does not make up work will be counted as "absent/not made up." Immediately upon return from an absence, a student is responsible to get the make-up work from his/her teacher. The teacher will determine if the quality of the make-up work is adequate to negate the absence for the purpose of this policy.

Only students with excused absences or pre-approved absences will be permitted to make up work. Students who are absent because of truancy or who cut class will not be given the opportunity to make up missed work for credit. Students will be given a "zero" for any test or quiz given on a day that they are absent because of truancy or cutting.

Excused absences include: absences, tardiness, and early departures from class or school due to personal illness, illness or death in the family, religious observance, required court appearances, approved college visits, class trips, approved school programs, school counseling, military obligations or such other reasons as may be approved by the appropriate building administrator (including, but not limited to, absences due to circumstances related to homelessness). Absence excuse notes are required upon a student's return to school. As appropriate, physician notes will be required for absences to be excused.

Both excused and unexcused absences count as absences pursuant to this policy. A distinction, however, between excused and unexcused absences is made relative to the opportunity for a student to make up absences so as not to exceed the maximum number of absences as set forth below. Students SHALL be given the opportunity to make up work missed for an excused or otherwise pre-approved absence. Students SHALL NOT be allowed to make up missed work due to cuts, truancy or unexcused absences for credit.

Students who have a combination of twenty (20) excused and unexcused absences in a full-year course shall not be given credit for the course if such absences are not made up. Students who have a combination of ten (10) excused or unexcused absences in a half-year course shall not be given credit for the course, if such absences are not made up. Excused or approved absences may be made up by satisfying approved make-up work provided by the classroom teacher or an educational designee as appointed by the Principal, Assistant Superintendent or

Superintendent of Schools. Students who are absent MUST make up work within five (5) school days upon their return to school unless extraordinary circumstances are present that prevent a student from making up the work within such timeframe. The Principal shall determine when extraordinary circumstances are present on a case by case basis. Where extraordinary circumstances are not present, students who do not make up work in a timely manner shall not receive credit for the missed class or classes.

Students denied credit under the conditions of this policy shall receive a failing grade for the course. However, the Principal may determine on a case by case basis whether the particular circumstances surrounding the absences warrant the issuance of additional time within which to make up the work. In such cases, the student shall receive a grade of “incomplete” for the course. Such “incomplete” may only be changed to a grade for course credit upon completion of approved make-up work in a timely manner.

In the event that classroom make ups are not completed in a timely fashion, students who receive a failing grade must attend summer school and pass, or repeat the course. This applies to all state required courses. Failure to do so may affect a student’s graduation status.

In order to keep parents apprised of student attendance, parent contact will be made according to the following schedule for absences which have not been made up:

- A. An initial attendance letter will be sent out by the teacher after five (5) absences for a full-year course and four (4) absences for a half-year course.
- B. A second attendance letter will be sent by the teacher after ten (10) absences for a full-year course and by the Principal’s office after seven (7) absences for a half-year course. For students who have exceeded seven (7) absences in a half-year course, the letter will notify the student’s parent/guardian that a meeting will be held with the Principal, parent/guardian, student and guidance counselor. At such meeting strategies will be discussed to prevent future unexcused absences and the parent/guardian or student may request further details regarding the District’s calculation of the absences.
- C. A third letter will be issued by the Principal’s office upon fifteen (15) Absences for a full-year course and ten (10) absences for a half-year course. For students who have exceeded fifteen (15) absences in a full-year course, the letter will notify the student’s parent/guardian that a meeting will be held with the Principal, parent/guardian, student and guidance counselor. At such meeting strategies will be discussed to prevent future unexcused absences and the parent/guardian or student may request further details regarding the District’s calculation of the absences. For students who have exceeded ten (10) absences in a half-year course, the third and final letter

will notify the student's parent/guardian that the student will receive a failing grade for the course, unless the Principal has determined that extraordinary circumstances exist warranting the issuance of a grade of "incomplete." If a grade of "incomplete" is issued, the letter shall explain the procedure by which the grade may be changed for course credit, and the consequences for failure to do so. The letter will also state that the parent/guardian or student may appeal the District's calculation of the student's absences in writing, within five (5) days of the letter. If such an appeal is made, the Principal shall hold a second meeting with the parent/guardian and student and the Principal shall make a written determination of his or her findings within five (5) school days of such meeting.

- D. For students who have exceeded twenty (20) absences for a full-year course, a fourth letter will be issued by the Principal's office to notify the parent/guardian that the student will receive a failing grade for the course, unless the Principal has determined that extraordinary circumstances exist warranting the issuance of a grade of "incomplete." If a grade of "incomplete" is issued, the letter shall explain the procedure by which the grade may be changed for course credit, and the consequences for failure to do so. The letter will also state that the parent/guardian or student may appeal the District's calculation of the student's absences in writing, within five (5) days of the letter. If such an appeal is made, the Principal shall hold a second meeting with the parent/guardian and student and the Principal shall make a written determination of his or her findings within five (5) school days of such meeting.

- E. For $\frac{1}{2}$ credit courses, the Principal's office will contact the parent/guardian of the student after they have had four (4), seven (7) and ten (10) absences. After ten (10) absences, the Principal's office will notify the parent/guardian that the student will receive a failing grade for the course unless the Principal has determined that extraordinary circumstances exist warranting the issuance of a grade of "incomplete." If a grade of "incomplete" is issued, the letter shall explain the procedure by which the grade may be changed for course credit, and the consequences for failure to do so. The letter will also state that the parent/guardian or student may appeal the District's calculation of the student's absences in writing, within five (5) days of the letter. If such an appeal is made, the Principal shall hold a meeting with the parent/guardian and student and the Principal shall make a written determination of his or her findings within five (5) school days of such meeting.

2. **Middle School**

Excused absences due to personal illness, illness or death in the family, religious observance, required court appearances, class trips, approved school programs, school counseling, or such other reasons may be approved by the appropriate building administrator (including, but not limited to, absences due to circumstances related to homelessness.

Examples of unexcused absences are: trip, vacation, tired, overslept, helping at home, missed the bus, etc.

Absence excuse notes are required upon a student's return to school. As appropriate, physician notes will be required.

Excessive absences may lead to the revocation of participation in certain school activities such as: dances, plays, class trips and athletics.

Parents will be informed of excessive absences at seven (7), ten (10) and eighteen (18) absences. Excessive unexcused absences will prompt a meeting with the guidance counselor, parents and student at ten (10) absences and with the principal at eighteen (18). Should the absences continue unabated, additional meetings may be held and Child Protective Services may be informed.

Students are expected to makeup all missed work.

Classroom participation shall be an integral component of a student's overall performance grade. Each marking period a percentage of the grade shall be based upon classroom participation.

3. **Elementary Schools**

Classroom participation shall be an integral component of a student's overall performance grade. Each progress report will reflect the total number of absences and latenesses on record. Students are expected to attend school each day and to arrive promptly.

Upon return from an absence, a student will submit an absence excuse note. As appropriate, physician notes will be required. A student is responsible to get make up work from their teacher and complete it in a timely manner. Consideration will be given to the age of the student and parental contact will be made as appropriate.

Only students with excused absences will be permitted to make up work. Excused absences include absences, tardiness, and early departures from class or school due to: personal illness, illness or death in the family, religious observance, required court appearances, class trips, approved school programs, school counseling, or such other reasons as may be approved by the appropriate building administrator

(including, but not limited to, absences due to circumstances related to homelessness).

Unexcused absences will result in intervention action by the school administration. Letters to the parents, home visits, and/or contacting Child Protective Services are examples of possible interventions. Notification to parents will be made as determined appropriate by the building principal. Such notification may take the form of telephone calls and/or letters. Such notification may be done by the teacher, building principal or principal's designee. (For example, the school nurse.)

A general schedule of written notification will be:

- A. Five (5) absences or latenesses for initial notification,
- B. Ten – fifteen (10-15) absences for second notification, and
- C. Twenty (20) absences for a third notification and possible referral to Child Protective Services.

4. **Kindergarten**

The Kindergarten Principal will interact and collaborate with parents on establishing good attendance habits for their children.

Adopted 5/25/99

Reaffirmed 10/17/00, 10/18/11, 10/16/12, 11/19/13, 2/11/14, 2/10/15

3/29/16, 2/9/21

Amended 2/9/10, 2/15/11, 2/13/13, 2/14/17, 2/12/19, 2/11/20

Student Possession of Weapons

The Board of Education recognizes its responsibility to provide for the health, safety and welfare of the school community generally, and its students in particular. This responsibility may only be met by providing a safe environment at all District facilities, all school-related functions, and school-related bus transportation.

In accordance with federal law, the Board of Education prohibits a student from bringing to school or having in his/her possession on school premises and/or at school-related functions held on other than school premises, any weapon or firearm. For purposes of this policy a weapon is defined as a shotgun, rifle, pistol, revolver, knife, bomb, grenade, explosive, gas dangerous chemical, firearm muffler, firearm lancer, firearm, dagger, dangerous knife, dirk, razor, stiletto, imitation pistol or any other device capable of inflicting bodily harm.

A student who is found guilty of possession of a weapon on school grounds and/or at a school-related function conducted off school grounds, after a Superintendent's hearing is provided in accordance with Education Law 3214, shall be subject to a penalty of suspension of one (1) calendar year or more. The District is required to refer students who bring weapons to school to the criminal or juvenile justice system. Notwithstanding the above, the Superintendent will determine the penalty on a case-by-case basis after considering the following:

1. Student's age
2. Student's grade
3. Student's prior disciplinary record
4. Parent/teacher input
5. Superintendent's belief that other forms of discipline may be appropriate
6. Other pertinent circumstances

Reference: Goals 2000: Educate America Act

Adopted 10/18/94

Amended 2/27/96, 10/16/12

Student Dress Code

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

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

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

Nothing in this policy shall be construed to limit the ability of students to wear clothing that allows them to express their gender identity, or to discipline students for doing so.

Each Building Principal or his/her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year. In the event the student is cited for violating the dress code, parent/guardian shall be notified of the infraction.

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

Adopted 2/12/19

Student Suspension and Appeal

A. Short-term Suspensions

Parents/Guardians may appeal a building principal's out-of-school suspension of one (1) to five (5) days. Initially, any such appeal shall be made in writing to the Superintendent of Schools within ten (10) business days of the building principal's decision. The Superintendent may excuse a delay by the parents for good cause shown up to a maximum of thirty (30) days. The Superintendent shall issue a written decision regarding the appeal within ten (10) business days of receiving the appeal. Parents/Guardians may further appeal the Superintendent's decision. Such further appeal shall be made in writing to the Board of Education and submitted to the District Clerk within thirty (30) days of the date of the Superintendent's decision. Only final decisions of the Board may be appealed to the Commissioner of Education within thirty (30) days of the Board's decision.

B. Long-term Suspensions

Parents/Guardians may appeal an out-of-school suspension imposed by the Superintendent of Schools in excess of five (5) days. Any such appeal shall be made in writing to the Board of Education and submitted to the District Clerk within thirty (30) days of the date of the Superintendent's decision. The Board will make its decision based solely on the record before it and 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 Board's decision.

Adopted 2/9/10
Revised 2/12/19

Student Use of Personal Cell Phones and other Mobile Devices

The Board of Education recognizes the necessity and pervasiveness of personal cell phones and mobile devices in today's society. The Board further recognizes parental desire to be in contact with their children via these devices on a constant basis.

However, such devices in a school setting may cause security and safety risks if their use is not regulated. Such risks may include the compromise of the academic setting and the testing/assessment structure, as well as safety concerns in terms of communication should a school or the school district be facing a threat from outside or within a school building.

Therefore, all student cell phones are to be turned off upon entering the school building and all personal mobile devices are to be off and secured by the student. At the elementary and middle school levels, these devices are only to be utilized within the school and the classroom settings under the supervision and direction of the administration and/or faculty. At the high school level, cell phone use within the school building is limited to designated areas where it is deemed appropriate by building administration and/or faculty members. Phone conversations are limited to designated offices while in the building. Further, at the high school level, cell phone and other mobile devices can be utilized in the classroom as educational tools for instructional purposes to enhance the school learning environment. Devices used for instructional purposes, within the classroom settings, shall be under the supervision and direction of the building administration and/or faculty members. Instructional purposes include, but are not limited to, approved classroom activities, research, college admissions activities, career development, communication with experts, homework and other activities as deemed appropriate by school staff. Students are expected to act responsibly and thoughtfully when using technology resources. Parents who need to speak with their child(ren) may call the main office of their child(ren)'s school to request assistance.

Students are required to follow the guidelines for use set out in the District Code of Conduct and the Acceptable Use Policy (5170) at all times. Consequences for misuse will follow guidelines in the District's Code of Conduct.

The District will not be liable for the loss, damage misuse or theft of any personal cell phones and other mobile devices brought to school. The District reserves the right to monitor, inspect and/or confiscate personal technology when administration has reasonable suspicion to believe that a violation of school policy or criminal law has occurred.

Cell phone or mobile cameras and recording devices may never be used in the school setting without the authorization of administration and/or faculty.

Amended 8/20/13, 7/12/18

Dignity of Students – Student Bullying Prevention and Intervention

The Board of Education of the West Hempstead Union Free School District is committed to providing an educational environment that promotes respect, dignity and equality. The Board recognizes that students' ability to learn and to meet high academic standards and a school's ability to educate its students are compromised by incidents of bullying or harassment. Such behavior affects not only the individuals who are its targets, but also those who participate in or witness such acts.

Therefore, it is the policy of the District to prohibit bullying, discrimination and harassment on District property, District transportation and at school-sponsored events and functions, as well as cyberbullying as such term is defined herein. Acts of bullying and/or harassment are prohibited, whether they are committed directly or indirectly, in person (face-to-face), or remotely by use of electronic technology, either on school property, at a school function, on a school or charter bus, or off school property where there is a sufficient nexus to the school environment.

Definitions:

“Bullying” and/or “harassment” shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying and verbal and non-verbal actions that:

- A. has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits or mental, emotional or physical well-being; or
- B. reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or
- C. reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
- D. occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

For purposes of this definition and this policy, the terms “threats, intimidation or abuse: shall include verbal and non-verbal actions.

“Cyberbullying” shall mean harassment or bullying, where such harassment or bullying occurs through any form of electronic communication.

1. “Bullying” and/or “harassment” can take many forms including, but not limited to: slurs, rumors, jokes, innuendo, demeaning comments, drawing cartoons, pranks, gestures, physical attacks, threats, or other written, verbal, non-verbal, physical and/or electronic actions.
2. The basis for such conduct may include, but is not limited to, a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, physical or mental ability or disability, sexual orientation, gender, sex, marital status, gender identity, socio-economic status, or familial status.
3. “Bullying” and/or “harassment” do not have to include the intent to harm, be directed at a specific target, or involve repeated incidents, but are based upon the specific incident(s) involved.

“Electronic communication” means a communication transmitted by means of an electronic device, including but not limited to, a telephone, cellular phone, computer, laptop, pager, or other hand-held device, communications transmitted through email, text message, instant message, voicemail, social networking sites, webpage, video, blogs or twitter.

“Disability” – a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions, which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or b) a record of such an impairment or c) a condition regarded by others as such an impairment. Education Law §11[3] and Executive Law §202 [21]).

“Discrimination” – discrimination against any student by a student or students and/or an employee or employees on school property or at a school function, including, but not limited to, discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice disability, sexual orientations gender or sex.

“Employee” – any person receiving compensation from a school district or employee of a contracted service provider or worker place within the school under a public assistance employment program, pursuant to Title Nine of Article Five of the Social Services Law, and consistent with the provisions of such title for the provision of service to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Educational Law §§11[4] and 1125[3]).

“Gender” – actual or perceived sex and includes a person’s gender identity or expression (Education Law §11[6]).

“School Function” – means a school sponsored extracurricular event or activity (Education Law §11[2]).

“Emotional Harm” – within the context of harassment or bullying means harm to a student’s emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education. (8 NYCRR §100.2[ii][1][e]).

“School Property” – in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a West Hempstead Union Free School District public elementary or secondary school; or in or on a school bus, as such term is further described in this section and Section 142 of the Vehicle and Traffic law (Education Law §11[1]).

Reporting:

In order for the Board to effectively enforce this policy and to take prompt corrective measures when the policy is violated, it is essential that all victims and persons with knowledge of bullying, harassment or similar behavior report it immediately to District administrative staff.

The Board of Education has appointed Dignity Act Coordinators for each school building in the District.

The Dignity Act Coordinator(s) are as follows:

High School Principal 390-3214
Middle School Principal 390-3160
George Washington Principal 390-3130
Cornwell Avenue Principal 390-3140
Chestnut Street Principal 390-3150

The District will promptly investigate all complaints, whether informal or formal, verbal or written. Complaints will be treated confidentially to the extent possible but limited disclosure may be required to complete a thorough investigation. If, after investigation, the District finds that there has been a violation of this policy, prompt corrective action that is reasonably calculated to end the harassment, bullying or discrimination, eliminate a hostile environment, prevent recurrence of the behavior, ensure the safety of those against whom such harassment, bullying or discrimination was directed and create a more positive school culture will be taken.

Any person having reasonable cause to suspect that a student has been subjected to bullying or harassment who, acting in good faith, either reports such information to school officials, to the commissioner, or to law enforcement authorities, or otherwise participates in proceedings related to such bullying or harassment, shall have immunity from any civil liability arising from making such report or participating in the related investigation.

All District employees who either witness behavior that may constitute bullying, harassment or discrimination or receive an oral or written report of harassment, bullying or discrimination, must orally notify the building principal or his/her designee not later than one (1) school day after such employee witnesses or receives a report of harassment, bullying or discrimination. Such employee must file a written report with the principal or his/her designee not later than two (2) school days after making such oral report.

Retaliation for reporting incidents of bullying or harassment, or for participation in a related investigation constitutes a violation of this policy. False reports or retaliation against the alleged bully or harasser also constitutes a violation of this policy. Acts of retaliation should be reported to the Administration. The District will investigate such reports and if, after investigation, the District finds that there has been a violation of this policy, prompt corrective action will be taken.

The principal of each building shall regularly report data and trends related to harassment, bullying and discrimination to the Superintendent.

Policy Implementation:

The Superintendent of Schools shall implement regulations for reporting, investigating and addressing allegations of harassment and/or discrimination.

The procedures for reporting, filing complaints and appealing decisions regarding bullying, harassment and/or discrimination in accordance with this policy are contained in the Administrative Regulations accompanying this policy.

The Board recognizes that the effective implementation of this policy requires that it be part of a District-wide educational program, which shall include elements of prevention, intervention and consequences:

Prevention will include:

1. Training for administrators and staff to increase awareness of the prevalence, social patterns, causes, consequences and effects of bullying, discrimination and harassment, and sharing strategies for preventing such behavior;

2. Promoting student involvement in anti-bullying and anti-harassment efforts, peer support, mutual respect and creating a culture, which encourages students to report incidents of bullying and harassment, or similar behavior to an adult;
3. Collaborating with families and the community to inform parents about the prevalence, causes and consequences of bullying and harassment;

Intervention will include:

1. Training for school staff on how to respond appropriately to students who engage in bullying, discrimination or harassing behavior, are victims of such behavior and are bystanders who report such behavior;
2. Remedial measures designed to correct the bullying or harassing behavior, prevent another occurrence and protect the victim;
3. Development of nondiscriminatory instructional and counseling methods; and
4. Thorough training of at least one staff member at every school to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, physical or mental ability or disability, sexual orientation, gender, sex, marital status, gender identity, socio-economic status or familial status. This staff member's contact information will be included in student registration materials, student, parent, and employee handbooks, and other appropriate school publications, and will be distributed to students and staff annually at the beginning of the school year.

Consequences may include:

1. Discipline, including suspensions and loss of privileges consistent with the Student Code of Conduct and all rights under law and other applicable agreements; and
2. Recognition for positive behavior exhibited by students who take an active role in addressing prohibited behaviors.

This policy shall be posted in a prominent place in each District facility, shall also be included in the Code of Conduct in plain language, student registration materials, student, parent and employee handbooks, and other appropriate school publications, and distributed to students and staff annually at the beginning of the school year. A summary of this policy shall be included as a part of the District's summary of the code of conduct.

References: 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.*
Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*
8 NYCRR §100.2 (jj)

34 CFR 100 *et seq.*
20 U.S.C 1681 *et seq.*
Section 504, Rehabilitation Act of 1973, 29 U.S.C. §794
IDEA, 20 U.S.C. §1400 *et seq.*
Executive Law §290 *et seq.*
Executive Law §§313(3), 3201, 3201-a
U.S. Department of Education, Office for Civil Rights,
Dear Colleague Letter, October 26, 2010.

Adopted: 12/16/08

Revised: 2/14/12, 11/19/13, 2/12/19

Internet Safety and Acceptable Use Policy (AUP)

It is the policy of the West Hempstead Board of Education that the Internet in any school or office is a privilege, not a right, and that access will be provided to only those sites deemed appropriate for educational use. The West Hempstead School District reserves the right to monitor and oversee any interaction involving the use of the Internet. The use of the Internet may be suspended or terminated by the administration at any time. The Superintendent will develop regulations for the purpose of implementing this policy.

Staff Use of Computerized Information Resources

The Board of Education will provide staff with access to various computerized information resources through the District's computer system (DCS hereafter) consisting of software, hardware, computer networks and electronic communication systems. This may include access to electronic mail, so-called "on-line services" and the "Internet." It may also include the opportunity for some staff to have independent access to the DCS from their home or other remote locations. All use of the DCS, including independent use off school premises, shall be subject to this policy and accompanying regulations.

The Board encourages staff to make use of the DCS to explore educational topics, conduct research and contact others in the educational world. The Board anticipates that staff access to various computerized information resources will both expedite and enhance the performance of tasks associated with their positions and assignments.

Staff use of the DCS is conditioned upon written agreement by the staff member that use of the DCS will conform to the requirements of this policy and any regulations adopted to insure acceptable use of the DCS. All such agreements shall be kept on file in the District office.

Generally, the same standards of acceptable staff conduct, which apply to any aspect of job performance shall apply to use of the DCS. Employees are expected to communicate in a professional manner consistent with applicable District policies and regulations governing the behavior of school staff. Electronic mail and telecommunications are not to be utilized to share confidential information about students or other employees.

Administrative regulations will further define general guidelines of appropriate staff conduct and use, as well as proscribed behavior.

District staff shall also adhere to the laws, policies and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and rights of privacy created by federal and state law.

Staff members who engage in unacceptable use may lose access to the DCS and may be subject to further discipline under the law and in accordance with applicable collective bargaining agreements. Legal action may be initiated against a staff member who willfully, maliciously or unlawfully damages or destroys property of the District.

Privacy Rights

Staff data files and electronic storage areas shall remain District property, subject to District control and inspection. The Director of Technology, as directed by the Superintendent, may access all such files and communications to insure system integrity and that users are complying with requirements of this policy and accompanying regulations. Staff should NOT expect that information stored on the DCS will be private.

Implementation

Administrative regulations will be developed by the Superintendent of Schools to implement the terms of this policy.

Internet Computer Network Terms and Conditions:

1. **Disclaimer** - Use of any information obtained is at the user's risk. Any violation of federal, state or local laws shall be the sole responsibility of the user. The District shall have no responsibility for use of the system by employees, students and community members who abuse the system, violate this policy and/or the law.
2. **Commercial Services** - The user is liable for any commercial service costs that may be incurred.
3. **Security Issues** - If any user identifies a security problem on the Internet/Computer Network, they must notify the Superintendent. Attempts to log in to the Network as a system administrator will result in cancellation of privileges.
4. **Vandalism** - Vandalism will result in the cancellation of privileges. This includes, but is not limited to, the uploading or creation of computer viruses. The user will be financially responsible to reimburse the District for repair or replacement of any harmed equipment, software or data.

Internet Safety

The Board, in order to comply with federal regulations requiring Internet filtering for schools and libraries receiving E-Rate and Title III funds, adopt the following policies to address the required elements of the Internet filtering legislation.

Internet Filtering Services

The Board will employ filtering technology on all school computers with Internet access and will monitor the online activities. This filtering system will enable the school to:

1. Operate technology protection measures that block and/or filter Internet access for minors and adults to visual depictions that are:
 - a. Obscene;
 - b. Child Pornography;
 - c. Harmful to Minors;
 - d. Otherwise inappropriate for minors, as determined by administration
2. Restrict minor's access to materials harmful to minors.

Board Policies Regarding Inappropriate, Unlawful and/or Unauthorized Use of Internet Services

1. Electronic mail, chat rooms and other forms of direct electronic communications (i.e. instant messaging services): To ensure the safety and security of minors during use, the school will restrict Internet use to an educational purpose that may include classroom activities, career development and research.
2. Unauthorized access, hacking and other unlawful activities by minors online: The school will provide appropriate school counseling to students via the professional staff regarding what is lawful and what is appropriate usage of the school's online network systems.
3. Unauthorized disclosure, use and dissemination of personal identification information regarding minors: The school will maintain firewall technology to ensure that student information is not publicly accessible to unauthorized users, and the school professional staff will provide school counseling, instruction and supervision that makes students aware of and assures that students understand the importance of Internet privacy and anonymity.

4. Disabling during certain use to enable access for bona fide research and other purpose: The school will allow authorized professional staff to disable the school's technology protection measure to enable access for bona fide research and other purpose.
5. Online activities will be monitored to ensure compliance with the above.

Reference: Children's Internet Protection Act (CIPA), 114 Stat. 2763A-335.

Adopted 10/20/98
Reaffirmed 10/5/99
Revised 10/21/08, 2/14/12

Sexual Harassment

The Board of Education recognizes that harassment of students, employees (including all staff, applicants for employment, both paid and unpaid interns, exempt and non-exempt status, part-time, seasonal, and temporary workers, regardless of immigration status) and certain “non-employees” (which includes contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract or their employees), on the basis of sex, gender and/or sexual orientation is abusive and illegal behavior that harms targets and negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board further recognizes that preventing and remedying such harassment in schools is essential to ensure a healthy, nondiscriminatory environment in which students can learn and employees and non-employees can work productively.

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. sexual harassment includes harassment on the basis of actual or perceived or self-identified sex, sexual orientation, gender identity, gender expression, and transgender status. Sexual harassment of a student can deny or limit the student’s ability to participate in or to receive benefits, services or opportunities from the school’s program.

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

- a. submission to that conduct is made either explicitly or implicitly a term or condition of an individual's employment or a student's education;
- b. submission to or rejection of such conduct is used as the basis for decisions affecting an individual’s employment or a student's education; or
- c. the conduct has the purpose or effect of unreasonably interfering with an employee's or non-employee’s work or student's school performance or creating an intimidating, hostile or offensive work or educational environment, even if the complaining individual is not the intended target of the sexual harassment;

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes. Examples of sexual harassment can be found in the accompanying regulation (2200-AR).

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 sexual 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, or outside the school setting if the harassment impacts the individual's education or employment in a way that violates their legal rights, including when employees and non-employees travel on District business, or when harassment is done by electronic means (including on social media). For employees, sexual harassment is considered a form of employee misconduct. Sanctions will be enforced against all those who engage in sexual harassment, and against supervisory and managerial personnel who knowingly allow such behavior to continue or engage in retaliation.

Sexual harassment is considered a form of employee misconduct and sanctions will be enforced against individuals engaging in sexual harassment and against supervisory and managerial personnel who knowingly allow such behavior to continue.

Sexual harassment may subject the District to liability for harm done to targets. Harassers may also be individually subject to civil liability if sued in a court of law or criminal liability if prosecuted.

Under various state and federal laws, students, employees and non-employees have legal protections against sexual harassment in the school environment as described above. Those laws are listed in the references section. Additionally, local laws (e.g., county, city, town, village) may apply to the District. The District's Code of Conduct also addresses appropriate behavior in the school environment. Sexual harassment can occur between persons of all ages and genders.

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The District will promptly, thoroughly and equitably investigate all complaints of sexual harassment, either formal or informal, verbal or written. To the extent possible, and in accordance with applicable laws, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation. If the complainant reports that they feel unsafe at school due to the nature of the complaint, the District will determine if accommodations need to be made until the issue is resolved.

If, after appropriate investigation, the District finds that a student, an employee, 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, the District's Code of Conduct, District policy and state law. Individual nondisclosure agreements may only be used as permitted by law, described in the accompanying regulation. Mandatory arbitration clauses are prohibited in all District contracts and agreements.

All complainants and those who participate in the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind, when they do so with a good faith belief that sexual harassment has occurred. Such prohibited retaliation can include, but is not limited to, discipline, discrimination, demotion, denial of privileges or any action that would keep a person from coming forward to make or support a sexual harassment claim. Such actions need not be job or education- related, or occur in the workplace or educational environment, to constitute unlawful retaliation.

The Superintendent of Schools is directed to develop and implement regulations for reporting, investigating and remedying allegations of sexual harassment. These regulations are to be attached to this policy. In addition, training programs shall be established for students and annually for employees, to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment. Age-appropriate instructional materials will be incorporated into the curriculum to educate students so that they can recognize and reduce the incidence of sexual harassment.

This policy shall be posted in a prominent place in each District facility, on the District's website, and shall also be published in student registration materials, student, parent and employee handbooks, and other appropriate school publications.

The Board shall review this policy annually at a Policy meeting.

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. §2000-e; 34 CFR §100 *et seq.*
Executive Law §296-d (prohibition of sexual harassment of non-employees
Labor Law §201-g (required sexual harassment policy and training)
Civil Practice Law and Rules §§5003-b (nondisclosure agreements optional); 7515
(mandatory arbitration prohibited)
General Obligations Law §5-336 (nondisclosure agreements optional)
Davis v. Monroe County Board of Education, 526 U.S. 629, 652 (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)
Office for Civil Rights *Revised Sexual Harassment Guidance (January 19, 2001)*
Office for Civil Rights, *Dear Colleague Letter: Sexual Harassment Issues (2006)*
Office for Civil Rights, *Dear Colleague Letter: Bullying (October 26, 2010)*

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