STUDENT POLICY GOALS

Students are the focal point of all district operations and must receive the primary attention of the Board of Education and all staff members. Consequently, the Board will spend most of its time in study, deliberation and policy formulation on matters directly related to student welfare.

The Board recognizes the individual worth of each student. The Board and staff accept the responsibility of helping each student to develop his/her capacity for intellectual, physical, emotional, and social growth. The Board acknowledges that a student’s growth is influenced by his/her environment, both at home and in school. Therefore, the school district shall strive to create an environment in which the student may learn to live and adapt successfully in an ever-changing world in order to become a responsible and productive member of society.

The Board and district staff shall work together to achieve the following goals:

1. tailor the learning program to each student's learning styles, interests, and aspirations;
2. protect and observe the legal rights of students;
3. enhance the self-image of each student by helping him/her feel respected and worthy through a learning environment that provides positive encouragement through frequent success;
4. provide an environment in which students can learn personal and civic responsibility for their actions through meaningful experiences as school citizens; and
5. promote faithful attendance and good work.

Adoption date: July 7, 2009
STUDENTS WITH DISABILITIES PURSUANT TO SECTION 504

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

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

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

Cross-ref: 4321, Programs for Students with Disabilities
5300, Code of Conduct
Ref: Rehabilitation Act of 1973, 29 USC §§794 et seq. (Section 504)
34 CFR Part 104
Individuals with Disabilities Education Act, 20 USC §§1400 et seq. (IDEA)
Education Law, §§4401 et seq. (Article 89)
8 NYCRR Part 200

Adoption date: July 7, 2009
STUDENT COMPLAINTS AND GRIEVANCES

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

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

Building Principals are responsible for ensuring that appeal procedures are incorporated into discipline codes, explained to all students, and provided to all parents on an annual basis.

Annual Notification

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

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

The Superintendent of Schools shall establish regulations and procedures for presenting problems or appealing decisions which affect individual students, in accordance with applicable statutory requirements, and for the resolution of complaints or grievances which may affect the student body. With regard to an appeal of a decision concerning a student's 504 Plan or any other appeal relating to student discrimination based upon disability, the complainant may elect to pursue a resolution pursuant to the internal administrative procedures or may elect to request an impartial hearing at any time.

Cross-ref: 0100, Equal Opportunity
5300, Code of Conduct

Ref: Americans with Disabilities Act, 42 U.S.C. §12133
Title IX, Education Amendments of 1972, 20 U.S.C. Chapter 38; 34 CFR Part 106; 45 CFR Part 86
Education Law §3214

Adoption date: July 7, 2009
Update 1, First Reading: March 24, 2015
Update 1, Adoption Date: March 24, 2015
STUDENT COMPLAINTS AND GRIEVANCES REGULATION

Definitions

1. Grievant shall mean a student who alleges that there has been a violation of Title IX or Section 504 of the Rehabilitation Act or the Americans with Disabilities Act (ADA) statute or regulations which affect him/her.
2. Grievance shall mean any alleged violation of Title IX, Section 504 or the ADA statute or regulations.
3. Compliance Officer shall mean the employee designated by the Board of Education to coordinate efforts to comply with and carry out responsibilities under Title IX, Section 504 or the ADA.
4. Representative shall mean any person designated by the grievant as his/her counsel or to act in his/her behalf.

Individual complaints and grievances shall be handled in accordance with the following guidelines:

1. For informal conciliation, students should confer with the appropriate teacher or school personnel to achieve prompt resolution. Students may appeal to the highest authority in the school building, i.e., the Building Principal, who has the final determination on all such matters.
2. For resolution of matters where appeal procedures are prescribed by statute, e.g., student suspensions, the prescribed course of action will be followed.
3. On issues affecting the student body, students may address the student government or student council in order to resolve such matters. Students may be afforded a conference with the Building Principal in accordance with the rules and procedures established by the student government.
4. The resolution of student complaints alleging any action prohibited by Title IX, Section 504 or the ADA shall be dealt with either by proceeding through the stages set forth below or, if the matter concerns Section 504, the ADA or any claim of disability discrimination, the complainant may request an impartial hearing at any time.

Stages

A. Stage I - Compliance Officer

1. Within 30 days after the events giving rise to the grievance, the grievant shall file a grievance in writing with the Compliance Officer. The Compliance Officer may informally discuss the grievance with the grievant. He/She shall promptly investigate the complaint. All employees of the school district shall cooperate with the Compliance Officer in such investigation.
2. Within 15 days of the receipt of the grievance, the Compliance Officer shall make a finding in writing that there has or has not been a violation of Title IX, Section 504 of the Rehabilitation Act or the ADA. In the event the Compliance Officer
finds that there has been a violation, he/she shall propose a resolution of the
complaint.
3. If the grievant is not satisfied with the finding of the Compliance Officer, or with
the proposed resolution of the grievance, the grievant may, within 15 days after
he/she has received the report of the Compliance Officer, file a written request for
review by the Superintendent.

B. Stage II - Superintendent of Schools

1. The Superintendent may request that the grievant, the Compliance Officer, or any
member of the school district staff present a written statement to him/her setting
forth any information that such person has relative to the grievance and the facts
surrounding it.
2. The Superintendent shall notify all parties concerned as to the time and place
when an informal hearing will be held where such parties may appear and present
oral and written statements supplementing their position in the case. Such hearing
shall be held within 15 school days of the receipt of the appeal by the
Superintendent.
3. Within 15 days of the hearing, the Superintendent shall render his/her
determination in writing. Such determination shall include a finding that there
has or has not been a violation of Title IX, Section 504 of the Rehabilitation Act
or the ADA, and a proposal for equitably resolving the complaint.
4. If the grievant is not satisfied with the determination of the Superintendent, the
grievant may, within 15 days after its receipt, file with the Clerk of the Board of
Education, a written request for review by the Board.

C. Stage III - Board of Education

1. When a request for review by the Board has been made, the Superintendent shall
submit all written statements and other materials concerning the case to the
President of the Board.
2. The Board shall notify all parties concerned of the time and place when a hearing
will be held. Such hearing will be held within 15 school days of the receipt of the
request of the grievant. All parties concerned shall have the right to present
further statements and testimony at such hearing.
3. The Board shall render a decision in writing within 15 days after the hearing has
been concluded.

Distribution of the Grievance Procedure
A copy of the procedure shall be distributed to all employees and to all students or their
parents/guardians. A copy of this procedure shall be available for public inspection at reasonable
times with the District Clerk or at the office of the Compliance Officer.

Adoption date:    July 7, 2009
Update 1, First Reading: March 24, 2015
Update 1, Adoption Date: March 24, 2015
STUDENT ATTENDANCE

In accordance with state law and regulations, this policy shall ensure the maintenance of adequate attendance records verifying the attendance of all children at instruction and the creation of the means to examine attendance patterns so as to develop effective intervention strategies to improve student attendance.

It is the objective of this policy to encourage each student to attend school on time, for the maximum number of days and instructional periods available. In furtherance of this objective, the district shall utilize strategies such as positive attendance incentives and appropriate disciplinary and other consequences, as well as the integration of attendance standards for the purpose of conferring course credit.

Record Keeping

A. Attendance record keeping shall conform to the following:
   1. The elementary school will ensure that attendance is taken at least once each day. If some grade levels become departmentalized, attendance will be taken at the start of each class.
   2. In departmentalized grades including grades 7-12, attendance shall be taken in each period of scheduled instruction, with an exception for consecutive periods where classes are in the same room.
   3. In Grades K-12, any absence for a school day or part of a school day shall be recorded as excused or unexcused as provided for in this policy.
   4. In Grades 7-12, events of tardiness shall be recorded as excused or unexcused as provided for in the policy. A tardy of 20 minutes or more will be recorded as an absence.
   5. In Grades K-12, events of late arrival or early departure shall be recorded as excused or unexcused as provided for in this policy.
   6. A record shall be maintained of each scheduled day of instruction during which school is closed for all or part of the day because of extraordinary circumstances including adverse weather, failure of the heating system or water supply, fuel supply shortage or structural damage to the building, etc.
   7. A record shall be made of the date when a student withdraws from enrollment or is dropped from enrollment in accordance with §3203(3-a) of the Education Law.

B. All entries in the register of attendance shall be made by a teacher or another employee designated by the Board of Education. Any individual authorized to make entries in the register of attendance shall, by oath or affirmation, verify the contents of the entries.

C. Student attendance records shall be reviewed by the Principal of each building in the district for purpose of initiating appropriate actions to address unexcused student absences, tardiness and early departures.

D. The register of attendance shall consist of any written or electronic record to record attendance, absence, tardiness or early departure of a student. The register shall be
maintained for every period that a student is scheduled to attend actual instruction or supervised study during the course of the school day during the school year, from July 1st through June 30th. The register at every school building shall include separate notations regarding student presence, absence, tardiness and early departure. The contents of the register for each student shall contain the information prescribed in regulations of the Commissioner of Education (Part 104).

E. The coding system is to be adapted to the new school computer operating system parameters.

**Excused and Unexcused Absences**

The Board recognizes the following as legal excuses for student absence, each of which must be verified by the student’s parent/guardian or school personnel, where applicable:

1. Personal illness
2. Death in the immediate family
3. Religious observance
4. Required attendance in court
5. Approved school-sponsored activities, including field trips, interscholastic athletics, musical and other competitions
6. Directed or authorized presence at the Administrative Offices or Nurse’s Office
7. Quarantine
8. Emergency dental and medical appointments
9. Military obligations
10. Approved cooperative/work study program
11. College visitations (only for junior and seniors), with prior knowledge and approval of parents and counselors, so long as it does not exceed 4 days in a school year.

A written excuse must be presented by the student on the day when returning to school following such absence and be signed by the parent or legal guardian.

Any absence not provided for on the excused list shall be deemed an unexcused absence.

**Course Credit Standard**

A. Any high school student who has been determined to exceed 9 school days in the aggregate in a semester course or in excess of 18 school days in a full year course of unexcused absence and/or excused absence for which required make-up assignments were not timely submitted, shall be ineligible for course credit and shall be ineligible to submit any paper, homework or other work to be graded by their teacher(s), and shall not be permitted to take any quizzes or examinations in the course. In departmentalized classes, the course credit standard shall be applied separately for each course of instruction. A maximum of 27 absences, excused and/or unexcused, will result in no credit for the course(s).
B. Make-up assignments shall generally be required for all excused absences within one week of the student’s return to class. With the approval of the Building Principal, make-up assignments may be waived in exceptional circumstances or where a §504 accommodation is warranted.

C. The parent(s)/guardian(s) shall be notified, by telephone and/or in writing, whenever a student has unexcused absences in excess of six per semester, regardless of whether the course is a semester or full year course.

D. The guidance department or Principal’s office shall be responsible for making a personal contact with a student who is in jeopardy of course credit denial for the purpose of determining what reason or reasons are contributing to the student’s poor attendance. Reasonable efforts shall be made to assist the student in addressing the causes of the attendance problem. Such efforts may include:

1. Discussions with the student’s teacher or teachers.
2. Discussions and/or meetings with the student and his/her parent(s)/guardian(s)
3. Discussions with the student’s guidance counselor.
4. Recommendation to the appropriate authorities for the suspension of extra- and co-curricular activity privileges.

E. If an elementary student is absent for 30 unexcused days in a school year, the Instructional Support Team (IST) will be assembled to evaluate the case. Non-school vacation days are not excused absences, nor are extended visitations to a native country. The following consequences will be considered:

1. @ 15 days a written warning
2. @ 25 days a written warning
3. CPS (Child Protective Services) Notification
4. PINS (Persons In Need of Supervision)
5. Retention
6. Superintendent’s Hearing

F. The following are the high school attendance procedures:

1. Full-Year Courses:
   a. After the 7th absence, a letter will be sent home informing the parent/guardian of the student’s attendance record.
   b. After the 14th absence, a letter will be sent home requesting the parent/guardian to contact the guidance counselor to arrange a conference.
   c. After the 21st absence, a letter will be sent home requesting the parent/guardian to contact administration to arrange a conference.
   d. After the 28th absence (41st for Lab Science Courses), credit will be denied. A letter will be sent home requesting the parent/guardian to contact administration so that a conference can be arranged to ensure due process and consider the options for the student.
e. After the 37th absence (55th for Lab Science Courses), a letter will be sent home informing the parent/guardian that the student will not have the opportunity to the class in summer school.

2. Half-Year or Half-Credit Courses:
   a. After the 5th absence, a letter will be sent home informing the parent/guardian of the student’s attendance record.
   b. After the 10th absence, a letter will be sent home requesting the parent/guardian to contact administration to arrange a conference.
   c. After the 14th absence, credit will be denied. A letter will be sent home requesting the parent/guardian to contact administration so that a conference can be arranged to ensure due process and consider the options for the student.
   d. After the 19th absence, a letter will be sent home informing the parent/guardian that the student will not have the opportunity to take the class in summer school.

Encouraging Student Attendance

A. With the approval of the building administration, in consultation with guidance services, teachers at the elementary level shall utilize attendance incentives (addressing not only attendance but also tardiness and early departure as well), including recognition of students with good attendance (i.e. Quarter Awards for Perfect Attendance), consideration of such students for special privileges and activities that are unavailable to all students, and commendation certificates that shall be issued to the student’s parent(s)/guardian(s).

B. At the secondary level, eligibility for extra- and co-curricular activities, interscholastic sports and attendance at school-sponsored activities shall be restricted to those students whose attendance supports course credit in each of their academic subjects, and arrives to school prior to 9:30 a.m.

C. At the secondary level, class cutting shall be deemed an infraction of the District Code of Conduct in the nature of insubordination to the teacher and school administration. The Code shall prescribe a range of disciplinary interventions to address class cutting.

D. Whenever a student exhibits a pattern of unexcused absence, tardiness or early departure, notice will be given to the parent(s)/guardian(s), in writing and/or by telephone communication, and the student shall be conferred with by the classroom teacher and/or guidance counselor regarding the pattern in an effort to remediate the underlying problem. Notice shall also be given to the Building Principal who may address the matter with the student and/or his/her parents(s)/guardian(s).

E. In the event that the school level interventions have not improved the student’s attendance, the Principal may recommend interventions such as a Person In Need of Supervision (PINS) petition to the Family Court and/or contact with the appropriate social services agency to initiate a neglect petition.

Oversight Responsibilities

A. The Building Principal and/or the following designees shall be responsible for reviewing student attendance records and initiating appropriate action consistent with this policy:
1. Assistant Principal/Dean
2. School Counselor
3. School Social Worker
4. School Psychologist
5. School Nurse
6. Classroom Teacher

B. The Board of Education shall annually review building level student attendance records to determine if the comprehensive student attendance policy is effective. If a decline in attendance is evident, the Board shall revise the policy as deemed necessary to improve student attendance.

Distribution of Policy

The Superintendent of Schools, at the direction of the Board of Education, shall publish to the community information about the district’s Comprehensive Student Attendance Policy. The policy shall be available and explained at student assemblies, at assemblies on open school nights (if any), and a plain language summary of the policy shall be prepared for distribution to parents/guardians. Each teacher and new teacher(s), promptly upon hire, shall be provided with a copy of the policy and any amendments thereto. Copies of the policy shall be maintained by the district’s Records Access Officer for insurance upon request by any interested party.

Cross-ref: 5300, Code of Conduct

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

Original Adoption Date: July 7, 2009
Update 1, Adoption Date: August 16, 2011
Update 2, First Reading: August 22, 2017
Update 2, Second Reading: September 12, 2017
Update 2, Adoption Date: September 12, 2017
SCHOOL ADMISSIONS

The district shall provide a public education to all persons residing in the district between the ages of five and twenty-one who have not received a high school diploma. Residence is defined as both physical presence and intent to remain in the district. Eligibility of homeless children to attend district schools shall be determined in accordance with federal and state law and regulation; see policy 5151 for guidance.

A veteran of any age who has not yet received his/her high school diploma and who has been discharged under conditions other than dishonorable is eligible to attend school. A non-veteran under twenty-one years of age who has received a high school diploma shall be permitted to attend school or BOCES upon payment of tuition.

Upon registration, all new students shall be enrolled and begin attendance the next school day or as soon as practicable. Students or their parents/guardians/persons in parental relation are required to present within three business days:

1. **Documentation of age:** a birth certificate (original or certified transcript, including a foreign birth certificate) or baptismal record is sufficient, if provided no other form of evidence may be requested. If neither of these is available, a passport (including a foreign passport) may be used. If a passport is not available, the district may consider other evidence, which has been in existence for at least two years, such as: an official driver’s license, government-issued identification, school photo I.D. with date of birth, consulate identification card, hospital or health records, military dependent I.D. card, documents issued by government agencies, court-issued documents, Native American tribal documents, or records from non-profit international aid agencies or voluntary agencies; or other documents such as an entry in a family bible, an adoption record, or previously verified school records;

2. **Record of immunizations** (reference 5420) and a health certificate from a licensed physician, physician assistant, or nurse practitioner; and

3. **Documentation of district residency:** examples of acceptable forms of documentation include, but are not limited to, mortgage/deed or lease documents to a house/condominium/apartment, a statement by the parent/guardian’s landlord, property owner or co-tenant, or a statement by a third party relating to physical presence in the district, a pay stub, income tax form, telephone or utility bills or other bills, membership documents based upon residency, official driver’s license, learner’s permit, or non-driver identification, rent payment receipts, a copy of a money order for payment of rent, a letter from a parent’s employer that is written on company letterhead, voter registration document, or a state- or other government-issued ID, documents issued by federal, state, or local agencies, or judicial custody orders or guardianship papers showing residency. The district may require multiple forms of residency documentation sufficient to establish both physical presence in the district and intent to remain.
The district shall not request or require a Social Security card or number, or any information which would tend to reveal the immigration status of the child, the parent, or the person in parental relation, in any forms, meetings or other communication, at the time of and/or as a condition of enrollment.

The district shall review all submitted documentation, and make a determination of a student’s eligibility to attend district schools as soon as possible, but within three business days of initial enrollment, or four days if the documentation is presented on the third day. The district may verify documentation of age from a foreign country, but will not delay enrollment during verification. At any time during the school year, notwithstanding any prior determination to the contrary, the district may make a determination that a student is not eligible to attend the district’s schools, subject to the procedures outlined in the regulations of the Commissioner of Education.

The district shall post its student enrollment/registration forms, procedures instructions and requirements, including the examples of acceptable documentation, on the district website, and shall provide such materials to all parents/guardians/children who request enrollment in the district.

If the parent/guardian of a student seeking to enroll is limited English proficient, the district will meaningfully communicate material information about enrollment as required by federal law. The district will also provide parents/guardians of all newly enrolled students with appropriate information, including student handbooks, and information about access to special education services.

Cross-ref: 5151, Homeless Children 5420, Student Health Services

Ref: Education Law §§903; 904; 3202; 3208; 4402(8)  
Public Health Law §2164  
8 NYCRR §100.2(y)  
Educational Services for Recently Arrived Unaccompanied Children, New York State Education Department, September 10, 2014  
Information on the Rights of All Children to Enroll in School, U.S. Departments of Education and Justice, Revised May 8, 2014,  
https://www2.ed.gov/about/offices/list/ocr/docs/qa-201405.pdf  
Fact Sheet I and II: Information on the Rights of All Children to Enroll in School, U.S. Departments of Education and Justice, May 2014,  
http://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201405.pdf  

First Reading: August 25, 2015  
Second Reading: September 8, 2015  
Adoption Date: September 8, 2015
The Board of Education recognizes its responsibility to identify homeless children within the district, encourage their enrollment and eliminate existing barriers to their education which may exist in district practices. The Board will provide homeless children attending the district’s schools with access to the same free and appropriate public education and other school programs and activities, including preschool education, as other children.

A homeless child is a child who lacks a fixed, regular, and adequate nighttime residence or who has a primary nighttime location in a public or private shelter designed to provide temporary living accommodations, or a place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. This definition also includes a child who shares the housing of others due to loss of housing, economic hardship, or similar reason; lives in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; lives in a car, park, public space or abandoned building, substandard housing, bus or train station or similar setting; has been abandoned in a hospital or is awaiting foster care placement; or is a migratory child who qualifies as homeless. An unaccompanied youth is a homeless child for whom no parent or person in parental relation is available.

A homeless child has the right to attend school in either the school of origin (i.e., where he/she resided before becoming homeless, or the school he/she was last enrolled), the school in the district of current location (i.e., where he/she currently resides as a result of his/her homelessness) that he/she is entitled to attend based on attendance zone or general eligibility, or a school in a district participating in a regional placement plan. Such schools include preschools. The homeless child is entitled to attend the designated school on a tuition-free basis for the duration of his or her homelessness. If the child becomes permanently housed, the child is entitled to continue to attend in the same school building until the end of the school year and for one additional year if that year constitutes the child’s terminal year in such building. If a homeless child completes the final grade level in his/her school of origin, the child may also attend the designated receiving school at the next grade level.

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

1. Admission: Upon designation, the district shall immediately admit the homeless child to school, even if the child is unable to produce records normally required for enrollment, such as previous academic records, medical or immunization records, proof of age or residency or other documentation and even if there is a dispute with the child’s parents regarding school selection or enrollment. During a dispute, the student may continue attending the school until final resolution of the dispute, including all available appeals. Homeless children will have the same opportunity as other children to enroll in and succeed in the district’s schools. They will not be placed in separate schools or programs based on their status as homeless. The district shall eliminate barriers to identification, enrollment and retention of homeless children, including barriers to enrollment and retention due to outstanding fees, fines or absences.
2. Transportation: The district shall provide transportation for homeless students currently residing within the district as required by applicable law, as described in the accompanying regulation.

3. School Records: For homeless students attending school out of the district, the district shall, within five days of receipt of a request for records, forward a complete copy of the homeless child's records including proof of age, academic records, evaluation, immunization records and guardianship paper, if applicable. For homeless students attending school in the district, the district shall request the student’s records (academic, medical, etc.) from the school the student last attended.

4. Coordination: The district shall coordinate with local social services agencies and other entities providing services to homeless children and their families for the provision of services to homeless children, and shall coordinate with other school districts on issues of prompt identification, transportation, transfer of records, and other inter-district activities. This shall include ensuring the provision of appropriate services to homeless students with disabilities who are eligible for services under either Section 504 or IDEA.

Information about a homeless child’s living situation shall be treated as a student education record, and shall not be deemed to be directory information under FERPA (see policy 5500).

The Superintendent shall also designate a liaison for homeless children and ensure that this person is aware of his or her responsibilities under the law. The Superintendent shall ensure that the liaison receives appropriate professional development on identifying and meeting the needs of homeless students, including the definitions of terms related to homelessness. The liaison’s responsibilities shall include, but not be limited to, ensuring that:

1. parents or guardians of homeless children are informed of the educational and related opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children;
2. parents and guardians and unaccompanied youth are fully informed of all transportation services available to them, and are assisted in accessing them;
3. enrollment disputes involving homeless children are promptly mediated and resolved;
4. school personnel, through outreach and in coordination with shelters and social service agencies and other appropriate entities, identify homeless children, including homeless preschoolers;
5. homeless children receive educational services, including Head Start and preschool services to which they are eligible, as well as referrals to health care and other appropriate services for homeless children and their families;
6. public notice of the educational rights of homeless children is disseminated in locations frequented by homeless unaccompanied youth and parents/guardians of homeless children, in a manner and form understandable to them;
7. staff who provide services to homeless students receive required professional development and support on identifying and meeting the needs of homeless students;
8. homeless unaccompanied youth are informed of their rights, are enrolled in school, and have opportunities to meet the same state standards set for all students, including
receiving credit for full or partial coursework earned in a prior school pursuant to Commissioner’s regulations.

In accordance with law and regulation, the district will offer a prompt dispute resolution process (described in more detail in the accompanying administrative regulation).

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

Ref: 42 USC §§11431 et seq.
Education Law §§207; 305; 3202; 3205; 3209
Executive Law §§532-b; 532-e
Social Services Law §§17; 62; 397
8 NYCRR §§100.2(x); 175.6

Original Adoption Date: February 10, 2009
Update 1, First Reading: August 16, 2016
Update 1, Second Reading: August 16, 2016
Update 1, Adoption Date: August 16, 2016
HOMELESS CHILDREN REGULATION

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

School placement decisions for homeless children will be based on the “best interest of the child” and shall consider student-centered factors such as the effect of mobility on student achievement, education, health and safety. Unless doing so is contrary to the wishes of the child’s parent or guardian, to the extent possible, a homeless child will continue to attend the school of origin (the school the child attended when he or she became homeless).

If the district wishes to send a homeless child to a school other than the school of origin or a school requested by the parent or guardian, the Superintendent or designee shall provide the parent or guardian (or child, if an unaccompanied youth) with a written explanation of its decision, together with a statement regarding the right to appeal the placement, which shall be in a manner and form understandable to them. The Superintendent or designee shall refer any such dispute to the district’s liaison for the homeless for resolution. The homeless child must be enrolled in the school sought by the parent or guardian pending final resolution of the dispute, including all available appeals.

Admission Procedures

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

1. review the designation form to ensure that it is complete;
2. admit the homeless child even if the child or his/her parent or guardian is unable to produce records normally required for enrollment, or the student has missed application or enrollment deadlines, or there is an unresolved dispute regarding school selection or enrollment;
3. where applicable, make a written request to the school district where a copy of the child’s records are located for a copy of the homeless child’s school records;
4. notify the liaison for homeless children of the child’s admission. The liaison shall:
   a. notify the child and/or the parent or guardian of the educational and related opportunities available to homeless children including transportation;
   b. ensure that the child receives the educational services for which they are eligible, including Head Start and Early Head Start and preschool programs administered by the district;
   c. make necessary referrals for the homeless children or their families to health care services, dental services, mental health services, substance abuse services, housing services, and other appropriate services;
   d. ensure that any enrollment disputes are mediated promptly and in accordance with law;
e. when assisting unaccompanied youth in placement or enrollment decisions, give priority to the views of such youth, and inform them of their status as “independent students” for purposes of applying for federal financial aid for college and assist with that process; and
f. assist in obtaining required immunizations, health screenings, immunization records or health records.

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

Transportation

Unless the homeless child is entitled to transportation provided by the Department of Social Services or Office of Children and Family Services, the district shall provide transportation services to the child in accordance with applicable law. A designated school district that must provide transportation to a homeless child may not be required to provide transportation in excess of 50 miles one way, unless the Commissioner of Education determines that it is in the best interest of the child.

Transportation must be provided when the district receives notice of a child’s homeless status, as well as during the pendency of disputes. If a child is receiving transportation to his/her school of origin and obtains permanent housing during the school year, the student has the right to continued transportation services to the school of origin until the end of the academic year, as well as if the student completes the final grade level in a building, or attends the designated receiving school at the next level.

Dispute Resolution Process

If, after the Superintendent reviews the designation form (STAC-202), he/she finds that the student is either not homeless, not entitled to attend the district’s school, or not entitled to transportation (if requested) the Superintendent or designee will do the following:

1. Contact the district’s homeless liaison to assist in dispute resolution process.
2. Contact the student and parent (if available) and inform them of their opportunity to provide more information prior to the district making a final determination.

If, after consideration of any additional information and input from the homeless liaison, the Superintendent makes a final determination that a student is not homeless, or not entitled to enrollment or transportation, he/she must provide the student's parent or guardian, or the student, if the student is an unaccompanied youth, with written notice that the student is not entitled to their request. This written notice must also:

1. state the rationale/basis for the district's determination;
2. state the date as of which the student will be excluded from the district's schools (or transportation);
3. advise that the district's final determination may be appealed to the Commissioner of Education (Commissioner);
4. provide the name and contact information for the district's homeless liaison;
5. inform the student's parent or guardian or the student, if the student is an unaccompanied youth, that the district's homeless liaison is required to assist him/her in filing such an appeal; and
6. include, as an attachment, the form needed to file an appeal to the Commissioner.

The Superintendent must ensure that the district's final decision is delivered to the parent, guardian, or unaccompanied youth in a timely manner. The student must remain enrolled and provided with transportation (if requested) until the district makes a final determination and for a minimum of 30 days after the determination to give the student's parent or guardian or unaccompanied youth the opportunity to appeal to the Commissioner.

If the parent/guardian or student commences an appeal to the Commissioner within 30 days of the final determination, the homeless child or youth will be permitted to continue to attend the school s/he is enrolled in at the time of the appeal and/or receive transportation to that school until the Commissioner renders a decision.

Adoption date: August 16, 2016
FORM FOR AFFIDAVIT OF ACCEPTANCE OF PERSONAL SERVICE BY LOCAL EDUCATIONAL LIAISON FOR HOMELESS CHILDREN AND YOUTH

STATE OF NEW YORK

COUNTY OF _____________________ss.: 

______________________________________________, being duly sworn, deposes and says that he/she is the local educational agency liaison for homeless children and youth for the _____________________________________________ School District; that on the ____ day of ______________________________, 20____ he/she accepted service of the annexed ___________________________ on behalf of _________________________________________.

______________________________
(Signature)

Subscribed and sworn to before me this ____ day of ________ 20 ______

______________________________
(Signature of notary public)
FORM FOR AFFIDAVIT OF SERVICE BY MAIL BY LOCAL EDUCATIONAL AGENCY LIASON FOR HOMELESS CHILDREN AND YOUTH

STATE OF NEW YORK

COUNTY OF ____________________________ ss.:

____________________ being duly sworn, deposes and says that he/she is over the age of eighteen years and is the local educational agency liaison for homeless children and youth for the _____________________________ school district; that on the _____________ day of _______ 20___, deponent served the within upon ___________ in this action, at ____________________________, the address designated by ___________________________ for that purpose by depositing a true copy of the same by mail, enclosed in a post-paid wrapper addressed to the named school district employee or officer or person in the office of the superintendent who has been designated by the board of education to accept service on behalf of the school district, in (check one) _________ a post office ____________ official depository (mailbox) under the exclusive care and custody of the United States Post Office Department.

__________________________
Signature
Subscribed and sworn to before me this ____ day of ______________ 20 __

__________________________
(Signature of notary public)
FORM NOTICE OF PETITION  
FOR AN APPEAL INVOLVING A HOMELESS CHILD OR YOUTH  

STATE OF NEW YORK  
STATE EDUCATION DEPARTMENT  

In the Matter of (PETITIONER'S NAME),  
on behalf of (CHILD'S NAME), a homeless child or youth, from action of the Board of  
Education of the _____________ School District (‘respondent’) regarding the provision  
of education and related services.  

NOTICE:  

You are hereby required to appear in this appeal and to answer the allegations contained  
in the petition. Your answer must conform with the provisions of the regulations of the  
Commissioner of Education relating to appeals before the Commissioner of Education,  
copies of which are available from the Office of Counsel, New York State Education  
Department, State Education Building, Albany, New York 12234.  

If an answer is not served and filed in accordance with the provisions of such rules, the  
stories contained in the petition will be deemed to be true statements, and a decision  
will be rendered thereon by the Commissioner.  

Please take notice that such rules require that an answer to the petition must be served  
upon the petitioner, or if he be represented by counsel, upon his counsel, within 20 days  
after the service of the appeal, and that a copy of such answer must, within five days after  
such service be filed with the Office of Counsel, New York State Education Department,  
State Education Building, Albany, New York 12234.  

Please take further notice that the within petition contains an application for a stay order.  
Affidavits in opposition to the application for a stay must be served on all other parties  
and filed with the Office of Counsel within three business days after service of the  
petition.
PETITION FOR AN APPEAL INVOLVING A HOMELESS CHILD AND YOUTH

STATE OF NEW YORK

STATE EDUCATION DEPARTMENT

In the Matter of __________________________________ (parent’s/guardian’s/unaccompanied youth’s name otherwise known as “petitioner”) on behalf of PETITION ______________________________ (child’s/youth’s name), a homeless child or youth, from action of the Board of Education of the ____________________________ School District (“respondent”) regarding the provision of education and related services.

TO THE COMMISSIONER OF EDUCATION:

1. My name is ______________________________________________________________.

2. Please check and complete one of the following statements.

   [ ] I am a homeless child or youth.

   OR

   [ ] My relationship to _____________________________ (child’s/youth’s name) is ____________________________________________________________________.

3. ____________________________ (child’s/youth’s name) is a “homeless child” as defined by §100.2(x) of the Regulations of the Commissioner of Education.

4. ____________________________ (child’s/youth’s name) is over 3 and under 21 years of age and has not received a high school diploma.

5. On ____________________ (date), ____________________________ (child’s/youth’s name) made a request for

   (Check applicable boxes)

   [ ] enrollment in a school or a school program,

   [ ] transportation,

   [ ] other (please specify) ____________________________________________________________________

   to the ____________________________ School District.

6. The above request was denied by respondent on ____________________ (date).
   (Attach copy of denial if available)
7. Please check and complete all that apply:
The named child/youth is a homeless child because he/she lacks a fixed, regular, and adequate nighttime residence and
[ ] is sharing the housing of other persons due to loss of housing, economic hardship or a similar reason.

*Please list name, address and relationship of all persons with whom the child/youth is sharing housing. (Attach additional sheets if necessary.)*

[ ] is living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations.
[ ] was abandoned in a hospital.
[ ] is awaiting foster care placement.
[ ] is a migratory child.
[ ] other (please specify) ________________________________

The named child/youth has a primary nighttime location that is:
[ ] a supervised, publicly or privately operated shelter designed to provide temporary living accommodations, such as a shelter operated or approved by the State or local department of social services or residential programs for runaway and homeless youth.
*List name and address of shelter (The name and address of the shelter is not required if child's/youth's primary nighttime location is a domestic violence shelter):*

_______________________________________________________________________
_______________________________________________________________________
_______________________________________________________________________

[ ] a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation, such as a car, park, public space, abandoned building, substandard housing, bus or train stations or similar settings.

8. Describe child’s/youth’s current living arrangements indicated above:
(Attach any relevant documents and add additional pages as necessary.)

_______________________________________________________________________
_______________________________________________________________________
_______________________________________________________________________

9. List address of child’s/youth’s last permanent residence:
_______________________________________________________________________
_______________________________________________________________________
_______________________________________________________________________

10. Prior to becoming homeless, ______________________________ (child’s/youth’s name) was attending, or entitled to attend, the ______________________ School District on a tuition-free basis.

11. Describe the circumstances causing child/youth to become homeless: (Attach any relevant documents and add additional pages if necessary.)

_______________________________________________________________________
_______________________________________________________________________
_______________________________________________________________________

_______________________________________________________________________
_______________________________________________________________________
_______________________________________________________________________

_______________________________________________________________________
_______________________________________________________________________
_______________________________________________________________________
12. Since ________________________________ (child’s/youth’s name) became homeless, he/she has attended the following school districts. (If known, list the approximate dates of attendance at each school district listed.)

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

13. List names and address(es) of child’s/youth’s parent(s) or legal guardian(s):

________________________________________________________________________

________________________________________________________________________

14. Are child’s/youth’s parent(s) or legal guardians homeless? (Check one.)
   [ ] yes [ ] no

IF THE CHILD/YOUTH LIVES WITH SOMEONE OTHER THAN HIS/HER PARENTS OR LEGAL GUARDIANS, COMPLETE PARAGRAPHS 16 – 19. OTHERWISE, GO TO PARAGRAPH 20.

15. ____________________________ (name of appropriate individual(s)) is/are providing support for __________________________ (child’s/youth’s name).

16. ___________________________ (name of appropriate individual) exercises control over __________________________’s (child’s/youth’s name) activities and behavior.

17. ___________________________’s (child’s/youth’s name) parent(s) has surrendered parental control over __________________________ (child’s name) to __________________________ (appropriate individual), if applicable.

18. Describe the nature of child’s/youth’s relationship with parents/legal guardians, such as the last contact, frequency and nature of contacts, etc.

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

19. Please check and complete one of the following statements:
   [ ] __________________________ (child’s/youth’s name) is currently attending the __________________________ School District.
   OR
   [ ] __________________________ (child’s/youth’s name) has not been attending school or receiving any educational services since ____________ (date).

20. (Check one box.)
   [ ] I am [ ] I am not designating the liaison for homeless children and youth of the respondent school district to receive and hold correspondence regarding this appeal.

21. Address to which correspondence regarding this appeal should be sent: (If the liaison is designated, list the liaison’s address.)

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________
WHEREFORE, I respectfully request: (Complete all that apply)

1. An immediate order from the Commissioner permitting ____________________________ (child’s/youth’s name) to attend the ____________________________ School District with transportation provided/arranged by such school district pending a decision on the merits of this appeal.

2. A determination that ____________________________ (child’s/youth’s name) is a homeless child entitled to attend the ____________________________ School District without the payment of tuition.

3. A determination that ____________________________ (child’s/youth’s name) is a homeless child entitled to transportation provided by the ____________________________ School District.

4. Such other relief as the Commissioner deems just and proper.

5. Other (please specify)

____________________________________________________________________________
____________________________________________________________________________

DATE: _______________________________________________________________________

List your name, address and phone number OR the name, address and phone number of the homeless liaison.

NAME: _______________________________________________________________________

ADDRESS: ___________________________________________________________________

PHONE: _____________________________________________________________________

ATTACH ANY SUPPORTING AFFIDAVITS AND EXHIBITS.
STATEMENT OF PETITIONER
FOR AN APPEAL INVOLVING A HOMELESS CHILD OR YOUTH

NOTE: THE FOLLOWING STATEMENT MUST BE COMPLETED AND
SUBMITTED WITH THE NOTICE OF PETITION AND PETITION
INVOLVING A HOMELESS CHILD OR YOUTH

___________________________(name of petitioner) states that he/she is the petitioner
in this proceeding and is the parent or guardian of a homeless child or youth or is an
unaccompanied youth as defined by §100.2(x) of the regulations of the Commissioner of
Education; that he/she has read the annexed petition and any supporting affidavits or
exhibits and knows the contents thereof; that the same is true to his/her knowledge except
as to the matters therein stated to be alleged upon information and belief, and as to those
matters he/she believes it to be true and further acknowledges that he/she is aware of the
fact that, pursuant to Penal Law §175.30, a person who knowingly offers a false
instrument for filing to a public official or public servant is guilty of Offering a False
Instrument for Filing in the 2nd Degree, a Class A Misdemeanor.

______________________________
Petitioner’s Signature

______________________________
Date
FORM FOR VERIFICATION OF RECEIPT AND TRANSMITTAL OF PETITION AND MATERIALS FOR LOCAL EDUCATIONAL AGENCY LIAISON

I, ______________________________________________ (name of liaison), the local educational agency liaison for homeless children and youth for the _______________________________ School District; verify that on the ______ day of __________________________, 20____ I received the petition form and supporting documents for __________________________________ (name of parent, guardian or unaccompanied youth) and will transmit these documents on behalf of ___________________________________ (name of parent, guardian or unaccompanied youth) to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234.

Date:    ________________________________

Signature: ________________________________

Local Education Agency Liaison
INITIAL SCHOOL/DISTRICT DECISION

Date: ______________________________

To: ________________________________

(Parent/Guardian of Unaccompanied Youth)

________________ __________________

(Current address)

__________________________________

I have determined that _________________________________ (is/is not) entitled

(Student)

to enrollment in and/or transportation to _________________________________

(School/District Name)

due to the following reasons:

__________________________________________________________________

__________________________________________________________________

__________________________________________________________________

__________________________________________________________________

__________________________________________________________________

__________________________________________________________________

__________________________________________________________________

__________________________________________________________________

__________________________________________________________________

__________________________________________________________________

__________________________________________________________________

__________________________________________________________________

If you would like to appeal this initial decision, please contact the LEA Liaison at
the number below. If you decide to appeal, you will be given a final decision in
writing within _______ days.

You may appeal the district’s final decision to the State Education Department by
filing a 310 Appeal. The Liaison can help you with any 310 Appeal.

LEA Liaison: Mark Pagano
Phone: (631) 723-4700, ext. 2211
Address: Hampton Bays Middle School
70 Ponquogue Avenue
Hampton Bays, NY 119446

Cc: Commissioner of Education
School District of Origin
Date: __________________________

To: ______________________________

(Parent/Guardian of Unaccompanied Youth)

________________ __________________

(Current address)

I have determined that _________________________________ (is/is not) entitled
(Student)
to enrollment in and/or transportation to _________________________________
(School/District Name)
due to the following reasons:
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________

You may appeal this decision to the Commissioner of Education of the State
Education Department within 30 days. If you do not file an appeal and stay
application within 30 days, the decision will go into effect on ______________
(date).

If you would like to appeal this final decision, you must complete the appeal forms
and stay application, which are attached. For help completing these papers, please
contact the LEA Liaison at the number below. If you are an unaccompanied youth
and would like to file an appeal, the LEA Liaison must help you.

LEA Liaison: Mark Pagano
Phone: (631) 723-4700, ext. 2211
Address: Hampton Bays Middle School
70 Ponquogue Avenue
Hampton Bays, NY 119446
Written Notification of Enrollment Decision

To be completed by the receiving school when an enrollment request is denied.

Date:__________________________________________________________________________

Person completing form: __________________________________________________________

Title: _________________________________________________________________________

School: _______________________________________________________________________  

In compliance with Section 722(g)(3)(E) of the McKinney-Vento Homeless Education Assistance Act of 2001, the following written notification is provided to:

Parent or Guardian: _____________________________________________________________

Student(s): __________________________________________________________________

After reviewing your request to enroll the student(s) listed above, the enrollment request is denied. This determination was based upon:
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

You have the right to appeal this decision by completing the second page of this notice or by contacting the school district's local homeless education liaison.

Liaison's name: _________________________________________________________________

Title: _______________________________ Phone number: ____________________________

In addition:
• The student listed above has the right to immediately enroll in the school of choice pending resolution of the dispute.
• You may provide written or verbal documentation to support your position. You may use the form attached to this notification.
• You may contact the state coordinator for homeless education.

Contact Information for the state coordinator:
______________________________________________________________________________
______________________________________________________________________________

• You may seek the assistance or advocates or attorneys.

A copy of our state's Enrollment Dispute Resolution process for students experiencing homelessness is attached.
Written Notification of Enrollment Decision

To be completed by the parent, guardian, caretaker, or unaccompanied youth when a dispute arises. This information may be shared verbally with the local liaison, as an alternative to completing this form.

Date submitted:  ________________________________________________________________

Student(s):  ____________________________________________________________________

Person completing form:  _________________________________________________________

Relation to student(s):  ___________________________________________________________

I may be contacted at (phone or e-mail):  _____________________________________________

I wish to appeal the enrollment decision made by:  ________________________________

School:  _______________________________________________________________________

I have been provided with:
   [] A written explanation of the school's decision.
   [] Contact Information for the local homeless education liaison.
   [] A copy of the State's Enrollment Dispute Resolution Process for students experiencing homelessness.

Optional: You may include a written explanation to support your appeal in this space or provide your explanation verbally.
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

The school provided me with a copy of this form when submitted. _____________ (Initial)
ADMISSION OF NON-RESIDENT STUDENTS

The Board of Education affirms that its primary responsibility is to provide the best possible educational opportunities for the children who are legal district residents and who are of legal age to attend school.

A student shall be considered a resident if the student’s parent(s) or guardian(s) live in the district, or if the student is an emancipated minor living in the district. The Superintendent of Schools, at his/her discretion, may require appropriate proof of residence of any student or student’s parent/guardian.

However, a non-resident student may be admitted to district schools upon payment to the district of the Board-adopted tuition charge, if and only if, in the judgment of the Superintendent of Schools:

1. there is sufficient space to accommodate the non-resident student;
2. no increase in the size of faculty or staff will be necessary to accommodate them;
3. the non-resident student meets the district's criteria for admission; and
4. the admission of such non-resident student is and continues during the enrollment period to be in the best interests of the district.

This policy is not applicable to homeless students entitled to attend district schools under federal and state law and regulations, who may not be currently residing in the district (see policy 5151, Homeless Children). Homeless students who are not entitled to attend district schools under federal and state laws may be considered for non-resident enrollment under this policy. This policy is also not intended to cover students who are placed in district programs by agreement with, and paid for by, another school district.

Future Residents
The children of families who have signed a contract to buy or build a residence in the school district may be enrolled during the semester in which they expect to become residents, without payment of tuition.

Former Residents
Regularly enrolled children of families who move out of the school district after the second semester begins may complete that school year, with payment of tuition.

In the case of twelfth grade students (those who have been enrolled in the school District for at least the immediately preceding two years), may attend without payment of tuition for the entire year upon written application of the parent/guardian to the Superintendent of Schools.

Exchange Students
Those non-residents may attend providing that the necessary planning for same has been done with the approval of the Superintendent.
Transportation
No transportation costs will be incurred by the district for any student residing outside the district.

Cross-ref: 5151, Homeless Students

Ref: Education Law §3202(2)

Original Adoption Date: August 11, 2009
Update 1, First Reading: August 22, 2017
Update 1, Second Reading: September 12, 2017
Update 1, Adoption Date: September 12, 2017
ADMISSION OF NON-RESIDENT STUDENTS REGULATION

The following provisions apply to non-resident students accepted into the district schools upon payment of tuition, as specified in Board of Education policy 5152.

1. A detailed letter of application shall be completed and filed with the Superintendent of Schools through the Registrar’s Office.

2. Tuition will be charged in accordance with the State Education Department approved formula (Senaca Falls). It will be recalculated yearly and will be payable in ten monthly installments each year to the district Business Manager at 86 East Argonne Road, Hampton Bays, New York 11946. Monthly payments are due prior to the 10th of the month. Checks should be made payable to: Hampton Bays UFSD. Payment for greater periods of time is permitted. Pro rata charges will be figured on no less than a monthly basis.

3. Upon approval of the application, the Superintendent will notify the Building Principal and the Business Manager.

4. If a student is found to be a non-resident after due investigation, the district will notify the parent/guardian in writing and two weeks will be provided for the parent/guardian to resolve the residency situation. If the student(s) remain in the Hampton Bays School District beyond the two-week period, a tuition bill will be issued to the parent/guardian by the business office.

5. Building Principals will not enroll non-residents without approval of the Superintendent.

6. Building Principals or the Business Administrator will recommend dismissal to the Superintendent when the student does not comply with school regulations or if tuition payments are not current.

Original Adoption date: August 11, 2009
Update 1, Adoption date: October 27, 2009
STUDENT DISMISSAL PRECAUTIONS

No student may be released from school to anyone other than the parent, guardian or child protective services personnel and law enforcement officers pursuant to law, unless the individual's name seeking release of the student appears on a list provided by the parent or guardian.

Parents are urged to make appointments with physicians, dentists, special tutors, etc., after school hours. If a request is necessary, parents should make note of the date, time and reason for the release. Children cannot be excused without advanced written request by parent/guardian, and must be released in care of parent/guardian, unless otherwise noted.

A student may be released to either parent unless a custodial parent supplies the Superintendent of Schools with a certified copy of a court order or divorce decree to the contrary.

The Superintendent shall develop procedures to enable parents and guardians to amend the list of persons authorized to obtain the release of their children.

Ref: Education Law §3210(1)(c)

Adoption date: July 7, 2009
STUDENT DISMISSAL PRECAUTIONS REGULATION

The Superintendent of Schools or his/her designee shall maintain a list of individuals who are authorized to obtain the release of students in attendance at the school. No student may be released to the custody of any individual not the parent or guardian of the student, unless the individual’s name appears upon the list.

Parents or guardians may submit a list of individuals authorized to obtain the release of their children from school at the time of the child’s enrollment. The signature of the parent or guardian must be on or attached to such list. A parent or guardian may amend the list at any time, in writing.

Certified copies of any court orders or divorce decrees provided by the custodial parent, which restrict a parent’s ability to seek the release of their child, shall be maintained by the Superintendent.

If any individual seeks the release from school of a student he or she must report to the school office and present identification deemed satisfactory by the Superintendent or his/her designee, who must check the authorized list and relevant court orders or divorce decrees before a student may be released. Particular caution should be exercised when the person seeking the release of a child exhibits to the school official an out-of-state custody order.

Early excuses for emergency reasons should be requested in writing by a parent/guardian. Medical releases are handled through the Nurse’s Office. All other reasons for release must go through the Main Office, and students must be picked up in the Main Office. The person seeking the release must sign the register in the office.

In the event of an emergency, the Superintendent may release a student to some individual not appearing on the approved list only if the parent or guardian has been contacted by the Superintendent and has approved the release, and the Superintendent determines that an emergency exists.

Adoption date: July 7, 2009
EXTRA-CURRICULAR ACADEMIC ELIGIBILITY

The Board of Education of the Hampton Bays Union Free School District has adopted a policy establishing minimum academic standards for students to participate in extra-curricular activities and athletics in Grades 9-12. The policy states that “academic learning” is the first priority for all the students in the Hampton Bays Public Schools. Participation in extra-curricular activities is a privilege, not a right. In order to participate in extra-curricular activities, a student must maintain a minimum level of academic performance. The Board of Education also expects students to conduct themselves in accordance with school district policies at all times. In order to meet the school objectives and insure compliance with the requirements set forth above, the Board of Education adopts the following policy:

1. Any student failing two (2) or more subjects at the five-week week interval (progress report / report card) will be placed on academic probation. Any student on academic probation must attend Extra Help and/or Homework Club in order to improve their academic standing. Students will be required to complete an Extra Help / Homework Club Log for submission at the end of the next (5) week reporting period, which indicates regular attendance at extra help, peer tutoring sessions and/or library evening hours.

2. If a student on probation fails (2) or more subjects at the next (5) week interval (progress report / report card), they will immediately be placed on ineligibility. Students on the ineligibility list are not permitted to participate in athletics or any co-curricular event for the following (5) weeks.

3. Students may only move (1) level during each (5) week interval. For example, an ineligible student may move from ineligibility to probation or from probation off the eligibility list by making the requisite academic improvements.

4. Any student on either eligibility or probation at the end of the 4th quarter will start the following school year on the corresponding list. Students that are “ineligible” at the end of the 4th quarter may be moved to the probation list by passing the courses in question.

5. Discipline Eligibility: Any students who has accumulated (3) suspensions during any school year shall become ineligible and will not be permitted to participate in athletics or co-curricular activities for the remainder of the school year.

6. Attendance Eligibility: Any student who has reached course credit denial thresholds for either a half-year or full-year course will be placed on attendance ineligibility and will therefore not be permitted to participate in athletics or co-curricular activities for the remainder of the school year. Any student who has demonstrated a pattern of poor attendance prior to course credit denial may be placed on probation / ineligibility by the building principal upon a review of attendance records.

7. Senior Privileges: Upon being placed on the ineligibility list student will forfeit all senior privileges including late arrival, off-campus lunch and early release.

8. Appeals: An “ineligible” student may request an appeal meeting with the Eligibility Committee, which will consist of the high school principal, athletic director, a guidance counselor and (2) teacher representatives. This committee will review matters of eligibility and consider special circumstances.

The Superintendent of Schools is authorized to develop such regulations and procedures as may be necessary to implement this policy.

Original Adoption Date: October 13, 2009
Update 1, First Reading: August 25, 2015
Update 1, Second Reading: September 8, 2015
Update 1, Adoption Date: September 8, 2015
STUDENT ORGANIZATIONS

The Board of Education recognizes the educational values inherent in student participation in the extracurricular life of the school, and supports the concept of the formation of student groups for such purposes as building sound social relationships, developing interests in an academic area, and gaining an understanding of the elements and responsibilities of good citizenship.

The Superintendent of Schools, with the aid of students, faculty and administration, is charged with developing procedures for registering and regulating student groups or clubs. Such procedures shall ensure that the district will register any group organized for a purpose not prohibited by Board policy or by law, if such group submits a list of its members designated as contacts, a copy of its constitution and/or bylaws, and the constitution and bylaws of any off-campus organization with which it may be affiliated.

The Board may prohibit the formation of any secret society, fraternity or sorority, whose deliberations and activities have caused a disruption of or interference with the school program.

Administrative regulations governing the use of school facilities shall abide by the Equal Access Act in the creation of a “limited open forum.” All noncurricula-related student activities, regardless of religious or political content, shall have the same opportunities as any other such activity to operate on school grounds.

Ref: Education Law §§207; 2503-a; 2554-a
8 NYCRR Part 172
Hsu v. Roslyn, 85 F.3d 839 (2nd Cir. 1996), cert denied, 519 U.S. 1040 (1996)
Board of Education of the Westside Community Schools v. Mergens, 496 U.S. 226 (1990)
Smith v. Renton School Dist. No. 403, 865 F.2d 1121 (9th Cir., 1989)
Healy v. James, 408 U.S. 169, 92 S.Ct. 2338 (1972)

Adoption date: July 7, 2009
SCHOOL-SPONSORED STUDENT EXPRESSION

The Board of Education recognizes school-sponsored student publications, exhibitions, and productions as important elements of the instructional program. Students are encouraged to develop their written and oral communication skills and to exercise the right to express their opinions freely and responsibly.

The Board also recognizes, however, that the rights of free speech and free expression of students in public schools under the First Amendment are not necessarily the same as the rights of adults in other settings. Instead, these rights must be applied in light of the special characteristics of the school environment.

All school-sponsored opportunities for student expression will comply with the rules set forth in this policy and in the Code of Conduct. Libelous statements, unfounded charges and accusations, obscenity, false statements; materials or performances advocating or expressing prejudice, hatred, discrimination, harassment, bullying or violence on the basis of a protected class (e.g., actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and gender expression), or sex), the breaking of laws and school policies and/or regulations; or materials or performances designed to disrupt the educational process will not be permitted.

In addition, the school-sponsored activities listed above are not considered public forums. In such cases, the Board reserves the right to edit or delete such student expression which it believes is inconsistent with the district’s basic educational mission.

Consistent with this determination, the Board reserves the right to exercise pre-publication or pre-production control over all school-sponsored publications and/or productions through administrative staff and faculty. Student expression may be restricted whenever it is determined that such expression is inconsistent with the basic educational mission of the district. Any restriction shall be reasonably related to legitimate educational concerns.

Procedural Due Process

Students shall have the right to appeal the exercise of pre-publication or pre-production control by district staff to the Board.

When a student(s) presents material for inclusion in a school-sponsored publication to a school official with authority over the school publication, the school official must review and make a decision on inclusion in the publication within three (3) school days of submission of the material to him/her. If publication is denied, the student(s) may appeal the decision to the Building Principal. If the principal agrees with the decision to withhold approval, the principal will state the reasons in writing and provide the students with a copy of the reasons within three (3) school days of the receipt of the appeal. The aggrieved student(s) may appeal in writing to the Superintendent of Schools. The Superintendent of Schools must issue a written decision within three (3) school days after receiving the appeal.
Cross-ref: 0100, Equal Opportunity and Nondiscrimination  
0115, Student Harassment and Hazing Prevention and Intervention  
5225, Student Personal Expression  
5240, Student Performances  
5300, Code of Conduct

Ref:  
(limiting student free speech rights in school-sponsored student publications)  
(limiting student free speech rights in school setting)  
Education Law Article 2, §§10-18 (Dignity for All Students Act)  
*Morse v. Frederick*, 127 S. Ct. 2618 (2007)  

Original Adoption date: July 7, 2009  
Update 1, First Reading: June 14, 2016  
Update 1, Second Reading: July 5, 2016  
Update 1, Adoption Date: July 5, 2016
STUDENT PERSONAL EXPRESSION

The Board of Education recognizes the importance and value of student personal expression and recognizes that students do not shed their first amendment right of free expression at the schoolhouse gate. As in broader American society, the Board also understands that there is a balancing of an individual’s rights under the First Amendment with the rights of the community. Student personal expression in this context refers to student verbal and written communication using any medium (paper, e-mail; website postings, etc.) including, but not limited to, poetry, prose, art, video and music composition that is intended to be shared with the broader school community, or other actions taken to express viewpoints such as demonstrating or protesting.

Although students retain their right to free expression in school, that right is not unfettered. School officials may regulate expression as to time, place and manner. Students’ expression which causes a substantial disruption or which materially interferes with school activities or rights of others or might reasonably lead the school administration to forecast substantial disruption of or material interference with school activities, is not constitutionally protected speech.

Distribution of Materials

When students wish to personally express themselves in the broader school community by distributing materials, they must seek prior approval from the building principal or his/her designee. The building principal or his/her designee will render his/her decision within two school days of receiving the request. The building principal shall give due consideration to the constitutionally protected right of freedom of expression, the maintenance of the normal operation of school and its activities, the protection of persons and property and the need to assist students in learning appropriate ways to exercise their rights. Unless such student expression takes place within the confines of a school-sponsored event/activity (see policy 5220 for guidance on School-Sponsored Student Expression), authorization will be granted if:

- The material is distributed as directed by the Principal or designee in such a manner as to not materially or substantially interfere with the rights of others or substantially disrupt the normal operation of the school;
- The material is not considered to be obscene, lewd, indecent, libelous, an invasion of the privacy of other individuals, or an expression that attacks a person’s character, family, actual or perceived race, color, religion, religious practice, age, weight, sex, ethnic group, national origin, physical appearance, sexual orientation, gender (including gender identity or gender expression), or disabling condition.
- The material is free from advertisements or promotion of cigarettes, liquor, illegal or illicit drugs, or drug paraphernalia or other products or services harmful to minors and/or not permitted to minors by law, or advocating breaking laws and school policies and/or regulations.

Procedural Due Process

If a student(s) seeks to distribute material within school buildings or at school events, he/she must present such material for prior review by the Building Principal who must make a
decision regarding distribution within three (3) school days of receipt of the request and the provide the reason for the denial in writing. The aggrieved student(s) may within three (3) school days appeal in writing to the Superintendent of Schools. The Superintendent of Schools must issue a written decision within three (3) school days after receiving the appeal.

Off-Campus Student Expression

Generally school administrative authority regarding student expression does not extend beyond school grounds or school-sponsored functions. However, with today’s technologies, the line between off and on campus expression can be blurred. Students are advised that if off campus personal expression substantially disrupts or materially interferes with school activities or might reasonably lead the school administration to forecast substantial disruption of or material interference with school activities or interrupts another individual’s access to school, such as when the speech is threatening in nature, they may be subject to discipline under the Code of Conduct.

Student Demonstrations and Protests

Students maintain their constitutional right while they are in school, or at school sponsored events, to peacefully assemble. However, the district may take reasonable actions to maintain a safe and functioning learning environment, to ensure that the school environment is not materially disrupted. Accordingly, school officials maintain the authority to limit student demonstrations which result in materially disrupting the operation of the schools’ educational process. In addition, the school may deem student absences from school or class to demonstrate or protest to be unexcused under the district’s Attendance policy (#5100), and those absences may result in consequences under that policy. The district may also plan and host its own events to address issues of student and school concern.

Violation of Policy

Students who violate this policy will be subject to the appropriate disciplinary action, which may include short or long-term suspension, in accordance with the Code of Conduct.

Cross-ref: 0115, Harassment, Hazing and Bullying
4526, Computer Use in Instruction
5100, Student Attendance
5220, School-Sponsored Student Expression
5300, Code of Conduct

Ref: Morse v. Frederick, 551 U.S. 393 (2007)

Original Adoption Date: July 5, 2016
Update 1, First Reading: June 12, 2018
Update 1, Second Reading: July 10, 2018
Update 1, Adoption date: July 10, 2018
SCHOOL-SPONSORED OFF-CAMPUS STUDENT EVENTS

For school-sponsored organizations, clubs, classes or groups which desire to conduct a function in a place other than a school facility, the faculty advisor, teacher or person having chief management responsibilities for the group must meet with the Building Principal to determine if the place considered for the event meets acceptable standards. No commitment is to be made for an off-campus facility without the advance written approval from the Building Principal.

If a facility such as a restaurant has been chosen for the place of a student function, a separate room apart from the place where the public bar is located must be selected for the event. Access to the bar is to be limited in all ways except for the safe exiting of the occupants in case of a fire. In instances where alcoholic beverages may be served in another part of the building, no person, neither student nor adult, will be permitted to bring an alcoholic beverage to the event. Any person who does so will be barred from admission to that portion of the facility reserved for the school event. Building Principals will not approve a facility for use for school events if the management of the facility does not strictly cooperate with the restrictions relating to the consumption of alcoholic beverages.

Building Principals will not approve a facility for use for student functions where the audience or part of the audience must be seated in a room where alcoholic beverages are served to other persons who are using the facility but who may not be associated with the school event.

Building Principals will assure that off-campus facilities meet all safety standards as required in Board Policy 4531, Field Trips, and any accompanying administrative regulations.

Adoption date: July 7, 2009
STUDENT PERFORMANCES

Participation of school groups in out-of-school activities shall be decided on the basis of educational and community values.

Activities of a religious, political or fraternal nature shall be considered not within the scope of participation. Patriotic activities, when sponsored by groups not religious or political but directed toward community improvement will be considered for cooperation by school groups. Cooperation will be extended to groups whose activities are community-wide in scope and purpose such as the Chamber of Commerce and service clubs.

Exploitation of school groups by private businesses or groups will not be permitted.

Requests for the services of students or student groups must first be presented to the Building Principal. Final decision as to participation shall rest with the Superintendent of Schools.

Adoption date: July 7, 2009
STUDENT ACTIVITIES FUNDS MANAGEMENT

Money collected by employees for student activities must be deposited the same day in the bank officially designated by the Board of Education for receipt of such deposits. Money may be kept overnight in a school safe provided that it does not exceed $100 and that the Building Principal takes responsibility for the custody of the money before it is placed in the school safe.

Employees maintaining custody of funds for student activities are personally accountable for the security of the funds until deposited in a bank or placed in the custody of the Building Principal.

For any contract or expenditure requiring Student Activity funds in an amount exceeding $500, the Superintendent of Schools must grant prior approval.

Adoption date: July 7, 2009
STUDENT ACTIVITIES FUNDS MANAGEMENT REGULATION

The following regulations are set for the district’s Extra Classroom Activity Fund(s):

1. When an organization within the school district whose activities are conducted by students and whose financial support is raised other than by taxation of through charges of the Board of Education, there must be an application completed and approved for the establishment of such an organization. An application must be developed for this purpose.

2. All requests for expenditures must be submitted on a form approved by the Board. Requests must be signed by the appropriate student officer, class moderator or advisor, Building Principal and Superintendent of Schools.

3. The authority to expend monies shall be distinct and separate from the custody of these monies (two signatures checks; one signature being the Superintendent).

4. Records of receipt and expenditures are to be retained and reports are to be made at least quarterly to the Board through the office of the Superintendent.

5. An independent and impartial audit of the accounts should be made at least annually in conjunction with the audit of the district records.

6. Surplus funds of defunct organizations will be dispersed or spent only upon request of the appropriate student officer(s) with approval of the class moderator or advisor, the Principal and the Superintendent on a form developed for this purpose. All balances attributed to a defunct organization which has not requested and secured approval for disposition of funds shall be equally dispersed among the remaining organizations within the Extra Classroom Activity Fund.

Adoption date: July 7, 2009
Student Activities Fund Management
Fundraiser Request Form

Please complete form and submit to your Principal.

DATE OF SUBMISSION: ______________________________________________

CLUB/ACTIVITY:  ______________________________________________

DESCRIPTION OF FUNDRAISING ACTIVITY

Beginning Date: ___________________  End Date:  ___________________

______________________________  ______________________________
Step 1:  Club Advisor’s Signature   Step 2: Club Treasurer's Signature

______________________________  ______________________________
Step 3:  Student Council Advisor Signature      Step 4:  Principal’s Signature

PLEASE NOTE

1. CLUB ADVISOR:
   a. Contracts with vendors for fundraisers MUST BE approved by the Business Office.
   b. Submit Fundraiser Requests (final approval with the principal) 30 days in advance.
   c. All revenues and expenses must be managed in accordance with “Red Book” procedures.
   d. Student Council Advisors:  ES (T. Carey); MS (T. Dossiano); HS (J. Spota, V. Russo)

2. PRINCIPALS:
   a. Manage a calendar of your building fundraisers so that clubs do not conflict and “flood”
   the community with simultaneous fundraisers.
   b. Please send a copy of this form to Christine Pandolfo at District Office.
INTRAMURAL PROGRAMS

Intramural sports provide for competition among teams composed of students within the district’s schools. The intramural program will be organized so as to meet the basic objectives of physical education and to develop skills in various sports. Opportunities for voluntary participation will be extended to all students on a non-discriminatory basis. Emphasis will be placed on interest and participation. The intramural program will provide opportunities in individual as well as team sports to encourage lifetime sports interest and participation.

Rules and procedures for the intramural program may be developed by the Building Principal. The Director of Athletics will develop and implement a plan which provides coordination of and supervision for intramural sports activities on a district-wide basis.

Supervision of intramural activities is generally the responsibility of the physical education teachers. However, qualified teachers from other departments may be so assigned. The Director of Athletics will determine whether a teacher is qualified and inform the Building Principal of his/her decision. The Building Principal shall have the final determination.

Intramural sports are offered at the middle school level for grades 5 and 6. Students will have instruction in basic skills, knowledge and game strategies. Instruction will be provided in individual, small group, and game experiences.

Ref: Education Law §§3001-b; 3004(2)
8 NYCRR §§80-1.11; 87.2(k); 87.3(a); 135.4(c)(7); 135.5

First Reading: August 11, 2009
Second Reading: October 13, 2009
Adoption date: October 13, 2009
Effective Date: October 13, 2009
INTERSCHOLASTIC ATHLETICS

Interscholastic athletics for boys and girls is an integral and desirable part of the district’s educational program. Individual and team sports shall be based upon comprehensive physical education instruction and intramural activities, seeking broad participation from all eligible secondary students. Lifetime or carry-over sports are to be particularly encouraged and supported. Parity in the number and kind of sports activities for girls and boys is a clear objective of the district.

The Director of Athletics will implement the rules governing inter-school competition, as determined by the New York State Public High School Athletic Association and Section XI.

The Board shall permit students to compete in interscholastic sports under the Athletic Placement Policy as outlined in Commissioner’s Regulations, the process forms of which shall be incorporated into regulation to this policy.

Student eligibility for participation on interscholastic teams shall include:

1. authorization by the school physician;
2. written parent or guardian consent; and
3. endorsement by the Building Principal based on established rules and various league and State Education Department regulations.

The Superintendent is directed, with the assistance of the Building Principals and the Director of Athletics, to promulgate administrative regulations concerning interscholastic athletics.

Cross-ref: 5205, Eligibility for Extracurricular Activities

Ref: Education Law §§1709 (8-a); 3001-b
8 NYCRR §§135.4

Original, Adoption Date: October 13, 2009
Update 1, First Reading: July 7, 2015
Update 1, Second Reading: August 25, 2015
Update 1, Adoption Date: August 25, 2015
INTERSCHOLASTIC ATHLETICS REGULATION

The school district will adhere to the rules, regulations, and philosophy of sports promulgated by the Commissioner of Education and by the athletic associations to which it belongs – the New York State Public High School Athletic Association (NYSPHSAA) and Section XI (Suffolk County) of the NYSPHSAA.

I. Types of Sports and Levels of Participation
A. Secondary school interscholastic athletics will be organized on one or more of the following levels: varsity, junior varsity, jr. high, and grades 7-8. The regulations of the Commissioner of Education (§135.4(c)(7)) define two eligibility systems for organizing interscholastic sports teams – the selection/classification eligibility system and the age/grade level eligibility system.
B. All interscholastic sports teams offered by Hampton Bays Union Free School District will be organized by the selection/classification eligibility system.
C. All other interscholastic sports teams will be organized by age and grade level eligibility.

II. Coaches
Personnel engaged to coach in the interscholastic athletic program will meet the certification requirements of the Commissioner of Education.

III. Student Eligibility
Students participating in the interscholastic athletic program will be subject to:
A. Enrollment in a minimum of five subjects including English, social studies, physical education, and two subjects which are part of a study sequence, a cooperative vocational or business program, or other program as approved by the school Principal.
B. Nomination by the coach of the sport based on generally accepted standards for that sport.
C. Completion of all required medical forms and the passing of all required medical tests, as required by the district Athletic Department.
D. Maintenance of an acceptable level of good conduct at all times.
E. Maintenance of regular school attendance. A student absent from school on a day of an athletic contest may not play or participate that day. A suspended student may not participate in athletics during the period of exclusion.
F. Compliance with academic eligibility rules as defined in 5205-R, Eligibility for Extracurricular Activities Regulation.

IV. Spectators at Interscholastic Athletics
Athletes traditionally compete before spectators and respond to the enthusiasm exhibited by spectators. Spectators are expected to observe the rules and regulations of conduct which allow both Hampton Bays athletes and their competitors to participate in a uninhibited sports event.
At Varsity and Junior Varsity events, spectators are encouraged. It is the responsibility of the Building Principal, the Athletic Director and the Director of Security to plan and implement procedures to provide a safe environment for teams and spectators before, during, and after an event until the building and grounds are secured. To the extent possible, these procedures will be consistent with the Recommended Guidelines for Crowd Control at Athletic Events prepared by Section XI of the NYSPHSAA.

At Middle School events, parents, relatives, friends, and some students are permitted at middle school contests. No attempt to enlist large scale attendance is authorized. Organizing spectator attendance at contests held at other schools is not authorized. The Building Principal and Athletic Director are responsible for a safe environment, free of spectator interference and unsportsmanlike conduct, at sports events.

V. Transportation

Student athletes traveling to and from games, scrimmages, or contests will observe school district policies governing transportation for field trips. When public transportation is provided, students traveling to athletic events must be transported in school district-owned vehicles or by buses supplied by firms under contract with the Board of Education. Travel in vehicles owned by students, by staff, or by any other private party is strictly forbidden when public transportation is provided.

Persons acting in parental authority may provide transportation for their own children to and from athletic events or practice sessions. Persons acting in parental authority may permit their children to be driven to and from an athletic event or practice session by another person provided that the parents submit a written request to the Athletic Director using the form annexed to this policy as Schedule A.

First Reading: August 11, 2009
Second Reading: October 13, 2009
Adoption date: October 13, 2009
Effective Date: October 13, 2009
LARS CLEMENSEN  
SUPERINTENDENT OF SCHOOLS

Athletic Placement Process  
Placement Process Checklist

| STUDENT NAME: ___________________________ | GRADE: _________ |

**PARENTS/GUARDIANS**  
- [ ] Correspondence sent out  
- [ ] Discussions took place  
- [ ] Permission slip returned  
- [ ] Final determination letter sent out  

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<th>DATE________</th>
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**DISTRICT MEDICAL DIRECTOR (SMD)**  
- [ ] Maturity form sent out  
- [ ] Evaluation returned  

<table>
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<tr>
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<th>DATE________</th>
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</thead>
</table>

*Process stops if student is not approved by the medical director*

**COACH'S SPORT SKILL EVALUATION**  
- [ ] Correspondence sent out  
- [ ] Evaluation returned  

<table>
<thead>
<tr>
<th></th>
<th>DATE________</th>
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</thead>
</table>

*Process stops if desired sport skill level is not considered appropriate for desired level of competition*

**PHYSICAL FITNESS TEST**  
- [ ] Correspondence sent out  
- [ ] Test results returned  

<table>
<thead>
<tr>
<th></th>
<th>DATE________</th>
</tr>
</thead>
</table>

*Process stops if student fails more than one component of the fitness test*

**TRY-OUT EVALUATION**  
- [ ] Correspondence sent out  
- [ ] Evaluation returned  

<table>
<thead>
<tr>
<th></th>
<th>DATE________</th>
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</thead>
</table>

**NOTIFICATIONS SENT**  
- [ ] TO SCHOOLS (copy)  
- [ ] TO SECTION XI (copy)  

<table>
<thead>
<tr>
<th></th>
<th>DATE________</th>
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</thead>
</table>
Dear Parent/Guardian:

Re: Athletic Placement Process - Parent/Guardian Permission

There is a New York State Education Department (NYSED) program that permits physically and emotionally appropriate students to try out for an athletic team that is outside of their grade placement. It is called the Athletic Placement Process (APP).

Your child, ____________________________ , may be eligible to participate in ____________________________ outside of his or her normal grade level. In order to establish the appropriate eligibility, we must have your permission to begin the APP.

This evaluation is a comprehensive evaluation of your child’s emotional and physical maturity (including height and weight); as well as athletic abilities, physical fitness, and sport-specific athletic skill in relationship to other student athletes at that level.

Physical maturity is determined by the district medical director during a physical exam, using the Tanner Scale, which inspects the entire body, including the breasts and genitals. The district does not accept Tanner ratings from private medical providers. The district may accept a history of menarche for girls in place of a physical examination. Upon passing the medical clearance, the student may proceed to the physical fitness and skill assessments. Students must pass all levels to meet the requirements of the APP.

If your child successfully meets the APP requirements, he/she will be allowed to try out for competitive high school athletics during 7th and/or 8th grades, or compete at the modified level, if in grades 9-12. Typically, a student is eligible for senior high school athletic competition in a sport for only four consecutive seasons, beginning with the student’s entry into Grade 9. However, by meeting the APP requirements established by NYSED, your child’s eligibility can be extended to permit:

a. participation during five consecutive seasons in the approved sport after entering Grade 8

b. participation during six consecutive seasons in the approved sport after entering Grade 7.

It is important for you and your child to understand that, once the requirements are met and if he/she is accepted as a member of the team, he/she cannot return to a lower-level team in that sport in that season. Remember, at the higher level of play your child will be exposed to the social atmosphere that is common among older students in a high school environment. Therefore, it is important to take into account your child’s ability to handle the additional demands.

Please feel free to contact me regarding this program or to discuss any aspect of your child’s athletic placement. If you agree to allow your child’s participation in this program, please sign and return the parental permission form to my office.

Sincerely,

Drew Walker
Director of Health, Physical Education, and Athletics
Athletic Placement Process
Parent/Guardian Permission Form

I have read the attached letter and I understand the purpose and eligibility implications of the Athletic Placement Process.

My son/daughter, ____________________________________________, has my permission to undergo the evaluation process and to participate in this program. I understand that the determination of physical maturity is a private examination involving inspection of breasts and genitals and will be done by a licensed school health professional, and I give my permission for the examination. Upon passing the medical clearance, he/she may proceed to the physical fitness and skill assessments. I understand that passing the evaluation process does not guarantee my child a position on a team, but only permits them to try out.

______________________________________________ ________________ _________
Parent/Guardian Name       Date

______________________________________________ _________________________
Parent/Guardian Signature        Student Name/Grade

Return this form to Drew Walker at Hampton Bays High School, 86 E. Argonne Rd., Hampton Bays, NY 11946
### Athletic Placement Process
#### Physical Maturity Form

<table>
<thead>
<tr>
<th>Field</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Student Name:</strong></td>
<td>_____________________________</td>
</tr>
<tr>
<td><strong>Home Address:</strong></td>
<td>_____________________________</td>
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<tr>
<td><strong>Date of Birth:</strong></td>
<td>__________</td>
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<tr>
<td><strong>Parent/Guardian Permission?</strong></td>
<td>__________</td>
</tr>
<tr>
<td><strong>Desired Level:</strong></td>
<td>_____Varsity     _____Junior Varsity     _____Frosh     _____Modified</td>
</tr>
<tr>
<td><strong>Desired Sport:</strong></td>
<td>__________________ *Recommended Tanner Rating for this Sport/Level: __________</td>
</tr>
</tbody>
</table>

#### Screening Procedures:

- **Tanner Score and Height/Weight Assessment completed by District Medical Director?**
  - _____Yes  _____No  __________Exam Date

- **Current Developmental Stage of the Student, using the Tanner Scale**
  - 1  2  3  4  5

- **Alternative to Tanner Examination (Females Only)**
  - (  ) Onset of Menarche – Tanner 5

- **Height** __________  **Weight** __________

- **This student is CLEARED / NOT CLEARED for the sport of**
  - at the following level  
  - _____Varsity     _____Junior Varsity     _____Frosh     _____Modified

---

**District Medical Director Name/Signature**

**Date**
Athletic Placement Process
Physical Fitness Testing – Score Form

The student listed below has been approved to take the Physical Fitness Test. Please proceed with the testing as described in the Physical Fitness Test Descriptions & Directions in Appendix I of this document.

1. Read the instructions for administering the five items carefully. If you are the coach of the sport that the athlete wants to participate in, you may not be the tester. Notify the Director of Health, Physical Education and Athletics that a new tester must be assigned.

2. The test can be given in any time frame and in any order. Any of the five items may be retested up to the number of times defined by APP district policy. Only the best scores should be recorded. For Swimming see Board Policy for an alternative portion of the test. For bowling and golf, students are not required to complete a physical fitness test.

3. Encourage the student to do his/her best on each test item. Before commencing with the test, inform the student of the minimum qualification requirement for each component. They MUST score in the 85th percentile for their age.

Return this score sheet to the Director of Health, Physical Education and Athletics as soon as the test is completed.

PHYSICAL FITNESS TEST SCORES:
Student’s Name_________________________ Gender: ___ M ___ F Age ______
Desired Sport ___________________________ Desired Level ______________________
Test Administered By ___________________ Date __________________

SHUTTLE RUN (nearest tenth) 1/10 seconds __________________________
V-SIT REACH or SIT & REACH (feet and inches to nearest inch) _______
PULL UPS (# completed) __________________________
or RIGHT ANGLE PUSH UPS (# completed/3 seconds) ____________
STOMACH CURLS (one for each completed movement) number ______
ONE MILE RUN/500 YARD SWIM (minutes and nearest second) ______

Final Assessment: Student ___passed ___did not pass at or better than the 85th percentile.

Signature ___________________________________________ Date ______________
Athletic Placement Process
Coach’s Sport Skill Evaluation

Coach ___________________________ Sport & Level ___________/___________

Student’s Name ____________________________ Gender: ____M____F Age______

The above-named student has requested evaluation through the Athletic Placement Process. As the coach of the team for which they want to try out, your complete assessment of his/her skill level is an important factor in this process. Please complete and return this form as soon as possible to the Director of Physical Education and/or Athletic Director.

NOTE: The number of students who are allowed to compete outside of their grade levels should be few and far between. The program is intended only for the athlete who has the physical maturity, physical fitness, and sport skills to be placed with other athletes outside of his/her grade level. Abuses in the program by decision makers who seek to satisfy the needs of the team, rather than considering the well-being of the student cannot be condoned. There are many potential physical and social/emotional pitfalls that must be avoided, and once a student is elevated, the decision is irreversible. Please keep in mind that, until you are notified by the director of physical education’s office that the student has successfully completed the entire Interscholastic Athletic Placement Process, that student may not attend any practices.

If you are familiar with the candidate, please write an evaluation of his/her skill level on the next page. Supporting information would be helpful in determining proper placement, so be specific. If you are not familiar with the candidate, you may wish to contact his/her former coaches for further assessment and/or schedule time to observe the student in a physical education class.

Which level team is the student trying out for?
_____ Varsity  _____ Junior Varsity  _____ Frosh  _____ Modified

Which level of play would you recommend for this student?
_____ Varsity  _____ Junior Varsity  _____ Frosh  _____ Modified

Compare the student’s skills relative to other team members for the sport the student is desiring.
_____ Superior  _____ Above Average  _____ Average  _____ Below Average

What percentage of playing time would you estimate he/she would receive at that level?
_________ %
List or provide documentation (coaches’ evaluations, previous playing statistics, etc.), of any evidence of sport skills in respect to playing at the proposed level (Modified, Freshman, Junior Varsity or Varsity level).

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Coach’s Signature ________________________________________ Date ______________
This is official notification that the following student(s) successfully completed the requirements for Athletic Placement Process per the revised 2014 guidelines.

<table>
<thead>
<tr>
<th>Name</th>
<th>Gr.</th>
<th>Sport</th>
<th>Level</th>
<th>Physical Fitness Scores</th>
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<td>Curl-Ups</td>
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ATHLETIC PLACEMENT PROCESS

SPECIAL TRY-OUT PROCESSES

BOWLING

Any 7th or 8th grade student may be given the opportunity to try out for a junior varsity or varsity bowling team. At the completion of the try-out sessions, which must include nine games bowled over a three-day period, if the individual's bowling average puts him/her in the top eight of your bowlers, he/she is eligible for the team.

GOLF

Any 7th or 8th grade student may be given the opportunity to try out for a junior varsity or varsity golf team. At the completion of the tryout sessions, which must include 18 holes golfed over a three-day period (the first three days of the individual’s tryout when the course is accessible), if the individual's golf average puts him/her in the top 8 of your golfers, he/she is eligible for the team.
## ATHLETIC PLACEMENT PROCESS

### PHYSICAL MATURITY CHART

Recommended Tanner Scores for the Athletic Placement Process

<table>
<thead>
<tr>
<th>MALES</th>
<th>FEMALES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Approved</strong></td>
<td><strong>Freshman</strong></td>
</tr>
<tr>
<td>Sports</td>
<td></td>
</tr>
<tr>
<td>Archery</td>
<td>2</td>
</tr>
<tr>
<td>Badminton</td>
<td>2</td>
</tr>
<tr>
<td>Baseball</td>
<td>3</td>
</tr>
<tr>
<td>Basketball</td>
<td>3</td>
</tr>
<tr>
<td>Bowling</td>
<td>2</td>
</tr>
<tr>
<td>Competitive Cheerleading</td>
<td>3</td>
</tr>
<tr>
<td>Cross-Country</td>
<td>3</td>
</tr>
<tr>
<td>Fencing</td>
<td>2</td>
</tr>
<tr>
<td>Field Hockey</td>
<td>3</td>
</tr>
<tr>
<td>Football</td>
<td>3</td>
</tr>
<tr>
<td>Golf</td>
<td>2</td>
</tr>
<tr>
<td>Gymnastics</td>
<td>3</td>
</tr>
<tr>
<td>Ice Hockey</td>
<td>3</td>
</tr>
<tr>
<td>Lacrosse</td>
<td>3</td>
</tr>
<tr>
<td>Rifle</td>
<td>2</td>
</tr>
<tr>
<td>Skiing</td>
<td>3</td>
</tr>
<tr>
<td>Soccer</td>
<td>3</td>
</tr>
<tr>
<td>Softball</td>
<td>3</td>
</tr>
<tr>
<td>Swim/Diving</td>
<td>3</td>
</tr>
<tr>
<td>Tennis</td>
<td>3</td>
</tr>
<tr>
<td>Track &amp; Field</td>
<td>3</td>
</tr>
<tr>
<td>Volleyball</td>
<td>3</td>
</tr>
<tr>
<td>Wrestling</td>
<td>3</td>
</tr>
</tbody>
</table>
ATHLETIC PLACEMENT PROCESS

PHYSICAL FITNESS TEST: INSTRUCTIONS

Curl-ups

This activity measures abdominal strength and endurance.

Curl-ups Testing

Here’s what you do:

- Have the student lie on a cushioned, clean surface with knees flexed and feet about 12 inches from buttocks. A partner holds the feet.
- Make sure the arms are crossed with hands placed on opposite shoulders and elbows held close to chest.
- Keeping this arm position, the student raises the trunk, curling up to touch elbows to thighs, and then lowers the back to the floor so that the scapulas (shoulder blades) touch the floor, for one curl-up.
- To start, a timer calls out the signal “Ready? Go!” and begins timing the student for one minute. The student stops on the word “Stop.”

Curl-ups Tip

Instruct helpers to count aloud the number of repetitions.

Curl-ups Scoring

“Bouncing” off the floor is not permitted. The curl-up should be counted only if performed correctly.

Shuttle Run

This activity measures speed and agility.
Testing

Here’s what you do:

- Mark two parallel lines 30 feet apart and place two blocks of wood or similar objects behind one of the lines.
- Student starts behind the opposite line. On the signal “Ready? Go!” the student runs to the blocks, picks one up, runs back to the starting line, places the block behind the line, runs back and picks up the second block, and runs back across the starting line.

Tips

Be sure the participants understand the importance of running through the finish line. Participants should perform this activity on a gym floor or other appropriate surface.

Scoring

Blocks should not be thrown across the lines. Scores are recorded to the nearest tenth of a second.

One Mile Run/Walk

This activity measures heart/lung endurance.

Testing

Here’s what you do:

- On a safe, one-mile distance, students begin running on the count “Ready? Go!”
- Walking may be interspersed with running. However, the students should be encouraged to cover the distance in as short a time as possible.

Tips
Use a large enough running area so that no more than eight laps are necessary to complete a mile. Help participants learn proper pacing for the mile by having them run at the mile pace for short distances during warm-up time.

Scoring

Always review students’ health status before administering this test. Give students ample instruction on how to pace themselves. Allow them to practice running this distance against time, as well as sufficient time for warming up and cooling down before and after the test. Times are recorded in minutes and seconds.

**Pull-ups**

This activity measures upper body strength and endurance.

**Pull-ups Testing**

Here's what you do:

- The student hangs from a horizontal bar at a height the student can hang from with arms fully extended and feet free from the floor, using either an overhand grip (palms facing away from body) or underhand grip (palms facing toward body). Small students may be lifted to the starting position.
- The student raises his/her body until chin clears the bar and then lowers his/her body to the full-hang starting position. The student performs as many correct pull-ups as possible.

**Pull-ups Tips**

Spend as little time hanging from the bar beforehand as possible because the extra time on the bar may reduce the number of pull-ups performed. Discourage any leg kicking or body swinging, as this may also decrease the number of repetitions.

**Pull-ups Scoring**
Pull-ups should be done in a smooth rather than jerky motion. Kicking or bending the legs is not permitted and the body must not swing during the movement.

Right Angle Push-ups Testing

Here's what you do:

- The student starts in push-up position, with hands under shoulders, arms straight, fingers pointed forward, and legs straight, parallel, and slightly apart (approximately 2-4 inches) with the toes supporting the feet.

- Keeping the back and knees straight, the student then lowers the body until there is a 90-degree angle formed at the elbows, with upper arms parallel to the floor. A partner holds her/his hands at the point of the 90-degree angle so that the student being tested goes down only until her/his shoulders touch the partner’s hand, then back up.

- The push-ups are done to a metronome (or audio tape, clapping, drums) with one complete push-up every three seconds, and are continued until the student can do no more at the required pace. The student should remain in motion during the entire three second interval.

Right Angle Push-ups Tip

As with the pull-up, spend as little time in the starting position beforehand in order to increase the number of repetitions. Any extra movement may also decrease the number of repetitions.

Right Angle Push-ups Scoring

Record only those push-ups done with proper form and in rhythm.

Right Angle Push-ups Rationale

Right angle push-ups are a good indicator of the range of strength/endurance found in kids, whereas some kids are unable to do any pull-ups. Pull-ups remain an option for those students at higher levels of strength/endurance.

V-sit Reach
This activity measures flexibility of the lower back and hamstrings.

**V-sit Reach Testing**

Here's what you do:

- A straight line two feet long is marked on the floor as the baseline.
- A measuring line four feet long is drawn perpendicular to the midpoint of the baseline, extending two feet on each side and marked off in half-inches. The point where the baseline and measuring line intersect is the “0” point.
- Student removes his/her shoes and sits on floor with measuring line between his/her legs and the soles of his/her feet placed directly behind the baseline, with the heels 8-12 inches apart.
- With hands on top of each other, palms down, the student places them on measuring line.
- With the legs held flat by a partner, the student slowly reaches forward as far as possible, keeping fingers on the measuring line and feet flexed.
- After three practice tries, the student holds the fourth reach for three seconds while that distance is recorded.

**V-sit Reach Tip**

Participants are most flexible after a warm-up run. Best results may occur immediately after performing the endurance run.

**V-sit Reach Rules**

Legs must remain straight with soles of feet held perpendicular to the floor (feet flexed). Students should be encouraged to reach slowly rather than “bounce” while stretching. Scores, recorded to the nearest half inch, are read as plus scores for reaches beyond baseline, minus scores for reaches behind baseline.

**Sit and Reach Testing**

Here's what you do:
• You’ll need a specially constructed box with a measuring scale marked in centimeters, with 23 centimeters at the level of the feet.

• The student removes shoes and sits on floor with knees fully extended, feet shoulder-width apart and soles of the feet held flat against the end of the box.

• With hands on top of each other, palms down, and legs held flat, student reaches along the measuring line as far as possible. After three practice reaches, the fourth reach is held while the distance is recorded.

**Sit and Reach Tip**

Participants are most flexible after a warm-up run. Best results may occur immediately after performing the endurance run.

**Sit and Reach Rules**

Legs must remain straight, soles of feet against box, and fingertips of both hands should reach evenly along the measuring line. Scores are recorded to the nearest centimeter.
## Physical Fitness: Scores Required for the Athletic Placement Process

**Males**

<table>
<thead>
<tr>
<th>AGE</th>
<th>Curl-Ups # in one minute</th>
<th>Shuttle Run in seconds</th>
<th>V-sit Reach in inches</th>
<th>Sit &amp; Reach in centimeters</th>
<th>1 Mile-Walk/Run min/sec*</th>
<th>Pull-Ups # completed</th>
<th>Right Angle Push-ups # every 3 sec.</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>47</td>
<td>10.0</td>
<td>4.0</td>
<td>31</td>
<td>7:32</td>
<td>6</td>
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<tr>
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<td>4.5</td>
<td>33</td>
<td>6:26</td>
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<td>37</td>
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<tr>
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<td>5.0</td>
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<td>6:20</td>
<td>11</td>
<td>40</td>
</tr>
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</table>

**Females**

<table>
<thead>
<tr>
<th>AGE</th>
<th>Curl-Ups # in one minute</th>
<th>Shuttle Run in seconds</th>
<th>V-sit Reach in inches</th>
<th>Sit &amp; Reach in centimeters</th>
<th>1 Mile-Walk/Run min/sec*</th>
<th>Pull-Ups # completed</th>
<th>Right Angle Push-ups # every 3 sec.</th>
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<tr>
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<td>46</td>
<td>10.2</td>
<td>7.0</td>
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<td>2</td>
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<td>43</td>
<td>8:08</td>
<td>2</td>
<td>20</td>
</tr>
</tbody>
</table>

*For swimming, see next page for alternative 500 yard swim scores.

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1 Upper body strength can be measured by performing pull-ups, or right angle push-ups.

2 Flexibility can be measured by performing the V-sit Reach or the Sit and Reach
ATHLETIC PLACEMENT PROCESS
Physical Fitness Scores
Required for the Athletic Placement Process

SWIMMING

The swimming endurance component of the physical fitness test allows the athlete to choose which endurance test he/she prefers. It will be necessary to choose one: either the one mile run (see Appendix J) or the 500 yard swim.

SWIMMING TIMES REQUIRED FOR 500 YARD SWIM

<table>
<thead>
<tr>
<th>BOYS</th>
<th>500 Yard Swim Time (min:sec)</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEVEL</td>
<td></td>
</tr>
<tr>
<td>Modified</td>
<td>9:15</td>
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<tr>
<td>Freshman</td>
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</tr>
<tr>
<td>Junior Varsity</td>
<td>8:45</td>
</tr>
<tr>
<td>Varsity</td>
<td>8:30</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GIRLS</th>
<th>500 Yard Swim Time (min:sec)</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEVEL</td>
<td></td>
</tr>
<tr>
<td>Modified</td>
<td>10:00</td>
</tr>
<tr>
<td>Freshman</td>
<td>9:45</td>
</tr>
<tr>
<td>Junior Varsity</td>
<td>9:30</td>
</tr>
<tr>
<td>Varsity</td>
<td>9:00</td>
</tr>
</tbody>
</table>
The Board of Education recognizes that concussions and head injuries are commonly reported injuries in children and adolescents who participate in sports and recreational activity and can have serious consequences if not managed carefully. A sports concussion or Mild Traumatic Brain Injury (MTBI), according to the Centers for Disease Control, the American Academy of Neurology and the American Brain Injury Association, is any injury to the brain as a result of traumatic forces such as a direct blow to the head, face, neck or body. Signs and symptoms include but are not limited to loss of consciousness, dizziness, headache, vomiting, blurred vision, amnesia, convulsions and seizures as well as personality changes, short-term memory deficits and difficulties with problem solving and general academic functioning in certain cases. Signs and symptoms can be subtle and may not be readily apparent to the student or other individuals without training or may not be reported by students due to the desire to continue participation and lack of awareness of the effects of concussion. The effects of repeated concussions can be cumulative and, after a concussion, there is a period in which the brain is particularly vulnerable to further injury that can result in severe injury and even death.

Therefore, it is the policy of this District to support the proper evaluation and management of head injuries and concussions, whether as a result of participation in sports (interscholastic athletics and intramurals) and other school-related activities or attendance in school.

It is the further policy of this District that it shall require the immediate removal of a student who shows signs and symptoms of a concussion or who is determined to have suffered a concussion from return to play, practice or participation in physical education classes, recess and other physical activities until (s)he has been evaluated and cleared by a licensed physician and has been symptom free for at least 24 hours and the district receives written, signed authorization from a licensed physician. Any student participating in Interscholastic Athletics must be cleared by the school medical officer to begin the established and recommended “return to play” protocol.

Prior to return to practice or play, or other participation, the School Nurse must receive a written and signed physician’s statement that the student has been asymptomatic for at least 24 hours along with any other notations regarding limitations and restrictions. The note will be kept in the student’s medical file.

**Concussion Management Team**

The District will establish and maintain a concussion management team to oversee the implementation and delivery of the District’s Concussion Management Policy. The team will consist of the Athletic Director, the High School Nurse, a Physical Education Teacher, a coach, the District’s Athletic Trainer and Chief Medical Officer. The team shall oversee the implementation of Section 305(42) Education Law programmatic requirements.

**Training**

All District coaches (including volunteer coaches), physical education teachers, nurses, the Athletic Trainer and the Athletic Director will be required to participate in a course of instruction
regarding the recognition and management of concussions on a biennial basis as required by Section 136.5 of the Commissioner’s Regulations.

The District will annually provide information for parents and students regarding concussions, including but not limited to: (1) the definition of the term “concussion”; (2) signs and symptoms of simple and complex concussions; (3) how these injuries occur; and (4) guidelines for return to school and athletic, physical education or other activity participation after suffering a concussion. This information will be made available on the District website as well as communicated to parents and students, at the start of each sports season, prior to a student’s participation in interscholastic athletics. This information is included as Exhibits 1 and 2 to this policy.

Management
Any student who is believed to have sustained or who has sustained a concussion or other mild traumatic brain injury shall be immediately removed from the athletic or other activity and monitored. If there is any doubt as to whether a student has sustained a concussion, it will be presumed that the student has suffered a concussion until proven otherwise. Emergency Services, 911, should be called if the student with a suspected concussion goes unconscious, has repeated vomiting, severe or worsening headache, seizure activity, slurred speech, unsteady gait, weakness or numbness of extremities, or a clear fluid discharge from either nose or ear, which is a sign of a possible basilar fracture. The student’s parents will be contacted as soon as is practicable with a recommendation for evaluation by a licensed physician and the student shall not be permitted to resume athletic activity until he or she has been symptom free for at least 24 hours, and has been evaluated and has received written and signed authorization from a licensed physician. This authorization shall be kept on file in the student’s permanent health record. The District’s Chief Medical Officer has the final authority to decide whether or not the student may return to practice or play, or other participation.

Reporting
All incidences of concussion or suspected concussion shall be immediately reported by the coach, advisor or other supervising staff member to the Athletic Director and High School Nurse’s office within 24 hours. This person shall complete and file a written incident report no later than the following school day.

If a student sustains a concussion at a time other than when in school or engaged in a school sponsored activity, the District expects the parent/guardian to report the condition to the School Nurse and/or the coach so that the District can support the appropriate management of the condition.

The Superintendent of Schools shall develop regulations and procedures, in collaboration with the Athletic Director and School Physician, to implement this policy.

Original Adoption: February 9, 2010
Update 1, First Reading: July 10, 2012
Update 2, Second Reading: September 11, 2012
Update 2, Adoption Date: September 11, 2012
CONCUSSION MANAGEMENT
REGULATION

Concussions in High School/Middle School Athlete

Since the publication of American Academy of Neurology Guidelines in 1998, there has been new information, which necessitated a change in protocol. The Prague Conference in 2004 has suggested a slower return to play after concussion. The American Academy of Neurology is currently working on new guidelines.

1. A concussion is a disturbance in brain function that occurs following either a blow to the head or as a result of a violent shaking of the head, which results in confusion or loss of consciousness.

2. Common signs and symptoms include the following:

<table>
<thead>
<tr>
<th>Signs Observed:</th>
<th>Symptoms Reported by athlete:</th>
</tr>
</thead>
<tbody>
<tr>
<td>* Appears to be dazed or stunned</td>
<td>* Headache</td>
</tr>
<tr>
<td>* Is confused about assignment</td>
<td>* Nausea</td>
</tr>
<tr>
<td>* Forgets plays</td>
<td>* Balance problems or dizziness</td>
</tr>
<tr>
<td>* Is unsure of game, score, or opponent</td>
<td>* Double or fuzzy vision</td>
</tr>
<tr>
<td>* Moves clumsily</td>
<td>* Sensitivity to light or noise</td>
</tr>
<tr>
<td>* Answers questions slowly</td>
<td>* Feeling sluggish</td>
</tr>
<tr>
<td>* Loses consciousness (even temporarily)</td>
<td>* Feeling “Foggy”</td>
</tr>
<tr>
<td>* Forgets events prior to hit (retrograde amnesia)</td>
<td>* Change in sleep pattern</td>
</tr>
<tr>
<td>* Forgets events after hit (anterograde amnesia)</td>
<td>*Concentration or memory problems</td>
</tr>
</tbody>
</table>

Procedures for Response to Trauma or Injury

Any signs or symptoms (such as headache; neck pain; balance problems or dizziness; nausea; vision/hearing problems; difficulty concentrating, and/or recalling information; confusion, drowsiness; and exaggerated emotional responses, e.g., anger, irritability, crying silliness, that are a result of a trauma or injury will be considered a concussion. Once it has been determined that a student has received a concussion the student will be immediately removed from activity/practice/game. The student should be referred to a physician and the student cannot participate in physical activity until cleared by a physician.

Procedures for a Student’s Return to Physical Activity After Concussion

The student’s doctor must clear the student to return to activity. Athletic trainer will monitor progress toward full activity and refer back to doctor if problems occur. Any student participating in Interscholastic Athletics must be cleared by the school medical officer to begin the established and recommended “return to play” protocol.

No player will return to play until the symptoms of concussion have been resolved completely, both at rest and during exercise.

A graded return to play protocol has been established in accordance with the national Federation of State High School Associations and the International Conference on Concussions in Sports, Prague, 2004. There are six steps, with one step covered each day:
1. No exertional activity until the student is asymptomatic at rest;
2. Light aerobic exercise such as walking or stationary bike, or the like. No resistance training;
3. Light aerobic exercise such as skating, running, or the like. Progressive addition of resistance training may begin;
4. Non-contact training/skill drills;
5. Full contact training in practice setting;
6. Return to competition.

*If any concussion symptoms recur, the athlete should drop back to the previous level and try to progress after 24 hours rest.*

**Management of Concussion**

**Home Care**

Any athlete with a concussion should be instructed to rest, but complete bed rest is not recommended. The athlete should resume normal activities of daily living as tolerated while avoiding activities that potentially increase symptoms.

An athlete should be awakened during the night to check on deteriorating signs and symptoms only if he or she experienced Loss of Consciousness (LOS), had prolonged periods of amnesia, or was still experiencing significant symptoms at bedtime. The purpose of the wake-ups is to check for deteriorating signs and symptoms, which could indicate a more serious head injury.

Oral and written instructions for home care should be given to the athlete and to a responsible adult (e.g., parent or guardian) who will observe and supervise the athlete during the acute phase of the concussion while at home.

**Coach/Athletic Trainer - Sideline Evaluation**

- Obtain detailed history
- Assessment for concussion:
  - Retrograde amnesia
  - Post traumatic amnesia
  - Memory
  - Calculations
  - Monitor at 5 minute intervals or more frequent until the athlete is stable
  - Worsening signs or symptoms may indicate a more serious head injury and requires immediate transfer to an emergency room
  - Emergency Services, 911, should be called if the student with a suspected concussion goes unconscious, has repeated vomiting, severe or worsening headache, seizure activity, slurred speech, unsteady gait, weakness or numbness of extremities, or a clear fluid discharge from either nose or ear, which is a sign of a possible basilar fracture.

*Updated: September 11, 2012*
Concussions: The Invisible Injury
Student and Parent Information Sheet

CONCUSSION DEFINITION

A concussion is a reaction by the brain to a jolt or force that can transmitted to the head by an impact or blow occurring anywhere on the body. Essentially a concussion results from the brain moving back and forth or twisting rapidly inside the skull.

FACTS ABOUT CONCUSSIONS ACCORDING TO THE CENTER FOR DISEASE CONTROL (CDC)

- An estimated 4 million people under age 19 sustain a head injury annually. Of these approximately 52,000 die and 275,000 are hospitalized.
- An estimated 300,000 sports and recreation related concussions occur each year.
- Students who have had at least one concussion are at increased risk for another concussion.

In New York State in 2009, approximately 50,500 children under the age of 19 visited the emergency room for a traumatic brain injury and of those approximately 3,000 were hospitalized.

REQUIREMENTS OF SCHOOL DISTRICTS

Education:
- Each school coach, physical education teacher, nurse, and athletic trainer will have to complete an approved course on concussion management on a biennial basis, starting with the 2012-2013 school year.
  - School coaches and physical education teachers must complete the CDC course. (www.cdc.gov/concussion/HeadsUp/online_training.html)
  - School nurses and certified athletic trainers must complete the concussion course. (http://preventingconcussions.org)

Information:
- Provide concussion management information and sign off with any parental permission form. The NYSPhSAA will provide a pamphlet to member schools on the concussion management information for parents.
- The concussion management and awareness information or the State Education Department’s web site must be made available on the school web site, if one exists.

Removal from athletics:
- Require the immediate removal from athletic activities of any pupil that has or is believed to have sustained a mild traumatic brain injury.
- No pupils will be allowed to resume athletic activity until they have been symptom free for 24 hours and have been evaluated by and received written and signed authorization from a licensed physician. For interscholastic athletics, clearance must come from the school medical director.
  - Such authorization must be kept in the pupil’s permanent health record.
  - Schools shall follow directives issued by the pupil’s treating physician.

SYMPTOMS

Symptoms of a concussion are the result of a temporary change in the brain’s function. In most cases, the symptoms of a concussion generally resolve over a short period of time; however, in some cases, symptoms will last for weeks or longer. Children and adolescents are more susceptible to concussions and take longer than adults to recover.

It is imperative that any student who is suspected of having a concussion is removed from athletic activity (e.g. recess, PE class, sports) and remains out of such activities until evaluated and cleared to return to activity by a physician.

Symptoms include, but are not limited to:
- Decreased or absent memory of events prior to or immediately after the injury, or difficulty retaining new information
- Confusion or appears dazed
- Headache or head pressure
- Loss of consciousness
- Balance difficulties, dizziness, or clumsy movements
- Double or blurry vision
- Sensitivity to light and/or sound
- Nausea, vomiting and/or loss of appetite
- Irritability, sadness or other changes in personality
- Feeling sluggish, foggy or light-headed
- Concentration or focusing problems
- Drowsiness
- Fatigue and/or sleep issues – sleeping more or less than usual

Students who develop any of the following signs, or if signs and symptoms worsen, should be seen and evaluated immediately at the nearest hospital emergency room.

- Headaches that worsen
- Seizures
- Looks drowsy and/or cannot be awakened
- Repeated vomiting
- Slurred speech
- Unable to recognize people or places
- Weakness or numbness in arms or legs, facial drooping
- Unsteady gait
- Change in pupil size in one eye
- Significant irritability
- Any loss of consciousness
- Suspicion for skull fracture: blood draining from ear or clear fluid from the nose
STATE EDUCATION DEPARTMENT’S GUIDANCE FOR CONCUSSION MANAGEMENT

Schools are advised to develop a written concussion management policy. A sample policy is available on the NYSPHSAA website at www.nysphsaa.org. The policy should include:

- A commitment to reduce the risk of head injuries.
- A procedure and treatment plan developed by the district medical director.
- A procedure to ensure proper education for school nurses, certified athletic trainers, physical education teachers, and coaches.
- A procedure for a coordinated communication plan among appropriate staff.
- A procedure for periodic review of the concussion management program.

RETURN TO LEARN and RETURN TO PLAY PROTOCOLS

Cognitive Rest: Activities students should avoid include, but are not limited to, the following:

- Computers and video games
- Television viewing
- Texting
- Reading or writing
- Studying or homework
- Taking a test or completing significant projects
- Loud music
- Bright lights

Students may only be able to attend school for short periods of time. Accommodations may have to be made for missed tests and assignments.

Physical Rest: Activities students should avoid include, but are not limited to, the following:

- Contact and collision
- High speed, intense exercise and/or sports
- High risk for re-injury or impacts
- Any activity that results in an increased heart rate or increased head pressure

Return to Play Protocol once symptom free for 24 hours and cleared by School Medical Director:

Day 1: Low impact, non strenuous, light aerobic activity.

Day 2: Higher impact, higher exertion, moderate aerobic activity. No resistance training.

Day 3: Sport specific non-contact activity. Low resistance weight training with a spotter.

Day 4: Sport specific activity, non-contact drills. Higher resistance weight training with a spotter.

Day 5: Full contact training drills and intense aerobic activity.

Day 6: Return to full activities with clearance from School Medical Director.

Any return of symptoms during the return to play protocol, the student will return to previous day’s activities until symptom free.

CONCUSSION MANAGEMENT TEAM

Schools may, at their discretion, form a concussion management team to implement and monitor the concussion management policy and program. The team could include, but is not limited to, the following:

- Students
- Parents/Guardians
- School Administrators
- Medical Director
- Private Medical Provider
- School Nurse
- Director of Physical Education and/or Athletic Director
- Certified Athletic Trainer
- Physical Education Teacher and/or Coaches
- Classroom Teachers

OTHER RESOURCES

- New York State Education Department
- New York State Public High School Athletic Association www.nysphsaa.org/safety/
- Center for Disease Control and Prevention http://cdc.gov/concussions
- National Federation of High Schools www nfhslearn com – The FREE Concussion Management course does not meet education requirement.
- Local Department of Social Services – New York State Department of Health http://www.health.ny.gov/health_care/medicaid/ldss.htm
- Brain Injury Association of New York State http://www.bianys.org
- Nationwide Children’s Hospital – Concussions in the Classroom http://www.nationwidechildrens.org/concussions-in-the-classroom
- Upstate University Hospital – Concussions in the Classroom http://www.upstate.edu/pmr/healthcare/programs/concussion/classroom.php
- SportsConcussions.org http://www.sportsconcussions.org/ibaseline/
The Concussion Management and Awareness Act will go into effect on July 1, 2012 for all public schools and charter schools. The items listed below are required for school districts to be in compliance with the law. Some of the items are specifically spelled out in the law and others have been recommended by the State Education Department and the Department of Health and approved by the State Board of Regents.

Requirements of School Districts

**Education:**
- Each school coach, physical education teacher, nurse, and athletic trainer will have to complete an approved course on concussion management on a biennial basis, starting with the 2012-2013 school year.
  - School coaches and physical education teachers must complete the CDC course. ([www.cdc.gov/concussion/HeadsUp/online_training.html](http://www.cdc.gov/concussion/HeadsUp/online_training.html))
  - School nurses and certified athletic trainers must complete the concussion course. ([http://preventingconcussions.org](http://preventingconcussions.org))

**Information:**
- Provide concussion management information and sign off with any parental permission form. **The NYSPHSAA will provide a pamphlet to member schools on the concussion management information for parents.**
- The concussion management and awareness information or the State Education Department’s website must be made available on the school website, if one exists.

**Removal from athletics:**
- Require the immediate removal from athletic activities of any pupil that has or is believed to have sustained a mild traumatic brain injury.
- No pupils will be allowed to resume athletic activity until they have been symptom free for 24 hours and have been evaluated by and received written and signed authorization from a licensed physician. For interscholastic athletics, clearance must come from the school medical director.
  - Such authorization must be kept in the pupil’s permanent health record.
  - Schools shall follow directives issued by the pupil’s treating physician.

State Education Department’s Guidance for Concussion Management

- Schools are advised to develop a written concussion management policy. A sample policy is available on the NYSPHSAA website at [www.nysphsaa.org](http://www.nysphsaa.org). The policy should include:
  - A commitment to reduce the risk of head injuries.
  - A procedure and treatment plan developed by the district medical director.
  - A procedure to ensure proper education for school nurses, certified athletic trainers, physical education teachers, and coaches.
  - A procedure for a coordinated communication plan among appropriate staff.
  - A procedure for periodic review of the concussion management program.

- **Post Concussion Management**
  - **Cognitive rest** requires the student avoid participation in, or exposure to, activities that require concentration or mental stimulation.
  - **Physical rest** includes getting adequate sleep, taking frequent rest periods, and avoiding physical activity that requires exertion.
  - **Return to school activities** may begin once a medical provider clears the student and may recommend a graduated return to activities, after the student has been symptom free for 24 hours. For physical activities, please refer to Zurich Guidelines which can be found at [www.nysphsaa.org](http://www.nysphsaa.org).

- Schools may develop a **Concussion Management Team** to help guide and implement the program.
  - The team may include, but is not limited to, students, parents/guardians, school administrators, medical director, private medical provider, school nurse, director of PE, certified athletic trainer, physical education teachers, coaches, and regular education teachers.
Dear Parent/Guardian:

Your son/daughter has been assessed to have signs and symptoms of a concussion. A concussion is an injury to the brain. There may be one or several signs or symptoms associated with concussion. A headache, for example, when caused through direct force or whiplash type trauma is considered a positive symptom of concussion. There may also be cognitive, emotional or physical signs as well (see attached).

Research has also shown that concussions may be more severe or tend to have greater symptoms which last longer in adolescents than their adult counterparts. The brain of a child has not completely matured and neural connections continue to take place.

In all cases the Hampton Bays School District requires that a physician evaluate your child within the first 24 hours of injury. Afterward, and AFTER CLEARANCE from your physician, a stepwise progression will be followed to ensure your child’s safe return to play.

The first step is COMPLETE REST. NO physical activity and minimal cognitive activity is essential. This means avoid being overly stimulated such as at a party, loud music/TV, texting, video games, movie theater etc. This may also include school/homework, if the physician recommends so. This is a brain injury, and as with ankle sprains or muscle strains, the brain needs to rest for a while.

The goal is to become asymptomatic (without symptoms) for a 24-hour period. Instruct your child to come to my office after school EVERYDAY to be assessed. After being asymptomatic for 24 hours, then a progression of light exercise to more strenuous exercise will commence. With each step, your child must remain symptom free, otherwise he/she will repeat the previous step. This process will be followed to insure the safety of your son/daughter before returning to game play.

If you have any questions regarding this protocol, please feel free to contact me at Hampton Bays High School between 2:30pm and 6:00pm or call me at 723-2110 ext. 3401 (office) or 631-786-2234 (cell).

When you see your physician, please provide him/her written permission to allow me to speak to him/her about your child’s injury.

Thank you for your cooperation in adhering to our Concussion Management Policy to make certain that our students remain safe and healthy during their school or athletic experiences.

Sincerely,

Dominick DeStefano, ATC
Head Athletic Trainer
Estimado Padre/Tutor:

Su hijo/hija tiene indicios de presentar signos y síntomas de una conmoción cerebral. Una conmoción cerebral es una lesión al cerebro. Puede haber uno o varios signos o síntomas asociados con una conmoción cerebral. Un dolor de cabeza, por ejemplo, cuando es causado por trauma directo de tipo de fuerza o latigazo es considerado un síntoma positivo de conmoción cerebral. También se pueden presentar signos cognitivos, emocionales o físicos (ver adjunto).

Investigaciones también han demostrado que las concusiones pueden ser más graves o tienden a tener más síntomas durando más en adolescentes que sus homólogos adultos. El cerebro de un joven no ha madurado completamente y conexiones neuronales continúan produciéndose.

En todos los casos, el Distrito Escolar de Hampton Bays requiere que un médico evalúe a su hijo durante las primeras 24 horas de las lesiones. Posteriormente y tras la aprobación de su médico, se seguirá una progresión paso a paso para garantizar el retorno seguro de su hijo al deporte.

El primer paso es reposo absoluto. NINGUNA actividad física y mínima actividad cognitiva es esencial. Esto significa evitar ser demasiado estimulado sensorial como se presenta en el partido, música o TV fuerte, mensajes de texto, videojuegos, cine, etc. Esto también puede incluir tareas, si el médico lo recomienda. Se trata de una lesión cerebral, y como con esguinces de tobillo o cepas de músculo, el cerebro necesita descansar un rato.

El objetivo es ser asintomático (sin síntomas) durante un período de 24 horas. Indiquele a su hijo que debe venir a mi oficina después de la escuela todos los días para ser evaluado. Después de ser asintomático durante 24 horas, luego se iniciará una progresión de ejercicio ligero al ejercicio más vigoroso. Con cada paso, su hijo debe permanecer asintomático, de lo contrario se debe repetir el paso anterior. Este proceso se seguirá para garantizar la seguridad de su hijo antes de regresar al juego.

Si tiene alguna pregunta acerca de este protocolo, no dude en contactarme en la Escuela Secundaria de Hampton Bays entre las 2:30 p.m. y 6:00 p.m. o puede llamarme al 723-2110 ext 3401 (Oficina) o al 631-786-2234 (celular).

Cuando consulte a su médico, por favor proporcione el permiso por escrito que me permita hablar con él/ella acerca de las lesiones de su hijo.

Gracias por su cooperación en el cumplimiento de nuestra política de gestión de la conmoción cerebral para asegurarnos que nuestros estudiantes permanezcan seguros y saludables durante su escuela o experiencias atléticas.

Atentamente,

Dominick DeStefano, ATC
Head Athletic Trainer
Hampton Bays Union Free School District  
Physician Evaluation

| Name: ________________________________ | Grade: ______ | Age: ______ |
| Date of First Evaluation: ____________ | Time of Evaluation: ____________ |
| Date of Second Evaluation: ____________ | Time of Evaluation: ____________ |

**Symptoms Observed:**

<table>
<thead>
<tr>
<th>First Doctor Visit</th>
<th>Second Doctor Visit (if needed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dizziness</td>
<td>YES</td>
</tr>
<tr>
<td>Headache</td>
<td>YES</td>
</tr>
<tr>
<td>Tinnitus</td>
<td>YES</td>
</tr>
<tr>
<td>Nausea</td>
<td>YES</td>
</tr>
<tr>
<td>Fatigue</td>
<td>YES</td>
</tr>
<tr>
<td>Drowsy/Sleepy</td>
<td>YES</td>
</tr>
<tr>
<td>Sensitivity to Light</td>
<td>YES</td>
</tr>
<tr>
<td>Sensitivity to Noise</td>
<td>YES</td>
</tr>
<tr>
<td>Anterograde Amnesia</td>
<td>YES</td>
</tr>
</tbody>
</table>

*(after impact)*

| Retrograde Amnesia | YES | NO | YES | NO |

*(backwards in time from impact)*

**Please indicate yes or no in the columns. First doctor uses Column 1 and Chief School Medical Officer uses column 2 if needed.**

**First Doctor Visit:**

Did the athlete sustain a concussion? (YES or NO) (Please circle one or the other)

**Post-dated release will not be accepted. The athlete must be seen and released on the same day.**

Please note if there is a history of previous concussion, then referral for professional management by a specialist or concussion clinic should strongly be considered.

**Additional Findings/Comments:** ____________________________________________________________________________________

**Recommendations/Limitations:** ____________________________________________________________________________________

**Signature:** ___________________________ **Date:** ___________________________

Print or stamp name: ___________________________ **Phone Number:** ___________________________

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This section to be completed by the Hampton Bays Chief Medical Officer Only

*** Athlete must be completely symptom free in order to begin the return to play progression. If athlete still has symptoms more than seven days after injury, referral to a concussion specialist/clinic should be strongly considered. Please check one of the following:  

- [ ] Athlete is asymptomatic and is ready to begin the return to play progression  
- [ ] Athlete is still symptomatic and should be withheld from activities

**Signature:** ___________________________ **Print Name:** ___________________________ **Date:** ________________

Chief School Medical Officer
Board of Education

Dot Capuano
Anne Culhane
Richard Joslin
Liz Scully
Kevin Springer

Lars Clemensen
Superintendent of Schools

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Addendum Athletic Contract (5300.R)
DISTRICT CODE OF CONDUCT

5300.05 INTRODUCTION

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

The District believes that order and discipline must be a shared responsibility between school, home and community. This Code of Conduct was developed in collaboration with student, teacher, administrator and parent organizations, school safety personnel and other Board-approved school personnel. Finally, it is our belief that, to be effective, such a code must:

- Identify, recognize and emphasize acceptable behavior;
- Identify, recognize and prevent unacceptable behavior;
- Promote self-discipline;
- Consider the welfare of the individual as well as that of the whole school community;
- Promote a close working relationship between parents/guardians and the school staff;
- Distinguish minor and serious offenses, as well as first time and repeated offenses;
- Provide disciplinary responses that are appropriate to the misbehavior;
- Outline procedures to ensure fair, firm, reasonable, and consistent administration;
- Encourage a high regard for every person’s right to reasonable hearing procedures and due process when accused of misconduct;
- Comply with the provisions of federal, state and local laws, as well as the guidelines and directives of the New York State Department of Education, and the Board of Regents.

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

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

Disciplinary measures available to the administration of each school building include conferences, detention, in-school suspension, out-of-school suspension and administrative hearings with the designated hearing officer. Administrative hearings can result in out-of-school suspensions of more than five days and, in particularly serious cases, a student may be permanently suspended from school.
5300.10 DEFINITIONS
For the purposes of this Code, the following definitions apply:

Disruptive Student - 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.

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

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

School Property - in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus as defined in §142 of the New York State Vehicle and Traffic Law and Education Law §11[1].

School Function - any school sponsored activity.

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

Violent Student - a student under the age of 21 who:
• Commits an act of violence upon a school employee, or attempts to do so.
• Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
• Possesses, while on school property or at a school function, a weapon.
• Displays, while on school property or at a school function, what appears to be a weapon.
• Threatens, while on school property or at a school function, to use a weapon.
• Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
• Knowingly and intentionally damages or destroys school district property.

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

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

The right to a free public school education extends to all students, including those with disabilities. However, this right is not unconditional. As long as due process of law requirements are met, a student may be removed from the classroom, suspended temporarily or suspended permanently from school. Only students within the compulsory education ages (age six through the school year in which the student turns 16) are entitled to alternative, equivalent instruction following suspension. In addition, there shall be an Athletic Contract to which all student-athletes are bound, the terms of which shall be developed and set for as a regulation to this policy, 5300-R.

Rights of Students

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

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

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

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

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

3. **Student Activities** - All pupils shall enjoy equal access to the extent of their capabilities for participation in the various extra-curricular and co-curricular activities sponsored by the
School District. The privilege of participating in such activities shall be conditioned upon appropriate conduct as established by the student code of conduct and any rules promulgated specifically for participation in extra and/or co-curricular activities.

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

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

6. **Privacy Rights [Search and Seizure]** - Students in attendance in our public schools are protected against illegal or unreasonable personal searches or seizures of their property by both the federal and state constitutions. In light of these protections, no student’s person or property shall be searched for illegal substances or materials unless the school authorities conducting the search have reasonable suspicion to do so. Lockers, desks, or other storage devices assigned to students may be subject to inspection at any time by school officials since such places are not the property of the student, but rather are owned by the School District and shared with the student. School officials may search these areas at any time without prior notice or consent. Teachers and administrators are authorized to confiscate student cell phones that are being used in violation of the code of conduct and/or policy 5695, Student Use of Electronic Devices. Teachers and administrators are permitted to look at the screen of the cell phone and can request the student’s cooperation to search the cell phone further. Without a student’s permission, teachers and administrators should not undertake a more extensive search until conferring with the Superintendent or school attorney for guidance.

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

8. **Student Grievances and Complaints** - If a student has a grievance or a complaint about a school-related matter, a school employee or other school official, s/he may submit it, in writing, to the Principal of the school who shall respond within ten (10) school days with a written answer or proposed resolution. Grievances or complaints may be appealed in writing to the Superintendent of Schools if the Principal’s answer or proposed resolution is not deemed satisfactory by the student. The Superintendent of Schools shall respond to all
grievances and complaints within a reasonable period of time following receipt of the written appeal document.

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

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

**5300.20 ESSENTIAL PARTNERS**

**The Role of Parents**
A cooperative relationship between home and school is essential to each student’s successful development and achievements. To achieve this wholesome relationship, parents are urged:

- To recognize that the education of their child(ren) is a joint responsibility of the parent and the school community and to collaborate with the district to optimize their child(ren)’s educational opportunities;
- To show an enthusiastic and supportive attitude toward school and education;
- To build a good working relationship between themselves and their child;
- To teach their child self-respect, respect for the law, respect for others and for public property;
- To insist on prompt and regular attendance and only excusable absences;
- To listen to the views and observations of all parties concerned;
- To recognize that teachers merit the same consideration and respect that parents expect from their child;
- To encourage their child to take pride in his/her appearance, consistent with the rules of dress and grooming;
- To insist that their child promptly bring home all communications from school;
To cooperate with the school in jointly resolving any school related problem;
To set realistic standards of behavior for their child and resolve to remain firm and consistent;
To help their child learn to deal effectively with negative peer pressure;
To provide a place conducive for study and completion of homework assignments;
To demonstrate desirable standards of behavior through personal example;
To foster a feeling of pride in their child for their school;
To provide support and positive reinforcement to their child.
To inform the school of changes in the home situation that may affect student conduct or performance.

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

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

- Promote a climate of mutual respect and dignity, which will strengthen each student’s positive self-image;
- Teach the common courtesies by precept and example;
- Treat students in an ethical and responsible manner;
- Help students to reach their maximum potential;
- Demonstrate desirable standards of behavior through personal example;
- Report violations of the Code of Conduct to the Building Principal or acting building principal;
- Immediately report and refer violent students to the Principal or superintendent of schools.

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

- Promote a climate of mutual respect and dignity, which will strengthen each student’s positive self-image;
- Plan and conduct a product of instruction that will make learning challenging and stimulating;
- Recognize that some disciplinary problems are caused by a students’ personal and academic frustrations;
- Utilize classroom routines, which contribute to the total instructional program and to the student’s development of civic responsibility;
- Seek to develop close cooperative relationships with parents for the educational benefit of the student;
- Distinguish between minor student misconduct best handled by the teacher and major problems requiring the assistance of the administrator;
- Teach the common courtesies by precept and example;
- Handle individual infractions privately and avoid punishing the group for the misbehavior of one or two;
- Help students cope with negative peer pressure;
- Identify changing student behavior patterns and notify appropriate personnel;
- Enable students to discuss their problems with them;
- Send communications home promptly;
- Report to the Principal any student who jeopardizes his/her own safety, the safety of others or of the teacher, or who seriously interferes with the instructional program of the classroom;
- Treat students in an ethical and responsible manner;
- Help students to reach their maximum potential;
- Serve as a surrogate parent in matters of behavior and discipline in accordance with New York State School Law;
- Explain and interpret the discipline code to students;
- Enforce the code in all areas of the school;
- Demonstrate desirable standards of behavior through personal example;
- Know the support services available to students and refer students who are in need of such services;
- Comply with state and federal educational law regarding confidentiality, corporal punishment and mandated reporting of suspected child abuse;
- In the event of removal from class, inform the student and the Principal of the reason for the removal;
- Immediately report and refer violent students to the Principal or superintendent of schools.

**The Role of Building Administrators**

As the educational leaders of the school, the Principal and his/her assistant(s) set the disciplinary climate for the school, not only for students, but for staff as well. Therefore, they must:

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

The Role of District Administrators
As the educational leaders of the school system, the Superintendent of Schools and central administrators must:

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

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

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

5300.25 VISITORS TO SCHOOLS
The Board recognizes that the success of the school program depends, in part, on the support by the larger community. The Board wishes to foster a positive climate where members of the community have the opportunity to observe the hard work and accomplishments of the students, teachers, and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The Principal or his/her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors in the schools:

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

5300.30 CONDUCT ON SCHOOL PROPERTY
The Board of Education recognizes that the primary purpose of the School District is to provide a superior atmosphere for learning and education. Any action by an individual or group(s) aimed at disrupting, interfering with or delaying the education process or having such effect, is prohibited. The Board also recognizes its responsibility to protect school property and declares its intent to take any and all legal action to prevent its damage or destruction. The Board will also seek restitution from, and prosecution of, any person or persons who willfully damage school property.

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

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

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

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

A. Engage in conduct that is disorderly. Examples include, but are not limited to:
   1. Running in hallways.
   3. Using language or gestures that are profane, lewd, vulgar or abusive.
   4. Obstructing vehicular or pedestrian traffic.
   5. Engaging in a willful act that disrupts the normal operation of the school community.
   6. Trespassing. Students are not permitted in school buildings, other than the one they regularly attend, without permission from the administrator in charge of the building.
7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district’s acceptable use policy.

B. Engage in conduct that is insubordinate. Examples include, but are not limited to:
   1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
   2. Lateness for, missing or leaving school without permission.
   3. Skipping detention.

C. Engage in conduct that is disruptive. Examples include, but are not limited to:
   1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students.
   2. Inappropriate public sexual contact.
   3. Display or use of personal electronic devices, such as, but not limited to, cell phones, I-pods, digital cameras, in a manner that is in violation of district policy.
   4. Disruption to the orderly conduct of classes, school programs, or other activities.

D. Engage in conduct that is violent. Examples include, but are not limited to:
   1. Committing an act of violence, as defined, upon a teacher, administrator or other school employee or attempting to do so.
   2. Committing an act of violence, as defined, upon another student or any other person lawfully on school property or attempting to do so.
   3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
   4. Displaying what appears to be a weapon.
   5. Threatening to use any weapon.
   6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
   7. Intentionally damaging or destroying school district property.

E. Engage in any conduct that endangers the safety, physical or mental health or welfare of others. Examples include, but are not limited to:
   1. Subjecting other students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct that creates a substantial risk of physical injury.
   2. Stealing or attempting to steal the property of other students, school personnel or any other person lawfully on school property or attending a school function.
   3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
   4. Discrimination, which includes using race, color, creed, national origin, ethnic group, religion, religious practice, sex, gender (identity and expression), sexual orientation, weight or disability to deny rights, equitable treatment or access to facilities available to others.
5. Harassment, which includes a sufficiently severe action or persistent pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be, or which a reasonable person would perceive as ridiculing or demeaning. Harassment is also the creation of a hostile environment (Reference Policy 0115).

6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.

7. Bullying, which may be a hostile activity that harms or induces fear through the threat of further aggression and/or creates terror. (Reference Policy 0115)

8. Hazing, which includes an induction, initiation or membership process involving harassment (Reference Policy 0115).

9. Selling, using, distributing or possessing obscene material.

10. Using vulgar or abusive language, cursing or swearing.

11. Smoking a cigarette, cigar, pipe, electronic cigarette or using chewing or smokeless tobacco.

12. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. Illegal substances shall be referred to as alcohol/drugs and include, but not be limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."

13. Inappropriately using or sharing prescription and over-the-counter drugs.


15. Indecent exposure – lewd exposure of private parts of the body.

16. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

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

G. Engage in any form of academic misconduct. Examples include, but are not limited to:
   1. Plagiarism
   2. Cheating
   3. Copying
   4. Altering records
   5. Assisting another student in any of the above actions

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

- If a licensee or invitee, his/her authorization to remain upon the grounds or other property shall be withdrawn and s/he shall be directed to leave the premises. In the event of failure to do so, s/he shall be subject to ejection.
- If trespasser or visitor without specific license or invitation, s/he shall be subject to ejection and/or arrest.
• If s/he is a student, s/he shall be subject to disciplinary action as the facts of the case may warrant, as prescribed by §3214 of the Education Law and this Student Code of Conduct.
• If a faculty member, s/he shall be subject to disciplinary action in accordance with Education Law and the collectively negotiated agreement.
• If a staff member in the classified service of the civil service, described in §75 of the Civil Service Law, s/he shall be guilty of misconduct and subject to the penalties and procedures prescribed in said section and be subject to ejection.
• If a staff member other than one described above, s/he shall be subject to discipline in accordance with law and any applicable collectively negotiated agreement.

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

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

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

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

This code and the penalties set forth herein are not considered to be inclusive or to preclude in any way the prosecution and conviction of any person for the violation of any federal or state law or local ordinance and the imposition of a fine or penalty provided for therein.

5300.35 OFF-CAMPUS MISCONDUCT
A student may be subject to discipline for conduct constituting a crime which is committed off of school premises or at non-school sponsored activities to the extent that the School Administration and/or Board of Education believes that the continued attendance in school of the student would adversely affect the education process (e.g. disrupts the operation of the school) or constitutes an endangerment to the health, safety, welfare or morals of the student and/or others in ours schools. A student may be subjected to discipline for off-campus misconduct that does not involve criminality that the School Administration and/or the Board of Education believes has a nexus to the educational process (e. g. student-student, student-personnel, interactions that foreseeably would have a detrimental or disruptive effect upon School program or activities. Examples of such
misconduct include, but are not limited to cyberbullying (i.e., inflicting willful and repeated harm through the use of electronic medium) or fighting.

5300.40 DRESS AND GROOMING
Students are expected to dress and groom themselves in an appropriate manner. Students must be dressed in appropriate clothing and protective equipment as required for physical education classes, participation in athletics, science laboratories and family and consumer science classes.

The following are considered to be inappropriate dress, grooming and appearance and are prohibited in school or at school functions:

- Any dress or appearance which constitutes a threat or danger to the health and safety of students (e.g., heavy jewelry or jewelry with spikes which can injure the student or others);
- Any dress or appearance which is vulgar, lewd, obscene or indecent or profane or which exposes to sight the private parts of the body (e.g., t-Shirts with a phallic symbol and messages consisting of sexual metaphors; see-through garments, extremely plunging necklines or waistlines);
- Any dress or appearance which encourages or advocates the use of illegal drugs, alcohol and/or tobacco;
- Any dress or appearance which advocates or encourages other illegal or violent activities;
- Any dress or appearance which advocates discrimination or denigrates others based upon race, color, creed, religion, national origin, gender, sexual orientation or disability;
- The wearing of hats in the classroom as they are a sign of disrespect (unless worn for religious or medical reasons);
- Any dress or appearance that constitutes a disruption to the educational process.

5300.45 COMPUTER AND INTERNET USE
The following prohibited use of District-owned computer drives, network facilities and Internet links may give rise to disciplinary action against users of such equipment and/or facilities:

- E-mail or interaction on a Social Networking site originating from the school premises or received at the school premises that a student user creates that:
  - Is lewd, vulgar, obscene, indecent or inappropriate for student recipients of certain ages;
  - Conveys an imminent threat of violence, including sexual violence, to a specific individual or individuals;
  - Constitutes a state and/or federal crime;
  - Is the cause of or a substantial contributing factor to a substantial interference with the orderly functioning of the school(s);
  - Attributes the text of e-mail to school officials or that the text is school endorsed, unless there is such official endorsement or consent from school officials.

- Internet use that circumvents access restrictions placed upon the District’s computer systems by the Board of Education or its administrative designee(s).
- Computer and/or Internet use that is not school related or is unauthorized.
• Permitting the use of a student’s computer access code by any other person and such student shall assume responsibility for occurrences in violation of this code of conduct that occurs under the student’s access code number.

5300.50 REPORTING VIOLATIONS

To School District Personnel
Students, teachers and other District personnel are encouraged to report any violation of the Code of Conduct to the Building Principal or, in his/her absence, the Acting Building Principal.

Teachers and other District personnel shall immediately report violent students to the Building Principal or Superintendent of Schools.

To Local Law Enforcement Agencies
The District will report any acts of violence against persons that constitute a felony or misdemeanor and other violations of the Code of Conduct which constitute a felony to the appropriate local law enforcement agency when the actor is over the age of 16. When necessary, the District will file a complaint in criminal court against the actor.

To Human Services Agencies
The District will report any violations of the Code of Conduct that constitute a crime when the actor is under the age of 16 to the appropriate human services agencies. When necessary, the District will file a juvenile delinquency petition or a person in need of supervision (PINS) petition in Family Court.

5300.55 DISCIPLINARY PENALTIES, PROCEDURES, & REFERRALS

Removal of a Student from the Classroom
The School District has determined that certain acts of misconduct interfere with instruction and/or the safety and welfare of students and staff. Although some incidents of misconduct may require removal from the classroom or suspension from school, effort will be made to deal with misconduct without removal from the classroom or suspension from school. This is in keeping with the District goal of avoiding consequences that interrupt or interfere with learning. However, no child will be allowed to continue disrupting the instruction of the class or interfering with the safety of the school, its staff, students and visitors.

Teachers shall have the authority to remove a student from their classrooms whenever the student substantially disrupts the educational process or substantially interferes with the teacher’s authority over the classroom. “Substantially disruptive” shall mean that the course of instruction has to be discontinued more than momentarily such that it breaks the continuity of the lesson, to address the disruptive conduct of the student. “Substantially interferes” with the teacher’s authority over the classroom shall mean that the student has been insubordinate to the teacher in the presence of the class and has failed to obey the teacher’s directives to cease and desist (e.g., at least two directives). A teacher may remove a student for the remainder of the class upon the first event and for two days of class upon the second or third event. Upon the occurrence of a fourth event, a Principal’s suspension shall occur.
Notwithstanding the above, in light of circumstances that warrant suspension, a Principal’s suspension for substantially disruptive behavior may be implemented in addition to or in lieu of removal of the student from the classroom by the teacher. Once the teacher determines that the student has been substantially disruptive or substantially interferes with the teacher’s authority over the classroom:

- The teacher must confront the student in class (or within 24 hours of removal where the student is unmanageable at the time of initial removal) to inform the student of the reason(s) for the removal;
- Prior to removal from the classroom (or within 24 hours of removal where the student presents an ongoing threat of disruption or a continuing danger at the time of removal), the teacher shall inform the student of the basis for the removal and allow the student to informally present his/her version of the relevant events;
- The Building Principal or designee must be notified immediately, in writing, by the teacher of the student’s removal from the teacher’s class;
- The Building Principal or designee must inform the student’s parent of the removal and the reasons therefore within 24 hours of the student’s removal;
- Upon request, the student and his/her parent must be given an opportunity for an informal conference with the Principal or designee to discuss the reasons for removal. If the student denies the charge(s), the Principal must provide an explanation of the basis for the removal and allow the student and/or his/her parent an opportunity to present the student’s version of the relevant events within 48 hours of the student’s removal.
- The Principal or designee may not set aside the removal unless s/he finds that the charges against the student are not supported by substantial evidence or the student’s removal otherwise violates law or the conduct warrants suspension from school and a suspension will be imposed.
- The determination on whether or not to support the teacher’s removal of the student shall be made by the close of business on the day succeeding the 48-hour period for the informal Principal’s removal conference. The teacher who causes the removal may be required to attend the Principal’s conference at the Principal’s discretion.

The District shall provide continued educational programming and activities for students who are removed from their classrooms.

An appeal brought by the parent or student over the age of 18 of a Principal’s removal decision must presented to the Superintendent of Schools prior to any further appeal.

**Student Suspension Process**

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

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

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

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

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

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

Any appeal brought by the parent or student over the age of 18 of a Principal’s suspension must be presented to the Board of Education prior to filing any further appeal and shall follow the same appeals timeline as found in Clause E of this section, “Appeals Process.”

**C. The Long-term Suspension Process: Suspension for More than Five Days**
Any suspension from school in excess of five school days shall be considered a long-term suspension. Unless there is an agreement between the person requesting the suspension and
the parent, a long-term suspension may be done only after the Superintendent of Schools or the Board of Education has conducted a hearing.

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

D. Hearing Procedures

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

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

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

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

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

The Hearing Officer shall inform the parties:
That the case will proceed by having the District present its evidence through witnesses and other evidence first;
That the District’s witnesses shall be subject to cross-examination by the student’s representative; and
That the student will then have the opportunity to present witnesses on his/her behalf, subject to cross-examination by the District’s representative.

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

In the event that one or more of the charges is sustained, the Hearing Officer shall then entertain statements from the parties regarding the appropriate penalty outcome. In the event that the parent and/or the student, in an appropriate case, have been served with a copy of the student’s past disciplinary anecdotal record in a timely fashion (at least 48 hours before the hearing), for consideration at the hearing, such record may be considered by the Hearing Officer in determining an appropriate penalty. The incidents contained within the past anecdotal record shall be subject to proof to the extent that they are denied by the student, as expressed by the student’s representative.

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

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

E. Appeals Process
The decision of the Superintendent with respect to the findings of fact sustaining charges in a long-term suspension hearing and/or penalty determination shall be subject to appeal [or may be appealed] to the Board of Education. The Board shall review the record of the proceedings before the Superintendent or his/her designated Hearing Officer, including a review of the transcript of the proceedings, documentary evidence and written arguments of the representatives of the respective parties, if any. The Board does not provide the representatives of the respective parties with the opportunity either to present evidence not previously in the record or to make arguments in person before the Board.
In the event that the initial long-term suspension hearing was conducted by the Board or its designated Hearing Officer, or where the Board has ruled on an appeal from a Superintendent’s long-term suspension hearing, the matter may be further appealed.

5300.60 DISCIPLINARY MEASURES
The following constitutes appropriate disciplinary measures authorized by the Code of Conduct:

1. Warnings (oral or written)
2. Detention – teacher, administrator, lunch
3. Parent Notification
4. Police Notification with potential charges filed
5. Social Worker/Guidance Intervention
6. In-School Suspension
7. In-School Suspension and Administrative Detention
8. OSS (1-5 days) or OSS (+5 days with Superintendents Hearing)
9. Suspension of privileges
10. Financial restitution
11. Application of appropriate Board of Education policies
12. Required change of clothes and/or cover up
13. Suspension from school functions

NOTE: The repeating of an infraction may lead to the imposition of the next measure of discipline. Chronic repetition may lead to long-term or permanent suspension. A plain language summary is found at the end of this Policy.

5300.65 ALTERNATIVE INSTRUCTION
Pursuant to the Education Law, no student shall be suspended from school in his/her regularly scheduled classes without being provided alternative equivalent instruction, either in the form of home instruction or instruction in an alternative setting. Such instruction shall be of an equivalent nature to that provided in the student’s regularly scheduled classes. A good faith effort shall be made to provide such alternative instruction immediately. Home instruction is defined as two hours of instruction per required subject area.

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

5300.70 SUSPENSION FROM TRANSPORTATION SERVICES
Students may be suspended from transportation services for an infraction or infractions listed herein upon the conducting of an informal hearing by the Superintendent of Schools or his/her designee, at which time the student’s parent/guardian or other representative shall be allowed to confront the witnesses relied upon by the District in determining the appropriateness of such suspension of service. If such informal hearing is conducted before the Superintendent’s designee, the designee shall make a recommendation to the Superintendent as to the action to be taken.
5300.75 SUSPENSION FROM EXTRA-CURRICULAR AND CO-CURRICULAR ACTIVITIES AND SCHOOL FUNCTIONS

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

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

5300.80 DISCIPLINE OF STUDENTS WITH DISABILITIES

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

Section 504/Title II ADA Disability

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

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

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

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

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

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

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

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

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

Any penalty imposed may not be based on past behavior for which a nexus determination was not made. The School District must continue to provide a free appropriate public education to students who have been suspended from school.

Suspensions Beyond Ten (10) School Days

A student with a disability or suspected disability founded solely under §504/Title II of the ADA may not be suspended for more than 10 school days unless the §504 Committee has conducted a nexus determination and found that the behavior underlying the disciplinary charges were not a manifestation of the student’s disability. A student classified as deemed to be known as having an educational disability under IDEA may not be suspended for more than 10 school days unless:

1. The CSE has made a determination that the student’s misconduct was not related to the student’s disability;
2. The School District obtains a court order authorizing the suspension;
3. The disciplinary charges involve the carrying of a weapon to school or a school function or the knowing possession, use or sale of illegal drugs at school or a school function;
4. The parent or student 18 years of age or older gives their consent, in writing.

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

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

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

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

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

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

2. It is up to the CSE to determine what would constitute an interim alternative educational setting that would meet the requirements of the student’s IEP and enable the student to participate in the general curriculum (although in another setting). The exception allowed for the suspension/removal of students with educational disabilities for up to 45 days for conduct involving weapons and/or drugs does not apply to students whose disabilities are founded solely upon §504/Title II ADA.

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

Dangerous Students
To continue the suspension of a student classified or deemed to be known as having an educational disability under IDEA for more than 10 school days, the School District may initiate a hearing before a special education impartial hearing officer who can order the placement of the student in an interim alternative setting for up to 45 days.
1. The CSE must conduct a nexus determination within 10 school days of the initial disciplinary action. Placement in an interim alternative educational setting as a result of dangerous behavior is not contingent upon a CSE determination that the misconduct is not related to the student’s disability.

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

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

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

**Declassified Students**

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

**5300.85 CORPORAL PUNISHMENT**

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any District employee is strictly prohibited. The District will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner’s Regulations.

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

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

**5300.90 DISSEMINATION AND REVIEW**

**Dissemination of Code of Conduct**

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

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

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the code of conduct. The Superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. On-going professional development will be included in the district’s professional development plan, as needed.

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

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

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

Original, Adoption Date: August 11, 2009
Update 1, Adoption Date: September 14, 2010
Update 2, Adoption Date: August 16, 2011
Update 3, Adoption Date: September 11, 2012
Update 4, Adoption Date: August 13, 2013
Update 5, Adoption Date: August 12, 2014
Update 6, Adoption Date: August 25, 2015

Reference:
Education Law §§1708; 2801; 3214
8 NYCRR §100.2(l)(3)
Rules of the Board of Regents §19.5
Matter of O’Conner v. Bd. of Ed., 65 Misc. 2d 40, 43 (due process)
Appeal of Alexander, 36 EDR 160 (1996) (counseling)
Matter of Troy R., 29 EDR 424 (1990) (automatic penalties)
Appeal of Ward, 27 EDR 217 (1988) (indefinite suspension)
Appeal of Wood, 27 EDR 92 (1987) (suspension beyond school year)
Matter of Clark, 21 EDR 542 (1982) (extracurricular activities)
Matter of Labriola, 20 EDR 74 (1980) (excessive penalty)
Matter of Roach, 19 EDR 377 (1980) (transportation; contingent suspensions)
Matter of Caulfield, 18 EDR 574 (1979) (suspension from classes)
Matter of Wright, 18 EDR 432 (1978) (formal due process)
Matter of Macheski, 13 EDR 112 (1973) (suspension by a principal)
Matter of DeVore, 11 EDR 296 (1972) (insufficient basis for discipline)
Matter of Port, 9 EDR 107 (1970) (informal due process)
In Re Ronald B., 61 AD2d 204 (1978)  People v. Haskins, 48 AD2d 480 (1975)
People v. Overton, 24 NY2d 522 (1967)
Opinion of Counsel, 1 EDR 800 (1959)  Opinion of Counsel, 1 EDR 766 (1952)
M.M. v. Anker, 477 F.Supp. 837, aff’d. 607 F.2d 589 (2d Cir. 1979)
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| Driving Violation | Approved HS students only: Speeding/reckless driving on school grounds, or failure to follow crossing guard's directives.  
**NOTE:** 5 MPH Speed limit on school property |
| Drug/alcohol possession or use | The possession, use or being under the influence of drugs or alcohol on school grounds or at school functions, on or off campus, or the possession of drug paraphernalia. |
| Drug/alcohol distribution or sale | When a student buys, sells, exchanges, gives or disburses drugs or alcohol to another or offers or agrees to do the same |
| Eating/Drinking | Eating and/or drinking is only permitted in the cafeteria during lunch periods and in the classroom, at teacher discretion only. |
| Electronic Devices | Students are not permitted to use or possess any of these devices during the instructional day. |
| False activation of alarm | Falsey activating fire alarm, bomb threat or other disaster alarm |
| Fighting | Aggressive, physical interaction |
| Forgery/Fraud | Willful misleading of school authority |
| Harassment/Bullying/Discrimination/Defamation | Violation of human rights |
| Horseplay | Non-aggressive physical interaction |
| Inappropriate Dress/Clothing | Any clothing or apparel which: is dangerous or a health hazard (no outerwear shall be worn during the school day); contains offensive or obscene symbols, signs, slogans or words denigrating any person's race, color, religion, ancestry, national origin, disability, gender or sexual orientation; contains language or symbols oriented toward violence, sex, drugs, alcohol, tobacco or vandalism. Any attire or grooming disruptive to the instructional process which may include, but is not limited to: bare midriffs, halter-tops, tube tops and any clothes insufficient to conceal undergarments at all times; short shorts, short skirts, dresses or pants that are tight or revealing; bare feet; hats, head covering, sun visors (except in common areas and the cafeteria during lunch periods); chains, dog collars, hanging chains and spikes. |
| In-School Suspension Violation | When a student violates In-School suspension requirements |
| Insubordination | Refusal to obey a reasonable request from any staff member, bus driver, food service worker, or an adult working in an official capacity at school. |
| Offensive materials/language | The use of language materials which is offensive in nature |
| Parking Violations | Approved HS students only: Parking in unauthorized areas |
| Public Displays of Affection | Public display of affection that goes beyond hand-holding. |
| School Tardiness | Arriving to school after the designated start time. |
| School Truancy | Unauthorized absence from school |
| Smoking on school grounds, school bus, or at a school activity | Possession of lit cigarette or exhaling smoke or surrounded by smoke. Also applies to a student seen in the process of throwing a cigarette away, or in the possession of cigarette paraphernalia, including electronic cigarettes. |
| Tardiness to class | Arriving to class after the bell has rung |
| Threat | Saying "I want to kill someone, or I want to blow up the school" |
| Theft | Taking another person's/school's property |
| Trespassing | When suspended from school, being in the building, on school grounds, or at school events |
| Vandalism | The destruction of school or personal property |
| Weapons possession | The possession of any object that could be used to harm another person and/or the use of any object to harm a person |

After the third offense, the student's action will be considered an act of administrative insubordination and treated accordingly.
# Hampton Bays Public Schools Code of Conduct Consequences

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5. Disruptive Behavior  
6. Driving Violations  
7. Horseplay  
8. Inappropriate Dress  
9. Insubordination  
10. Loitering  
11. Offensive Language/Materials  
12. Public Display of Affection  
13. School Tardiness or Tardiness to Class  
14. Throwing food in the cafeteria  
15. Discipline issue complicated by lying to teacher or administrator | Informal hearing before the Administrator imposing the disciplinary consequences and/or mediation. | *Teacher oral warning  
*Teacher contact with parent  
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*Administrative written warning  
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*Administrative detention  
*Social Worker/Guidance Intervention  
*Two days administrative detention  
*In-School Suspension  
*Suspension/revocation of Senior Privileges |
| II    | 1. Continuing or repeating Level I Offences  
2. Cutting Administration Detention  
3. Forger/Fraud/Academic Dishonesty/Plagiarism  
4. Gambling  
5. Harassment/Bullying/Discrimination/Defamation  
6. Parking Violations  
7. School Truancy  
8. Smoking on school grounds/bus/school activity  
9. Disorderly conduct in the cafeteria  
10. Inappropriate language directed at an adult.  
11. Disruptive Behavior  
12. Filming of photographing a staff member | Informal hearing before the Administrator imposing the disciplinary consequences and/or mediation. | *In-School Suspension  
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*Suspension from all school functions for up to ten weeks  
*Referral to Youth Court  
*Out-of-School Suspension  
*Parking Suspension/Revocation |
| III   | 1. Continuing or repeating Level II offenses after prior corrective measures have been taken.  
2. Dangerous Acts  
3. Destruction or defacement of school property & graffiti  
4. Fighting  
5. In-school suspension violation  
6. Vandalism  
7. Hazing  
8. Theft  
9. Filming an altercation or disturbance | Superintendent’s Hearing as provided by law. | Level I & II Consequence and  
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*Potential Financial restitution  
*Potential criminal and/or civil lawsuits |
| IV    | 1. Conduct so serious that it requires more than Level III consequences  
2. Arson  
3. Assault  
4. Drug/alcohol possession, distribution, sale, use or being under the influence of.  
5. Possession, distribution, sale or use of drug/alcohol paraphernalia  
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7. Weapons possession or use | Superintendent’s Hearing as provided by law. | Level I, II & III Consequences and  
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4. Gambling  
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**Athletic Contract**

Participation in interscholastic athletics is a privilege. Students wishing to take advantage of the opportunities presented to them by the Hampton Bays School District must show a commitment to the athletic program by regular attendance at practices and contests, as well as conformity to the rules established by the district and coach. The privilege of competing in interscholastic athletics in the Hampton Bays UFSD requires that each athlete adhere to a number of conditions that enhance their commitment to his/her school and community, family, coaches, and himself/herself. Poor sportsmanship and other behavior unbecoming an athlete representing Hampton Bays, including misconduct or unlawful conduct on or off school grounds, failure to comply with the Student Code of Conduct (Handbook) and/or this Athletic Contract may result in disciplinary action, suspension and/or dismissal from the interscholastic athletic program. Student athletes are accountable for all athletic regulations throughout the year, including the summer months.

A. **Student Rights**

   Students participating in an Interscholastic Athletic program are governed by the rights, protection and responsibilities as prescribed by the New York State Athletic Association, Section XI and the Hampton Bays School District policies and guidelines. Athletics is a privilege not a right.

B. **Students Responsibilities**

   Students earn the privilege of participating in athletics based on good citizenship, accepting responsibility and maintaining appropriate behavior in school, at school events and outside of school. The Board of Education, faculty, staff and administration of the Hampton Bays School District strongly believe that all students should be accountable for their actions. Participants are required to conform to the rules and regulations of their school, Section XI, and to conduct themselves in a safe and sportsmanlike manner. Athletes and their parents are responsible to review the student handbook and Code of Conduct and be aware of its content.

C. **Eligibility**

   - Athletic candidates must be a bona fide student and adhere to the N.Y.S.P.H.S.A.A. rules and regulations.
   - Athletic candidates must have completed a sports physical and be approved for interscholastic athletic competition by the school approved medical authority prior to participation. To resume participation following an illness and/or injury serious enough to require medical care, a student must present to the school official a physician’s written release to resume play.
   - A student shall be eligible for interscholastic competition for four consecutive years in grades 9, 10, 11 and 12 until his/her nineteenth birthday. If the age of nineteen years is reached on or after July 1, the students may continue to participate during that school year in all sports.
   - A student in grade 7 or 8 who is selected to participate at the Varsity or Junior Varsity level must pass selection/classification before being able to compete.
   - Reside with the parents, the parent with legal custody, or a court appointed guardian who has acted in such a capacity for a period of six months or more.
   - Not accept cash awards or compensation more than $250, or have ever signed a contract with or played for a professional athletic organization.
   - Be prepared, dressed, and participate in Physical Education class to participate or play in an athletic event.

D. **Substance Abuse**

   The possession and/or use and/or being under the influence of any tobacco product, alcohol, illegal drug, steroids, or any legal drug or controlled substance for which the individual does not have a legitimate purpose and authorization of his/her parent/legal guardian or a medical professional and the approval of the District, at any time or place, shall result in disciplinary action which may include suspension from the team for a period of time, suspension from the team for the remainder of the season, or suspension from participation on any athletic team for the remainder of the school year or longer. (suspensions may carry over to the next sport season in which the student participates). In addition, such conduct by an athlete may also be referred to the Building principal and/or Superintendent of School for disciplinary consequences pursuant to NYS Educational Law, Section 3214.
E. **Hazing–Initiation Ceremony (A Crime in New York State)**

A person is guilty of hazing when, in the course of another student’s entry into or affiliation with any team or club, s/he intentionally or recklessly engages in conduct which creates a risk of physical injury, emotional harm or a feeling of intimidation toward others. This includes, but is not limited to, physical harm, threatened harm, harassment, ridicule, criticism and causing the victim to damage public or private property. Any type of “initiation or hazing” is prohibited. Athletes who violate the hazing rules will be subject to discipline and may be subject to criminal action.

F. **Academics**

The primary function of the school is to provide each student with a basic education. Therefore, the Principal or administration reserves the right to remove a student from a team if that student is not performing academically as explained in the Hampton Bays UFSD extra-curricular academic eligibility requirements.

G. **Attendance**

- If an athlete is absent or suspended, s/he may not participate in any practice, scrimmage, or game on that day.
- If an athlete signs in after 9:04 a.m. in the High School and after 9:26 a.m. in the Middle School, with a non-excused absence, they may not participate in any practice, scrimmage, or game on that day.
- No student may quit one sport and then participate in another once teams have been selected.

In addition, any student leaving school for reasons other than medical, legal, or educational/school related will not be allowed to participate in any after-school activities regardless of the time that he/she returns to school. Students leaving for medical, legal, or educational/school related reasons must bring in documentation from their health care professional, attorney, or educational institution and submit it to the principal/administration, upon return, in order to be permitted to participate in any after school activity.

H. **Equipment**

The care of team equipment is each athlete’s responsibility. Each piece of equipment issued to an athlete must be returned. Any athlete who “owes” the return of a piece of equipment or payment for a piece of equipment may not participate in any scrimmages or contests until the equipment is returned or restitution is made.

I. **Injuries**

All injuries should be reported to the coach as soon as possible so that treatment may begin immediately and necessary insurance regulations complied with.

J. **Assumption of Risk**

Injury, including”, but not limited to, permanent physical injury,” paralysis or death, is a risk that must be assumed when engaging in sports; accordingly, it is acknowledged that the athlete assumes the risk of such injury or death and in consideration of the District permitting participation in interscholastic athletics, the student-athlete and his/her parents/guardians agree not to hold the District liable for any such injury, including death.

K. **Reporting a Violation for Code of Conduct and Athletic Rules and Regulations**

Any athlete observed exhibiting, or reliably reported to have exhibited, conduct unbecoming an athlete shall be investigated and may be referred to the Athletic Director. Any individual may make such a report; however, anonymous reports shall not be accepted for investigation without corroboration from additional evidence. Where the matter is referred to the Athletic Director, he/she will conduct an investigation of the allegation of conduct unbecoming an athlete and determine what disciplinary action, if any, shall be imposed.

L. **Consequences for Violating the Districts Code of Conduct**

The District adheres to a three-tiered approach regarding consequences to violations of the Athletic Contract. The three tiers of consequences are intended to facilitate the goals of an educational institution to alert, inform, and provide an opportunity to learn from mistakes and be successful with future choices. The Athletic Contract will be in effect from the beginning of the student athlete’s initial interscholastic participation through the student athlete’s high school graduation, including summer months. The beginning of the season is defined as the first day of practice.
The disciplinary actions noted are advisory recommendations. The Athletic Director and/or administration have the authority to depart from these recommendations based on the nature of the offense and the disciplinary records of the involved student athletes. As a general rule, discipline will be progressive and subsequent violations occurring during the same school year will result in increased penalties for the student athlete.

**A violation of the rules typically will result in the following:**

**First Offense:** Suspension from participation in 20% - 30% of the regularly scheduled contests of the team on which he/she is playing. Participation in the Mandatory Educational Program if deemed appropriate given the nature of the misconduct. (See below)

**Second Offense:** Suspension from participation in 50% to 60% of the regularly scheduled contests of the team on which he/she is playing. Participation in the Mandatory Educational Program, if deemed appropriate given the nature of the misconduct. (See below)

**Third Offense:** Dismissal from the team for a period up to one calendar year or permanent suspension from all athletic programs for the duration of the student’s school career.

In addition to the disciplinary consequences, the student athlete also may be required to perform community service or attend Southampton Youth Court as determined by the administration.

Final decisions are appealable to the Principal, then the Superintendent of Schools and then Board of Education.

**Mandatory Education Program:** Any student athlete that violates the regulations for drug and/or alcohol use will be required to participate in a substance abuse Educational program developed or approved by the Hampton Bays UFSD. A failure to participate in this program shall result in continued athletic suspension until this requirement is met.

**Carry-over:** If the duration of the consequences goes beyond the end of the current season, it will carry over to the next season in which the student participates. It will not effect the try-out period for the next season.

**Suspensions:** Suspensions apply only to regularly scheduled contests or events and do not include scrimmages.

**Loss of Leadership Positions:** Any violation of the rules could result in loss of team captaincy and other leadership positions. Athletes who violate the rules may be ineligible for post-season awards from HBUFSD.

**Self-Referral – 1st offense only:** In recognizing the importance of the values of honesty and integrity, any first time violations that are self or family reported, prior to the district’s initiation of an investigation and/or disciplinary proceedings against the student athlete, typically will receive a reduction of penalty of 50%.

**Implementation of Suspension:** Suspension shall begin immediately after the athlete is determined to be in violation of the District’s Code of Conduct and/or Athletic Contract. All violations of the Code of Conduct and/or the Athletic Contract shall be maintained in the student athlete’s athletic record and the history of violations shall be considered when determining appropriate sanctions for misconduct. During the period of suspension, a student athlete shall attend all practices and shall be allowed to participate in practice. On game days, the suspended student athlete will be expected to attend the athletic contest and sit on the bench.

**M. Athletic Rules Governing Substance Abuse**

On or off school grounds, no athlete shall use, be in possession of or under the influence of any controlled substance, including but not limited to alcohol, and/or tobacco products, steroids or any other performance enhancing substances, inhalants or any drug paraphernalia, except by lawful prescription.

Parents, by law, may not host or participate in social functions where controlled substances (incl. alcohol) are being used by minors, including functions held at an adult’s property without the owner present.
We have read, fully understand and agree to fully abide by the terms of the Athlete’s Contract.

<table>
<thead>
<tr>
<th>Date</th>
<th>Students Name (Print)</th>
<th>Grade</th>
<th>Age</th>
<th>Student Signature</th>
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<tr>
<th>Date</th>
<th>Parent’s / Guardian (Print)</th>
<th>Parent/Guardian Signature</th>
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<tr>
<th>Date</th>
<th>Parent’s / Guardian (Print)</th>
<th>Parent/Guardian Signature</th>
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</thead>
</table>

We also understand that participation in interscholastic athletics involves an element of danger and risk of personal injury, and we have chosen to participate with that awareness in mind.

**Check the sports you plan to participate in during the upcoming school year.**
A student-athlete may change their mind at the beginning of each season.

**HIGH SCHOOL**

<table>
<thead>
<tr>
<th>FALL</th>
<th>WINTER</th>
<th>SPRING</th>
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<tbody>
<tr>
<td>Boys Soccer</td>
<td>Boys Basketball</td>
<td>Baseball</td>
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<tr>
<td>Football</td>
<td>Wrestling</td>
<td>Boys Lacrosse</td>
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<tr>
<td>Golf</td>
<td>Girls Basketball</td>
<td>Boys Tennis</td>
</tr>
<tr>
<td>Cross Country</td>
<td>Girls Winter Track</td>
<td>Track &amp; Field</td>
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<tr>
<td>Girls Volleyball</td>
<td>Boys Winter Track</td>
<td>Softball</td>
</tr>
<tr>
<td>Field Hockey</td>
<td>BK Cheerleading</td>
<td>Girls Lacrosse</td>
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<tr>
<td>Gymnastics</td>
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<tr>
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<td>Girls Tennis</td>
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<tr>
<td>FB Cheerleading</td>
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**MIDDLE SCHOOL**

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<th>LATE WINTER</th>
<th>SPRING</th>
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<td>Cross Country</td>
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<tr>
<td>Girls Tennis</td>
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<td>Girls Lacrosse</td>
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</tbody>
</table>

Effective Date: September 14, 2010
Código de Conducta del Distrito
2018-2019

Hampton Bays Union Free School District
86 East Argonne Road
Hampton Bays, New York 11946
Junta de Educación

Dot Capuano
Anne Culhane
Richard Joslin
Liz Scully
Kevin Springer

Lars Clemensen
Superintendente de Escuelas

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CÓDIGO DE CONDUCTA DEL DISTRITO

5300.05 INTRODUCCIÓN

El distrito escolar de Hampton Bays se ha comprometido a mantener altos niveles de educación para los estudiantes en las escuelas. Como el distrito cree que el orden y la disciplina son esenciales para ser educado con eficacia, el distrito también está comprometido a crear y mantener altos niveles y expectativas de conducta. Un ambiente educativo ordenado requiere que todos en la comunidad escolar jueguen un papel. También requiere el desarrollo e implementación de un código de disciplina que claramente defina las responsabilidades individuales, que describa el comportamiento inaceptable y proporcione respuestas y opciones disciplinarias apropiadas.

El distrito considera que el orden y la disciplina deben ser una responsabilidad compartida entre la escuela, el hogar y la comunidad. Este código de conducta fue desarrollado en colaboración con organizaciones estudiantiles, maestros, administradores, padres, personal de seguridad escolar y otro personal escolar aprobado por la Junta. Por último, es nuestra creencia que para ser efectivo, dicho código debe:

- Identificar, reconocer y destacar un comportamiento aceptable;
- Identificar, reconocer y prevenir comportamientos inaceptables;
- Promover la autodisciplina;
- Tener en cuenta el bienestar del individuo, así como la de toda la comunidad escolar;
- Promover una estrecha relación de trabajo entre los padres/tutores y el personal de la escuela;
- Distinguir delitos graves y menores, así como primeras y repetidas ofensas;
- Proporcionar respuestas disciplinarias que sean apropiadas con el mal comportamiento;
- Indicar los procedimientos establecidos para garantizar un trato justo, firme, razonable y una administración consistente;
- Fomentar un gran respeto por el derecho de cada persona a procedimientos razonables de audiencia y al proceso debido cuando acusado de una mala conducta;
- Cumplir con las disposiciones de las leyes locales, estatales y federales, así como las orientaciones y directivas del Departamento de Educación del Estado de Nueva York, y la Junta de Regentes.

La preocupación primaria de la escuela al establecer un código de disciplina es permitir a nuestros jóvenes en convertirse en ciudadanos responsables, respetuosos y cuidadosos dentro de los contextos escolares y comunitarios. La Junta de Educación es responsable de asegurar que se establecan las normas esenciales y disciplina adecuada para mantener el funcionamiento escolar y promover la seguridad eficazmente, así como el desarrollo social y educativo de los estudiantes. Las regulaciones administrativas son desarrolladas y aplicadas por la administración de la escuela y el personal.

Se espera que el padre/tutor asuma la responsabilidad primaria del control de su hijo. Los padres/tutores podrán ser llamados para colaborar activamente con la escuela y ayudar a proporcionar la estructura necesaria para promover el crecimiento social y educativo de su niño. Con este fin, un alto grado de comunicación escolar será promovido por la escuela.

Medidas disciplinarias disponibles para la administración de cada edificio de la escuela incluyen conferencias, detención, suspensión escolar, suspensión fuera de la escuela y audiencias administrativas con un oficial de audiencia designado. Las audiencias administrativas pueden resultar en suspensión fuera de la escuela por más de cinco días y en casos mas graves, un estudiante puede ser suspendido permanentemente de la escuela.
5300.10  DEFINICIONES
Con los objetivos de este Código, las definiciones siguientes se aplican:

**Estudiante Disruptivo** - un estudiante menor de 21 años de edad que es considerablemente perjudicial con el proceso educativo o considerablemente interfiere con la autoridad del profesor en el aula.

**Padre** - Padre o tutor, persona en relación paternal al estudiante.

**Retiro** - el acto de un maestro o administrador de descontinuar la presencia del estudiante en su aula.

**Propiedad Escolar** – Adentro o alrededor de cualquier edificio, estructura, cancha deportiva, parque infantil, estacionamiento o tierra contenida dentro de la propiedad escolar en la escuela elementaria, intermedia y secundaria o en un autobús escolar como se define en §142 la Ley del Estado De Nueva York de Vehículo y Tráfico y la Ley de Educación §11[1].

**Función escolar** - Cualquier actividad patrocinada por la escuela

**Suspensión** - la acción de un Principal del Edificio, Superintendente de Escuelas, Superintendente del Distrito o la Junta de Educación de suspender la presencia de un estudiante en sus clases regulares.

**Estudiante Violento** - un estudiante menor de 21 años que:
- Comete un acto de violencia contra un empleado de la escuela o intenta hacerlo.
- Comete, dentro de propiedad escolar o durante una función escolar, un acto de violencia hacia otro estudiante o cualquier otra persona legalmente en propiedad escolar o intenta hacerlo.
- Posee un arma durante un evento escolar o en alguna propiedad de la escuela.
- Muestra lo que parece ser un arma durante una función escolar o en la propiedad de la escuela.
- Amenaza de utilizar un arma mientras se encuentra en propiedad de la escuela.
- Conscientemente e intencionalmente destruye la propiedad personal de cualquier empleado de la escuela o cualquier persona que se encuentra legalmente en la propiedad de la escuela o en una función escolar.
- Conscientemente e intencionalmente daña o destruye la propiedad del distrito escolar.

**Arma:** un arma tal como se define en la Ley Anti-Armas En Las Escuelas (18 USC § 921) [cualquier arma, incluyendo una pistola de arranque que está diseñada para o puede ser fácilmente convertida para expulsar un proyectil explosivo; el marco o receptor de dicha arma; cualquier tipo de arma o silenciador; o cualquier dispositivo de destrucción], así como cualquier otra arma de fuego, rifle de aire comprimido, pistola, revólver, escopeta, rifle, ametralladora, arma encubierta, daga, puñal, maquina de afeitar, navaja, cuchillo de gravedad, trincheta, ressortera, cuchilla metálica, espada de caña, cuchillo, pistola de dardos electrónicos, estrella de Kung Fu, spray de pimienta o cualquier otra pistola, explosivos o bomba incendiaria, o cualquier otro dispositivo, instrumento, material o sustancia que pueda causar daño físico o muerte cuando se usa para causar daños físicos o muerte.
5300.15 DERECHOS Y RESPONSABILIDADES DEL ESTUDIANTE

El Distrito Escolar de Hampton Bays cree en el derecho de cada niño, entre las edades de 5 a 21 años o hasta que el niño reciba un diploma de escuela secundaria o lo que ocurra primero, en que pueda recibir una educación apropiada. Todos los estudiantes en este estado entre las edades de seis y el año escolar en que cumple dieciséis años están obligados por la ley a asistir regularmente a la escuela, así sea escuela pública, escuelas privadas aprobadas por las autoridades escolares o en la casa bajo las normas del Comisionado de Educación.

El derecho a una educación gratuita pública se extiende a todos los estudiantes, incluyendo aquellos con discapacidades. Sin embargo, este derecho no es incondicional. Mientras se cumplan los requisitos de la ley del proceso debido, un estudiante puede ser retirado del salón de clase, suspendió temporalmente o permanentemente. Sólo los estudiantes dentro de la edad de escolaridad obligatoria (de seis años a hasta el año escolar en el cual el estudiante cumple 16) tienen derecho a instrucción alternativa, equivalente después de una suspensión. Además, habrá un contrato deportivo al que están sujetos todo los deportistas, los términos serán desarrollados como una regulación de esta política, 5300-R.

**Derechos de los Estudiantes**

La educación en una sociedad libre exige que los estudiantes sean conscientes de sus derechos y aprendan a ejercerlos responsablemente. Con este fin, los estudiantes tienen derecho a:

- Ser proporcionados con una educación que sea intelectualmente estimulante y pertinente a las demandas del siglo 21;
- Aprender en un ambiente libre de interrupción, hostigamiento, discriminación, intimidación y temor;
- Participar en actividades del distrito en igualdad de condiciones sin importar raza, peso, color, credo, origen nacional, etnia, religión, práctica religiosa, género, discapacidad u orientación sexual;
- A ser informado de todas las reglas de la escuela.
- Ser guiados por una política de disciplina, que se implemente de manera justa y consistente.

Además, los estudiantes en este Distrito se permiten los siguientes derechos:

1. **Expresión Estudiantil** - Los estudiantes deben ser dados la oportunidad para la libre expresión de ideas consistentes con los derechos establecidos por las constituciones estatales y federales. Sin embargo, la libertad de los estudiantes está sujeta a limitaciones de que las protecciones constitucionales no se extenderán a imágenes o palabras calumniosas, difamatorias, vulgares, indecentes o palabras e imágenes obscenas que por su uso incitan a otros a daños a la propiedad o a herir físicamente a las personas. Además también puede ser sujeto a limitación de palabras que materialmente o substancialmente interrumpan el trabajo y la disciplina de la escuela.

2. **Expresión Simbólica** - los estudiantes, a la luz de protección constitucional de derechos de libertad de expresión, podrán llevar botones políticos, brazaletes o insignias de expresión simbólica en la medida en que los mismos se ajusten a los límites establecidos en el presente documento en "periódico escolar" y "código de vestimenta".

3. **Actividades Estudiantiles** - Todos los alumnos pueden disfrutar de igual acceso en actividades extra-escolares y co-curriculares patrocinadas por el Distrito escolar hasta el punto que sus capacidades de participación lo permitan. El privilegio de participación en estas actividades se
basa sobre la conducta apropiada establecida por el código de conducta estudiantil y cualquier regla promulgada expresamente para la participación en actividades suplementarias y/o co-curriculares.

4. **Gobierno Estudiantil** - Los estudiantes son animados a participar en los distintos cuerpos gubernamentales estudiantiles que han sido establecidos en nuestras escuelas. Es el deber del cuerpo gubernamental estudiantil de establecer normas razonables para la calificación de candidatos para prestar servicios en las oficinas del gobierno. Las elecciones de gobierno estudiantil se llevarán a cabo en conformidad con los principios de nuestra democracia y los estudiantes representantes elegidos deberán trabajar con la facultad, la administración y los alumnos para la identificación de las áreas de responsabilidad apropiada del estudiante. Todos los estudiantes del cuerpo gubernamental tendrán un asesor de la facultad y se organizarán en cumplimiento con la constitución escrita con la cual los estudiantes participan en la formulación.

5. **Clubs y Otras Organizaciones Estudiantiles** - El distrito anima a los estudiantes a participar en organizaciones y/o clubs de actividades extra-escolares relacionadas con el plan de estudios. En la medida en que el Distrito autorice reuniones de organizaciones o clubs, también estarán sujetos a la constitución del gobierno estudiantil y se efectuará de acuerdo a cualquier ley federal o estatal aplicable, así como como las políticas o regulaciones de la Junta de Educación.

6. **Derechos De Privacidad [Búsqueda y Captura]** – Los estudiantes presentes en nuestras escuelas públicas están protegidos por las constituciones federales y estatales contra búsquedas personales ilegales o irrazonables o incautación de sus bienes. A la luz de estas protecciones, ninguna persona o propiedad de ningún estudiante deberá ser requisado por materiales o sustancias ilegales a menos que las autoridades escolares realicen la búsqueda tengan una sospecha razonable para hacerlo. Armarios, escritorios u otros dispositivos de almacenamiento asignados a los estudiantes pueden estar sujetos a inspección en cualquier momento por funcionarios de la escuela, puesto que tales lugares no son la propiedad del estudiante, sino más bien son poseídos por el distrito escolar y compartidos con el estudiante. Los funcionarios escolares pueden registrar estas áreas en cualquier momento sin previo aviso o consentimiento. Los maestros y administradores están autorizados a confiscar los teléfonos celulares de los estudiantes si son usados en violación del código de conducta y/o política 5695, Uso de dispositivos electrónicos de los estudiantes. Los maestros y los administradores tienen permiso para mirar la pantalla del teléfono celular y pueden solicitar la cooperación del alumno para mirar en el teléfono más a fondo. Sin el permiso del estudiante, los maestros y administradores no deben llevar a cabo una amplia búsqueda hasta consultar con el Superintendente o abogado escolar para más orientación.

7. **Estudiantes Embarazadas** - Durante el embarazo y el período de incapacidad relacionado con el embarazo o el parto, el alumno tendrá derecho a instrucción en el hogar con previa solicitud. Estudiantes embarazadas que desean asistir a sus clases regulares antes de la hora del parto pueden hacerlo siempre y cuando su médico apruebe de tal asistencia.

8. **Quejas y Denuncias de Estudiante** - Si un estudiante tiene una queja o una denuncia sobre un asunto relacionado con la escuela, un empleado de la escuela u otro funcionario escolar, él o ella puede presentar, por escrito al director de la escuela, quien deberá responder dentro de diez 10 días escolares con una respuesta por escrito o la propuesta de resolución. Las quejas o denuncias pueden ser apeladas por escrito al Superintendente de las escuelas si la respuesta o propuesta de resolución del director no es considerada satisfactoria por el estudiante. El Superintendente de
las escuelas deberá responder a todas las quejas y denuncias en un plazo razonable de tiempo después de recibir el documento de apelación por escrito.

**Responsabilidades Del Estudiante**
Los estudiantes asisten a la escuela para que puedan desarrollar su máximo potencial. Con esto en mente, se espera que cada estudiante:

- Acepte la responsabilidad de sus acciones;
- Respete los derechos de los demás, incluyendo el derecho a garantizar una educación en un ambiente ordenado y disciplinado;
- Asistir a la escuela en forma regular y puntual;
- Completar las asignaciones de clase y otras responsabilidades de la escuela en los plazos establecidos;
- Mostrar evidencia de progreso adecuado hacia el cumplimiento de requisitos de curso o diploma;
- Respetar la propiedad escolar, por ejemplo, armarios y ayudar a mantenerlo sin daños;
- Obedecer las regulaciones de la escuela y normas puestas por las autoridades escolares y el cuerpo de gobierno estudiantil;
- Reconocer que los maestros asumen el papel de un padre sustituto en materia de comportamiento y disciplina dentro de la escuela, así como durante cualquier actividad patrocinada por la escuela;
- Contribuir, establecer y mantener un ambiente que genere el respeto mutuo y dignidad para todos;
- Familiarizarse con este código y buscar la interpretación de las piezas que no entiende;
- Activamente desanimar el comportamiento inapropiado de otros estudiantes y reportar los incidentes a la administración.

**5300.20 SOCIOS ESENCIALES**

**El Papel de los Padres**
Una relación mutua entre hogar y escuela es esencial para un desarrollo exitoso de cada estudiante. Para lograr esta relación sana, se insta a los padres:

- Reconocer que la educación de sus hijos es una responsabilidad conjunta entre los padres y la comunidad escolar y colaborar con el distrito para optimizar las oportunidades educativas de su hijo (s)...
- Mostrar una actitud entusiasta y apoyar la escuela y la educación;
- Construir una buena relación de trabajo entre ustedes mismos y sus hijos;
- Enseñarle autoestima a su hijo, el respeto de las reglas, respeto a los demás y a la propiedad pública;
- Insistir en la asistencia regular y puntual y sólo tener ausencias razonables;
- Escuchar las opiniones y observaciones de todas las partes interesadas;
- Reconocer que los maestros merecen la misma consideración y respeto que los padres esperan de sus hijos;
- Anime a su niño en enorgullecerse de su apariencia, que sea consistente con las reglas de vestimenta y aseo personal;
- Insistir en que su hijo lleve a casa todas las comunicaciones de la escuela;
- Cooperar con la escuela en forma conjunta para resolver cualquier problema escolar.
• Establecer estándares realistas de comportamiento para sus hijos y permanecer firmes y consistentes;
• Ayudar a su niño a aprender a lidiar eficazmente con presión negativa;
• Proveer un lugar propicio para el estudio y realización de tareas;
• Demostrar estándares deseables de comportamiento a través del ejemplo personal;
• Fomentar un sentimiento de orgullo de su niño hacia la escuela;
• Proporcionar apoyo y refuerzo positivo a su hijo;
• Informar a la escuela de los cambios en la situación familiar que pueda afectar la conducta del estudiante o el rendimiento.

Los padres deben ser conscientes de que ellos son responsables de cualquier obligación financiera incurrida por sus hijos en la escuela. Esto incluye libros perdidos, daños a la propiedad, etc.

El Papel del Personal de la Escuela
El personal de la escuela juega un papel importante en la educación de los estudiantes. En vista de esta responsabilidad, el personal de la escuela debe:

• Promover un ambiente de mutuo respeto y dignidad, que fortalezca la imagen positiva de cada estudiante;
• Enseñar cortesías comunes por precepto y ejemplo;
• Tratar a los estudiantes de una manera ética y responsable;
• Ayudar a los estudiantes a alcanzar su máximo potencial;
• Demostrar estándares deseables de comportamiento a través del ejemplo personal;
• Informar violaciones del código de conducta al director del edificio o director interino;
• Informar inmediatamente y referir al director o alSuperintendente de escuelas a los estudiantes violentos

El Papel de los Maestros
Cada maestro sabe que él o ella trabaja cada día con lo más preciado de esta nación - la futura generación. En vista de esta responsabilidad, el maestro debe:

• Promover un ambiente de mutuo respeto y dignidad, que fortalezca la imagen positiva de cada estudiante;
• Planificar y realizar una clase instruccional que haga el aprendizaje desafiante y estimulante;
• Reconocer que algunos problemas disciplinarios son causados por las frustraciones personales y académicas de los estudiantes;
• Utilizar las rutinas de aula que contribuyan al programa educacional total y al desarrollo de la responsabilidad cívica del estudiante;
• Intentar desarrollar estrechas relaciones de cooperación con los padres para el beneficio educativo del alumno;
• Distinguir entre la mala conducta mínima de un estudiante que se puede arreglar por el maestro y los problemas que requieren la ayuda del administrador;
• Enseñar cortesías comunes por precepto y ejemplo;
• Solucionar infracciones individuales en privado, evitando castigar el grupo por la conducta de uno o dos;
• Ayudar a los estudiantes a sobrellevar la presión negativa;
• Identificar patrones de comportamiento estudiantil cambiante y notificar al personal
• Permitir a los estudiantes discutir sus problemas con ellos;
• Enviar comunicaciones a casa puntualmente;
• Informar al Director de cualquier estudiante que pone en peligro su propia seguridad, la seguridad de los demás o del maestro, o que interfiere seriamente con el programa educativo en el aula;
• Tratar a los estudiantes de una manera ética y responsable;
• Ayudar a los estudiantes a alcanzar su máximo potencial;
• Servir como un padre sustituto en materia de comportamiento y disciplina de acuerdo con la Ley Estatal del Estado de Nueva York;
• Explicar e interpretar el código de disciplina a los estudiantes;
• Hacer cumplir el código en todas las áreas escolares;
• Demostrar estándares deseables de comportamiento a través del ejemplo personal;
• Conocer los servicios de apoyo disponibles para los estudiantes y remitir a los alumnos que necesitan tales servicios;
• Cumplir con las leyes estatales y federales educativas con respecto a la confidencialidad, el castigo corporal y el mandato de reporte de casos de abuso infantil;
• En caso de retiro de la clase, informar al estudiante y al director de la razón por el retiro;
• Informe y reporte inmediatamente a los estudiantes violentos al director o al Superintendente de escuelas.

El Papel De Los Administradores del Edificio
Como líderes de educación en la escuela, el Director y su asistente(s) deben establecer un ejemplo disciplinario escolar, no sólo para los estudiantes, pero para el personal también. Por lo tanto, deben:

• Intentar desarrollar un ambiente sano y saludable de respeto mutuo;
• Evaluar el programa de instrucción en su escuela para lograr un programa educativo significativo;
• Ayudar a su personal auto-evaluar sus procedimientos y actitudes en relación a la interacción dentro de sus aulas;
• Desarrollar procedimientos que reduzcan la probabilidad de mala conducta del estudiante;
• Proporcionar la oportunidad a los estudiantes y el personal de acercarse al director directamente para resolver agravios sufridos;
• Trabajar con los estudiantes y el personal para formular las regulaciones de la escuela;
• Ayudar al personal a resolver problemas que pueden ocurrir;
• Trabajar estrechamente con los padres para establecer una relación sana entre el hogar y la escuela;
• Utilizar todo el personal de apoyo y agencias apropiadas en la comunidad para ayudar a los padres y estudiantes a identificar los problemas y buscar soluciones;
• Establecer seguridad necesaria en el edificio;
• Asumir la responsabilidad de la difusión y la aplicación del "Código de Disciplina y Responsabilidades" y asegurar que todos los casos de disciplina referidos sean resueltos con prontitud;
• Asegurarse que todos los estudiantes cuenten con disciplina justa, razonable y coherente;
• Cumplir con las leyes estatales pertinentes que rigen las audiencias, las suspensiones y los derechos de los estudiantes;
• Desarrollar directrices de comportamiento y procedimientos de apelaciones específicos para
cada escuela de acuerdo con el "Código de Conducta y Responsabilidades del Estudiante";
- Demostrar estándares deseables de comportamiento a través del ejemplo personal.

**El Papel de los Administradores de Distrito**

Como los líderes educativos del sistema escolar, el Superintendente de las escuelas y los administradores centrales deben:

- Reforzar y ampliar las responsabilidades indicadas de los directores y hacerlos aplicables al sistema escolar para los grados K-12;
- Recomendar a la Junta de Educación las política apropiadas, regulaciones y acciones para alcanzar las condiciones óptimas para el aprendizaje positivo;
- Desarrollar e implementar un eficaz "Código de Conducta" apoyado por los estudiantes, padres, personal y la comunidad;
- Demostrar estándares deseables de comportamiento a través del ejemplo personal;
- Proporcionar a cada maestro con una copia del Código de Conducta.

**El papel de la Junta de Educación**

Como los funcionarios a cargo de nuestras escuelas, la Junta de Educación:

- Adopta las políticas que rigen el distrito, incluyendo este código de conducta;
- Garantiza que el código de conducta contiene las expectativas claras de comportamiento y las consecuencias disciplinarias para los estudiantes, personal y visitantes;
- Garantiza que el código de conducta es comunicado claramente a los estudiantes, padres, personal y la comunidad escolar;
- Garantiza que el código de conducta es implementado y aplicado de manera consistente, razonable, justa y equitativa;
- Revisa anualmente el código de conducta y lo actualiza según sea necesario

### 5300.25 VISITANTES EN LA ESCUELA

La Junta reconoce que el éxito del programa escolar depende, en parte, de el apoyo de la comunidad más grande. La Junta desea fomentar un ambiente positivo donde los miembros de la comunidad tengan la oportunidad de observar el esfuerzo y los logros de los estudiantes, maestros y otro personal. Puesto que las escuelas son un lugar de trabajo y aprendizaje, sin embargo, se deben establecer ciertos límites para estas visitas. El director o su designado es responsable de todas las personas en el edificio y en el jardín. Por estas razones, las siguientes reglas se aplican a los visitantes en las escuelas:

1. Toda persona que no sea un miembro regular del personal o alumno de la escuela será considerado un visitante.
2. Todos los visitantes a la escuela deben ingresar a través del punto designado de entrada e informar a la oficina del director de su llegada a la escuela. Allí presentara una identificación con foto, firma el registro de visitante y será dado una insignia de identificación de visitante que deberá usar todo el tiempo mientras que permanezca en la escuela o propiedad escolar.
3. Los visitantes que asisten a funciones escolares después de el horario regular de escuela que son abiertas al público, tales como reuniones de la organización de padres y maestros o reuniones públicas, no tienen que registrarse.
4. Los padres o los ciudadanos que deseen observar una actividad de clase o la escuela, mientras que la escuela está en sesión están obligados a arreglar estas visitas por adelantado con el profesor y director, para que la interrupción de la clase sea al mínimo.

5. Se espera que los maestros no usen el tiempo de clase para discutir asuntos individuales con los visitantes.

6. Cualquier persona no autorizada en propiedad escolar se notificara al director o su designado. Se le pedirá a esas personas no autorizadas su retiro. La policía puede ser llamada si la situación lo amerita.

7. Todos los visitantes se deben acatar de las normas de conducta pública contenidas en el código de conducta mientras en propiedad escolar.

5300.30 CONDUCTA EN PROPIEDAD ESCOLAR

La Junta de Educación reconoce que el principal propósito del distrito escolar es proporcionar un ambiente superior de aprendizaje y educación. Cualquier acción por un individuo o grupo, dirigido a interrumpir, interferir o retrasando el proceso educativo está prohibido. La Junta también reconoce su responsabilidad de proteger la propiedad escolar y declara su intención de tomar cualquier acción legal para evitar su daño o destrucción. La Junta también buscará restitución y enjuiciamiento de cualquier persona o personas que voluntariamente dañen la propiedad escolar.

Estas reglas gobiernan la conducta de los estudiantes, padres, profesores y otros miembros del personal, otros visitantes, licenciarios, invitados y todas las demás personas, sea o no autorizada su presencia en la propiedad del distrito y también sobre o respecto a cualquier otro recinto o propiedad (incluyendo autobuses escolares) bajo el control del distrito y que son utilizados en sus programas educacionales, administrativos, culturales, recreativos, atléticos y otros programas y actividades, sean o no llevadas a cabo en las instalaciones de la escuela.

La Junta reconoce la necesidad de que sus expectativas de conducta del estudiante mientras en propiedad escolar o participando en una función escolar sea específica y clara. Las reglas de conducta enumeradas a continuación pretenden hacerlo y son centradas en la seguridad y el respeto de los derechos y propiedad de otros. Los estudiantes que no aceptan responsabilidad por su propio comportamiento y que violen estas reglas escolares deben aceptar las consecuencias por su conducta.

La mejor disciplina es autoimpuesta, y los involucrados con la escuela deben asumir y aceptar la responsabilidad de su propio comportamiento, así como las consecuencias de su mal comportamiento. El personal del distrito que interactúa con los estudiantes se espera utilice medidas disciplinarias sólo cuando sea necesario y poner énfasis en educar a los estudiantes para que ellos crezcan con autodisciplina.

Ninguna persona, ya sea individualmente o de acuerdo con otros, deberá hacer lo siguiente:

A. Participar en conducta desordenada. Los ejemplos incluyen, pero no se limitan a:
   1. Correr en los pasillos.
   2. Hacer ruido irrazonable.
   3. Usar lenguaje vulgar/abusivo o gestos profanos/blasfemos.
   4. Obstruir el tránsito vehicular o peatonal.
   5. Participar intencionalmente en un acto que perturbe el funcionamiento normal de la comunidad escolar.
6. Entrar sin autorización. No se permiten a los estudiantes en los edificios escolares, aparte al que asisten regularmente, sin el permiso del administrador o encargado del edificio.
7. Uso indebido de las computadoras y comunicaciones electrónicas, incluyendo cualquier uso no autorizado de programas o cuenta de internet/intranet; acceder a sitios web inadecuados; o cualquier otra violación de la política de uso del distrito.

B. Participar en conducata rebelde. Los ejemplos incluyen, pero no se limitan a:
   1. No cumplir con las indicaciones de los maestros, administradores escolares u otros empleados a cargo de estudiantes en la escuela o demostrando falta de respeto.
   2. Retraso, faltar o salir de la escuela sin permiso.
   3. No asistir a una detención.

C. Participar en conducta perturbante. Los ejemplos incluyen, pero no se limitan a:
   1. No acatar las indicaciones de los maestros, administradores escolares u otros empleados a cargo de estudiantes en la escuela
   2. Contacto sexual público inadecuado.
   3. Exponer o usar dispositivos electrónicos personales, como, pero no limitado a, teléfonos celulares, I-pods, cámaras digitales, todo esto es una violación de la política del distrito.
   4. Interrupción de la buena conducta en las clases, programas escolares u otras actividades.

D. Participar en conducta violenta. Los ejemplos incluyen, pero no se limitan a:
   1. Cometer un acto de violencia hacia un maestro, administrador u otro empleado de la escuela o intentar hacerlo.
   2. Cometer un acto de violencia hacia otro estudiante o cualquier otra persona legalmente en propiedad escolar o intentar hacerlo.
   3. Poseer un arma. Los funcionarios policiales autorizados son las únicas personas permitidas tener un arma en su posesión en la propiedad escolar o en una función de la escuela.
   4. Mostrar lo que parece ser un arma.
   5. Amenazar de usar cualquier arma.
   6. Intencionalmente dañar o destruir los bienes personales de un estudiante, maestro, administrador, empleado del distrito o cualquier persona legalmente en propiedad escolar, incluyendo graffiti o incendio.
   7. Intencionalmente dañar o destruir la propiedad del distrito escolar.

E. Participar en cualquier conducta que ponga en peligro la seguridad, salud física o mental o el bienestar de los demás. Los ejemplos incluyen, pero no se limita a:
   1. Someter a otros estudiantes, personal escolar o cualquier otra persona que se halle legalmente en la propiedad de la escuela o asistiendo a un evento escolar a algún peligro o a participar en conducta que crea un riesgo o daño físico sustancial.
   2. Robar o intentar robar los bienes de otros estudiantes, personal escolar o cualquier otra persona que se halle legalmente en la propiedad de la escuela o en una función escolar.
   3. Difamación, lo que incluye las declaraciones falsas o mala representacion de un individuo o grupo de individuos para perjudicar la reputación o degradar la persona o el grupo.
   4. Discriminación, lo que incluye usar la raza, color, credo, origen nacional, grupo étnico, religión, prácticas religiosas, sexo, género (identidad y expresión), orientación sexual, discapacidad o peso para negar derechos, trato equitativo o acceso a las instalaciones disponibles para los demás.
5. Acoso, incluye una acción suficientemente grave o persistente o declaraciones dirigidas a un individuo o grupo de personas las cuales una persona razonable lo pueda percibir como ridiculizar o humillar. El acoso también crea un ambiente hostil. (Referencia Política 0115).
6. Intimidación, incluye la participación en acciones o declaraciones que ponen un individuo en temor de daño corporal y/o crea terror. (Referencia Política 0115)
7. Intimidación (Bullying),
8. Novatadas, que incluyan una inducción, iniciación o proceso que tenga hostigamiento. (referencia política 0115).
9. Venta, uso, distribución o posesión de material obsceno.
10. Usar lenguaje vulgar o abusivo, maldiciendo o insultos.
11. Fumar un cigarrillo, cigarro, pipa o cigarrillo electrónico con tabaco de mascar o sin humo.
12. Poseer, consumir, vender, distribuir o intercambiar bebidas alcohólicas o sustancias ilegales, o estar bajo la influencia de cualquiera de ellos. "Las sustancias ilegales" incluyen, pero no se limitan a: los inhalantes, marihuana, cocaína, LSD, PCP, anfetaminas, heroína, esteroides, drogas y sustancias parecidas comúnmente referidas como "drogas de diseño".
13. El mal uso y compartir medicamentos de prescripción y los de venta libre.
14. Apostar
15. Exposición indecente- exposición obscena de las partes privadas del cuerpo.
16. Iniciar un informe de alerta de incendio u otra catástrofe sin causa válida, el mal uso del 911, o descargar un extintor de incendios.

F. Participar de mala conducta en el autobús escolar. Es esencial que los estudiantes se comporten adecuadamente durante el recorrido del autobus por el distrito para poder garantizar su seguridad y la de los demás pasajeros y evitar la distracción del conductor. Los estudiantes están obligados a comportarse de una manera determinada en el autobus, consistente con las normas de comportamiento establecidas en clase. No será tolerado el ruido excesivo, empujar, golpear y luchar.

G. Participar en cualquier forma de mala conducta académica. Los ejemplos incluyen, pero no se limitan a:
   1. Plagio
   2. Trampa
   3. Copiar
   4. Alteración de registros
   5. Ayudar a otro estudiante en cualquiera de las acciones anteriores

Sanciones y Procedimientos
Una persona que viole cualquiera de las disposiciones de estas normas estarán sometidos a las siguientes sanciones y procedimientos:

- Si es un titular o invitado, su autorización para permanecer en el terreno y demás bienes deberán ser retirados y se le pide abandonar el recinto. En caso de no hacerlo, deberá ser objeto de expulsión.
- Si es un intruso o visitante sin licencia específica o invitación, será objeto de expulsión o detención.
• Si es un estudiante, él/ella será sujeto a acción disciplinaria como lo justifica los hechos del caso, según lo prescrito por la Ley de Educación §3214 y este código de conducta estudiantil.
• Si es un miembro de la facultad, él o ella será sujeto a acción disciplinaria según la Ley de Educación y el acuerdo negociado colectivamente.
• Si es un miembro del personal de servicio clasificado del servicio civil, descrito en la Ley §75 del Servicio Civil, será culpado con mala conducta y sujeto a las sanciones y procedimientos prescritos en dicho artículo y sujeto a expulsion.
• Si es un miembro del personal que no sea de los descritos anteriormente, estará sujeto a la disciplina en conformidad con la ley y si aplica el acuerdo negociado colectivamente.

Programa de Imposición
El Superintendente de escuelas será responsable por el cumplimiento de estas reglas, y él/ella designara otro personal que está autorizado a actuar conforme a dichas normas cuando sea necesario o apropiado para llevarlos a efecto.

En caso de cualquier aparente violación de estas reglas por esas personas, que, a juicio del Superintendente o su designado, no plantee ninguna amenaza inmediata de lesiones a personas o propiedad, tal oficial puede hacer esfuerzos razonables para conocer la causa de la conducta en cuestión y persuadir a aquellos comprometidos en esto a desistir y recurrir a métodos permitidos para la resolución de cualquier problema que pueda presentarse. Al hacerlo, tal oficial deberá advertir a dichas personas sobre las consecuencias o persistencia en la conducta prohibida, incluyendo su expulsión de las propiedades del distrito donde su continua presencia y conducta es una violación de estas normas.

En cualquier caso donde la violación de estas reglas no cesa después de esa advertencia y en otros casos de violación intencional de tales normas, el Superintendente o su designado deberá causar la expulsión de los infractores desde cualquier lugar que él ocupa en tal violación e iniciará acción disciplinaria.

El Superintendente o su designado puede solicitar a las autoridades públicas cualquier ayuda que él/ella considere necesaria en el caso de la expulsión de cualquier violador de estas reglas y él/ella puede solicitar al consejo de la Junta que aplique cualquier tribunal de jurisdicción competente para cualquier medida y frenar la violación o amenaza de violación de esas normas.

Este código y las sanciones establecidas no se consideran ser incluidas o impedir de cualquier manera el enjuiciamiento y condena de cualquier persona por la violación de cualquier ley federal o estatal u ordenanza local y la imposición de una multa o sanción previstas en el mismo.

5300.35 MALA CONDUCTA FUERA DEL CAMPUS
Un estudiante puede ser sujeto a ser disciplinado por conducta que constituya un crimen cometido fuera de las instalaciones escolares o en una actividad no patrocinada por la escuela en la medida en que la administración escolar o la Junta de Educación cree que la asistencia continua en la escuela del estudiante pueda afectar negativamente el proceso educativo (e.g. interrumpe el funcionamiento de la escuela) o constituye un peligro para la salud, seguridad, bienestar o moral del estudiante y/o otros en nuestras escuelas. Un estudiante puede estar sujeto a ser disciplinado por mala conducta fuera del campus que no implique criminalidad pero que la administración escolar o la Junta de Educación cree que tiene un nexo con el proceso educativo (e. g.-estudiante, estudiante-personal, interacciones que previsiblemente tendría un efecto perjudicial al programa escolar o actividad. Ejemplos de tales abusos incluyen, pero no se limitan a intimidacion cibernética (es decir, infligir intencional y repetido daño mediante el uso de medios electrónicos) o peleas.
5300.40 VESTIDO Y ASEO PERSONAL
Los estudiantes deben vestirse y asearse de manera adecuada. Los estudiantes deben vestirse con ropa adecuada y usar equipo de protección como se requiere para las clases de educación física, la participación en atletismo, laboratorios de ciencia y las clases de ciencia de familia y del consumidor.

Las siguientes son vestimenta, aseo y apariencia consideradas inapropiadas y están prohibidos en la escuela o en funciones escolares:

- Cualquier vestido o aspecto que constituye una amenaza o peligro para la salud y la seguridad de los estudiantes (por ejemplo, joyas pesadas o joyería con puntas que pueden lesionar el estudiante u otros);
- Cualquier vestido o apariencia que sea vulgar, obsceno, indecente o profano o que expone a la vista las partes privadas del cuerpo (por ejemplo, las camisetas con mensajes que consta de metáforas sexuales y un símbolo fálico, prendas transparentes, escotes extremos o talle muy bajo);
- Cualquier vestido o aspecto que fomente o defienda el uso de drogas ilegales, alcohol o tabaco;
- Cualquier vestido o aspecto que promueva a otras actividades ilegales o violentas;
- Cualquier vestido o aspecto que promueva la discriminación o de negra a otros basado en raza, color, credo, religión, origen nacional, género, orientación sexual o discapacidad;
- El uso de sombreros/gorras en el aula son una señal de falta de respeto (a menos que sea usado por motivos religiosos o médicos);
- Cualquier vestido o aspecto que interfirme el proceso educativo.

5300.45 COMPUTADORAS Y EL USO DE INTERNET
Los siguientes son usos prohibidos de las computadoras, salon de redes, enlaces de internet que son propiedad del distrito, y dan lugar a medidas disciplinarias contra los usuarios de dichos equipos o instalaciones:

- Correo electrónico o interacción en un sitio de redes sociales procedentes de instalaciones escolares o recibido en las instalaciones escolares creado por un estudiante usuario que es:
  - Obsceno, vulgar, indecente o inapropiado para estudiantes recipientes de ciertas edades;
  - Transmite una amenaza inminente de violencia, incluyendo violencia sexual a un individuo o individuos específicos;
  - Constituye un estado o delito federal;
  - Es causa de o es factor importante que contribuye a una interferencia substancial con el funcionamiento orden ado escolar;
  - Atribuye el texto de un correo electrónico a oficiales escolares o que el texto es aprobado por la escuela a menos que exista tal aprobación oficial o consentimiento de las autoridades de la escuela.
- Uso de internet que eluda las restricciones de acceso impuestas a la computadora por la Junta de Educación o sus designados administradores.
- El uso de computadoras o internet que no sea relacionado con la escuela o no está autorizado.
- Permitir el uso del código de acceso de computadora de un estudiante por cualquier otra persona y tal estudiante asumirá responsabilidad por ocurrencias de violación de este código de conducta que se produzca bajo el número de código de acceso del estudiante.
5300.50 DENUNCIA DE VIOLACIONES

Al Personal del Distrito Escolar
Estudiantes, maestros y otro personal del distrito se incita a reportar cualquier violación del código de conducta al director del edificio o en su ausencia, el director designado.

Maestros y otro personal del distrito deben reportar inmediatamente a los estudiantes violentos al director o superintendente de escuelas.

A Agencias Policiales Locales
El distrito denunciara cualquier acto de violencia contra las personas que cometan un delito grave o delito menor y otras violaciones del Código de Conducta que constituyen un delito a la agencia policial local apropiada cuando el actor es mayor de 16 años. Cuando sea necesario, el Distrito presentará una denuncia penal en contra del actor.

A las Agencias de Servicios Humanos
El distrito reportará cualquier violación del Código de Conducta que constituyen un delito cuando el actor es menor de 16 años de edad a las Agencias de Servicios Humanos apropiadas. Cuando sea necesario, el distrito presentará una petición de delincuencia juvenil o una petición de supervisión a una persona necesitada (PINS) en la corte de familia.

5300.55 SANCIONES DISCIPLINARIAS, PROCEDIMIENTOS Y REFERENCIAS

Retiro de un estudiante de la clase
El distrito escolar ha determinado que ciertos actos de mala conducta interfieren con la instrucción o la seguridad y bienestar de los estudiantes y el personal. Aunque algunos incidentes de mala conducta pueden requerir extirpación del salón de clases o suspensión de la escuela, se hará lo posible por tratar con faltas sin remoción del salón de clases o suspensión de la escuela. Esto está en consonancia con la meta del distrito de evitar consecuencias que interrumpan o interferieran con el aprendizaje. Sin embargo, a ningún niño se le permitirá continuar de perturbar o interferir con la instrucción de la clase con la seguridad de la escuela, su personal, estudiantes y visitantes.

Los maestros tienen la autoridad de retirar un estudiante de su aulas cada vez que el estudiante altere sustancialmente el proceso educativo o interfiera sustancialmente con la autoridad del profesor. "Substancialmente disruptivo" significa que el curso de instrucción tiene que suspenderse más que momentáneamente e interrumpe la continuidad de la lección, para dirigirse a la conducta disruptiva del estudiante. "Interfiere sustancialmente" con la autoridad del maestro en el aula significa que el estudiante es rebelde con el maestro en la clase, no cumple con las directivas del maestro para que cese y desista (por lo menos dos directivas).

Un maestro puede remover un estudiante por el resto de la clase en el primer evento y por dos días de clase en el segundo o tercer evento. Si ocurre un cuarto evento, una suspensión del director deberá ocurrir.

No obstante lo anterior, a la luz de las circunstancias que justifiquen una suspensión, una suspensión del director por el comportamiento sustancialmente rebelde puede implementarse además o en lugar del retiro del estudiante del salón de clase por el maestro.

Una vez que el maestro determina que el estudiante ha sido sustancialmente rebelde o interfiere sustancialmente con la autoridad del profesor en el aula:
El maestro debe enfrentar al alumno en la clase (o dentro de 24 horas del retiro cuando el estudiante está inmanejable en el momento del retiro inicial) para informar al alumno de los motivos por el retiro;

- Previo al retiro del salón de clases (o dentro de 24 horas del retiro cuando el estudiante presenta una permanente amenaza de perturbación o un peligro constante en el momento del retiro), el profesor informará al estudiante de las bases por el retiro y permitirle al alumno informalmente presentar su versión de los hechos relevantes;
- El director del edificio o persona designada deberá ser notificada inmediatamente, por escrito por el profesor que retiro el estudiante de la clase;
- El director del edificio o persona designada deberá informar a los padres del estudiante de los motivos del retiro dentro de 24 horas de la supresión del estudiante.
- Bajo petición, el estudiante y sus padres deben tener la oportunidad de una conferencia informal con el director o persona designada para discutir las razones del retiro. Si el alumno niega los cargos en su contra, el director o su designado debe proporcionar una explicación de la base para el retiro y permitirle a el estudiante o sus padres la oportunidad de presentar la versión del estudiante de los acontecimientos relevantes dentro de 48 horas del retiro del estudiante.

- El director o su designado no puede anular el retiro a menos que él o ella encuentre que los cargos contra el estudiante no son apoyados por evidencia sustancial o remover el estudiante viola las leyes o la conducta justifica una suspensión de la escuela y se impondrá una suspensión.
- El director o designado debe determinar si apoya o no la decisión del maestro de retirar el estudiante del aula y deberá decidir antes del cierre de las operaciones del día, subsiguiente al periodo de 48 horas de Conferencia de Retiro Informal del Director. El profesor que causa el retiro puede ser requerido a asistir a la Conferencia del director a discreción del director.

El distrito deberá proporcionar programas educativos continuos y actividades para los estudiantes que son retirados de sus aulas.

Una apelación presentada por el padre o el estudiante mayor de 18 años de edad sobre la decisión del retiro de un director debe presentarse al Superintendente de las Escuelas antes de cualquier nuevo recurso.

**Proceso de Suspensión Estudiantil**

La Junta de Educación, Superintendente del Distrito, el Superintendente de Escuelas, un director del edificio o en su ausencia, un director interino, podrá suspender un estudiante de la escuela si se determina que el estudiante:

- Es rebelde o desordenado, o exhibe conducta que ponga en peligro la seguridad, moralidad, salud o bienestar de los demás; o
- Exhíbe una condición física o mental que pone en peligro la salud, la seguridad o la moralidad de el mismo o de otros estudiantes; o
- Se retira de un aula para alterar sustancialmente el proceso educativo o interferir sustancialmente con la autoridad del profesor en el aula cuatro o más veces en un semestre
Además de los motivos previstos en los estatutos para la suspensión de la escuela por conducta o estado de salud, los alumnos también pueden ser suspendidos basándose en la violación de infracciones disciplinarias indicadas a continuación.

A. Proceso de Pre-Suspensión
Antes de ser suspendido de la escuela, el estudiante debe enfrentarse a un oficial escolar autorizado para suspender, como se refirió arriba, en el momento en el que se indican las pruebas en que se basa la decisión de suspender al estudiante se le dará la oportunidad de explicar su versión de los hechos. A el estudiante también se le otorga el derecho de presentar a otras personas a la autoridad de suspensión para apoyar su versión de los hechos. Si la presencia del estudiante en la escuela implica un peligro continuo para las personas o bienes o es una amenaza permanente de interrupción al proceso académico, el enfrentamiento ocurrirá tras la suspensión, tan pronto como sea razonablemente posible. En todos los casos, no habrá ninguna suspensión hasta después de la Conferencia del Director informal, a no ser de que renuncie a esta conferencia, como se describe abajo, en el párrafo "C".

B. Proceso de Suspensión a Corto Plazo
Antes de una suspensión propuesta de escuela entre uno y cinco días por un director de edificio o un director interino en ausencia del director del edificio, el estudiante y su pariente sera notificado, por escrito, ya sea entrega personal, correo expreso, servicio de un día o por teléfono, si es posible, dentro de las 24 horas después de la decisión de la suspension propuesta.

Dicha notificación por escrito incluirá una descripción de los incidentes dando lugar a la suspensión e informará a los padres de su derecho a pedir una conferencia informal inmediata con el director en la cual el estudiante o sus padres pueden presentar la versión del estudiante del evento y hacer preguntas a los testigos. A dicha petición, una conferencia informal con el director y las otras partes involucradas será convocada tan pronto como sea posible, [en ese punto la evidencia, incluyendo el testigo(s) por la cual se baso el director de la determinación de suspensión, puede ser cuestionada por el padre o tutor.] El derecho a una conferencia informal con el director se extenderá igualmente a un estudiante si es de 18 años de edad o más. El aviso y conferencia informal será en la lengua dominante o modo de comunicación utilizado por los padres. Si la presencia del estudiante en la escuela pone en peligro continuo a las personas o bienes o es una amenaza permanente de interrupción al proceso académico, el aviso y la oportunidad para una conferencia informal tendrá lugar lo más razonablemente posible, tan pronto después de la suspension.

Cualquier petición presentada por el padre o el estudiante mayor de 18 años de de edad sobre una suspensión de director debe presentarse a la Junta de Educación antes de presentar cualquier apelación.

C. El Proceso de Suspensión a Largo Plazo: Suspensión por más de Cinco Días
Cualquier suspensión de la escuela por mas de cinco días escolares sera considerará una suspensión a largo plazo. Si no hay un acuerdo entre la persona que solicita la suspensión y el padre, una suspensión a largo plazo puede hacerse sólo después de que el Superintendente de Escuelas o la Junta de Educación lleve a cabo una audiencia.

Cuando un estudiante está sujeto a una suspensión a largo plazo, se efectuará una audiencia por el Superintendente si el director del edificio o el Superintendente ha realizado la suspensión original, o ante la Junta cuando esta entidad ha realizado la suspensión original. El
Superintendente de Escuelas o la Junta de Educación puede designar a un funcionario de audiencia para formular conclusiones acerca de los hechos con respecto a los cargos de infracción de este código de conducta, así como recomendar la penalidad de acuerdo con los parámetros penales descritos en este documento.

D. Proceso de Audiencia

Aviso de Audiencia
En el evento de una suspensión, la notificación de suspensión será enviada por correo o entregada al padre, en un mínimo de 48 horas de antelación de la hora y lugar de la audiencia, así como la naturaleza de los cargos en su contra y los hechos, suficientemente declarados para que una defensa adecuada pueda ser puesta en el registro en nombre del estudiante.

Todos los avisos de audiencias de suspensión a largo plazo deberán contener disposiciones que indiquen que el estudiante tiene el derecho a ser representado por un abogado o poner abogado, que prepararán una transcripción de la audiencia (grabación en cinta o taquigráficas) y que el estudiante tiene el derecho de citar testigos o testigos presentes en su defensa. La hora, fecha y lugar de la audiencia establecidos también deberá ser prominente en el aviso.

La audiencia de Suspensión a Largo Plazo
La audiencia se efectuará por el Superintendente o un funcionario de audiencia designado en el caso de una suspensión por el director del edificio o el Superintendente. La audiencia se realizará por la Junta de Educación o su funcionario de audiencias designado en el caso de que la suspensión se originó por acción de la junta.

Al principio de la audiencia, el oficial de audiencia informará a los estudiantes y representantes de los estudiantes:
- Que los representantes del distrito y el estudiante tendrá derecho a examinar y a contrainterrogar a los testigos;
- Que el estudiante tiene el privilegio contra la autoincriminación, pero que si el estudiante testifica, será sujeto a interrogatorio;
- Que el Distrito tiene la carga de probar los cargos por una preponderancia de pruebas creíbles;
- Que a petición una transcripción de las actas deberá ser mantenida y puesta a disposición del representante del estudiante; y
- Que la audiencia será privada o abierta al público, según determine el representante del estudiante.

La persona llevando a cabo la audiencia no tendrá un conocimiento íntimo de los detalles de los cargos para asegurar una audiencia imparcial y justa del caso.

El Oficial de Audiencia le informará a los partidos:
- Que el caso procederá con el distrito presentando su evidencia a través de testigos y otras pruebas primero;
- Que los testigos del distrito estarán sujetos a contrainterrogatorio por el representante del estudiante; y
- Que el estudiante tendrá la oportunidad de presentar a testigos en su favor, sometidos a interrogatorio por un representante del distrito.
Después de la conclusión del testimonio y la introducción de otras pruebas, las partes tendrán la oportunidad de presentar argumentos orales a la audiencia oficial indicando las razones por las cuales las acusaciones deben ser sostenidas o despedidas. El Oficial de Audiencia entonces llega a una conclusión de los hechos sobre los cargos.

En el caso de que uno o más de los cargos no se sostenga, el Oficial de Audiencia deberá considerar declaraciones de todos los partidos involucrados en relación con la sanción que corresponda. En el evento de que el padre y/o el estudiante, en un caso apropiado, han sido servidos con una copia del registro anecdótico disciplinario pasado del estudiante en el momento oportuno (por lo menos 48 horas antes de la audiencia), para ser considerado por el Oficial de la Audiencia, dicho registro podrá ser considerado por el Oficial de la Audiencia para determinar una sanción adecuada. Los últimos incidentes del acta anecdótica serán sujetos a prueba a la medida que sean negados por el estudiante, según lo expresado por el representante del estudiante.

El Oficial de Audiencia, a la conclusión de la porción de los procedimientos relacionados con las determinaciones de la pena, deberá hacer conclusiones de los hechos y recomendaciones penales, si hay, a la persona o entidad que lo designó inmediatamente que concluya la audiencia de suspensión a largo plazo.

El Superintendente o la Junta de Educación, que designo al Oficial de Audiencia, deberá hacer sus propias conclusiones de los hechos y la decisión penal adoptando aquellos del Oficial de Audiencia designado, en su caso, en todo o en parte, o por resultados independientes de las determinaciones del hecho y la pena. Este proceso deberá concluirse en el período de cinco días escolares desde el momento de la suspensión inicial si el estudiante debe suspenderse continuamente. La decisión podrá ser comunicada al representante del estudiante o estudiante (cuando es mayor de 18 años) más allá del periodo de cinco días escolares en casos donde el estudiante ha sido reintegrado a asistir a la escuela esperando la determinación final sobre los cargos y la penalidad del Superintendente o la Junta, en los casos que deciden ellos, respectivamente.

E. Proceso de Apelaciones

La decisión del Superintendente con respecto a las conclusiones de los cargos con hechos sostenidos en una suspensión a largo plazo deberá ser objeto a apelación [o puede ser apelada] a la Junta de Educación. La Junta examinará el expediente de procedimientos ante el Superintendente o su funcionario de audiencias designado, incluyendo una revisión de la transcripción de los procedimientos, pruebas documentales y argumentos escritos de los representantes de los respectivos partidos, si los hay. La Junta no proporciona a los representantes de las respectivas partes la oportunidad de presentar evidencia no previamente en el registro o realizar discusiones en persona ante la junta.

En caso de que la audiencia de suspensión a largo plazo inicial haya sido realizada por la Junta de Educación o su funcionario de audiencias designado, o donde la Junta ha governado sobre un recurso de audiencia de suspensión a largo plazo del Superintendente, el asunto puede ser apelado más.

5300.60 MEDIDAS DISCIPLINARIAS

Las siguientes constituyen medidas disciplinarias pertinentes, autorizadas por el código de conducta:

1. Advertencias (oral o escritas)
2. Detención – por maestro, administrador, de almuerzo
3. Notificación a los Padres
4. Notificación policial con posibles cargos
5. Trabajador Social/ intervención Consejera
6. Suspensión dentro de la escuela
7. Suspensión dentro de la escuela y Detención Administrativa
8. Detención Fuera de Escuela (1-5 días) o Detención Fuera de Escuela (5+ días con Audiencia de Superintendente)
9. Suspensión de Privilegios
10. Restitución financiera
11. Aplicación de Políticas adecuadas de la Junta de Educación
12. Cambio de ropa requerida y/o encubrirse
13. Suspensión de funciones escolares

NOTA: La repetición de una infracción puede conducir a la imposición de la próxima medida de disciplina. Repetición crónica puede llevar a la suspensión a largo plazo o permanente. Un resumen claro se encuentra al final de esta política.

5300.65 INSTRUCCIÓN ALTERNATIVA
Conforme a la Ley de Educación, ningún estudiante deberá ser suspendido de la escuela durante sus clases regulares sin recibir instrucción alternativa equivalente, ya sea en forma de instrucción en casa o instrucción en un ambiente alternativo. Esta instrucción debe ser equivalente a la prevista en las clases regulares del estudiante. Deberá hacerse un esfuerzo de buena fe para proporcionar tal instrucción alternativa inmediatamente. Instrucción en casa se define de dos horas de instrucción por área temática requerida.

En caso de que un estudiante dentro de la educación obligatoria en las edades de seis y el año escolar en el cual él o ella cumple dieciséis años es suspendido de la escuela más de cinco días escolares, se proporcionará instrucción alternativa equivalente por todo el período de suspensión.

5300.70 SUSPENSIÓN DE SERVICIOS DE TRANSPORTE
Los estudiantes pueden ser suspendidos de los servicios de transporte por una infracción o infracciones enumeradas en el presente documento a la realización de una audiencia informal por el Superintendente de las escuelas o su designado, momento en el cual los padres del estudiante tutor u otro representante será permitido enfrentar a los testigos invocados por el distrito para determinar la adecuación de la suspensión del servicio. Si la audiencia informal se lleva a cabo ante el delegado del Superintendente, el designado deberá hacer una recomendación al Superintendente sobre las medidas que hayan de adoptarse.

5300.75 SUSPENSIÓN DE ACTIVIDADES EXTRA CURRICULARES Y CO-CURRICULARES Y FUNCIONES ESCOLARES
Un estudiante puede ser suspendido de participar en actividades extra curriculares o actividades co-curriculares (incluyendo un equipo de deportes) por una infracción de cualquiera de las disposiciones del presente contrato, por violar el código de conducta dado a los participantes en la actividad por el supervisor de la actividad o por pelear en los partidos. A petición de los padres del estudiante, el director del edificio permitirá que el padre/tutor u otro representante del estudiante el derecho a comparecer ante él/ella informalmente, para analizar la conducta que condujo a la suspensión de la actividad.
Si un estudiante es suspendido de la escuela en conformidad con la sección §3214 de la Ley de Educación, el/ella no se le permitirá participar en las actividades extracurriculares o actividades co-curriculares, así como cualquier otros eventos escolares o actividades que tienen lugar en los días de suspensión (incluso fines de semana)

5300.80 DISCIPLINA PARA LOS ESTUDIANTES CON DISCAPACIDADES
En caso de que un estudiante tenga una discapacidad conocida o cuando se puede juzgar que los funcionarios escolares saben, conforme a ley, un estudiante que tiene una discapacidad, el distrito primero procederá a realizar un procedimiento disciplinario §3214 para cualquier suspensión de más de cinco días. El procedimiento disciplinario §3214 se hará en dos partes, primero para determinar la culpabilidad o inocencia de los cargos y el segundo para determinar la pena del estudiante. Si se determina la culpabilidad, antes de que sea impuesta una multa, se aplicarán las siguientes reglas:

Sección 504/Título II Leyes de Derechos de Discapacitados
Antes de que la disciplina pueda ser ejercida para un estudiante con una incapacidad o sospecha de incapacidad bajo del Acta de Rehabilitación de 1973 §504 (en lo sucesivo "§504") /Título II de la Ley sobre Estadounidenses con Discapacidades (en lo sucesivo el "ADA"), el Comité multidisciplinario §504 (en lo sucesivo el "Comité de §504") debe tomar una determinación de si la conducta en que se basa la acusación(es) fue una manifestación de la discapacidad.

1. Si se encuentra un nexo entre la discapacidad y la conducta en que se basa los cargos, debe suspender el procedimiento de §3214 y el asunto se coloque bajo la jurisdicción de la Comisión §504 para cualquier otra consideración. El Comité §504 deberá registrar una remisión y lograr una evaluación del estudiante con una discapacidad sospechada o, si el estudiante ya es elegible bajo §504, debe considerar posible modificación de programa y disposición sobre una base no-disciplinaria.

2. Si no se encuentra un nexo, sin embargo, una discapacidad se indica o se ha identificado, se puede imponer disciplina despues de remitir al Oficial de Audiencias §3214. Estudiantes cuya discapacidad única se funda bajo §504 y para quien no se encuentra nexo deberán ser castigados de la misma manera que sus compañeros sin discapacidades.

Cualquier pena impuesta no puede basarse en comportamiento pasado donde no se hizo una determinación de nexo.

El distrito escolar debe continuar de proporcionar una educación pública gratuita adecuada a los estudiantes que han sido suspendidos de la escuela según lo requerido por el reglamento de desarrollo §504 (34 CFR §104 et. seq.) hasta el final del año escolar en el cual el estudiante llega a la edad de 21 años.

Discapacidad de la IDEA
Antes de que la disciplina pueda ser impuesta para un estudiante clasificado o considerado tener una discapacidad bajo el Acto de Educación de Individuos con Discapacidades (en lo sucesivo "IDEA") [un estudiante con una discapacidad educacional], el Comisionado de Educación Especial (en lo sucesivo el "COMITÉ DE EDUCACIÓN ESPECIAL") debe tomar una determinación de que si la conducta basada en los cargos era una manifestación de la discapacidad:
1. Si se encuentra un nexo entre la discapacidad y la conducta, se debe suspender el procedimiento de §3214 (excepto por armas, drogas y comportamiento peligroso) y el asunto colocado bajo la jurisdicción del Comité de Educación Especial para cualquier consideración adicional. El comité debe registrar una remisión y propiciar una evaluación en el caso de un estudiante que puede ser considerado como teniendo una discapacidad o, si el estudiante ya está clasificado bajo IDEA, debe considerar posible modificación de programa y disposición sobre una base no-disciplinaria.

2. Si no se encuentra nexo, sin embargo, no obstante se indica una discapacidad, la disciplina se puede imponer después de ser remitido al Oficial de Audiencias §3214. Los procedimientos disciplinarios pertinentes, aplicables a los niños sin discapacidades pueden aplicarse de la misma manera en que se aplicaría a los niños sin discapacidades, mientras el niño continue recibiendo una educación pública gratuita adecuada durante el término de la suspensión.

3. Donde se encuentra la inexistencia de un nexo y ninguna sospecha discapacidad se determina existir, el asunto será enviado al Oficial de Audiencia §3214 para la determinación de la pena.

Cualquier pena impuesta no puede basarse en comportamiento pasado donde no se hizo una determinación de nexo.

El distrito escolar debe continuar de proporcionar una educación pública gratuita adecuada a los estudiantes que han sido suspendidos de la escuela.

**Suspensiones de Mas de Diez (10) Días Escolares**

Un estudiante con una incapacidad o sospecha de incapacidad fundada exclusivamente bajo el título §504/ II de la ADA no puede ser suspendido por más de 10 días escolares a menos que el Comité §504 haya llevado a cabo una determinación de nexo y ahí encontró que el comportamiento subyacente a los cargos disciplinarios no eran una manifestación de la discapacidad del estudiante. Un estudiante clasificado según se considere conocerse que tiene una discapacidad educativa bajo IDEA no puede ser suspendido por más de 10 días escolares a menos que:

1. El Comité de Educación Especial ha hecho una determinación que la mala conducta del estudiante no estaba relacionada con la discapacidad del estudiante;
2. El Distrito Escolar obtiene una orden judicial autorizando la suspensión;
3. Los cargos disciplinarios implican el cargar un arma a la escuela o una función escolar o el saber de una posesión, uso o venta de drogas ilegales en la escuela o una función escolar.
4. El padre o estudiante mayor de 18 años de edad da su consentimiento, por escrito.

En la determinación de un resultado disciplinario, un Oficial de Audiencia §3214 o autoridad para tomar decisiones no puede considerar incidentes en el historial anecdótico de un estudiante con una discapacidad o sospecha de discapacidad bajo el título §504 II ADA o IDEA, si no ha habido una determinación de manifestación negativa con respecto a tales incidentes por el equipo §504 o Comité de Educación Especial, respectivamente.

**Suspensiones por Mala Conducta que Involucran Armas y/o Drogas**
Un estudiante clasificado o considerado que puede tener una discapacidad educativa bajo la IDEA puede ser suspendido y puesto en un lugar educacional alternativo provisional hasta cuarenta y cinco (45) días (o menos si la disciplina para un alumno sin discapacidad es menos), si el estudiante lleva un arma a la escuela o función escolar, o a sabiendas posee o usa drogas ilegales, o vende o solicita la venta de una sustancia controlada, mientras se encuentra en la escuela o una función escolar.

1. De acuerdo con la ley, el término "arma" significa "un arma, aparato, instrumento, material o sustancia, estimulante o anti-estimulante, que se utiliza para, o es fácilmente capaz de causar la muerte o lesiones corporales graves, excepto que dicho término no incluye una navaja con una cuchilla de menos de 2.5 pulgadas de largo."

2. De acuerdo con la ley, el término "drogas ilegales" significa sustancias controladas pero no aquellos poseídas legalmente o utilizadas bajo la supervisión de un medico u otra autoridad permitida bajo la Ley Federal de Sustancias Controladas o bajo cualquier otra disposición de la Ley Federal. Sustancias controladas son fármacos y otras sustancias identificadas en las listas establecidas en Ley Federal aplicable.

Antes de que un estudiante sea suspendido y puesto en un sitio educacional alternativo provisional por hasta 45 días por el comportamiento que involucre armas o drogas, el Comité de Educación Especial debe llevar a cabo una determinación de manifestación y una evaluación de comportamiento funcional, así como implementar un plan de intervención conductual que aborde el comportamiento subyacente al procedimiento disciplinario o revisar cualquier tal plan preexistente para modificarlo si es necesario.

1. Ubicar en un sitio educacional alternativo provisional como resultado de la conducta que involucre armas o drogas no es contingente con una determinación del Comité de Educación Especial que la mala conducta no está relacionada con la discapacidad del estudiante.

2. Es decisión del Comité de Educación Especial de determinar lo que constituiría un sitio educacional alternativo provisional que cumplan los requisitos del Plan de Educación Individualizada (IEP) del estudiante y facilitar al alumno en participar en el currículo general (aunque en otro sitio) la excepción permitida para la suspensión/remoción de estudiantes con discapacidades educativas hasta 45 días por conducta que involucre armas o drogas no se aplica a los estudiantes cuya discapacidad se basa exclusivamente en el título I §504 del ADA

Un sitio educativo alternativo provisional se considerará el sitio para el estudiante "quedarse" durante la pendencia de cualquier debido procedimiento de disputa del sitio educativo alternativo provisional por la duración de la colocación provisional.

**Estudiantes Peligrosos**

Para continuar con la suspensión de un estudiante clasificado o que se considere tener una discapacidad educativa bajo la IDEA por más de 10 días escolares, el distrito escolar puede iniciar una audiencia ante un oficial de audiencia imparcial de educación especial que puede ordenar la ubicación del estudiante en un sitio alternativo provisional hasta por 45 días.

1. El Comité de Educación Especial debe llevar a cabo una determinación del nexo dentro de 10 días de la acción disciplinaria inicial. Ubicacion en un sitio educacional alternativo provisional como resultado de comportamiento peligroso no es contingente con una
determinación del Comité de Educación Especial que la mala conducta no está relacionada con la discapacidad del estudiante.

2. Depende del Comité de Educación Especial de determinar lo que constituiría un sitio educacional alternativo provisional.

3. El oficial de audiencia puede otorgar tal si al mantener al estudiante en la ubicación actual hay probabilidad substancial de ocasionar lesiones al estudiante u otros, y el distrito escolar ha hecho esfuerzos razonables para minimizar el riesgo de daño en esta ubicación. El oficial de audiencias también debe considerar la conveniencia de la ubicación actual del estudiante y si el sitio educacional alternativo provisional cumple todos los requisitos del Plan de Educación Individualizada (IEP) del estudiante, incluyendo la participación continua en el currículo general (aunque en otro sitio) con un componente de comportamiento apropiado.

Un sitio educativo alternativo provisional se considerará la ubicación para el estudiante "quedarse" durante la pendencia de cualquier debido procedimiento de disputa del sitio educativo alternativo provisional por la duración de la ubicación provisional.

Estudiantes Desclasificados
De acuerdo con la ley, el Comité de Educación Especial debe llevar a cabo una determinación de manifestación en el caso de un estudiante con una discapacidad educativa que ha sido desclasificado si la materia disciplinaria implica problemas de comportamiento.

5300.85 CASTIGOS CORPORALES
El castigo corporal es cualquier acto de fuerza física al estudiante con el fin de castigar a ese estudiante. El castigo corporal a cualquier estudiante por cualquier empleado del distrito está estrictamente prohibido. El distrito presentará todas las denuncias sobre el uso del castigo corporal con el Comisionado de Educación conforme a las Regulaciones del Comisionado

Sin embargo, en situaciones donde los procedimientos alternativos y métodos que no impliquen el uso de la fuerza física no se puede razonablemente utilizar la fuerza física puede utilizarse para:
- protegerse uno mismo, otro estudiante, maestro o cualquier persona de una lesión física;
- proteger la propiedad de la escuela u otros;
- restringir o retirar un estudiante cuyo comportamiento interfiere con el rendimiento ordenado de las funciones del distrito escolar, poderes y deberes, si el estudiante se ha negado a abstenerse de actos más perturbadores.

5300.90 DIFUSIÓN Y REVISIÓN
Difusión del código de conducta
La Junta trabajará para asegurarse que la comunidad sea consciente de este código de conducta:

1. Proporcionando copias apropiadas para la edad, escritas en lengua clara, un resumen del código a todos los estudiantes en una asamblea que sucede a principios de cada año escolar.
2. Proporcionando un resumen en lengua clara a todos los padres al principio del año escolar y posteriormente a petición.
3. Publicar el código de conducta completo en el sitio web del distrito.
4. Proporcionando a todos los profesores actuales y otros miembros del personal con una copia del código y una copia de las modificaciones al código tan pronto como sea posible después de la adopción.

5. Proporcionando a todos los nuevos empleados con una copia del código de conducta actual cuando son contratados.

6. Hacer copias del código completo disponible para revisión por estudiantes, padres y otros miembros de la comunidad.

La Junta patrocina un programa de educación en servicio para todos los funcionarios del distrito para garantizar la aplicación efectiva del código de conducta. El superintendente puede solicitar las recomendaciones del personal del distrito, especialmente los maestros y administradores, en relación con programas de formación relativas a la administración y disciplina de los estudiantes. Desarrollo profesional será incluido en el plan de mejoramiento profesional del distrito, según sea necesario.

**Revisión del Código de Conducta**

La Junta Directiva revisará este código de conducta cada año y lo actualizarla según sea necesario. En la realización de la revisión, la Junta considerará qué tan efectivas han sido las disposiciones del código y si se ha aplicado el código de manera justa y consistente.

Antes de adoptar cualquier revisión del código, la Junta tendrá por lo menos una audiencia pública en la cual personal escolar, padres, estudiantes y cualquier otra persona interesada pueden participar. El código de conducta y las modificaciones que se presentará con el Comisionado de Educación, de una manera prescrita por el Comisario, no más tarde de 30 días después de la adopción.

Original, Fecha de Adopción: Agosto 11, 2009
Actualización 1, Fecha de Adopción: Septiembre 14, 2010
Actualización 2, Fecha de Adopción: Agosto 16, 2011
Actualización 3, Fecha de Adopción: Septiembre 11, 2012
Actualización 4, Fecha de Adopción: Agosto 13, 2013
Actualización 5, Fecha de Adopción: Agosto 12, 2014
Actualización 6, Fecha de Adopción: Agosto 25, 2015

Referencia: Education Law §§1708; 2801; 3214
8 NYCRR §100.2(l)(3)
Rules of the Board of Regents §19.5
*Appeal of Wood*, 27 EDR 92 (1987) (suspension beyond school year)
*Matter of Labriola*, 20 EDR 74 (1980) (excessive penalty)
*Matter of Caulfield*, 18 EDR 574 (1979) (suspension from classes)
*Matter of Wright*, 18 EDR 432 (1978) (formal due process)
*Matter of Macheski*, 13 EDR 112 (1973) (suspension by a principal)
*Matter of DeFore*, 11 EDR 296 (1972) (insufficient basis for discipline)
*M.M. v. Anker*, 477 F.Supp. 837, aff'd. 607 F.2d 589 (2d Cir. 1979)
*US v. Albarado*, 495 F 2d 799 (2d Cir. 1974)
*People v. Haskins*, 48 AD2d 480 (1975)
*Opinion of Counsel*, 1 EDR 800 (1959)
*New Jersey v. TLO*, 469 U.S. 325 (1985)

In Re Ronald B., 61 AD2d 204 (1978)
*People v. Overton*, 24 NY2d 522 (1967)
*Opinion of Counsel*, 1 EDR 766 (1952)
*People v. Scott D.*, 34 NY2d 483 (1974)
<table>
<thead>
<tr>
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<th>DEFINICIÓN</th>
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</thead>
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<td>Incendiar deliberadamente la propiedad escolar</td>
</tr>
<tr>
<td>Asalto</td>
<td>Amenaza real o causar daño físico a otra persona</td>
</tr>
<tr>
<td>Asalto a un Empleado Escolar</td>
<td>Amenaza real o causar daño físico a cualquier empleado de la escuela</td>
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<td>Violación por el estudiante de la política escolar sobre el uso de computadoras</td>
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<tr>
<td>Vandalismo informático</td>
<td>Violación por el estudiante de la política escolar sobre el cuidado de las computadoras</td>
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<td>Ausencia deliberada</td>
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<td>Cualquier amenaza o acción verbal, que representa un peligro para la salud, la seguridad o el bienestar de los estudiantes y/o personal</td>
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<td>Destrucción o desfiguración de la propiedad escolar y graffiti</td>
<td>Escritura o dibujo que desfigura la propiedad escolar</td>
</tr>
<tr>
<td>Comportamiento disruptivo</td>
<td>La interrupción del proceso educativo</td>
</tr>
<tr>
<td>Violación de conducción</td>
<td>Sólo los estudiantes de la escuela secundaria aprobados: Conducir con exceso de velocidad y conducción temeraria o falta de seguir las directivas del guardia de cruce. Nota: El límite de velocidad es de 5 MPH en la propiedad escolar</td>
</tr>
<tr>
<td>Uso o posesión de drogas y/o alcohol</td>
<td>La posesión, uso o estar bajo la influencia de alcohol o drogas en la escuela o en funciones escolares, en o fuera del campus, o la posesión de parafernalia de drogas</td>
</tr>
<tr>
<td>Distribución de drogas y alcohol o venta</td>
<td>Cuando un estudiante vende, intercambia, da o desembolsa drogas o alcohol a otro u ofrece o se compromete a hacerlo mismo</td>
</tr>
<tr>
<td>Comer/Beber</td>
<td>Sólo está permitido comer o beber en la cafetería durante los periodos de almuerzo y en el aula a discreción del profesor solamente</td>
</tr>
<tr>
<td>Dispositivos electrónicos</td>
<td>Los estudiantes no están autorizados de utilizar o poseer cualquiera de estos dispositivos durante el día de instrucción.</td>
</tr>
<tr>
<td>Falsa activación de alarma</td>
<td>Activación falsa de la alarma de incendio, amenaza de bomba o cualquier otra alarma de desastre</td>
</tr>
<tr>
<td>Peles</td>
<td>Interacción física agresiva</td>
</tr>
<tr>
<td>Falsificación/Fraude</td>
<td>Engañar deliberadamente la autoridad escolar</td>
</tr>
<tr>
<td>Hostigamiento/Intimidación</td>
<td>Violación de los derechos humanos</td>
</tr>
<tr>
<td>Discriminación/Difamación</td>
<td>Violación de los derechos humanos</td>
</tr>
<tr>
<td>Jugueteo</td>
<td>Interacción física no agresiva</td>
</tr>
<tr>
<td>Ropa/vestimenta inapropiada</td>
<td>Cualquier prenda de vestir o ropa que: sea peligrosa o un peligro para la salud (no se deberá usar abrigos durante el día escolar); ropa que contenga símbolos ofensivos u obscenos, carteles, consignas o palabras que demigran a cualquier persona raza, color, religión, ascendencia, origen nacional, discapacidad, género o orientación sexual; contiene lenguaje o símbolos orientados hacia la violencia, sexo, drogas, alcohol, tabaco o vandalismo. Cualquier atuendo o peinado perjudicial para el proceso de instrucción que puede incluir, pero no se limita a: estómagos descubiertos, blusas sin mangas, tops sin tiras y ropa que no cubra la ropa interior en todo momento; pantalones cortos, faldas cortas, vestidos o pantalones apretados o revelador; pies descalzos; sombreros, viseras de sol (excepto en las áreas común y la cafetería durante periodos de almuerzo); cadenas, collares, cadenas, colgantes y picos</td>
</tr>
<tr>
<td>Violación de suspensión en la escuela</td>
<td>Cuando un estudiante viola los requisitos de la suspensión en la escuela</td>
</tr>
<tr>
<td>Insubordinación</td>
<td>Respuesta negativa de obedecer una solicitud razonable de cualquier empleado, conductor del autobús, trabajador del servicio de alimentos o un adulto que trabaja en una capacidad oficial en escuela</td>
</tr>
<tr>
<td>Materiales/lenguaje ofensivo</td>
<td>El uso de lenguaje que es ofensivo por naturaleza</td>
</tr>
<tr>
<td>Infracciones de estacionamiento</td>
<td>Solo para estudiantes en la escuela secundaria aprobados: aparcamiento en zonas no autorizadas</td>
</tr>
<tr>
<td>Demostraciones de afecto públicas</td>
<td>Exhibición de afecto público que va más allá de cogerse la mano</td>
</tr>
<tr>
<td>Tardanza escolar</td>
<td>Llegar a la escuela después de la hora de inicio</td>
</tr>
<tr>
<td>Ausencia escolar sin permiso</td>
<td>Ausencia no autorizada de la escuela</td>
</tr>
<tr>
<td>Fumar en propiedad escolar, autobús escolar, o en una actividad escolar</td>
<td>Posesión de cigarrillo encendido o exhalar humo o rodeado de humo. También se aplica a un estudiante en el proceso de lanzar un cigarrillo, o en la posesión de parafernalia de cigarrillos, incluye cigarrillos electrónicos.</td>
</tr>
<tr>
<td>Llegar tarde a clase</td>
<td>Llegar a la clase después de que la campana ha sonado</td>
</tr>
<tr>
<td>Amenaza</td>
<td>Decir “Quiero matar a alguien, o quiero explotar la escuela”</td>
</tr>
<tr>
<td>Robo</td>
<td>Tomar la propiedad de otra persona o escuela</td>
</tr>
<tr>
<td>Traspasar</td>
<td>Durante el periodo de suspensión escolar estar en el edificio, en terrenos de la escuela o en los eventos escolares</td>
</tr>
<tr>
<td>Vandalismo</td>
<td>Destrucción de propiedad escolar o personal</td>
</tr>
<tr>
<td>Posesión de armas</td>
<td>La posesión de cualquier objeto que podría ser utilizado para hacer daño a otra persona o el uso de cualquier objeto para dañar a una persona</td>
</tr>
</tbody>
</table>

NOTA: Después de la tercera infracción del estudiante se considerará un acto de insubordinación administrativa y tratado en adecuadamente
ESCUELAS PUBLICAS DE HAMPTON BAYS CONSECUENCIAS DEL CÓDIGO DE CONDUCTA

<table>
<thead>
<tr>
<th>NIVEL</th>
<th>OFENSAS</th>
<th>AUDIENCIA/PROCESO DE APELACION</th>
<th>La variedad de Consecuencias por Nivel (más de un se puede usar)</th>
</tr>
</thead>
</table>
| I     | 1. Relojes inteligentes, radios, reproductores de MP3, discman, celulares, encendedores, punteros láser, computadoras portátiles, etc.  
2. Violación de uso de computadora  
3. Corte de clase, hora de estudio, detención del maestro  
4. Comer/beber  
5. Comportamiento disruptivo  
6. Violaciones de Conducir  
7. Jugueteo  
8. Vestimenta inapropiada  
9. Insubordinación  
10. Vagancia  
11. Lenguaje/material ofensivo  
12. Muestras de afecto públicas  
13. Tardanzas escolares o llegar tarde a clase  
14. Comer/beber  
15. Altercados o disturbios en la cafetería  
16. Disciplina complicada al mentir al maestro o administrador | Audiencia informal ante el administrador que impone las consecuencias disciplinarias y/o mediación. *Advertencia oral del maestro  
* Contacto a los padres por el maestro  
* Detención del maestro  
* Advertencia administrativa escrita  
* Contacto a los padres administrativa  
* Detención administrativa  
* Intervención con la trabajadora Social y orientación  
* Dos días detención administrativa  
* Suspensión en la escuela  
* Suspensión/revocación de privilegios escolares |
| II    | 1. Continuar o repetir ofensas de nivel I  
2. Faltar a la detención administrativa  
3. Falsificación/fraude/deshonestidad académica/plagio  
4. Juegos de azar  
5. Acoso/intimidación/discriminación/difamación  
6. Violaciones de parqueo  
7. Ausentismo escolar  
8. Fumar durante evento escolar/autobús/escuela  
9. Conducta desordenada en la cafetería  
10. Lenguaje inadecuado dirigido a un adulto  
11. Comportamiento disruptivo  
12. Filmar o fotografar a un miembro del personal | Audiencia informal ante el administrador que impone las consecuencias disciplinarias y/o mediación. *Suspensión en la escuela  
* Detención administrativa  
* Suspensión/revocación de privilegios escolares  
* Suspensión de todas las funciones escolares durante diez semanas  
* Remisión a la corte juvenil  
* Suspensión fuera de la escuela  
* Suspensión/revocación de derecho a estacionamiento |
| III   | Continuar o repetir ofensas nivel II después de que se han tomado medidas correctivas anteriores. Actos peligrosos  
Destructión o desfiguración de propiedad escolar y graffiti  
Pelear  
Violación de suspensión en la escuela  
Vandalismo  
Novatadas  
Robo  
Filmar un altercado o disturbio | Audiencia del Superintendente conforme a ley. Consecuencias Nivel I, II & III  
* Suspensión de todas las funciones escolares por el resto del semestre  
* Remisión a la corte juvenil  
* Posibles cargos criminales, peticiones a la delincuencia juvenil |
| IV    | 1. Conducta tan grave que requiere consecuencias más del nivel III  
2. Incendio  
3. Asalto  
4. Posesión, distribución, venta o uso de drogas/alcocado  
5. Posesión, distribución, venta o utilización de parafernalia de drogas/alcocado  
6. Activación falsa de alarmas, amenaza de bomba, disturbios  
7. Posesión o uso de armas | Audiencia del Superintendente conforme a ley. Consecuencias Nivel I, II & III  
* Suspensión fuera de la escuela  
* Audiencia del Superintendente  
* Se aplica la política de la Junta de Educación  
* Posibles cargos criminales, peticiones a la delincuencia juvenil |
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<tr>
<td>Violación de conducción</td>
<td>Sólo los estudiantes de la escuela secundaria aprobados: Conducir con exceso de velocidad y conducción temeraria o falta de seguir las directivas del guardia de cruce. Nota: El límite de velocidad es de 5 MPH en la propiedad escolar</td>
</tr>
<tr>
<td>Uso o posesión de drogas y/o alcohol</td>
<td>La posesión, uso o estar bajo la influencia de alcohol o drogas en la escuela o en funciones escolares, en o fuera del campus, o la posesión de parafernalia de drogas.</td>
</tr>
<tr>
<td>Distribución de drogas y alcohol o venta</td>
<td>Cuando un estudiante vende, intercambia, da o desembolsa drogas o alcohol a otro u ofrece o se compromete a hacer lo mismo</td>
</tr>
<tr>
<td>Comer/Beber</td>
<td>Sólo está permitido comer o beber en la cafetería durante los periodos de almuerzo y en el aula a discreción del profesor solamente.</td>
</tr>
<tr>
<td>Dispositivos electrónicos</td>
<td>Los estudiantes no están autorizados de utilizar o poseer cualquiera de estos dispositivos durante el día de instrucción.</td>
</tr>
<tr>
<td>Falsa activación de alarma</td>
<td>Activación falsa de la alarma de incendio, amenaza de bomba o cualquier otra alarma de desastre</td>
</tr>
<tr>
<td>Peleas</td>
<td>Interacción física agresiva</td>
</tr>
<tr>
<td>Falsificación/Fraude</td>
<td>Engañar deliberadamente la autoridad escolar</td>
</tr>
<tr>
<td>Hostigamiento/Intimidación/ Discriminación/Difamación</td>
<td>Violación de los derechos humanos</td>
</tr>
<tr>
<td>Jugueteo</td>
<td>Interacción física no agresiva</td>
</tr>
<tr>
<td>Ropa/vestimenta inapropiada</td>
<td>Cualquier prenda de vestir o ropa que: sea peligrosa o un peligro para la salud (no se deberá usar abrigos durante el día escolar); ropa que contiene símbolos ofensivos u obscenos, carteles, consignas o palabras que denigran a cualquier persona raza, color, religión, ascendencia, origen nacional, discapacidad, género u orientación sexual; contiene lenguaje o símbolos orientados hacia la violencia, sexo, drogas, alcohol, tabaco o vandalismo. Cualquier atuendo o peinado perjudicial para el proceso de instrucción que puede incluir, pero no se limita a: estómagos descubiertos, blusas sin mangas, tops sin tiras y ropa que no cubra la ropa interior en todo momento; pantalones cortos, faldas cortas, vestidos o pantalones apretados o revelador; pies descalzos; sombreros, viseras de sol (excepto en las áreas común y la cafetería durante períodos de almuerzo); cadenas, collares, cadenas, colgantes y picos.</td>
</tr>
<tr>
<td>Violación de suspensión en la escuela</td>
<td>Cuando un estudiante viola los requisitos de la suspensión en la escuela</td>
</tr>
<tr>
<td>VIOLACIÓN</td>
<td>DEFINICIÓN</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Insubordinación</td>
<td>Respuesta negativa de obedecer una solicitud razonable de cualquier empleado, conductor del autobús, trabajador del servicio de alimentos o un adulto que trabaja en una capacidad oficial en escuela.</td>
</tr>
<tr>
<td>Materiales/lenguaje ofensivo</td>
<td>El uso de lenguaje que es ofensivo por naturaleza</td>
</tr>
<tr>
<td>Infracciones de estacionamiento</td>
<td>Solo para estudiantes en la escuela secundaria aprobados: aparcamiento en zonas no autorizadas</td>
</tr>
<tr>
<td>Demostraciones de afecto públicas</td>
<td>Exhibición de afecto público que va más allá de cogerse la mano.</td>
</tr>
<tr>
<td>Tardanza escolar</td>
<td>Llegar a la escuela después de la hora de inicio.</td>
</tr>
<tr>
<td>Ausencia escolar sin permiso</td>
<td>Ausencia no autorizada de la escuela</td>
</tr>
<tr>
<td>Fumar en propiedad escolar, autobús escolar, o en una actividad escolar</td>
<td>Posesión de cigarrillo encendido o exhalar humo o rodeado de humo. También se aplica a un estudiante en el proceso de lanzar un cigarrillo, o en la posesión de parafernalia de cigarrillos, incluye cigarrillos electrónicos.</td>
</tr>
<tr>
<td>Llegar tarde a clase</td>
<td>Llegar a la clase después de que la campana ha sonado.</td>
</tr>
<tr>
<td>Amenaza</td>
<td>Decir “Quiero matar a alguien, o quiero explotar la escuela”</td>
</tr>
<tr>
<td>Robo</td>
<td>Tomar la propiedad de otra persona o escuela</td>
</tr>
<tr>
<td>Traspasar</td>
<td>Durante el periodo de suspensión escolar estar en el edificio, en terrenos de la escuela o en los eventos escolares</td>
</tr>
<tr>
<td>Vandalismo</td>
<td>Destrucción de propiedad escolar o personal</td>
</tr>
<tr>
<td>Posesión de armas</td>
<td>La posesión de cualquier objeto que podría ser utilizado para hacer daño a otra persona o el uso de cualquier objeto para dañar a una persona</td>
</tr>
</tbody>
</table>

**NOTA:** Después de la tercera infracción del estudiante se considerará un acto de insubordinación administrativa y tratado en adecuadamente
### ESCUELAS PUBLICAS DE HAMPTON BAYS CONSECUENCIAS DEL CÓDIGO DE CONDUCTA

<table>
<thead>
<tr>
<th>NIVEL</th>
<th>OFENSAS</th>
<th>AUDIENCIA/PROCESO DE APELACION</th>
<th>La variedad de Consecuencias por Nivel (más de un se puede usar)</th>
</tr>
</thead>
</table>
| I     | 1. Relojes inteligentes, radios, reproductores de MP3, discman, celulares, encendedores, punteros láser, computadoras portátiles, etc.  
2. Violación de uso de computadora  
3. Corte de clase, hora de estudio, detención del maestro  
4. Comer/beber  
5. Comportamiento disruptivo  
6. Violaciones de Conducir  
7. Jugueteo  
8. Vestimenta inapropiada  
9. Insubordinación  
10. Vagancia  
11. Lenguaje/material ofensivo  
12. Muestras de afecto públicos  
13. Tardanzas escolares o llegar tarde a clase  
14. Comportamiento disruptivo  
15. Lenguaje/material ofensivo | Audiencia informal ante el administrador que impone las consecuencias disciplinarias y/o mediación. | *Advertencia oral del maestro  
* Contacto a los padres por el maestro  
* Detención de maestro  
* Advertencia administrativa escrita  
* Contacto a los padres administrativa  
* Detención administrativa  
* Intervención con la trabajadora Social y orientación  
* Dos días detención administrativa  
* Suspensión en la escuela  
* Suspensión/revocación de privilegios escolares |
| II    | 1. Continuar o repetir ofensas de nivel I  
2. Faltar a la detención administrativa  
3. Falsificación/fraude/deshonestidad académica/plagio  
4. Juegos de azar  
5. Acoso/intimidación/discriminación/difamación  
6. Violaciones de parqueo  
7. Ausentismo escolar  
8. Fumar durante evento escolar/autobús/escuela  
9. Conducta desordenada en la cafetería  
10. Lenguaje inadecuado dirigido a un adulto  
11. Comportamiento disruptivo  
12. Filmar o fotografiar a un miembro del personal | Audiencia informal ante el administrador que impone las consecuencias disciplinarias y/o mediación. | *Suspensión en la escuela  
* Detención administrativa  
* Suspensión/revocación de privilegios escolares  
* Suspensión de todas las funciones escolares durante diez semanas  
* Remisión a la corte juvenil  
*Suspensión fuera de la escuela  
*Suspensión/revocación de derecho a estacionamiento |
| III   | 1. Continuar o repetir ofensas nivel II después de que se han tomado medidas correctivas anteriores.  
2. Actos peligrosos  
3. Destrucción o desfiguración de propiedad escolar y graffiti  
4. Pelear  
5. Violación de suspensión en la escuela  
6. Vandalismo  
7. Novatadas  
8. Robo  
9. Filmar un altercado o disturbio | Audiencia del Superintendente conforme a ley. | Consecuencias Nivel I, II y III  
* Notificación Policial  
* Restitución a individuales o en la escuela  
* Suspensión de todas las funciones escolares por el resto del semestre  
* Suspension de todas las funciones escolares por el año escolar  
*Suspensión fuera de la escuela  
* Remisión a la corte juvenil  
*Posible Restitución financiera  
*Demandas penales o civiles |
| IV    | 1. Conducta tan grave que requiere consecuencias más del nivel III  
2. Incendio  
3. Asalto  
4. Posesión, distribución, venta o uso de drogas/alcohol  
5. Posesión, distribución, venta o utilización de parafernalia de drogas/alcohol  
6. Activación falsa de alarmas, amenaza de bomba, disturbios  
7. Posesión o uso de armas | Audiencia del Superintendente conforme a ley. | Consecuencias Nivel I, II & III  
* Suspensión fuera de la escuela  
* Audiencia del Superintendente  
* Se aplica la política de la Junta de Educación  
* Posibles cargos criminales, peticiones a la delincuencia juvenil |
Athletic Contract

La participación en atletismo interescolar es un privilegio. Los estudiantes que desean tomar ventaja de las oportunidades que les presenta el distrito escolar de Hampton Bays deben mostrar un compromiso con el programa atlético con la asistencia regular a prácticas y juegos, así como de conformidad con las reglas establecidas por el distrito y el entrenador. El privilegio de competir en deportes interescolares en Hampton Bays UFSD requiere que cada deportista se adhiera a una serie de condiciones que mejoren su compromiso con la escuela, la comunidad, su familia, entrenadores y personalmente. Mala deportividad y otras conductas impropias de un deportista representando a Hampton Bays, incluyendo mala conducta o conducta ilegal adentro o fuera de la escuela, no cumplir con el Código de Conducta (manual) o este contrato atlético puede resultar en una acción disciplinaria, suspensión o despido del programa deportivo interescolar. Los estudiantes deportistas son responsables de todos los reglamentos deportivos durante todo el año, incluyendo los meses de verano.

A. Derechos del Estudiante
Los estudiantes que participan en un programa deportivo interescolar se rigen por los derechos, protección y responsabilidades según lo prescrito por la Asociación Atlética del Estado de Nueva York, sección XI y el Distrito Escolar De Hampton Bays

B. Responsabilidades del Estudiante
Los estudiantes que participan en un programa deportivo interescolar se rigen por los derechos, la protección y las responsabilidades, los estudiantes obtienen el privilegio de participar en el atletismo por buena ciudadanía, aceptando la responsabilidad y manteniendo comportamientos apropiados en la escuela, en los eventos escolares y fuera de la escuela. La Junta de Educación, profesores, personal y administración del Distrito Escolar de Hampton Bays creemos firmemente que todos los estudiantes deben rendir cuentas de sus actos. Los participantes están obligados a adaptarse a las normas y los reglamentos de su escuela, de la sección XI, y comportarse de manera segura y deportiva. Los deportistas y sus padres son responsables de revisar el manual del estudiante y el Código de Conducta y ser conscientes de su contenido.

C. Elegibilidad
- Todos los candidatos atléticos deben ser estudiantes de buena fe y se adhieren a las reglas y regulaciones N.Y.S.P.H.S.A.A.
- Todos los candidatos atléticos deben haber completado un físico deportivo y ser aprobados para competencias atléticas interescolares por la autoridad médica de la escuela antes de poder participar. Para reanudar la participación luego de una enfermedad o lesión lo suficientemente grave como para requerir atención médica, un estudiante debe presentar al oficial de la escuela el comunicado escrito de un médico para resumir con el deporte.
- Un estudiante es elegible para deportes interescolares durante cuatro años consecutivos en los grados 9, 10, 11 y 12 hasta su cumpleaños número diecinueve. Si se llega a la edad de diecinueve años en o después del 1 de julio, los estudiantes pueden seguir participando durante el año escolar en todos los deportes.
- Un estudiante en el grado 7 u 8 que es seleccionado para participar en el nivel universitario o Junior Varsity debe pasar selección y clasificación antes de ser capaz de competir.
- Residir con los padres o un tutor nombrado por un tribunal que ha actuado en tal capacidad durante un periodo de seis meses o más.
- No aceptar premios en efectivo o compensación de más de $250, nunca firmar un contrato con un equipo u organización deportiva profesional.
- Debe estar preparado, vestido y también debe participar en la clase de educación física o para jugar en un evento atlético.

D. Abuso de Drogas
La posesión y/o uso y/o estar bajo la influencia de cualquier producto de tabaco, alcohol, drogas ilegales, esteroides, o cualquier droga legal o sustancia controlada la cual individuo no tiene un propósito legítimo y autorización de sus padres o tutor legal o un profesional médico y la aprobación del distrito, en cualquier momento o lugar, dará lugar a medidas disciplinarias que pueden incluir la suspensión del equipo durante un periodo de tiempo, suspensión del equipo por el resto de la temporada, o la suspensión de la participación en cualquier equipo atlético por el resto del año escolar o más. (suspensiones pueden llegar hasta la próxima temporada del deporte en el cual el alumno participa). Además, tal conducta por un deportista puede también ser referida al director o el Superintendente de la escuela para las consecuencias disciplinarias conforme a las leyes educativas, sección 3214."
E. Novatadas– Ceremonia de Iniciación (un crimen en el estado de Nueva York)
Una persona es culpable de novatadas... cuando, en el curso de ingreso de otro estudiante o afiliación con cualquier equipo o club, de forma intencionada o imprudentemente participa en conducta que crea un riesgo de lesión física, daño emocional o un sentimiento de intimidación hacia otro estudiante o estudiantes". Esto incluye, pero no limitado a daños físicos, daño amenazado, acoso, burlas, críticas y causar daños a la propiedad pública o privada de la víctima. Está prohibido cualquier tipo de "iniciación". Los deportistas que violan las reglas "novatadas" estarán sujetos a disciplina severa y pueden ser sujetos a acción penal.

F. Académico
Se reconoce que la función primaria de la escuela es darle a cada estudiante una educación básica. Por lo tanto, el director o la administración se reserva el derecho de sacar a un estudiante de un equipo si ese estudiante no cumple académicamente como se explica en los requisitos académicos extracurriculares de Hampton Bays UFSD.

G. Asistencia
- Si cualquier deportista está ausente o suspendido de la escuela, él/ella no puede participar en ninguna práctica, entrenamiento o juego de ese día.
- Si cualquier deportista llega después de las 9:04 am en la escuela secundaria y 9:26 am en la escuela intermedia, con una ausencia sin excusa, ellos no podrán participar en la práctica, entrenamiento o juego de ese día.
- Ningún alumno puede dejar un deporte y luego participar en otro una vez que los equipos han sido seleccionados

*** Además, cualquier estudiante que sale de la escuela por razones que no sean médicas, legales, educativas, o relacionadas con la escuela no podrá participar en ninguna actividad extracurricular independientemente de la hora que regresa a la escuela. Los estudiantes que salen por razones médicas, legales, educativas, o relacionadas con la escuela deben traer la documentación de su profesional médico, abogado o institución educativa y enviarlo a la administración principal a su regreso, con el fin de poder participar en cualquier actividad escolar.

H. Equipo
El cuidado del equipo es responsabilidad de cada deportista. Cada pieza de equipo emitido a un deportista debe ser devuelta. Cualquier deportista que "debe" el retorno de una pieza de equipo o el pago por una pieza de equipo no podrá participar en ningún concurso hasta que se devuelva el equipo o restitución este hecha.

I. Lesiones
Todas las lesiones deben notificarse al entrenador tan pronto como sea posible para que pueda comenzar inmediatamente el tratamiento y el cumplimiento de las regulaciones de seguros necesarias.

J. Suposición de Riesgo
Lesiones, incluyendo daño físico permanente, no limitado a, parálisis o la muerte, son un riesgo que debe ser asumido al participar en deportes; en consecuencia, se reconoce que el deportista asume el riesgo de tales lesiones o la muerte y en consideración del distrito que permite la participación en atletismo interescolar, el estudiante y sus padres/tutores acepta no responsabilizar el distrito por cualquier daño, incluso la muerte.

K. Informar Sobre una Infracción del Código de Conducta y Normas y Reglamentos Deportivos
Cualquier deportista observado exhibiendo o sospechado de conducta impropia de un deportista deberá ser investigado y puede ser referido al director deportivo. Cualquier persona puede hacer un informe; Sin embargo, no se aceptarán informes para investigación anónimos sin corroboración de evidencia adicional. Cuando el informe se someta al Director Deportivo, se llevará a cabo una investigación de la denuncia de conducta impropia de un deportista y se determinara qué medidas disciplinarias, si los hubiere, se impondrán.

L. Consecuencias por Violar el Código de conducta del Distrito
Hampton Bays UFSD se adhiere a un enfoque de tres niveles con respecto a las consecuencias a las violaciones de las reglas deportivas y regulaciones. Los tres niveles de consecuencias están diseñados para facilitar los objetivos de una institución educativa para alertar, informar y proporcionar una oportunidad para aprender de los errores y tener éxito con las opciones futuras.
Las Normas y Reglamentos Atléticas esta en efecto desde el principio de la participación interescolar inicial del deportista hasta la graduación del estudiante deportista, incluyendo los meses de verano. El comienzo de la temporada se define como el primer día de práctica.

Por favor tenga en cuenta que las acciones disciplinarias son recomendaciones asesorías para sanciones. El Director Deportivo o administración tiene la autoridad de salir de estas recomendaciones dependiendo la naturaleza del delito y los expedientes disciplinarios de los estudiantes deportistas involucrados. Como regla general, la disciplina será progresiva y subsecuentes violaciones que ocurran durante el mismo año escolar se convertirá en mayores sanciones para el estudiante deportista.

**Tipicamente una violación de las reglas resultará en lo siguiente:**

- **Primera Ofensa:** Una suspensión de la participación del 20% - 30% de los concursos/juegos regulares del equipo en el que está jugando. Participación en el programa educativo obligatorio si se considera oportuno dada la naturaleza de la conducta. (Véase abajo)

- **Segunda Ofensa:** Una suspensión de la participación del 50% a 60% de los concursos/juegos regulares del equipo en el que está jugando. Participación en el programa educativo obligatorio, si se considera oportuno dada la naturaleza de la conducta. (Véase abajo)

- **Tercera Ofensa:** Despido del equipo por un periodo de hasta un año o suspensión permanente de todos los programas deportivos por el resto del tiempo del estudiante en la escuela.

Además de las consecuencias disciplinarias, el estudiante deportista también se requiere realizar servicio comunitario o asistir a la corte juvenil de Southampton según lo determinado por la administración.

Todas las decisiones finales son apelables al Director, al Superintendente de Escuelas y a la Junta de Educación.

**Programa de Educación Obligatoria:** Cualquier estudiante deportista que viole las normas de uso de drogas o alcohol se requiere participar en un programa educativo de abuso de sustancias desarrollado o aprobado por el Distrito de Hampton Bays. La imposibilidad de participar en este programa deberá resultar en suspensión atlética continua hasta que se cumple este requisito.

**Continuación:** Si la duración de las consecuencias va más allá del final de la temporada actual, se trasladará para la próxima temporada en la que participa el estudiante. No afectará el período de prueba para la próxima temporada.

**Suspensiones:** Las suspensiones se aplican sólo a eventos o concursos regulares y no incluyen escaramuzas.

**Pérdida de posiciones de Liderazgo:** Cualquier infracción de las reglas puede dar como resultado la pérdida de capitánia de equipo y otras posiciones de liderazgo. Los deportistas que violen las normas puede que no sean elegibles para la temporada de premios de HBUFS.

**Auto Remisión** – Primera ofensa solamente: en el reconocimiento de la importancia de los valores de honestidad e integridad, cualquier primer violación que es auto o familia informada, antes de la iniciación de una investigación del distrito o de un procedimiento disciplinario contra el estudiante deportista, típicamente recibirán una reducción de pena del 50%.

**Aplicación de la Suspensión:** La suspensión comenzará inmediatamente después de que el deportista se determine que el deportista violo el Código de Conducta del Distrito o Reglas y Regulaciones Atléticas. Se mantendrá un registro deportivo del estudiante deportista de todas las violaciones del Código de conducta o de las reglas y regulaciones y la historia de violaciones del estudiante deportista se considerará al determinar las sanciones correspondientes por mala conducta. Durante el periodo de suspensión, un estudiante deportista deberá asistir a todas las prácticas y estará autorizado a participar en la práctica. En los días de juegos, se esperará que el estudiante suspendido asista a la competencia y se siente en el banco.
Reglas Atléticas que Gobiernan el Abuso de Sustancias

Abuso de sustancias y otra conducta prohibida por las Reglas y Regulaciones Deportivas incluyen los siguientes ejemplos (los ejemplos no son exhaustivos):

**Poseición o uso de sustancias prohibidas**

Dentro o fuera de la propiedad escolar, ningún deportista deberá utilizar, estar en posesión o bajo la influencia de cualquier sustancia controlada, incluyendo pero no limitado al alcohol, o los productos de tabaco, esteroides o cualquier otra sustancia que mejora el rendimiento, inhalantes o cualquier parafernalia de drogas, excepto por prescripción legal.

*(Recordatorio: Los padres, por ley, no pueden acoger o participar en ninguna función social donde se utilizan sustancias controladas (incluyendo el alcohol) por menores de edad. Esto incluye funciones que se hacen en propiedad de un adulto cuando el propietario no está presente).*

Hemos leído, totalmente comprendido y acatamos plenamente las condiciones del contrato del deportista.

<table>
<thead>
<tr>
<th>Fecha</th>
<th>Nombre Estudiante (Imprima)</th>
<th>Grado</th>
<th>Edad</th>
<th>Firma Estudiante</th>
</tr>
</thead>
<tbody>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fecha</th>
<th>Nombre del Padre (Imprima)</th>
<th>Firma del Padre (Guardian)</th>
</tr>
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<table>
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</table>

También entendemos que la participación en atletismo interescolar implica un elemento de peligro y riesgo de lesiones personales, y hemos decidido participar con esa conciencia en mente.

**Por favor escoja los deportes en que planea participar durante el próximo año escolar.** Un estudiante-deportista puede cambiar su mente al comienzo de cada temporada.

<table>
<thead>
<tr>
<th>ESCUELA SECUNDARIA</th>
<th>ESCUELA INTERMEDIA</th>
</tr>
</thead>
</table>

**OTOÑO**
- Fútbol de Niños
- Fútbol Americano
- Golf
- Cross Country
- Voleibol de Niñas
- Field Hockey
- Gimnasia
- Fútbol de Niñas
- Tenis de Niñas
- FB Cheerleading

**INVIERTO**
- Basketball de Niños
- Lucha Libre
- Basketball de Niñas
- Boys Winter Track
- BK Cheerleading

**PRIMAVERA**
- Béisbol
- Lacrosse de Niños
- Tenis de Niños
- Track & Field
- Lacrosse de Niñas

**ESCOLA INTERMEDIA**

**OTOÑO**
- Fútbol de Niños
- Fútbol Americano
- Corredor
- Golf
- Fútbol de Niñas
- Tenis de Niñas

**INVIERTO**
- Basketball de Niños
- Voleibol de Niñas
- Basketball de Niñas

**PRIMAVERA**
- Béisbol
- Lacrosse de Niños
- Tenis de Niños
- Track & Field
- Lacrosse de Niñas

Effective Fecha: September 14, 2010
STUDENT SEARCHES AND INTERROGATIONS

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

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

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

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

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

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

A. Student Lockers, Desks and other School Storage Places

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

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

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

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

C. Police Involvement in Searches and Interrogations of Students

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

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

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

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

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

D. Child Protective Services Investigations

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

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

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

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if not he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent’s consent.

Ref: Social Services Law §425
18 NYCRR §432.3
New Jersey v. TLO, 469 U.S. 325 (1985)
In re Gregory, 82 N.Y.2d 588 (1993)
People v. Scott D., 34 N.Y.2d 483 (1974)
People v. Singletary, 37 N.Y.2d 310 (1975))
People v. Overton, 20 N.Y.2d 360 (1969)
M.M. v. Anker, 607 F.2d 588 (2d Cir. 1979)
Opinion of Counsel, 1 EDR 800 (1959)

First Reading: August 16, 2016
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STUDENT WELLNESS

Given the documented connection between proper nutrition, adequate physical activity and educational success, the Board of Education adopts the following goals and authorizes the following actions to provide district students with a school environment that promotes student health and wellness and reduces childhood obesity.

For purposes of this policy, “school campus” means all areas of district property accessible to students during the school day; “school day” means the period from the midnight before to 30 minutes after the end of the official school day; and “competitive food” means all food and beverages other than meals reimbursed under federal food programs available for sale to students on the school campus during the school day.

Food and Beverages

I. Foods and Beverages Available for Sale to Students on Campus During the School Day

The Board recognizes that a nutritious, well-balanced, reasonably-portioned diet is essential for student wellness. To help students possess the knowledge and skills necessary to make nutritious food choices for a lifetime, the district shall ensure that all foods and beverages available in school promote good nutrition, balance, and reasonable portion sizes. The district shall ensure that all foods and beverages available for sale to students on the school campus during the school day meet or exceed the program requirements and nutrition standards found in federal regulations.

To accomplish this, the Board directs that the district serve healthy and appealing foods and beverages at district schools, following state and federal nutrition guidelines, as well as safe food preparation methods.

School Meals – the district shall:
1. Include fruits, vegetables, salads, whole grains, and low fat items at least to the extent required by federal regulations.
2. Encourage students to try new or unfamiliar items.
3. Make efforts to ensure that families are aware of need-based programs for free or reduced-price meals and encourage eligible families to apply.
4. Consider serving produce and food from local farms and suppliers.
5. Make free drinking water available at locations where meals are served.
6. Provide adequate time to eat.
7. Consider innovative ways to market and encourage healthy food choices by students.

II. Foods and Beverages Sold Individually (e.g., vending machines, school stores) – the district shall:

1. Ensure that all such items meet the nutrition standards set in federal regulations for competitive foods regarding whole grains, fruits, vegetables, calories, fat, saturated fats, trans fats, sugar, sodium, and caffeine.
2. Permit the sale of fresh, frozen or canned fruits and vegetables, if processed pursuant to federal regulations, as exempt from the nutrition standards.
3. Work with existing or new vendors to comply with nutrition standards.

III. School Group Fund-Raising Activities during the School Day – the district shall:

1. Ensure that all fundraisers selling food or beverages to students on school campus during the school day meet the competitive foods nutrition standards set in federal regulations for whole grains, fruits, vegetables, calories, fat, saturated fats, trans fats, sugar, sodium, and caffeine.
2. Promote non-food items to sell, or activities (physical or otherwise) in which to participate.
3. Student groups conducting fundraisers which take place off the school campus or outside the school day must obey this policy.
4. Outside organizations (e.g., Parent groups, booster clubs) conducting fundraisers which take place off the school campus or outside the school day are encouraged to follow this policy.

IV. School and Class Parties, Celebrations, and Events where food and beverages are provided, but not sold – the district shall:

1. Set guidelines for the frequency and content of classroom and school-wide celebrations where food and beverages are provided.
2. Promote the use of food and beverage items which meet the standards for competitive foods and beverages, and promote non-food activities, and discourage foods and beverages which do not meet those standards, at celebrations.
3. Model the healthy use of food as a natural part of celebrations.

V. Marketing of Foods and Beverages

1. Any food or beverage that is marketed on school grounds during the school day must meet at least the federal nutrition standards for competitive items.
2. This restriction applies to all school buildings (interior and exterior), school grounds, school buses and other vehicles used to transport students, athletic fields, structures, parking lots, school publications, and items such as vending machines, equipment, posters, garbage cans, or cups.
3. Marketing includes all advertising and promotions: verbal, written, or graphic, or promotional items.
4. This restriction does not apply to personal opinions or expression, or items used for educational purposes.
5. This restriction applies to all purchases and contracts made after the effective date of this provision.

Physical Activity

Physical activity is an important factor in staying healthy and being ready to learn. The Board encourages every student to develop the knowledge and skills necessary and to participate
in a variety of physical activities, including Physical Education class, recess, physical activity in
the classroom, and participation in extra-curricular and athletic activities, and to appreciate and
enjoy physical activity as an ongoing part of a healthy lifestyle. In addition, staff, families, and
community are encouraged to participate in and model physical activity as a valuable part of
daily life. The district’s Physical Education program shall adhere to the curricular requirements
of the Commissioner of Education and the New York State Learning Standards.

A. Physical Education

1. Students shall engage in physical education for at least the minimum number of hours
   or days per week under State requirements.
2. Physical Education classes shall incorporate the appropriate NYS Learning Standards.
3. Promote, teach and provide opportunities to practice activities that students enjoy and
can pursue throughout their lives (e.g., yoga, fitness walking, step aerobics).
4. The performance or withholding of physical activity shall not be used as a form of
discipline or punishment.

B. Recess

1. Maintain daily allotment of recess time for elementary school.
2. Permit scheduling recess before lunch.
3. Recess will be held outdoors whenever possible, and indoors during the most
   inclement weather, at the discretion of the Building Principal.

C. Physical Activity in the Classroom

1. Promote the integration of physical activity in the classroom, both as activity breaks
   and as part of the educational process (e.g., kinesthetic learning).
2. If the district is under severe time or space constraints, consider meeting the state
   requirements for Physical Education through collaborative and integrative in-
classroom activity, under the supervision of a Physical Education teacher.

D. Extracurricular Opportunities for Physical Activity

1. Promote clubs and activities that meet the various physical activity needs, interests,
   and abilities of all students (e.g., walking, hiking and climbing, snowshoeing),
   including before and after school activities.
2. Promote students walking/biking to school (with proper storage of bicycles), safe
   routes to school, and “walking” school buses.
3. The setting of extracurricular activity eligibility participation requirements does not
   constitute withholding opportunities.

Nutrition Promotion and Education

The Board believes that nutrition promotion and education is a key component in
introducing and reinforcing healthy behaviors in students. Nutrition promotion and education
that teaches the knowledge, skills, and values needed to adopt healthy eating behaviors shall be
integrated into the curriculum. Nutrition promotion and education information shall be offered throughout the school campus including, but not limited to, school dining areas and classrooms.

Staff members who provide nutrition promotion and education shall be appropriately certified and trained. The district’s broader Health Education program shall incorporate the appropriate New York State Learning Standards.

The Board’s goals for nutrition promotion and education include that the district will:

1. Include nutrition education as part of health education classes and classroom instruction in subjects such as math, science, language arts, social sciences and elective subjects.
2. Include enjoyable, developmentally appropriate, culturally relevant, participatory activities, such as contests, promotions, taste testing, farm visits, and school gardens.
3. Promote fruits, vegetables, whole grain products, low fat dairy products, safe and healthy food preparation methods, and health enhancing nutrition practices.
4. Emphasize caloric balance between food intake and energy expenditure.

Other School-Based Activities

The district may implement other appropriate programs that help create a school environment that conveys consistent wellness messages and is conducive to healthy eating and physical activity. Such activities may include, but are not limited to, health forums or fairs, health newsletters, parent outreach, employee health and wellness activities, limiting the use of food as a reward, reviewing food marketing and advertising in school, hosting or promoting community-wide events, and offering wellness-related courses in the district’s adult education program.

Implementation

The Board shall designate the Assistant Superintendent for Finance and Operations as District Wellness Coordinator, responsible for ensuring the provisions of this policy are carried out throughout the district. The designee shall report to the Superintendent of Schools.

Monitoring and Review

The District Wellness Coordinator, shall report every three years to the Board and the public on the implementation and effectiveness of this policy. Every three years, the District Wellness Coordinator, in consultation with appropriate personnel and advisory committees, shall monitor and review the district’s wellness activities to determine the extent that district schools are complying with this policy, how this policy compares to model wellness policies, and the progress made toward attaining the goals of this policy and whether this policy is having a positive effect on increasing student wellness and decreasing childhood obesity in the district. Based on those results, this policy, and the specific objectives set to meet its goals, may be revised as needed.

Parents, students, food service professionals, physical education teachers, school health professionals, school administrators, the general public, and the school board shall be provided
the opportunity to participate in the development, implementation and periodic review and update of this wellness policy through the establishment of an advisory committee.

The district shall inform and update the public about the content and implementation of this wellness policy. The district may monitor and review the implementation and effectiveness of this policy by conducting periodic checks of:

1. Building principals, classroom staff, and school health personnel to assess the progress of wellness activities and their effects.
2. Nutritional content of food offered in the cafeterias for meals and a la carte items, and sales or consumption figures for such foods.
3. Nutritional content of food available in vending machines, and sales or consumption figures for such foods.
4. Amount of time students spend in Physical Education classes, and the nature of those activities.
5. Extracurricular activities of a physical nature, in the number of offerings and rates of participation by students.
6. Student mastery of the nutrition education curriculum.
7. Completion of relevant portions of the CDC School Health Index.
8. Data currently collected by the district, including:
   a. attendance data, particularly absences due to illness;
   b. test scores;
   c. rates of suspension, discipline, and violent incidents;
   d. physical education scores on flexibility, endurance, and strength (fitness test)
   e. student BMI (Body Mass Index) statistics, as collected in accordance with the State Department of Health efforts; and
   f. revenues generated from vending machines and a la carte food items.
9. Student/parent opinions of cafeteria offerings and wellness efforts.
10. Professional staff development offered which focuses on student wellness.
11. NYSSBA’s Student Wellness Assessment Checklist every three years to review the effectiveness of this policy.

Ref: P.L. 111-296 (The Healthy, Hunger-Free Kids Act of 2010), §204 amending 42 USC §1758b
P.L. 108-265 (Child Nutrition and WIC Reauthorization Act of 2004), §204
42 USC §§1758(f)(1); 1766(a) (Richard B. Russell National School Lunch Act)
42 USC §1779 (Child Nutrition Act)
7 CFR §§210.10; 210.11; 210.12; 210.15; 210.18; 210.30 (National School Lunch Program participation requirements – nutrition standards for lunch and competitive foods; community involvement; recordkeeping; state review; local wellness policy)
7 CFR §§220.8; 220.12 (School Breakfast Program participation requirements – nutrition standards for meals and competitive foods)
8 NYCRR Part 135 (Health and Physical Education curricular requirements); §114.1 (School Breakfast Program Requirements)
Appeal of Phillips, 37 EDR 204 (1997) (dec. no. 13,843) (phys. ed. requirements)
Appeal of Williams, 32 EDR 621 (1993) (dec. no. 12,934) (phys. ed. requirements)
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STUDENT HEALTH SERVICES

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

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

In order to enroll in school a student must submit a health certificate within 30 calendar days after entering school, and upon entering prekindergarten or kindergarten and first, third, fifth, seventh, ninth, and eleventh grades. The examination, which must conform to state requirements, must have been conducted no more than 12 months before the first day of the school year in question. If a student is unable to furnish the health certificate, the school will provide a physical examination by a licensed provider. A request for exemption from the physical examination, or the requirement to provide a health certificate, must be made in writing to the school principal or designee, who may require documents supporting the request. The only basis for exemption is a claim that the physical examination is in conflict with the parent or guardian’s genuine and sincere religious belief.

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

Homeless students shall be admitted to school even if they do not have the required health or immunization records, but may be temporarily excluded if they show actual symptoms of a communicable disease that poses a significant risk of transmission to others (see “Communicable Diseases” below). The McKinney-Vento liaison shall assist homeless students covered by that law in accessing health services described in this policy and accompanying regulation.

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

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

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

Schools shall also provide emergency care for students in accidental or unexpected medical situations. Each school in the district will include in its emergency plan a protocol for responding to health care emergencies, including anaphylaxis, and head injury. Parents/guardians will be notified of any emergency medical situation as soon as is practicable. Parents/guardians will receive notification of non-emergent medical situations that have been reported to the nurse in a timely manner.

The district will stock epinephrine auto-injectors. Pursuant to Public Health Law §3000-c, the district will establish a collaborative agreement with an emergency health care provider to institute written protocols and procedures for the use of non-patient specific epinephrine auto-injectors. The district shall ensure that designated staff are properly trained.

The district permits emergency administration of opioid antagonists, such as naloxone, by trained volunteer responders and the school nurse, to prevent opioid overdose, as specified in policy 8121, Opioid Overdose Prevention.

Communicable Diseases

It is the responsibility of the Board to provide all students with a safe and healthy school environment. To meet this responsibility, it is sometimes necessary to exclude students with contagious and infectious diseases from attendance in school. Students will be excluded during periods of contagion in accordance with State Public Health Law. Students will be excluded during periods of contagion of communicable diseases as identified in the regulation to this policy, 5420-R, for time periods determined by the head school nurse in consultation with the Assistant Superintendent for Student Services.

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

It is the responsibility of the Superintendent of Schools, working through District health personnel, to enforce this policy and to contact the New York State Department of Health and the County Board of Health immediately when a reportable case of a communicable disease is identified in the student or staff population. It is expected that parents and staff members shall immediately notify the school nurse and building administrator when he/she becomes aware that a student or staff member may have a communicable disease.

Administering Medication to Students

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

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

1. the written request of the parent(s) or guardian(s), which shall give permission for such administration and relieve the Board and its employees of liability for administration of medication; and
2. the written order of the prescribing authorized medical provider, which will include the purpose of the medication, the dosage, the time at which or the special circumstances under which medication shall be administered, the period for which medication is prescribed, and the possible side effects of the medication.
3. That in order for a student to carry and use a rescue inhaler, an epinephrine auto-injector, insulin, or glucagon and associated testing supplies, written permission must be provided both by the parent and the prescribing authorized medical provider in accordance with state law and regulation.

Both documents shall be kept on file in the office of the school nurse. All medications must be in either the properly labeled original pharmacy container, or in a duplicate container professionally labeled by the pharmacist.

Students are allowed to carry and apply parentally-provided sunscreen without a prescription from a medical provider, assuming that the sunscreen is FDA-approved and that the sunscreen is not treating a medical condition. Parents need to provide the district with written permission for students to use sunscreen. Permission slips and medical orders shall be kept on file in the office of the school nurse.

Life-Threatening Allergies and Anaphylaxis Management

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

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

Regulations

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

Cross-ref: 4321, Programs for Students with Disabilities 5020.3, Students with Disabilities and Section 504 5280, Interscholastic Athletics 5550, Student Privacy 8121.1, Opioid Overdose Prevention 8130, School Safety Plans and Teams 9700, Staff Professional Development

Ref: Education Law §§ 310 (appeal of child denied school entrance for failure to comply with immunization requirements); 901 et seq. (medical, dental and health services, BMI reporting); 916 (student self-administration of rescue inhalers); 916-a (student self-administration of epinephrine); 916-b (students with diabetes); 919 (provide and maintain nebulizers); 921 (epinephrine auto-injectors; training of unlicensed personnel); 922 (naloxone); 6527 (emergency treatment: anaphylaxis; naloxone); 6909 (emergency treatment: anaphylaxis; naloxone) Public Health Law §§ 613 (annual survey); 2164 (immunization requirements); 3000-c (collaborative agreements with emergency health care providers); 3309 (naloxone) 8 NYCRR §§ 64.7 (anaphylaxis; naloxone); 135.4 (Physical Education); 136 (school health services program; concussion, anaphylaxis, medication, naloxone) 10 NYCRR §§ 66-1 (immunization requirements);
80.138 (naloxone)


*Immunization Guidelines: Vaccine Preventable Communicable Disease Control*, NYSED, August 2000

*Making the Difference: Caring for Students with Life-Threatening Allergies*, NYSDOH, NYSED, New York Statewide School Health Service Center, June 2008

*Concussion Management Guidelines and Procedures*, [www.nysphsaa.org](http://www.nysphsaa.org)


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STUDENT HEALTH SERVICES REGULATION

This regulation provides specific details about major areas of the district’s student health services, such as immunization, medications, medical exams, medical care, emergency records, and return to school after injury/illness. For purposes of this regulation, the McKinney-Vento liaison shall assist homeless students covered by that law in accessing school health services.

A. Immunization Against Communicable Diseases

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

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

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

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

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

All students must present appropriate documentation of their immunization status, as set forth in the Regulations of the Commissioner of Health 10 NYCRR Subpart 66-1. Homeless students shall be admitted to school even if they do not have the required immunization records, but may be temporarily excluded if they show actual symptoms of a communicable disease that poses a significant risk of transmission to others.
The Building Principal may permit students without adequate documentation to attend school up to 14 calendar days while the parent/guardian furnishes the necessary documents. This time period may be extended to 30 days for students transferring from another state or country, as long as they show a good faith effort to obtain the necessary documentation.

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

When a child is excluded from school for immunization reasons, the Building Principal shall notify the parent/guardian of their responsibility to have the child immunized, and the public resources available for doing so. The Principal shall also notify the local health authority of the child’s name and address and the immunization(s) the child lacks, and shall cooperate with that authority to provide a time and place for the required immunization(s) to be administered.

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

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

B. Administering Medication to Students in School

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

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

1. a written order from a NYS licensed health care provider (e.g. physician, nurse practitioner or physician assistant) containing the following: student’s name, the date and name of the medicine, dosage and time to be administered, and list of possible side effects; and

2. A written note from the parent/guardian giving appropriate licensed school personnel permission to administer the medication to their child during school or for trained unlicensed personnel to assist their child in taking their own medication.

Students who may carry and use certain medications
Students are permitted to self-administer medication under certain circumstances, in accordance with state law and regulation. A student is authorized to carry and use the following medications: rescue inhaler, epinephrine auto-injector, insulin, glucagon (and associated diabetes testing supplies), if the following conditions are met:

1. An authorized medical provider must provide written permission that includes an attestation that the student’s diagnosis requires the medication; the student has demonstrated that he/she can self-administer the prescribed medication effectively; the name of the medication, the dose, the times when it is to be taken, the circumstances which may warrant use and the length of time during which the student may use it.

2. Written parental permission.

If a student is authorized to carry and use medication as described above, the parent/guardian is permitted to give extra medication and supplies that the district will maintain in accordance with the written directions submitted by the authorized medical provider. Such extra medication and supplies shall be readily accessible to the student.

All documents pertaining to student medication will be kept on file in the nurse’s office. The school nurse shall develop procedures for the administration of medication, requiring:

1. all medications will be administered by a licensed person unless the child is a “supervised student” (able to self-administer with assistance and supervision) or an “independent student” (able to self-administer and self-carry);

2. medications, other than as noted above, shall be securely stored in the office and kept in their original labeled container, which specifies the type of medication, the amount to be given and the times of administration;

3. the school nurse shall maintain a record of the name of the student to whom medication may be administered, the prescribing physician, the dosage and timing of medication, and a notation of each instance of administration; and

4. all medications shall be brought to school by the parent(s) or guardian(s) and shall be picked up by the parent(s) or guardian(s) at the end of the school year or the end of the period of medication, whichever is earlier. If not picked up within five days of the period of medication, the medication shall be discarded.

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

**Sunscren**

Students are permitted to carry and apply sunscreen without a medical provider’s order under the following conditions:

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

The school nurse will keep all records pertaining to student medication on file and develop procedures pertaining to this policy.

**Administering medication on field trips and at after-school activities**

Taking medication on field trips and at after-school activities is permitted if a student is an “independent student” described above in administering their own medication. On field trips or at other after-school activities, teachers or other school staff may carry the medication (if the student does not need it on hand for rapid administration) so that the independent student can take it at the proper time. If a student is a “supervised student” described above, unlicensed school personnel who have been trained by a licensed school health professional may assist the student in taking his/her medication. The student’s parent/guardian, if attending the trip, may also perform these activities, but may not be required to do so.

If a student is “nurse dependent” (i.e., requires a licensed health professional to administer their medication), then the student must have their medication administered by a licensed health professional, or the district may:

1. permit the parent/guardian to attend the activity and administer the medication.
2. permit the parent/guardian to personally request another adult who is not employed by the school to voluntarily administer the medication on the field trip and inform the school District in writing of such request. The principal may approve or disapprove such a request.
3. consult the student’s health care provider and, if he/she permits, request that the medication time to be adjusted or the dose eliminated. The health care provider must provide a written note in the case of a change in medication.

When a parent or designee is not available, a teacher may administer the medication with the training direction and training by the school nurse. If no other alternative can be found, a school nurse or licensed person must administer the medication.

**Administering epi-pen in emergency situations**

The administration of epinephrine by epi-pen has become an accepted and extremely beneficial practice in protecting individuals subject to serious allergic reactions (e.g., individual has an anaphylactic reaction to an insect sting or the ingestion of food allergens).

Pursuant to Commissioner’s Regulations, registered professional nurses may carry and administer agents used in non-patient specific emergency treatment of anaphylaxis.
Additionally, the district will stock epinephrine auto-injectors to be used on any student or staff member having symptoms of anaphylaxis, whether or not there is a previous history of severe allergic reaction. The nurse shall oversee use of the auto-injectors, ensuring that designated staff are appropriately trained. However, any school personnel may be directed in a specific instance to use an auto-injector by the nurse or medical director.

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

Administering Narcan (naloxone) in emergency situations.

The district permits the administration of opioid antagonists, such as naloxone, to prevent opioid overdose, pursuant to policy 8121, Opioid Overdose Prevention. District staff shall follow all regulations regarding the storage, accessibility, administration, recordkeeping, and reporting of naloxone use. Narcan shall be stored in a secure but accessible location(s) consistent with the emergency response plan, which includes immediate transport of the AED to the scene of the emergency. Narcan shall be accessible during school hours and during on-site school sponsored activities, in accordance with policy 8121, Opiod Overdose Prevention.

C. Student Medical Exams

In accordance with Section 903 and 904 of the state Education Law, each student must have a complete physical examination and present to the school nurse a health certificate signed by a duly licensed physician, physicians assistant or nurse/practitioner upon entrance to school, and upon entering pre-kindergarten or kindergarten, and first, third, fifth, seventh, ninth, and eleventh grades. Findings are to be kept on record at the school on forms that can be obtained from the school nurse. In addition, the school will request a dental health certificate according to the same schedule.

If the required health certificate is not furnished at the required times, the school nurse shall notify the student’s parent(s)/guardian(s) or person in parental relation, in writing, that if the required health certificate is not furnished within 30 days of such notice, with their consent a complete physical examination will be made of the student by the District physician. If the parent/guardian or person in parental relation will not give consent to the examination, other than based upon sincere and genuine religious beliefs, the Suffolk County Department of Health will be notified and a report will be made to Child Protective Services.

An examination of any student may be required at any time by the District, in its discretion, to promote the educational interests of the child.

All students participating in interscholastic athletics must be examined and approved for participation by the District physician, or examined by a private physician, subject to review and approval for participation by the District physician.
In the event that the student’s medical history reveals that they have a known life-threatening allergy, the school nurse, in conjunction with the family, student, child’s teacher, and other appropriate staff, will develop and implement an individual health care plan which will guide prevention and response.

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

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

D. Illness or Injury in School

If a student becomes ill or injured in school:

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

E. Medical Emergency Record

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

1. the student's parent(s) or guardian(s) at home and work;
2. the student's next of kin;
3. a neighbor;
4. the student’s licensed health care provider;
5. any allergies or serious health conditions.
The medical emergency record shall be updated annually, or when there is a change in information.

Students diagnosed with diabetes shall have a written diabetes management plan maintained as part of the student’s cumulative health record. The management plan shall be developed in accordance with state regulation and district procedures. Students diagnosed with asthma or other respiratory disease requiring a rescue inhaler, students diagnosed with life-threatening allergy or diabetes may have an emergency action plan maintained as part of the student’s cumulative health record. The emergency action plan will be developed in accordance with state regulation and district procedures.

F. **Student Return to School after Illness/Injury**

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

Original Adoption Date: August 14, 2012
Update 1, Adoption Date: August 13, 2013
Update 2, Adoption Date: August 12, 2014
Update 3, Adoption Date: September 8, 2015
Update 4, Adoption Date: July 5, 2016
Update 5, First Reading: June 12, 2018
Update 5, Second Reading: July 10, 2018
Update 5, Adoption Date: July 10, 2018
School Health Regulations

Infectious diseases are spread easily among young children. Often, before symptoms appear, there are indications that a child is becoming ill; for example, unusual behavior: being cranky or crying, loss of appetite, sleeping more than usual.

If your child exhibits any of the symptoms below, he/she should be kept home after the symptoms disappear for 24 hours or a physician decides he/she can return without spreading infection to other children or staff.

SYMPTOMS:

1. Fever 100 degrees oral or 101 degrees rectal. Children must be fever free for 24 hours before returning, without the assistance of Tylenol or other fever reducers. Children may return 24-48 hours after antibiotic therapy is started.
2. Constant or severe coughing. High pitched croupy or whooping sound after cough.
3. Severe congestion with difficulty breathing upon an evaluation by the school nurse.
4. Discharge from eye, ear, nose (green mucous discharge).
5. Diarrhea or vomiting.
6. Undiagnosed/suspicious rashes.

NOTE: Any child exhibiting symptoms of a contagious disease or infection must be sent home, unless a doctor has provided a note stating that the child is not contagious.

If you are unsure of whether or not your child is well enough to attend, consider this rule of thumb: Is the child able to participate in ALL activities and receive the care he/she needs without affecting the quality of care for the other children?

The best method of protecting your child and preventing the spread of disease to other children and staff is to be alert, know the symptoms and keep your child at home during the course of a contagious illness.

Feel free to call the school nurse if you have any concerns or questions regarding the school’s health regulations.
Reglas sobre salud

Enfermedades contagiosas se riegan rápidamente entre los niños pequeños. Algunas veces antes de que los síntomas aparezcan hay algunas indicaciones que muestran que el estudiante se está enfermando, por ejemplo: comportamiento inusual, malhumorado y llorón, pérdida de apetito o somnolencia más de lo usual.

Si su hijo(a) muestra alguno de estos síntomas descritos aca abajo, el estudiante debe permanecer en casa hasta que los síntomas desaparezcan o un médico decida que puede regresar sin peligro de contagiar a otro alumno o empleado.

SINTOMAS:
1. Fiebre 100 grados oralmente o 101 rectal. Los estudiantes para poder regresar a las clases deben de tener 24 horas de no haber tenido fiebre alguna, sin la administración de Tylenol u otros reductores de fiebre.
   Los estudiantes pueden regresar 24-48 horas después de haber empezado un tratamiento con antibióticos.
2. Tos severa y constante. Tos fuerte croupy o el pecho con sonido fuerte.
3. Congestión severa y dificultad para respirar después de ser evaluado por la enfermera escolar.
4. Descarga de los ojos, nariz o boca (moco verde).
5. Diarrea o vomito.
6. Alergias sin diagnóstico o sospechosas.

Nota: Cualquier niño(a) que demuestre estos síntomas será enviado a casa, al menos que el doctor provea una nota diciendo que el niño(a) esta bien.

El mejor método para proteger a sus hijos(a) y prevenir que estas enfermedades se contagien a otros niños o a otras personas es la de estar alerta con los síntomas y mantener a su hijo(a) en casa durante el tiempo de contagio.

Por favor, ponerse en contacto con la enfermera por con cualquier duda sobre el salud de su niño.
SUICIDE PREVENTION

Adolescent suicide is a major cause of death for teenagers. The Board of Education shall attempt to address the problem through intervention, prevention and education.

It is understood that district employees do not have expertise either in the general area of mental health care nor the specific area of adolescent suicide. However, all school personnel and most specifically guidance counselors and teachers who work with students shall receive training to assist them to recognize clues and give help once suicide appears as a possibility for a student known to them. The Superintendent of Schools is responsible for planning and implementing personnel inservice programs which address the problem of adolescent suicide. The programs may be planned in cooperation with the state or community mental health agency.

Adoption date: July 7, 2009
DRUG AND ALCOHOL ABUSE

The Board of Education is committed to the prevention of alcohol and other substance use/abuse. This policy describes the philosophy of the district and the program elements the district will use to promote healthy lifestyles for its students and to inhibit the use/abuse of alcohol and other substances.

No student may use, possess, sell, offer, manufacture, or distribute alcohol or other substances, nor may use or possess drug paraphernalia, on school grounds or at school-sponsored events, except drugs as prescribed by a physician. The term “alcohol and/or other substances” shall be construed throughout this policy to refer to the use of all substances including, but not limited to, alcohol, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any synthetic version thereof (whether or not specifically illegal or labeled for human consumption), commonly referred to as “designer drugs.” Designer drugs are those substances which have been designed and synthesized to mimic the intended effects and usages of, and which are chemically substantially similar to, substances controlled by federal and/or state law as exemplified above. The inappropriate use of prescription and over-the-counter drugs shall also be prohibited.

Additionally, the following persons shall be prohibited from entering school grounds or school-sponsored events: any person exhibiting behavior, conduct, or personal or physical characteristics indicative of having used or consumed alcohol and/or other substances, or any person who school personnel have reasonable grounds to suspect has used alcohol and/or other substances.

In order to educate students on the dangers associated with substance abuse, the health education curriculum shall include instruction concerning drug abuse for grades K-12.

Any staff member observing narcotics possession or usage by students shall report the incident immediately to the Superintendent of Schools or his/her designee. The Superintendent or his/her designee shall then seek immediate action. Any narcotics found shall be confiscated immediately, followed by notification of the parent(s)/guardian(s) of the student(s) involved and the appropriate disciplinary action taken, up to and including permanent suspension and referral for prosecution. In its effort to maintain a drug-free environment, the district shall cooperate to the fullest extent possible with local, state and/or federal law enforcement agencies.

The district will use the following principles as guides for the development of its substance use/abuse prevention efforts and for any disciplinary measures related to alcohol and other substances:

- Alcohol and other substance use/abuse is preventable and treatable.
- Alcohol and other substance use/abuse inhibits the district from carrying out its central mission of educating students.
• The behavior of the Board, the administration, and all school staff should model the behavior asked of students.

• While the district can and must assume a leadership role in alcohol and other substance use/abuse prevention, this goal will be accomplished only through coordinated, collaborative efforts with parents, students, staff, and the community as a whole.

Cross-ref: 5300, Code of Conduct

20 U.S.C. §114-5g
42 USC §§5101, 11841
34 CFR Part 86
Education Law §§804; 912-a; 3214
General Municipal Law §239-u
Mental Hygiene Law §19.07(c)
Penal Law §§220.00 et seq.
Public Health Law, Article 33
8 NYCRR §§100.2(c); 135.3
People v. Scott D., 34 NY2d 483 (1974)
Matter of Wilson, 28 EDR 254 (1988)
Matter of Pollnow, 22 EDR 547 (1983)
Matter of Rodriguez, 8 EDR 214 (1969)

Original Adoption Date: July 7, 2009
Update, First Reading: July 2, 2013
Update, Second Reading: August 13, 2013
Update, Adoption date: August 13, 2013
DRUG AND ALCOHOL ABUSE REGULATION

Primary Prevention

The intent of primary prevention programming is to prevent or delay the onset of alcohol and other substance use by students. The components of this programming shall include:

1. Primary prevention through early and regular health screening and inoculation programs done by the school doctor and nurse.

2. A sequential K-12 prevention curriculum that provides for:
   - Accurate and age-appropriate information about alcohol and other substances, including the physical, psychological and social consequences for their use/abuse.
   - Information about the relationship of alcohol and other substance use/abuse to other health-compromising behaviors or illnesses such as HIV and AIDS, teenage pregnancy, eating disorders, child abuse, suicide, and dropping out of school.
   - Helping students develop appropriate life skills to resist the use of alcohol and other substances; and to promote healthy life styles.

3. Training school staff, parents and guardians to use the information and skills necessary to reinforce the components of this policy and regulation in the home, school and community.

4. Community education about the issues of alcohol and other substance use/abuse as a basis for providing a consistent message to district youth.

5. Positive alternatives to alcohol and other substance use/abuse, such as peer leadership programs, service projects, and recreational and extracurricular activities. Such activities will be planned collaboratively with students, school staff, parent(s) or guardian(s), community members, and agencies.

Intervention

The intent of intervention programming is to eliminate any existing use/abuse of alcohol and other substances, and to identify and provide supportive services to kindergarten through 12th grade students at high risk for such use/abuse. The components of such programming shall include:

1. providing alcohol and other substance use/abuse assessment and counseling services for students;
2. developing a referral process between district schools and community providers;
3. identifying and referring students to appropriate agencies when their use/abuse of alcohol and/or other substance requires counseling and/or treatment;
4. providing services to students in or returning from treatment to ensure that the school environment supports the process of recovery initiated in the treatment program;
5. providing individual, group, and family counseling targeted at students at high risk for alcohol and/or other substances use/abuse;
6. educating parent(s) or guardian(s) on when and how to access the district’s intervention services; and
7. ensuring confidentiality as required by federal and state law.

**Disciplinary Measures**

Disciplinary measures for students found to have used or to be using, in possession of, selling, or distributing alcohol, and/or other substances, and for students possessing drug paraphernalia, are outlined in the District Code of Conduct. Similar disciplinary measures for district staff are addressed in Education Law §§ 1711(5)(e), 2508(5), 3020-a, 3031 and 913.

**Staff Development**

The Board recognizes that if the administrative, instructional, and non-instructional staff are to be responsible for understanding, implementing and modeling the district’s policy and regulation on student Drug and Alcohol Abuse, they must be trained about the components of an effective alcohol and other substance prevention program. Staff training will be an ongoing process including the following:

1. For all staff: (a) an understanding of why individuals use and abuse alcohol and other substances, (b) their role in implementing this policy, including how to identify students who exhibit high risk behaviors or who are using/abusing alcohol and other substances, and how to refer these students to the appropriate services established by this policy.
2. Additionally for teachers: the knowledge and skills necessary to implement the district’s K-12 alcohol and other substance prevention curricula.
3. For intervention staff: appropriate staff training for those identified to carry out the intervention function to ensure that their assessment, individual, group, and family counseling and referral skills support the needs of high risk, using and abusing youth.

**Implementation, Dissemination, and Monitoring**

Upon adoption, copies of Board policy and this regulation will be distributed to and reviewed with all district staff, students, and parent(s) or guardian(s) annually and will be disseminated to the community through its organizations.

The Superintendent is responsible for providing the Board with an annual review of this policy and regulation, the programs and strategies implementing it, and his or her recommendations for revisions.

Adoption date: July 7, 2009
NOTIFICATION OF SEX OFFENDERS

The Board of Education acknowledges and understands that pursuant to New York State’s Sex Offender Registration Act, school districts may be notified by local law enforcement authorities when a convicted sex offender who presents a moderate (level 2) risk or a high (level 3) risk is released into the geographical boundaries of the school community. Because the safety and protection of the students in the school district is of primary importance, it is the policy of the district to cooperate with and assist the police and other law enforcement agencies with respect to monitoring the whereabouts of such sex offenders in the school community.

The Superintendent shall establish and implement procedures to assist the police and other law enforcement agencies when the district is notified that a sex offender who presents a moderate or high risk is located in or about the district, including notification of appropriate district staff and organizations who use district facilities.

All requests for information provided by the law enforcement agencies shall be directed to the Records Access Officer.

Ref: 42 U.S.C. §1407(d)
Correction Law, Article 6-C (Sex Offender Registration Act)

Adoption Date: July 7, 2009
NOTIFICATION OF SEX OFFENDERS REGULATION

Upon receiving notification from the police or other law enforcement agencies that a paroled sex offender who presents a moderate or high risk is present in the school community, the Superintendent of Schools shall:

1. Advise all building Administrators, secretaries, the Head Custodian, bus drivers and monitors, and arrival, dismissal and playground supervisors, teachers, coaches and security personnel that a moderate or high risk paroled sex offender is present in the school district, as well as any special information regarding or conditions imposed upon such individual (e.g., mode of operations, type of victim targeted, requirement to stay away from young children and/or from school facilities). Such employees shall only use the information for the purpose of protecting the welfare and safety of the students of the district.

2. Maintain a book in each school building which includes a photograph and the name of the paroled sex offender, as well as any pertinent information about such individual, including how to contact the parole officer, police or other law enforcement agency. The building administrator will review the contents of the book with the building staff on a periodic basis.

3. Advise groups that regularly use school facilities with children in attendance and parents of students that the district has been notified of the presence of a paroled sex offender who presents a moderate or high risk.

4. Contact the police and/or other law enforcement agencies and provide a list of such organizations with the request that they send the pertinent information (notification package) to the groups that regularly use school facilities with children in attendance.

5. Discuss and implement a plan for “being on the look-out” for such paroled sex offenders as a cooperative effort (e.g., in buildings, on school grounds, adjacent public streets, at bus pick-up and drop-off points, etc.), including providing training for administrators and staff members. Staff members shall contact their supervisor immediately upon observing any suspicious individual in or around district and facilities. The local law enforcement agency shall be immediately notified if a paroled sex offender is observed.

6. Provide training for students about contacts with strangers. Provide information to parents of students regarding security measures and personal safety instruction provided at school so they can reinforce the training at home.

All requests for information provided by the law enforcement agencies shall be directed to the Records Access Officer.

Adoption date: July 7, 2009
CHILD ABUSE IN A DOMESTIC SETTING

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

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

School officials, who have reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment, must immediately report this to the New York State Central Register for Child Abuse and Maltreatment (Central Register), as required by law. No conditions may be imposed which limit their responsibility to report. A school official is defined as a teacher, school counselor, psychologist, nurse, social worker, full or part-time paid athletic coach, administrator, or any school personnel required to hold a teaching or administrative license or certificate. The school official will also report the matter to the Building Principal.

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

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

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

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

In accordance with the law, any school official who fails to report an instance of suspected child abuse or maltreatment may be guilty of a Class A misdemeanor and may be held liable for the damages caused by the failure to report. The law grants immunity to persons who, in good faith, report instances of child abuse from any liability.
School employees will not be subject to retaliatory action, as defined in state law, as a result of making a report when they reasonably suspect that a child has been abused or maltreated.

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

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

**Training**
The school district shall inform employees of the availability of the NYS mandated training program for the identification and reporting of child abuse and mistreatment. Attendance at sessions of this training program shall be required of all district employees who come in contact with students. Attendance records shall be kept, and notations will be made in personnel files as to the dates of attendance.

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

**Policy Dissemination**
A copy of this policy, along with the administrative regulations explaining the reporting requirements, shall be distributed to all members of the professional staff.

**Cross-ref:** Attendance, 5100

**Ref:** Child Protective Services Act of 1973, Social Services Law §§411 et seq.
Social Services Law §34-a
Family Court Act §1012
Education Law §§3209-a, 3036
Penal Law 240.50

**Original Adoption Date:** January 16, 2007
**Update 1, First Reading:** August 25, 2015
**Update 1, Second Reading:** September 8, 2015
**Update 1, Adoption Date:** September 8, 2015
CHILD ABUSE IN A DOMESTIC SETTING REGULATION

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

Definitions

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

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

a. inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ; or

b. creates or allows to be created a substantial risk of physical injury to such a child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ; or

c. commits, or allows to be committed, a sex offense against such child, as defined in the penal law, provided, however, that the corroboration requirements contained therein shall not apply to proceedings under this article.

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

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

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

   ii. in providing for the educational needs of the student and not failing to prevent excessive absences, to be aware of excessive absences, to work to mitigate excessive absences, and to avoid educational impairment or harm to the child or imminent danger of such impairment or harm.

   iii. in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof; including the infliction of excessive corporal punishment; or by using a drug or drugs; or by using alcoholic beverages to the extent that he/she loses self-control of his/her actions; or by any other acts of a similarly serious nature requiring the aid of the court; or
b. who has been abandoned by his/her parent(s) or other person legally responsible for his/her care.

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

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

**Reporting procedures and related information:**

1. All district employees, including district wide administrators, building level administrators, teachers, teaching assistants, registered nurses, doctors, psychologists or psychiatrists, school counselors, social workers, full or part-time athletic coaches, therapists licensed by the New York State Education Department, and coaches, and all other employees who come in contact with students are required to report all cases of suspected child abuse or maltreatment to the Building Principal. Reports shall be made when the mandated or other reporter suspects child abuse or maltreatment based upon criteria including those set forth in Exhibit "1", annexed to these regulations. The reporter will not conduct an investigation but will cooperate with the Child Protective Services workers who will be conducting any investigation. Personnel have the right to request that information which would identify the individual making the report be withheld if furnishing such data might prove detrimental to the safety or interest of that individual.

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

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

4. The Building Principal, or designee, and all mandated reporters as described in this Board Policy are required to:
a. inform the Superintendent of Schools of the information received; and
b. either:
   i. phone the Statewide Central Register for Child Abuse and Maltreatment (800-342-3720) and inform them verbally of the problem; or
   ii. contact the above agency by telephone facsimile machine on a form supplied by the Commissioner of Social Services; or
   iii. file a written report with the local child protective services agency and the Central Register within forty-eight hours after the above report; and,
   iv. determine if additional steps need to be taken by the school district, as outlined in step 2 above.

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

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

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

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

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

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

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

12. School personnel who, in good faith, make a report or take photographs of injuries and bruises have immunity from any liability, civil or criminal. The good faith of any person required to report cases of child abuse or maltreatment is presumed.
13. School personnel who have reasonable cause to suspect that a child has died as a result of child abuse or maltreatment shall report that fact to the appropriate medical examiner or coroner.

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

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

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

The District will use reasonable methods to provide access to student educational records only to those authorized under the law and to authenticate the identity of the requestor. The district will document requests for and release of records, and retain the documentation in accordance with law. Furthermore, pursuant to Chapter 56 of the Laws of 2014, the district will execute agreements with third-party contractors who collect, process, store, organize, manage or analyze student personally identifiable information (PII) to ensure that the contractors comply with the law in using appropriate means to safeguard the data.

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

Definitions

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

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

a. records in the sole possession of the individual who made it and not accessible or revealed to any other person except a substitute (e.g. memory joggers);

b. records of the district’s law enforcement unit;

c. grades on peer-graded papers before they are collected and recorded by a teacher.

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

**Legitimate educational interest:** a school official has a legitimate educational interest if they need to review a student’s record in order to fulfill his or her professional responsibilities.
**Personally identifiable information**: is information that would allow a reasonable person in the school or its community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. Such data might include social security number, student identification number, parents’ name and/or address, a biometric record, etc.

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

**Third party contractor**: is any person or entity, other than an educational agency, that receives student data or teacher or principal data from an educational agency pursuant to a contract or other written agreement for purposes of providing services to such educational agency, including but not limited to data management or storage services, conducting studies or audit or evaluation of publicly funded programs.

**Annual Notification**

At the beginning of each school year, the district will publish a notification that informs parents, guardians and eligible students currently in attendance of their rights under FERPA and New York State Law and the procedures for exercising those rights. A “Parents Bill of Rights for Data Privacy and Security will be posted on the district website and included in any agreements with third-party contractors (see 5500-E.4). This notice and Bill of Rights may be published in a newspaper, handbook or other school bulletin or publication and will also be provided to parents, guardians, and eligible students who enroll during the school year and articulate the parent/guardian or eligible student’s right to:

1. inspect and review the student’s education records;
2. request that records be amended to ensure that they are not inaccurate, misleading, or otherwise in violation of the student’s privacy rights;
3. consent to disclosure of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent; and
4. file a complaint with the United States Department of Education alleging failure of the district to comply with FERPA and its regulations; and/or file a complaint regarding a possible data breach by a third party contractor with the district and/or New York State Education Department’s Chief Privacy Officer for failure to comply with state law.

In addition, the annual notice and Bill of Rights will inform parents/guardians and eligible students:

1. that it is the district’s policy to disclose personally identifiable information from student records, without consent, to other school officials within the district whom the district has
determined to have legitimate educational interests. For purposes of this policy, a school official is a person employed by the district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel; a member of the Board of Education; a person or company with whom the district has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official performing his or her tasks. A school official has a legitimate educational interest if the official needs to review a student record in order to fulfill her or her professional responsibilities.

2. that, upon request, the district will disclose education records without consent to officials of another school district in which a student seeks or intends to enroll.

3. that personally identifiable information will be released to third party authorized representatives for the purposes of educational program audit, evaluation, enforcement, or for compliance purposes.

4. That the district, at its discretion, releases directory information, as defined below, without prior consent, unless the parent/guardian or eligible student has exercised their right to prohibit release of the information without prior written consent.

5. that, upon request, the district will disclose a high school student’s name, address and telephone number to military recruiters and institutions of higher learning unless the parents or eligible student exercise their right to prohibit release of the information without prior written consent.

6. of the procedure for exercising the right to inspect, review and request amendment of student records.

7. That the district will provide information as a supplement to the Parents’ Bill of Rights about third parties with which the district contracts that use or have access to personally identifiable student data (see 5500.E4)

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

The district will provide translations of this notice, where necessary, to parents, guardians and eligible students in their native language or dominant mode of communication.

Directory Information

The district has the option under FERPA of designating certain categories of student information as “directory information.” The Board directs that “directory information” include a student’s name, address, telephone number, date and place of birth, major course of study, participation in school activities or sports, weight and height if a member of an athletic team, dates of attendance, degrees and awards received, most recent school attended, class schedule, photograph, e-mail address, and class roster. Social security numbers or other personally identifiable information will not be considered directory information.

Once the proper FERPA notification is given by the district, a parent/guardian or eligible student will have 14 days to notify the district of any objections they have to any of the
“directory information” designations. If no objection is received, the district may release this information without prior approval of the parent/guardian or eligible student for the release.

The district may elect to provide a single notice regarding both directory information and information disclosed to military recruiters.

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

Ref: Family Educational Rights and Privacy Act, as amended, 20 USC 1232g; 34 CFR Part 99
No Child Left Behind Act, 20 USC §7908 (Military Recruiter Access)
10 USC §503 as amended by §544 of the National Defense Reauthorization Act for FY 2002
Education Law §§ 2-a; 2-b; 2-c; 2-d; 225;
Public Officers Law §87(2)(a)
Arts and Cultural Affairs Law, Article 57-A (Local Government Records Law)
8 NYCRR 185.12 (Appendix I) Records Retention and Disposition, Schedule ED-1 for
Use by School Districts and BOCES
“Guidance for Reasonable Methods and Written Agreements,”
Parents’ Bill of Rights for Data Privacy and Security, July 29, 2014:
Family Policy Compliance Office website:

Adoption Date: July 7, 2009
Update 1, Adoption Date: August 12, 2014
Update 2, First Reading: August 25, 2015
Update 2, Second Reading: September 8, 2015
Update 2, Adoption Date: September 8, 2015
STUDENT RECORDS REGULATION

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

Section 1. Pursuant to the Family Educational Rights and Privacy Act (FERPA) and state law it shall be the policy of this school district to permit parents/guardians and “eligible students” to inspect and review any and all official records, files and data directly related to that student, including all materials that are incorporated into each student's cumulative record folder. For the purpose of this regulation, “eligible students” are those students who are 18 or older or former students who are attending any school beyond the high school level. The rights created by FERPA and state law transfer from the parents/guardians to the student once the student attains eligible student status. However, districts can disclose information to parents of eligible students under certain circumstances, including when a student is a dependent under the IRS tax code, when the student has violated a law or the school’s rules regarding alcohol or substance abuse (and the student is under 21); and when the information is needed to protect the health or safety of the students or other individuals.

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

Section 3. A letter shall be sent annually to parents/guardians of students currently in attendance and eligible students currently in attendance informing them of their rights pursuant to FERPA and state law, and will include a Parents’ Bill of Rights. See Exhibit 5500-E.1 and 5500-E.4. The district shall provide translations of this notice, where necessary, to parents/guardians and eligible students in their native language or dominant mode of communication. (See Policy 5500 for further information on the notice requirements.)

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

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

2. A parent/guardian or an eligible student who wishes to challenge the contents of the student's school records shall submit a request, in writing, to the Building Principal identifying the record or records which they believe to be inaccurate,
misleading or otherwise in violation of the privacy or other rights of the student together with a statement of the reasons for their challenge to the record.

3. Upon receipt of a written challenge, the Building Principal shall provide a written response indicating either that he/she:
   a. finds the challenged record inaccurate, misleading or otherwise in violation of the student’s rights and that the record will be corrected or deleted; or
   b. finds no basis for correcting or deleting the record in question, but that the parent/guardian or eligible student will be given an opportunity for a hearing.

The written response by the Building Principal shall be provided to the parent/guardian or eligible student within 14 days after receipt of the written challenge. The response shall also outline the procedures to be followed with respect to a hearing regarding the request for amendment.

4. Within 14 days of receipt of the response from the Building Principal, a parent/guardian or eligible student may request, in writing, that a hearing be held to review the determination of the Building Principal.

5. The hearing shall be held within 10 days after the request for the hearing has been received. The hearing will be held by the Superintendent of Schools, unless the Superintendent has a direct interest in the outcome of the hearing, in which case the superintendent will designate another individual who does not have a direct interest in the outcome of the hearing to hold the hearing.

6. The parent/guardian or eligible student shall be given a full and fair opportunity to present evidence at the hearing. The parent/guardian or eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.

7. The Superintendent or other individual designated by the Superintendent will make a decision in writing within 14 days after the hearing.

8. After the hearing, if the Superintendent or the individual designated by the Superintendent decides not to amend the record, the district will inform the parent/guardian or eligible student that they have the right to place a statement in the record commenting on the contested information or stating why he/she disagrees with the decision of the district. Any statement placed in the record will be maintained with the contested part of the student record for as long as the record is maintained. Further, the statement will be disclosed by the district whenever it discloses the portion of the record to which the statement relates.

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

Exceptions to FERPA’s prior consent requirement include, but are not limited to disclosure:

1. To other school officials within the district who have been determined to have legitimate educational interests.
2. To officials of another school, school system or post secondary institution where
the student seeks or intends to enroll.
3. To authorized representatives of the Comptroller General of the United States, the
U.S. Secretary of Education, or state and local education authorities in connection
with an audit or evaluation of a federal- or state-supported education program or
in compliance with legal requirements related to those programs.
4. In connection with the student’s application for or receipt of financial aid.
5. To state and local officials or authorities in compliance with state law that
concerns the juvenile justice system and the system’s ability to effectively serve,
prior to adjudication, the student whose records are being released.
6. To organizations conducting studies for, or on behalf of, education agencies or
institutions, in order to develop tests, administer student aid, or improve
instruction.
7. To accrediting organizations to carry out their accrediting functions.
8. To parents of a dependent student, as defined by the Internal Revenue Code.
9. To comply with a judicial order or lawfully issued subpoena, including ex parte
court orders under the USA Patriot Act. Prior to complying with a judicial order
or subpoena, the district will make a reasonable effort to notify the
parent/guardian or eligible student, unless the district has been ordered not to
disclose the existence or content of the order or subpoena, or unless the parent is
the subject of a court proceeding involving child dependency or child abuse and
neglect matters, and the order is issued in context of that proceeding.
10. In connection with a health or safety emergency.
11. To teachers and school officials in other schools who have legitimate educational
interests in the behavior or the student when the information concerns disciplinary
action taken against the student for conduct that posed a significant risk to the
safety or well-being of that student, other students, or other members of the
school community.
12. To provide information that the district has designated as “directory information.”
13. To provide information from the school’s law enforcement unit records.
14. To a court, when the district is involved in legal action against a parent or student,
those records necessary to proceed with the legal action.
15. To the U.S. Secretary of Agriculture, its authorized representatives from the Food
and Nutrition Service, or contractors acting on its behalf, to monitor, evaluate and
measure performance of federally-subsidized school food programs, subject to
certain privacy protections.
16. To any caseworker or representative of a state or local child welfare agency or
tribal organization who has the right to access a student’s case plan, where the
agency or organization is legally responsible for the care and protection of that
student, not to be redisclosed except as permitted by law.

The district will use reasonable methods to provide access to student educational records
to only those authorized under the law and to authenticate the identity of the requestor. The
district will use an array of methods to protect records, including physical controls (such as
locked cabinets), technological controls (such as password protection, firewalls, encryption), and
administrative procedures. The district will document requests for and release of records, and retain the documentation in accordance with law.

If the district enters into a contract with a third party that calls for receipt of student personally identifiable information by the contractor, the agreement shall include a data security and privacy plan that includes a signed copy of the Parents’ Bill of Rights and addresses the following, among other contractual elements:

1. training of vendor employees regarding confidentiality requirements;
2. limiting access to education records to those individuals who have a legitimate educational interest;
3. prohibiting the use education records for any other purpose than those authorized under the contract;
4. maintaining reasonable administrative, technical and physical safeguards to protect PII;
5. using encryption technology to protect data while in motion or in its custody to prevent unauthorized disclosure;
6. breach and notification procedures.

The district will, via written agreements, designate authorized representatives who have access to educational records. The written agreement will specify how the work falls within the exception, what personally identifiable information is to be disclosed, how the educational record will be used, and that the records will be destroyed by the authorized representative once they are no longer needed for that purpose or the agreement expires.

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

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

Section 8. New York State Law offers parents additional rights beyond FERPA in regard to third party contractors and student personally identifiable information. The district shall post on its website and distribute a ‘Parents’ Bill of Rights for Data Privacy and Security.’ (5500-E.4) The ‘Parents’ Bill of Rights’ shall establish the following:
1. Educational purpose: The use of student personally identifiable information (PII) is for educational or related purposes only.
3. Authorization: Assurance that proper authorization will be secured prior to the release of PII.
4. Security: A description of the measures in place to protect PII, without compromising the security plan.
5. Data Breach Notification: An explanation of the procedures in the event of a data breach.
6. Complaint Procedure: The district offers a complaint procedure in the event that a parent suspects a breach of student data by a third party contractor and provides information about lodging a complaint with the New York State Education Department’s Chief Privacy Officer.

Retention and Disposition of Student Records

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

Adoption Date: July 7, 2009
Update 1, Adoption Date: August 12, 2014
Update 2, First Reading: August 25, 2015
Update 2, Second Reading: September 8, 2015
Update 2, Adoption Date: September 8, 2015
NOTIFICATION OF RIGHTS UNDER THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

Dear Parent or Eligible Student:

This is to advise you of your rights with respect to student records pursuant to the Family Educational Rights and Privacy Act (FERPA). FERPA is a federal law designed to protect the privacy of student records. The law gives parents and students over 18 years of age (referred to in the law as “eligible students”) the following rights:

1. **The right to inspect and review the student’s education records within 45 days of the day the district receives a request for access.** Parents or eligible students should submit to the Building Principal a written request that identifies the records they wish to inspect. The Principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. **The right to request the amendment of the student’s education records that the parent or eligible student believes are inaccurate or misleading or otherwise in violation of the student’s privacy under FERPA.** Parents or eligible students may ask the district to amend a record that they believe is inaccurate or misleading by writing the Principal, clearly identifying the part of the record they want changed, and specifying why it is inaccurate or misleading.

   If the district decides not to amend the record as requested by the parent or eligible student, the district will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. **The right to provide written consent to disclosures of before the district discloses personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.** One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests or an authorized representative. A school official is a person employed by the district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a person or company with whom the district has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

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

Upon request, the district discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA. The Office that administers FERPA is:

   Family Policy Compliance Office  
   U.S. Department of Education  
   400 Maryland Avenue, SW  
   Washington, DC 20202-4605

Attached to this notice are three other important documents related to student data privacy: 5500 E.2 (Notification of Directory Information Designations and Opt Out), 5500 E3 (Parents’ Bill of Rights for Data Privacy and Security). If you have questions about these notices, please contact your child’s building principal.

Sincerely,

Marc M. Meyer  
Elementary School Principal

Dennis J. Schug, Jr.  
Middle School Principal

Christophe Richardt  
High School Principal

Original Adoption date: July 7, 2009
Update 1, Adoption Date: September 8, 2015
NOTIFICACIÓN DE DERECHOS BAJO LA LEY DE DERECHOS EDUCATIVOS Y PRIVACIDAD FAMILIAR

Estimado Padre o Estudiante Elegible:

Esto es para informarle de sus derechos con respecto a los expedientes de los estudiantes conforme a la Ley de Derechos Educativos y Privacidad Familiar (FERPA). FERPA es una ley federal diseñada para proteger la privacidad de los expedientes de los estudiantes. La ley otorga a los padres y estudiantes mayores de 18 años de edad (referido en la ley como "estudiantes elegibles") los siguientes derechos:

1. **El derecho a inspeccionar y revisar los expedientes de educación del estudiante dentro de 45 días del día en que el distrito recibe una solicitud de acceso.** Los padres o estudiantes elegibles deben someter al director del edificio una solicitud por escrito que identifique los registros que desea inspeccionar. El director hará los arreglos para el acceso y notificará al padre o estudiante elegible de la hora y el lugar donde podrán ser inspeccionados los registros.

2. **El derecho de pedir una enmienda de los archivos del estudiante si el padre o estudiante elegible cree que no son exactas, están erroneas o de cualquier otra violación de privacidad del estudiantes bajo FERPA.** Los padres o estudiantes elegibles pueden solicitar por escrito al distrito el modificar un registro que creen que es inexacto o erroneo, identificando claramente la parte del registro que desean cambiar, y especificar por qué es inexacto o erroneo.

   Si el distrito decide no enmendar el expediente solicitado por el padre o estudiante elegible, el distrito notificará al padre o estudiante elegible de la decisión y le avisara sobre su derecho a una audiencia sobre la solicitud de modificación. Se proporcionará información adicional sobre los procedimientos de audiencia al padre o estudiante elegible cuando sea notificado del derecho a una audiencia.

3. **El derecho a dar consentimiento por escrito antes de que el distrito revele información personalmente identificable contenida en los expedientes de educación del estudiante, excepto en la medida en que FERPA autorice la divulgación sin consentimiento.** Una excepción que permite la divulgación sin consentimiento es la divulgación a los funcionarios escolares con intereses educativos legítimos o un representante autorizado. Un oficial de la escuela es una persona empleada por el distrito como administrador, supervisor, instructor o miembro del personal de apoyo (incluyendo el personal de salud y médico y personal de la unidad de aplicación de ley); una persona que sirve en la junta escolar; una persona o empresa con la cual el distrito ha contratado para realizar una tarea especial (como un abogado, auditor, asesor médico o terapeuta); o un padre o estudiante sirviendo en un comité oficial, como de disciplina o un comité de quejas, o a otro oficial de la escuela en el desempeño de sus tareas. Un funcionario escolar tiene un interés educativo legítimo y el funcionario necesita revisar un expediente de educación con el fin de cumplir con su responsabilidad profesional.
Un representante autorizado es cualquier persona o entidad designada por la autoridad educativa estatal o local o una Agencia Federal dirigida por el Secretario, el Contralor General o el Procurador General para llevar a cabo auditorías, evaluaciones o cumplimiento de actividades relativas a programas educativos.

A petición, el distrito revela expedientes educativos sin consentimiento a oficiales de otro distrito escolar en el que un estudiante busca o intenta matricularse.

4. **El derecho a presentar una queja con el Departamento de Educación de Estados Unidos sobre supuestas fallas por el distrito al cumplir con los requisitos de FERPA. La oficina que administra FERPA es:**

   Family Policy Compliance Office  
   U.S. Department of Education  
   400 Maryland Avenue, SW  
   Washington, DC 20202-4605

Adjunto a este anuncio, se encuentran tres importantes documentos relacionados con la privacidad de datos de los estudiantes: 5500 E. 2 (Notificación del Directorio de Información de Denominaciones y Optar Por No), 5500 E3 (Los Derechos de Privacidad de Datos de los Padres y Seguridad). Si tiene preguntas sobre estos anuncios, por favor, póngase en contacto con el director del edificio del niño/a.

Atentamente,

Marc M. Meyer  
Director Escuela Elemental  

Dennis J. Schug, Jr.  
Director Escuela Intermedia  

Christophe Richardt  
Director Escuela Secundaria  

Original Adoption date:  
July 7, 2009  

Update 1, Adoption Date:  
September 8, 2015
NOTIFICATION OF DIRECTORY INFORMATION DESIGNATIONS AND OPT-OUT

In addition to the rights outlined in the accompanying letter (5500-E.1), FERPA also gives the school district the option of designating certain categories of student information as “directory information.” Directory information includes a student’s:

- Name
- Address
- Telephone number
- Date and place of birth
- Major course of study
- Participation in school activities or sports
- Weight and height if a member of an athletic team
- Dates of attendance
- Degrees and awards received
- Most recent school attended
- Grade level
- Photograph
- E-mail address
- Enrollment status

You may object to the release of any or all of this “directory information.” However, you must do so in writing within 10 business days of receiving this notice. If we do not receive a written objection, we will be authorized to release this information without your consent. For your convenience, you may note your objections to the release of directory information on the form below and return it to your child(ren)’s Building Principal(s).

Please do not release directory information for my child, ______________________________________, a student at ____________________________ in the Hampton Bays Union Free School District, without my prior consent.

___________________________________________  ________________________
Student’s Name        Grade

___________________________________________  ________________________
Parent/Guardian Printed Name      Date

___________________________________________
Parent/Guardian Signature

Adoption Date:        September 8, 2015
RIGHT TO WITHHOLD CERTAIN INFORMATION FROM MILITARY RECRUITERS AND INSTITUTIONS OF HIGHER LEARNING

Release of Certain Student Information under the “No Child Left Behind Act”

Pursuant to the No Child Left Behind Act, the school district must disclose to military recruiters and institutions of higher learning, upon request, the names, addresses and telephone numbers of high school students. The district must also notify parents of their right and the right of their child to request that the district not release such information without prior written parental consent.

Parents wishing to exercise their option to withhold their consent to the release of the above information to military recruiters and/or institutions of higher learning must sign and return the attached form to the Building Principal by the tenth day of the start of school.

Withholding Consent for the Release of Certain Student Information
Under the “No Child Left Behind Act”

Please do not release the name, address and telephone number of my child to

_____ Armed Forces and Military Recruiters, or Military Schools.

_____ colleges, universities, or companies seeking employees.

_________________________________________  ____________________________
Student                                      Grade Level

_________________________________________
Parent/Guardian Signature                    Date

Original Adoption date:        July 7, 2009
Update 1, Adoption Date:        September 8, 2015
Hampton Bays Union Free School District
Parents’ Bill of Rights for Student Data Privacy and Security

Pursuant to Section 2-c and 2-d of the Education Law, parents and students are entitled to certain protections regarding confidential student information. The District is committed to safeguarding personally identifiable information from unauthorized access or disclosure as set forth below:

1. A student’s personally identifiable information will be collected and disclosed only as necessary to achieve educational purposes in accordance with State and Federal Law.

2. A student’s personally identifiable information cannot be sold or released for any commercial purposes;

3. The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. The right to inspect and review the student's education records within 45 days after the day the Hampton Bays UFSD receives a request for access shall be exercised by parents or eligible students submitting to the school principal a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

4. The District is committed to implementing safeguards associated with industry standards and best practice under state and federal laws protecting the confidentiality of personally identifiable information, including but not limited to, encryption, firewalls, and password protection when data is stored or transferred;

5. A complete list of all student data elements collected by the State is available for public review at [http://www.p12.nysed.gov/irs/data_reporting.html](http://www.p12.nysed.gov/irs/data_reporting.html); or by writing to the Office of P12 Education; New York State Education Department; 89 Washington Avenue; Albany NY 12234

6. Parents have the right to have complaints about possible breaches of student data. Complaints should be directed in writing to the Superintendent of Schools at 86 East Argonne Road, Hampton Bays, NY 11946.

7. The District has entered into contracts with certain third party contractors who have been sent student data and/or teacher data and/or principal data. Each contract the District enters into with a third party contractor where the third party contractor receives student data or teacher or principal data will include information addressing the following:

   a. The exclusive purpose(s) for which the data will be used;
   b. How the third party contractor will ensure that the subcontractors, persons or entities that the third party contract will share the student data or teacher data
or principal data with, if any, will abide by data protection and security requirements.

(c) The commencement and termination dates for such agreements and a description of how the data will be disposed by the contractor when the contract purpose has been fulfilled;

(d) The data storage and security measures undertaken.

8. Agreements with third party contractors will ensure that the subcontractors, persons or entities that the third party contractor will share the student data or teacher or principal data with, if any, will abide by data protection and security requirements.

9. A parent, student, eligible student, teacher or principal may challenge the accuracy of student data or teacher or principal data that is collected by filing a written request with the Superintendent of Schools at 86 East Argonne Road, Hampton Bays, NY 11946. Parents or eligible students who wish have a record amended should clearly identify the part of the record they want changed and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment.

10. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent. Exceptions that permit disclosure without consent are covered in Board of Education Policy 5500.

11. Third Party Contractors using student, teacher, and/or principal data include:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>eSchoolData</td>
<td>K-12 student management system</td>
</tr>
<tr>
<td>Scholastic</td>
<td>Math and Reading program for benchmarking progress and an instructional program</td>
</tr>
<tr>
<td>Castle Learning</td>
<td>Instructional support tool, multi-subject</td>
</tr>
<tr>
<td>Study Island</td>
<td>Instructional support tool, multi-subject</td>
</tr>
<tr>
<td>Naviance</td>
<td>Counseling Tool for college and career planning/tracking</td>
</tr>
<tr>
<td>OPALS</td>
<td>School Library Media Center database</td>
</tr>
<tr>
<td>Fitnessgram</td>
<td>Physical Education tool for benchmarking fitness progress</td>
</tr>
<tr>
<td>Tmez Attack</td>
<td>Instructional support tool</td>
</tr>
<tr>
<td>Nutrikids</td>
<td>Point-of-Sale system for school cafeteria program</td>
</tr>
<tr>
<td>Montauk Bus</td>
<td>School Bus Transportation Company</td>
</tr>
<tr>
<td>Right Reason</td>
<td>Tracking of student and teacher performance data for teacher and principal evaluation program</td>
</tr>
<tr>
<td>ALEKS</td>
<td>Instructional program used for College Anti-Remediation program at the High School</td>
</tr>
</tbody>
</table>

Original Adoption Date: October 21, 2014
Update 1, Adoption Date: September 8, 2015
Distrito Escolar de Hampton Bays

Declaración de Derechos de los Padres de la Privacidad de Datos Estudiantiles y Seguridad

Según el artículo 2-c y 2-d de la Ley de Educación, los padres y estudiantes tienen derecho a ciertas protecciones en cuanto a información confidencial. El distrito está comprometido a proteger la información personal de divulgación o acceso no autorizado como se indica a continuación:

1. La información personalmente identificable de un estudiante será acumulada y divulgada sólo si es necesario por objetivos educativos de acuerdo con las Leyes del Estado y Federales.

2. La información personalmente identificable de un estudiante no puede ser vendida o divulgada con fines comerciales.

3. La Ley de Derechos Educacionales de la Familia y la Ley de Privacidad (FERPA) brinda a los padres y a los estudiantes que tienen 18 años o más de edad ("estudiantes elegibles") ciertos derechos con respecto a los archivos del estudiante. El derecho a inspeccionar y revisar los archivos educacionales del estudiante dentro de un plazo de 45 días después de la fecha en que el Distrito Escolar de Hampton Bays recibe la solicitud de que el acceso será ejercido por los padres o el estudiante elegible. La solicitud se debe presentar al director de la escuela por escrito identificando los registros que desean inspeccionar. El oficial de la escuela hará los arreglos necesarios para el acceso y notificará a los padres o estudiante elegible de la hora y el lugar donde los archivos pueden ser revisados.

4. El distrito se ha comprometido a aplicar las garantías asociadas con las normas de la industria y las mejores prácticas bajo las leyes federales y estatales que protegen la confidencialidad de información de identificación personal, incluyendo pero no limitado a, codificación, barra de control de acceso y protección de contraseña cuando se almacenan los datos o se transfieren.

5. Una lista completa de todos los elementos de datos estudiantiles coleccionados por el estado está disponible para la revisión pública en http://www.p12.nysed.gov/irs/data_reporting.html; o escribiendo a: Office of P12 Education; New York State Education Department; 89 Washington Avenue; Albany NY 12234

6. Los padres tienen el derecho a tener quejas sobre posibles violaciones de datos estudiantiles. Las quejas deberan ser dirigidas por escrito al Superintendente de Escuelas en 86 East Argonne Road, Hampton Bays, NY 11946.

7. El distrito ha firmado contratos con ciertos contratistas de terceros que se le ha enviado datos de alumnos, datos de maestros y/o datos principales. Cada contrato en el que el distrito entra con un contratista tercero, donde el tercer contratista recibe datos del estudiantes o maestros o principales incluirá información dirigiéndose a lo siguiente:

   a. Los fines exclusivos para lo cual se utilizarán los datos;
b. Cómo el contratista tercero se asegurará de que los subcontratistas, personas o entidades que contrate cumplan con los requisitos de seguridad y protección al compartir los datos del estudiante o maestro o datos principales,
c. La fecha de comienzo y fin de estos acuerdos y una descripción de cómo los datos serán eliminados por el contratista cuando el contrato ha sido cumplido, el almacenaje de datos y medidas de seguridad emprendidas.

8. Acuerdos con terceros contratistas asegurarán de que los subcontratistas, personas o entidades con que el contratista tercero comparte los datos de los estudiantes o maestros o datos principales, si los hubiere, cumplan con los requisitos de seguridad y protección de datos.

9. Uno de los padres, el estudiante, maestro o director puede cuestionar la exactitud de los datos recopilados del estudiante, maestro o director mediante la presentación de una solicitud por escrito al Superintendente de las escuelas en 86 East Argonne Road Hampton Bays, NY 11946. Los padres o estudiantes elegibles que deseen tener un registro modificado deben identificar claramente la parte del registro que desee modificar y especificar por qué se debe cambiar. Si la escuela decide no enmendar el registro según lo solicitado por los padres o estudiante elegible, la escuela notificará al padre o estudiante elegible de la decisión y de su derecho a una audiencia sobre la solicitud de modificación.

10. El derecho a dar consentimiento por escrito antes de que la escuela revele información personal identificable (PII) de los expedientes de educación del estudiante, excepto en la medida en que FERPA autorice la divulgación sin consentimiento. Excepciones que permiten la divulgación sin consentimiento están cubiertas en la Política 5500 de la Junta Educativa.

11. Terceros contratistas utilizando datos principales, de maestro y/o estudiante incluyen:

<table>
<thead>
<tr>
<th>Nombre</th>
<th>Descripción</th>
</tr>
</thead>
<tbody>
<tr>
<td>eSchoolData</td>
<td>K-12 sistema de gestión estudiantil</td>
</tr>
<tr>
<td>Scholastic</td>
<td>Programa de matemáticas y lectura para evaluación de progreso y un programa de instrucción</td>
</tr>
<tr>
<td>Castle Learning</td>
<td>Herramienta de apoyo didáctico, multi-tema</td>
</tr>
<tr>
<td>Study Island</td>
<td>Herramienta de apoyo didáctico, multi-tema</td>
</tr>
<tr>
<td>Naviance</td>
<td>Herramienta de asesoramiento para la planificación y seguimiento Universidad y de carrera</td>
</tr>
<tr>
<td>OPALS</td>
<td>Base de datos del Centro de Medios de la Biblioteca escolar</td>
</tr>
<tr>
<td>Fitnessgram</td>
<td>Herramienta de educación física para evaluar el progreso y bienestar corporal</td>
</tr>
<tr>
<td>Timez Attack</td>
<td>Herramienta de apoyo didáctico</td>
</tr>
<tr>
<td>Nutrikids</td>
<td>Sistema punto de venta programa de la cafetería de la escuela</td>
</tr>
<tr>
<td>Montauk Bus</td>
<td>School Bus Transportation Company</td>
</tr>
<tr>
<td>Right Reason</td>
<td>Seguimiento de datos de rendimiento de estudiantes y maestros para el programa de evaluación de maestros y el director</td>
</tr>
<tr>
<td>ALEKS</td>
<td>Programa de instrucción utilizado en la escuela secundaria</td>
</tr>
</tbody>
</table>

Original Adoption Date: October 21, 2014
Update 1, Adoption Date: September 8, 2015
STUDENT PRIVACY

The Board of Education recognizes that student surveys are a valuable tool in determining student needs for educational services. Parents have the right to inspect all instructional material that will be used for a survey, analysis, or evaluation as part of a U.S. Department of Education funded program. In addition, no minor student may, without parental consent, take part in a survey, analysis or evaluation funded in whole or in part by the Department of Education that reveals information concerning:

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

Parents/guardians shall have the right to inspect, upon request, any instructional material, used as part of the educational curriculum for students. “Instructional material” is defined as: “instructional content that is provided to a student, regardless of format including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). It does not include tests or academic assessments.”

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

It is the policy of the Board not to permit the collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling that information or providing it to others for that purpose. This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services as permitted by law.

In the event of such collection, disclosure or use of personal information gathered from students, student privacy shall be protected by the school district pursuant to the requirements of FERPA.

Parent/guardians have the right to submit a written statement to opt their child out of participation in the following activities:
1. The collection, disclosure and use of personal information gathered from students for the purpose of marketing or selling that information, or providing it to others for that purpose. Upon request, parents/guardians have the right to inspect any such instrument before it is administered or distributed to their child. This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating or providing educational products or services for, or to students or educational institutions, such as:

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

In the event of such collection, disclosure or use of personal information gathered from students, student privacy shall be protected by the school district pursuant to the requirements of FERPA.

2. The administration of any survey revealing information concerning one or more of the following:

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

Parents/guardians and eligible students, shall also have the right to inspect, upon their request, a survey created by a party other than the U.S. DOE before the survey is administered or distributed by a school to a student. Such requests must be submitted, in writing, to the Building Principal with a response to be at least two weeks in advance of any survey to be given.
3. The administration of any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school not necessary to protect the immediate health or safety of the student or other students and not otherwise permitted or required by state law.

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

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

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

Adoption date: July 7, 2009
Dear Parent/Guardian:

The Board of Education recognizes that student privacy is an important concern of parents and the Board wishes to ensure that student privacy is protected pursuant to the Protection of Pupil Rights Amendment, as revised by the No Child Left Behind Act of 2001. To that end, the Board has adopted policy 5550 on student privacy.

Under the Protection of Pupil Rights Amendment, as revised by the No Child Left Behind Act, and the Hampton Bays policy on student privacy, you have the right to opt your child out of the following activities:

1. The collection, disclosure and use of personal information gathered from students for the purpose of marketing that information. This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating or providing educational products or services such as:
   a. college or other postsecondary education recruitment, or military recruitment;
   b. book clubs, magazines and programs providing access to low-cost literary products;
   c. curriculum and instructional materials used in schools;
   d. tests and assessments used to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information for students or to generate other statistically useful data for the purpose of securing such tests and assessments, and the subsequent analysis and public release of the aggregate data from such tests and assessments;
   e. student recognition programs; and
   f. the sale by students of products or services to raise funds for school-related activities.

2. The administration of any survey revealing information concerning one or more of the following:
   a. political affiliations or beliefs of the student or the student's parent;
   b. mental or psychological problems of the student or the student's family;
   c. sex behavior or attitudes;
   d. illegal, anti-social, self-incriminating or demeaning behavior;
   e. critical appraisals of other individuals with whom respondents have close family relationships;
   f. legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers;
   g. religious practices, affiliations or beliefs of the student or the student's parent; or
   h. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

3. The administration of any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school not necessary to
protect the immediate health or safety of the student or other students and not otherwise permitted or required by state law. The term "invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injecting into the body, but does not include a hearing, vision or scoliosis screening. It does not apply to any physical examination or screening required or permitted under state law, including those permitted without parental notification.

At this time, we expect that activities related to the above-mentioned items include:

1. **The Teen Assessment Project (TAP), administered by the Southampton Youth Bureau, asks students in grades 8, 10, and 12 to anonymously answer lifestyle questions in order to effectively support their healthy development.**

Please review this list. If there are any activities you wish to “opt out” of on behalf of your child, please sign and return the attached form to the school within 10 days.

If you have questions about the district’s privacy policies, please contact your child(ren)’s building principal.

Sincerely,

Marc M. Meyer  Dennis J. Schug, Jr.  Christopher Richardt
Elementary School Principal  Middle School Principal  High School Principal

I wish to opt-out my child of the following activities:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Student’s Name  Grade

Parent/Guardian Printed Name  Date

Parent/Guardian Signature

Adoption Date:  September 8, 2015
NOTIFICACIÓN A LOS PADRES DE PRIVACIDAD DE ESTUDIANTE

Estimado Padre/Tutor:

La Junta de Educación reconoce que la privacidad del estudiante es una preocupación importante de los padres y la junta quiere garantizar la protección de la privacidad del estudiante en virtud de la Enmienda de Derechos de Protección del Alumno, revisado por el Acto No Child Left Behind del 2001. Para ello, la Junta ha adoptado la política 5550 sobre la privacidad del estudiante.

Bajo la Enmienda de Derechos de Protección del Alumno, revisado por el acto No Child Left Behind y la política de Hampton Bays sobre la privacidad del alumno, usted tiene derecho a optar no por su niño de las siguientes actividades:

1. La recopilación, divulgación y uso de información personal obtenida de los estudiantes con el objetivo de comercializar la información. Esto no se aplica a la colección, revelación, o el uso de la información personal obtenida de los estudiantes para el exclusivo propósito de desarrollar, evaluar o proporcionar productos o servicios educativos, tales como:
   a. reclutamiento de universidad o otra educación postsecundaria o reclutamiento militar
   b. club de libros, revistas y programas de acceso a productos literarios de bajo costo;
   c. plan de estudios y materiales didácticos utilizados en las escuelas;
   d. pruebas y evaluaciones utilizadas para proporcionar información cognitiva, aptitud, diagnóstico o logros de los estudiantes o para generar otros datos útiles desde un punto de vista estadístico con el fin de garantizar tales pruebas y evaluaciones, así como el posterior análisis y publicación de los datos agregados de las pruebas y evaluaciones;
   e. programas de reconocimiento estudiantiles; y
   f. la venta por parte de los alumnos de productos o servicios a fin de recaudar fondos para actividades relacionadas con la escuela.

2. La administración de cualquier encuesta que revela información acerca de uno o más de los siguientes:
   a. afiliaciones políticas o creencias del estudiante o de los padres del estudiante;
   b. problemas mentales o psicológicos del estudiante o familia del estudiante;
   c. comportamiento sexual o actitudes;
   d. comportamiento ilegal, antisocial, auto-incriminatorio o degradante;
   e. valoraciones críticas de otras personas con las que los encuestados tienen relaciones familiares cercanas;
   f. relaciones privilegiadas o análogas legalmente reconocidas, como aquellos de abogados, médicos y ministros;
   g. prácticas religiosas, afiliaciones o creencias del estudiante o los padres del estudiante;
   h. ingresos (que no sea requerido por la ley para determinar la elegibilidad de la participación en un programa o para recibir asistencia financiera bajo tal programa).
3. La administración de cualquier examen o chequeo físico invasivo que no sea de emergencia, que no sea requerido como condición de asistencia, administrado por la escuela y no es necesario para proteger la salud inmediata o seguridad del estudiante u otros estudiantes y no de otra manera permitido o requerido por ley estatal. "El examen físico invasivo" significa cualquier examen médico que consiste en la exposición de partes privadas del cuerpo, o cualquier acto durante ese examen que incluya incisión, inserción o inyectar en el cuerpo, pero no un examen de audición, visión o escoliosis. No se aplica a cualquier examen físico o evaluación requeridos o permitidos bajo la ley estatal, incluyendo los permitidos sin notificación a los padres.

En este momento, esperamos que las actividades relacionadas con los elementos antes mencionados incluyen:

1. **The Teen Assessment Project (TAP), un programa administrado por la Oficina Juvenil de Southampton, que piden a los estudiantes en grados 8, 10, y 12 contestar anónimamente a preguntas del estilo de vida a fin de apoyar con eficacia un desarrollo sano.**

Por favor revise esta lista. Si hay cualquier actividad que desee "optar no" en nombre de su hijo, por favor, firmar y devolver el formulario adjunto a la escuela dentro de 10 días. Si usted tiene preguntas acerca de la política de privacidad del distrito, póngase en contacto con el director del edificio de su(s) hijo(s).

Atentamente,

Marc M. Meyer  
Director Escuela Elementaria

Dennis J. Schug, Jr.  
Director Escuela Intermedia

Christopher Richardt  
Director Escuela Secundaria

---

**Deseo optar no por mi hijo de las siguientes actividades:**

__________________________________________

__________________________________________

__________________________________________

__________________________________________

Nombre del Estudiante ________________________  Grado ________________________

Escriba el Nombre del Padre/Tutor ________________________  Fecha ________________________

Firma del Padre/Tutor ________________________

Adoption Date: September 8, 2015
STUDENTS AND PERSONAL ELECTRONIC DEVICES

The Board of Education recognizes that there are personal electronic devices that have educational applications such as calculators, voice recorders, digital cameras and music listening devices. In some instances a “smart phone” may include applications that permit these functions. These devices shall be allowed to be used in classrooms only when they are included as part of a lesson under the direction of a teacher.

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

Therefore, to prevent such disruption, the display and/or use by students of cellular phones (including “smart phones”), pagers, and 2-way communication systems and/or other electronic devices shall be prohibited from the time students arrive at school until the end of the regular school day, unless specifically permitted to be used by a teacher or administrator. In the High School, students will be permitted to use these devices in the hallways during passing periods only and the student’s officially scheduled lunch, so long as it is not creating a disruption to the educational process. Such devices must be turned off and stored out of sight during this time period. The district is not responsible for stolen, lost or damaged personal electronic devices.

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

Misuse of any of these electronic devices will result in its confiscation until a time as outlined in practice by the school building, as outlined in the code of conduct. Some uses of personal electronic devices constitute violation of the school district code of conduct and in some instances, the law. The school district will cooperate with law enforcement officials as appropriate.

Cellular Telephones and Testing

In order to ensure the integrity of testing, in accordance with state guidelines, students are not allowed to bring cell phones or other electronic devices into classrooms or other exam locations during testing. The exception to this policy is if a teacher gives specific permission for a cell phone or other electronic device to be used during a classroom, non-state assessment.

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

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

Cross-ref: 5300, Code of Conduct

Original Adoption Date: August 13, 2013
Update 1, First Reading: July 7, 2015
Update 1, Second Reading: August 25, 2015
Update 1, Adoption Date: August 25, 2015
VIOLENT OR DISRUPTIVE INCIDENT REPORTING

The Board of Education is committed to promoting and maintaining the safety of all students, staff and visitors to the schools. Consistent with this commitment and in accordance with state law and regulation, the district shall submit an annual report to the Commissioner of Education regarding violent or disruptive incidents in the form prescribed by the Commissioner.

Reporting Requirement

Each Building Principal shall be responsible for preparing on regular basis a report of all the violent or disruptive incidents that have occurred in the building and forwarding the report to the Superintendent of Schools. The Superintendent shall be responsible for compiling the reports received from the Building Principals into the annual report and submitting the report to the Commissioner. The report shall contain all the information required by law and shall be filed with the Commissioner on or before September 30 of each year.

Each Building Principal shall be responsible for assuring that copies of each report at the building level are retained for the period prescribed in the records retention schedule issued by the State Education Department and published as Appendix I to the Commissioner’s Regulations.

Confidentiality

Any violent or disruptive incident report prepared in accordance with law shall be available for inspection by the State Education Department upon request. All names and other personally identifiable information included in any report shall be confidential and shall not be disclosed to any person for use by any person for purposes other than the reporting purposes in Education Law §2802, except as otherwise authorized by law.

Ref: Education Law §2802 (Uniform Violent Incident Reporting System)
     8 NYCRR 100.2 (gg) (Uniform Violent Incident Reporting System)
     8 NYCRR 185.11 (Appendix I) (Records Retention and Disposition Schedule ED-1)

Adoption date: July 7, 2009
STUDENT AWARDS AND SCHOLARSHIPS

The Board of Education believes that the recognition of student achievement, through the issuance of scholarships or other awards, is an extremely important aspect of secondary school education. The issuance of these awards, particularly at commencement, should be the end result of an understandable and coordinated program that insures thoughtful and equitable consideration for all students who apply, or are considered, for such an award. The following procedures shall be followed in the issuance of awards and scholarships at commencement:

1. A list of all awards and scholarships issued at the preceding commencement shall be posted in the Guidance Department no later than October 1 of each year. All seniors shall be informed of the posting and notified as to the name of a contact person for additional information relating to any particular award or scholarship.

2. All donors of awards and scholarships at the preceding commencement shall be contacted by April 15 of each year for the purpose of confirming that the award or scholarship will be offered at the upcoming commencement. A list of criteria for each award or scholarship shall be received by May 1 of each year and posted in the Guidance Department.

3. An award and scholarship committee shall be convened by May 1 of each year to review the criteria and nominate students for those awards whose winners are to be selected by the donors. This committee shall also determine the criteria to be used for those awards whose winners are to be selected by the committee. The committee shall be comprised of three guidance counselors, the Senior Class Advisor(s), the Secondary School Principal and assistant Principal, and two members of the secondary school faculty.

4. All award and scholarship selections shall be complete by June 15 unless the criteria requires the compilation of final grade average to determine a winner.

5. The question of need shall only be considered if it is a stated criteria for the award or is the final determining factor distinguishing one applicant from another.

Adoption date: July 7, 2009