

**BOARD OF EDUCATION
AGENDA
Special Meeting - June 23, 2015
Elementary School**

6:00 p.m. Call to Order/Executive Session (Library)
7:00 p.m. General Session (Large Group Room)

- I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
- II. ROLL CALL OF BOARD MEMBERS
- III. PUBLIC COMMENT (*Agenda related items*)
- IV. BOARD CONSENT AGENDA

As recommended by the Superintendent of Schools, the Board approves the following resolutions appearing on the June 23, 2015 consent agenda:

- A. Personnel - resolutions numbered 1-12
- B. Finance - resolutions numbered 1-3
- C. Facilities and Operations
- D. Education

V. OLD BUSINESS

A. Policies - The Board approves the following Policy recommendations:

- 5300.15 Code of Conduct-Student Rights and Responsibilities – accept for a second reading and adoption
- 5311 Student Rights and Responsibilities – delete in its entirety upon adoption of 5300.15
- 5300.25 Code of Conduct-Student Dress Code – accept for a second reading and adoption
- 5311.5 Student Dress Code – delete in its entirety upon adoption of 5300.25
- 5300.30 Code of Conduct-Prohibited Student Conduct – accept for a second reading and adoption
- 5300.35 Code of Conduct-Reporting Violations – accept for a second reading and adoption
- 5300.45 Code of Conduct-Alternative Instruction – accept for a second reading and adoption
- 5300.50 Code of Conduct-Discipline of Student with Disabilities – accept for a second reading and adoption
- 5300.55 Code of Conduct-Corporal Punishment – accept for a second reading and adoption
- 5314 Corporal Punishment Complaints – delete in its entirety upon adoption of 5300.55
- 5300.65 Code of Conduct-Visitors to the Schools – accept for a second reading and adoption
- 1240 Visitors to the Schools – delete in its entirety upon adoption of 5300.65
- 5310 Student Discipline – accept for a second reading and adoption
- 5151 Homeless Children – accept for a second reading and adoption
- 5205 Eligibility for Co-Curricular and Extracurricular Activities – accept for a second reading and adoption
- 5305 Eligibility for Extracurricular Activities – delete in its entirety upon adoption of 5205
- 5312.4 Comprehensive Substance Use/Abuse – accept for a second reading and adoption
- 5320 Student Conduct on School Buses – accept for a second reading and adoption
- 5460 Child Abuse, Maltreatment or Neglect in a Domestic Setting – accept for a second reading and adoption
- 5460 Suspected Child Abuse and Maltreatment – delete in its entirety upon adoption of new 5460

VI. ADJOURNMENT

A. Personnel

1. Request for Leave Extension – Reading Teacher

The Board approves the request of Bonnie Quartarone, Reading Teacher, for an extension of her present leave of absence to on or about April 1, 2016, in accordance with the negotiated agreement with the Port Jefferson Teachers Association.

2. Extension of Leave Appointment – Reading Teacher

The Board extends the leave replacement appointment of Kristine Porretta, Reading Teacher (for Bonnie Quartarone) to on or about April 1, 2016, in accordance with the negotiated agreement with the Port Jefferson Teachers Association.

3. Appointment - Clerical Substitute

The Board approves the appointment of Kathleen Archacki as a substitute Senior Clerk Typist, at the rate of \$19.00 per hour, for the 2015-2016 school year.

4. Appointment – Part-time Clerk Typist

The Board approves the appointment of Sandra Mellon as a part-time Clerk Typist, effective July 1, 2015, at the rate of \$25.01 per hour, not to exceed 17.5 hours per week, in accordance with the Suffolk County Department of Civil Service.

5. Appointment – Facility Use Monitors

The Board approves the following Facility Use Monitor appointments for services as needed for the 2015-2016 school year at the rate of \$20.00 per hour:

Maureen Colon Bonnie Kelsch Tracy Gray

6. Appointment – Interim Middle School Principal

The Board approves the following resolution:

BE IT RESOLVED, that the Board of Education of the Port Jefferson Union Free School District hereby appoints Leonard Bozza as Interim Middle School Principal, effective July 1, 2015 for a period of time not to exceed one hundred days at a per diem rate of \$600.00 per day; and

BE IT FURTHER RESOLVED that the President of the Board is authorized to execute an Agreement dated June 23, 2015 setting forth the terms and conditions of employment of the Interim Middle School Principal, which agreement has been reviewed by the Board of Education.

7. Amendment to Employment Agreement – Assistant Superintendent for Business

The Board approves a certain Amendment to the Employment Agreement of the Assistant Superintendent for Business, dated June 23, 2015, the Board having reviewed same; and further, the Board authorizes the President of the Board of Education to execute said agreement on behalf of the Board.

8. Amendment to Employment Agreement – Executive Director Curriculum & Instruction

The Board approves a certain Amendment to the Employment Agreement of the Executive Director of Curriculum and Instruction, dated June 23, 2015, the Board having reviewed same; and further, the Board authorizes the President of the Board of Education to execute said agreement on behalf of the Board.

9. Employment Agreement – Confidential Secretary to the Superintendent of Schools

The Board approves the Employment Agreement of Janice Baisley, Confidential Secretary to the Superintendent of Schools, dated June 23, 2015, the Board having reviewed same; and further, the Board authorizes the President of the Board of Education to execute said agreement on behalf of the Board.

10. Employment Agreement – Treasurer

The Board approves the Employment Agreement of Lisa Van Middeltem, Treasurer, dated June 23, 2015, the Board having reviewed same; and further, the Board authorizes the President of the Board of Education to execute said agreement on behalf of the Board.

11. Employment Agreement – Office Applications Specialist

The Board approves the Employment Agreement of Natalie Pego, Office Applications Specialist, dated June 23, 2015, the Board having reviewed same; and further, the Board authorizes the President of the Board of Education to execute said agreement on behalf of the Board.

12. Memorandum of Agreement – Facilities & Technology Supervisors Association

The Board approves the memorandum of Agreement, dated June 16, 2015, between Port Jefferson Union Free School District and the Port Jefferson Facility and Technology Supervisors' Association.

B. Finance

1. Financial Reports

The Board approves the budget transfers dated June 23, 2015.

2. Intermunicipal Cooperative Services Agreement

The Board approves the Intermunicipal Cooperative Services Agreement, dated June 23, 2015, between the Incorporated Village of Port Jefferson and Port Jefferson Union Free School District.

3. Multi-Year Maintenance Agreement

The Board approves the Multi-Year Maintenance Agreement, dated June 1, 2015, between Carr Business Systems and Port Jefferson Union Free School District, for the replacement of all district printers.

C. Facilities & Operations

D. Education

CODE OF CONDUCT - STUDENT RIGHTS AND RESPONSIBILITIES

A. Student Rights

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

1. Take part in all district activities on an equal basis regardless of race, weight, color, creed, national origin, ethnic group, religion, religious practice, gender or sexual orientation or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school policies, regulations and rules and, when necessary, receive an explanation of those rules from school personnel.

B. Student Responsibilities

All district students have the responsibility to:

1. Contribute to maintaining a safe, supportive and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn, **unless suspended from instruction.**
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to manage their anger.
7. Ask questions when they do not understand.
8. ~~Seek help in solving problems.~~ **To assist in resolving problems that might contribute to inappropriate behavior.**
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

Presented for:

1st reading – 6/12/12

2nd reading & adoption – 7/2/12

Revisions presented for:

1st reading – 6/9/15

2nd reading & adoption – 6/23/15

~~STUDENT RIGHTS AND RESPONSIBILITIES~~

~~The Board of Education's goal is to provide an environment in which a student's rights and freedoms are respected. The Board therefore assures district students that they shall have all the rights afforded them by federal and state constitutions, statutes and regulations. The Board also recognizes all federal, state and local laws in connection with these rights and reminds students that certain responsibilities accompany these rights.~~

~~It shall be the right of each district student:~~

- ~~1. to have a safe, healthy, orderly and courteous school environment;~~
- ~~2. to take part in all district activities on an equal basis regardless of race, sex, religion, national origin, or disability;~~
- ~~3. to attend school and participate in school programs unless suspended from instruction;~~
- ~~4. to have school rules available for review and, whenever necessary, explanation by school personnel;~~
- ~~5. to be suspended from instruction only after his/her rights pursuant to Education Law §3214 have been observed; and~~
- ~~6. in all disciplinary matters, to have the opportunity to present his/her version of the facts and circumstances leading to imposition of disciplinary sanctions to the professional staff member imposing such sanction.~~

~~It shall be the responsibility of each district student:~~

- ~~1. to be familiar with and abide by all district and civil policies, rules and regulations pertaining to student conduct;~~
- ~~2. to work to the best of his/her ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible;~~
- ~~3. to hold himself/herself to the highest standards of conduct, demeanor, and sportsmanship, and accept responsibility for his/her actions;~~
- ~~4. to assist in resolving problems that might contribute to inappropriate behavior;~~
- ~~5. to be in regular and prompt attendance at school and in class;~~
- ~~6. to contribute to the maintenance of an environment that is conducive to learning and to respect to other persons and to property;~~
- ~~7. to dress in accordance with standards promulgated by the Board and the Superintendent; and~~
- ~~8. to make constructive contributions to the school and to report fairly and truthfully the circumstances of school-related issues.~~

~~Cross-ref: 5310, Student Discipline~~

~~5311.3, Student Complaints and Grievances~~

~~Ref: 8 NYCRR §100.2(l)(1)(i), Education Law §3214.~~

~~Note: Policy added~~

CODE OF CONDUCT - STUDENT DRESS CODE

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

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

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

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

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

Presented for:

1st reading – 6/9/15

2nd reading & adoption – 6/23/15

STUDENT DRESS CODE

~~The responsibility for student dress and general appearance rests with individual students and parents. However, the Board of Education requires students to attend school in appropriate dress that meets health and safety standards and does not interfere with the learning process. Examples of inappropriate dress include see-through garments and other likewise revealing clothing. In addition, the Board prohibits attire bearing an expression or insignia which is obscene or libelous, or which advocates or expresses racial or religious prejudice. Cleanliness and neatness in dress help to foster positive attitudes toward learning.~~

~~The Board also requires students to wear appropriate protective gear in certain classes (e.g., home economics, shop, P.E.). For example, a hair net or cap may be required where long hair might impose a health or safety threat near open flames, moving machinery, or in home economics food classes. In addition, while the administration may require students participating in physical education classes to wear certain types of clothing such as sneakers, shorts or other appropriate leggings, and tee-shirts, the administration may not prescribe a specific brand for students to wear.~~

~~The district may prohibit articles of clothing that cause excessive maintenance problems, such as boots with cleats, shoes that scratch the floor, and trousers with metal inserts that scratch furniture.~~

~~The Superintendent of Schools and other designated administrative personnel shall have the authority to require a student to change his/her attire should it be deemed inappropriate according to the above guidelines.~~

Cross ref: — 5230, Student Social Events

Note: — Prior policy, "Student Dress Code"; Policy Manual, 5133; revised

CODE OF CONDUCT - PROHIBITED STUDENT CONDUCT

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

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

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

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

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

- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include, but are not limited to:
 - 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.
 4. **Truency**
- C. Engage in conduct that is disruptive. Examples of disruptive conduct include, but are not limited to:
1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel 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.
- D. Engage in conduct that is violent. Examples of violent conduct include, but are not limited to:
1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
 2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
 3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
 4. Displaying what appears to be a weapon.
 5. Threatening to use any weapon.
 6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, 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 of such conduct 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 which 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 (or Bullying), is the creation of a hostile environment by conduct or threats, intimidation or abuse. (See policy, 0115, Student Harassment and Bullying Prevention and Intervention for a more complete definition.)
 6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
 7. Hazing, which includes an induction, initiation or membership process involving harassment (see policy 0115 for a more complete definition).
 8. Selling, using, distributing or possessing obscene material.
 9. Using vulgar or abusive language, cursing or swearing.
 10. Smoking a cigarette, cigar, pipe, electronic cigarette, or using chewing or smokeless tobacco.
 11. Possessing, consuming, selling, offering, manufacturing, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any synthetic version thereof, whether specifically illegal or not, commonly referred to as "designer drugs" which are substances designed and synthesized to mimic the intended effects and usages of, which are chemically substantially similar to, illegal drugs, which may or may not be labeled for human consumption.
 12. Inappropriately using or sharing prescription and over-the-counter drugs.
 13. Gambling.
 14. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
 15. 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 of academic misconduct 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.
- H. Engage in off-campus misconduct that interferes with, or can reasonably be expected to substantially disrupt the educational process in the school or a school function. Such misconduct includes, but isn't limited to, threatening or harassing students or school personnel through any means off-campus, including cyberbullying (for a complete definition of harassment, bullying and cyberbullying refer to policy 0115, Student Harassment and Bullying Prevention and Intervention).

Chronic cases of truancy shall necessitate a Person In Need of Supervision (PINS) Petition for students the age of 16.

Presented for:

1st reading – 6/12/12

2nd reading & adoption – 7/2/12

Revision presented for:

1st reading – 3/12/13

2nd reading & adoption – 4/9/13

Revision presented for:

1st reading & adoption – 3/11/14

Revision presented for:

1st reading – 6/9/15

2nd reading & adoption – 6/23/15

CODE OF CONDUCT - REPORTING VIOLATIONS

All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the Building Principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the Principal, the Principal's designee or the Superintendent of Schools.

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

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

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

Presented for:

1st reading – 6/9/15

2nd reading & adoption – 6/23/15

CODE OF CONDUCT - ALTERNATIVE INSTRUCTION

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take immediate steps to provide alternative means of instruction for the student. The Board of Education expects students, administrators, teachers and parents to make every effort to maintain student academic progress in the event of removal or suspension, and support student re-entry to the classroom at the conclusion of the disciplinary action.

Presented for:

1st reading – 6/9/15

2nd reading & adoption – 6/23/15

CODE OF CONDUCT - DISCIPLINE OF STUDENTS WITH DISABILITIES

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

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

Definitions

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

1. *Behavioral intervention plan (BIP)* means a plan that is based on the results of a functional behavioral assessment and that, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.
2. *Controlled substance* means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).
3. *Disciplinary change in placement* means a suspension or removal from a student's current educational placement that is either:
 - a. For more than 10 consecutive school days; or
 - b. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.
4. *Illegal drug* means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional, or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.

5. *Interim alternative educational setting (IAES)* means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable him or her to continue to participate in the general curriculum and progress toward meeting the goals set out in the student's individualized education program; as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.
6. *Manifestation review* means a review of the relationship between the student's disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.
7. *Manifestation team* means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the committee on special education as determined by the parent and the district.
8. *Removal* means a removal of a student with a disability for disciplinary reasons from his or her current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.
9. *School day* means any day, including a partial day, that students are in attendance at school for instructional purposes.
10. *Serious bodily injury* means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
11. *Student presumed to have a disability for discipline purposes* means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.
12. *Suspension* means a suspension pursuant to §3214 of New York's Education Law.
13. *Weapon* means the same as the term "dangerous weapon" under 18 USC §930(g)(2) which includes a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except a pocket knife with a blade of less than two and one-half inches in length.

Authority of School Personnel to Suspend or Remove Students with Disabilities

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

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

school days in the same school year for separate incidents of misconduct, as long as the suspensions do not constitute a disciplinary change of placement.

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

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

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

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

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

1. In cases involving the suspension or removal of a student with a disability for a period of five consecutive school days or less, the student's parents or persons in parental relation to the student will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short term suspensions of non-disabled students.
2. The suspension of students with disabilities for a period in excess of five school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the Superintendent or a designated hearing officer shall be bifurcated into a guilt phase and a penalty phase. Upon a finding of guilt, the Superintendent or the designated hearing officer will await notification of the determination by the manifestation team as to whether the student's behavior was a manifestation of his or her disability. The penalty phase of the hearing may proceed after receipt of that notification. If the manifestation team determined that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student, except that he or she will continue to receive services as set forth below. However, if the behavior was deemed a manifestation of the student's disability, the hearing will be dismissed, unless the behavior involved concerned

weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, in which case the student may still be placed in an IAES.

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

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

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

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

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

Parental Notification of a Disciplinary Change of Placement

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

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

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

Manifestation Review

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

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

3. The Board, the Superintendent, or Building Principal to impose a suspension that constitutes a disciplinary change in placement.

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

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

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

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

1. Have the committee on special education conduct a functional behavioral assessment of the student and implement a behavioral intervention plan, unless the district had already done so prior to the behavior that resulted in the disciplinary change of placement occurred. However, if the student already has a behavioral intervention plan, the

CSE will review the plan and its implementation, and modify it as necessary to address the behavior.

2. Return the student to the placement from which he or she was removed, unless the change in placement was to an IAES for conduct involving weapons, illegal drugs or controlled substances or the infliction of serious bodily injury, or the parents and the district agree to a change in placement as part of the modification of the behavioral intervention plan.

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

Services for Students with Disabilities during Periods of Suspension or Removal

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

1. During suspensions or removals of up to 10 school days in a school year that do not constitute a disciplinary change in placement, the district will provide alternative instruction to students with disabilities of compulsory attendance age on the same basis as non-disabled students. Students with disabilities who are not of compulsory

- attendance age will receive services during such periods of suspension or removal only to the same extent as non-disabled students of the same age would if similarly suspended.
2. During subsequent suspensions or removals of up to 10 school days that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, the district will provide students with disabilities services necessary to enable them to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their respective individualized education program. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed to comply with this requirement. In addition, during such periods of suspension or removal the district will also provide students with disabilities services necessary for them to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.
 3. During suspensions or removals in excess of 10 school days in a school year that constitute a disciplinary change in placement, including placement in an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, the district will provide students with disabilities services necessary to enable them to continue to participate in the general curriculum, to progress toward meeting the goals set out in their respective individualized education program, and to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so it does not recur. In such an instance, the committee on special education will determine the appropriate services to be provided.

Students Presumed to Have a Disability for Discipline Purposes

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

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

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

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

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

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

Expedited Due Process Hearings

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

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

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

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

Referral to Law Enforcement and Judicial Authorities

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

Presented for:

1st reading – 6/9/15

2nd reading & adoption – 6/23/15

CODE OF CONDUCT - CORPORAL PUNISHMENT

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

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

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

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

Ref: 8 NYCRR §100.2(1)(3)
Rules of the Board of Regents §19.5

Presented for:
1st reading – 6/9/15
2nd reading & adoption – 6/23/15

~~CORPORAL PUNISHMENT COMPLAINTS~~

~~The Board of Education asserts that corporal punishment is not a desirable method of enforcing decorum, order or discipline. The Board prohibits the use of corporal punishment by district employees.~~

- ~~1. No teacher, administrator, officer, employee or agent in the district shall use corporal punishment against a pupil.~~
- ~~2. As used in this section, corporal punishment is defined as the use of physical force for the purpose of punishing a pupil, except as otherwise provided in subdivision 3.~~
- ~~3. Nothing contained in this section shall be construed to prohibit the use of reasonable physical force for the following purposes:~~
 - ~~a. To protect oneself from physical injury;~~
 - ~~b. To protect another pupil or teacher or any other person from physical injury;~~
 - ~~c. To protect district property or the property of others;~~
 - ~~d. To restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of district functions, powers or duties, if that pupil has refused to comply with a request to refrain from further disruptive acts.~~

~~The above exceptions are permissible, provided that alternative procedures and methods not involving the use of physical force cannot reasonably be employed to achieve the same purposes.~~

~~Investigation of Complaints~~

~~Any complaint about the use of corporal punishment shall be submitted in writing to the Superintendent of Schools. The Superintendent shall investigate the complaint to determine whether an incident actually took place and, if so, to determine the identity of the person or persons who administered the punishment, the identity of the student or students punished, the reasons for the action, and any other relevant facts or circumstances.~~

~~Reports to Commissioner of Education~~

~~Reports shall be submitted to the Commissioner of Education on or before January 15th and July 15th of each year concerning complaints about the use of corporal punishment during the six month reporting period. Such reports shall set forth the substance of each complaint, the results of the investigation, and the action, if any, by the district.~~

~~Cross Ref: 5313, Penalties
5460, Suspected Child Abuse and Maltreatment~~

~~Ref: 8 NYCRR section 100.2(1)(3)
Rules of the Board of Regents section 19.5~~

~~Note: Policy added~~

CODE OF CONDUCT - VISITORS TO THE SCHOOLS

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

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must enter through the designated single point of entry, have a clear purpose and destination, and report to the designated visitor sign-in area upon arrival at the school. There they will be required to present and surrender photo identification, sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the designated sign-in area before leaving the building. At that point the visitor shall receive his/her photo identification.
3. Visitors attending school functions that are open to the public after regular school hours, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom or school activity while school is in session are required to arrange such visits in advance with the classroom teacher(s) and Building Principal, so that class disruption is kept to a minimum.
5. Teachers are not expected 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.

Education Law §§1708; 2801

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2nd reading & adoption – 6/23/15

~~VISITORS TO THE SCHOOLS~~

~~To promote effective communication between the citizens of the community and the school system, the Board of Education encourages parents and other citizens to schedule visits to their schools periodically during the course of the school year with the Building Principal.~~

~~The Board recognizes that many visits that occur are regularly scheduled events, e.g., parent-teacher organization meetings, public gatherings, registering of pupils, etc. There are also occasions when parents or guardians desire to visit their child's classroom at other than regularly scheduled times. When such visitations occur, they shall be made on the basis of a defined need and shall be scheduled only with the approval of their child's teacher and/or Principal. The Board views these visits as constructive; however, no such visit shall be permitted to interfere with the educational process.~~

~~Persons who are not students or staff shall report immediately to the school office upon entering a school building. A visitor's permit will be provided if the visitation is approved. Persons other than parents, guardians, students or staff, who desire to visit a school building shall do so only with the permission of an appropriate administrator.~~

~~Student visitors from other schools, unless they have a specific reason and prior approval of the Building Principal, shall not be given permission to enter school buildings.~~

~~New students accompanied by their parents are always welcome, but visits should be scheduled with the Principal. Visits to classrooms will be at the Principal's discretion.~~

~~Visits to school are to be in accordance with the Board regulations posted in conspicuous places. A violation of the visitation policy shall be prosecuted pursuant to New York State law.~~

~~Whenever possible, entrance to the school buildings shall be restricted to entryways most effectively supervised by building staff.~~

~~The Principal or designee has the authority to order an individual to vacate the premises and to file trespass charges with the authorities.~~

~~The Superintendent or designee may seek a court order to restrict the visitation of individuals who, in his/her opinion, constitute a disruptive influence or who may adversely affect the health and/or safety of students or staff.~~

~~Ref: — Education Law §§1708; 2801~~

~~Note: — Policy added~~

STUDENT DISCIPLINE

The Board of Education believes that each student can reasonably be expected to be responsible for his/her own behavior. The school administration shall develop and disseminate rules of conduct, focusing on personal safety and respect for the rights and property of others, for reasonable application in the classrooms and throughout the school. Students who fail to meet these responsibilities may be subject to appropriate disciplinary action, more regulated supervision, and the removal of rights and privileges.

Discipline is defined here as student conduct which adheres to the district's policies, law and reasonable social conventions which do not disrupt the educational process for the student or other students.

Discipline is important to the success of the school program. Without discipline, a student cannot realize his/her opportunity for maximum growth. The maintenance of discipline is most effective when it deals directly with a problem at the time and place it occurs, and in a way that it should be viewed as fair and impartial by the student. Therefore, before seeking outside assistance, teachers will first use their best efforts to create a change of behavior in the classroom through the practices which include explaining the rules, providing progressive levels of classroom control, reinforcement and punishment, direct and reliable communication with parents, appropriate referrals to specialists and the adoption of special classroom support systems when appropriate.

Teachers shall proceed with the assurance that support will be forthcoming from the Building Principal, Superintendent of Schools, and the Board following interventions by the teacher for violations of rules and regulations. All staff have the responsibility of supporting the maintenance of discipline in or on school facilities.

Disciplinary action, when necessary, will be consistent, fair, and appropriate in order to be most effective in changing behavior and establishing a favorable learning environment. Pursuant to section 100.2 of the Commissioner's Regulations, such action will be appropriate to the seriousness of the offense. Extreme penalties (e.g., suspension) will not be assigned without first reviewing the student's disciplinary records and considering the circumstances which led to the improper behavior. The Administration shall assure that students' due process rights have been provided under §3214 of Education Law and Part 200 of the Commissioner's Regulations.

The Superintendent will develop forms necessary for the implementation of this policy.

The Board recognizes the responsibility of its employees to assure compliance by students with civil laws and regulations. Therefore, employees shall report all violations and suspected violations of civil laws and regulations without regard to pedagogical concerns.

The methods of managing discipline (e.g. reinforcement and punishment) for students with disabilities shall not violate the student's due process and equal protection rights. If a question exists as to the relationship between inappropriate behavior and the student's disability, the Building Principal shall refer the student to the Committee on Special Education ("CSE"). The CSE shall determine if the inappropriate behavior is a manifestation of the student's disability and, if so, what appropriate program changes are necessary (NYSCRR § 200.4) that will meet the student's needs while maintaining the health, safety and opportunity for education of others.

Cross-ref: **5300.50, Discipline of Students with Disabilities**
 5311, Student Rights and Responsibilities
 5311.3, Student Complaint and Grievances
 5313, Penalties
 9280, Professional Staff Development

Ref: Education Law §§2801; 3214
 8 NYCRR §100.2(l)1, 2

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HOMELESS CHILDREN

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, 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 district of origin (i.e., where he/she resided before becoming homeless), the district of current location, or a district participating in a regional placement plan. The homeless child is entitled to attend the designated school district 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 attendance 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.

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 records, proof of residency or other documentation and even if there is a dispute with the child's parents regarding school selection or enrollment.
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.
2. **Transportation:** The district shall provide transportation for homeless students currently residing within the district as required by applicable law.
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.

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 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 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;

In accordance with law and regulation, the district will offer a prompt dispute resolution process.

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.
School Enrollment Guidelines on the McKinney-Vento Act, 67 Fed. Reg. 10,697-10,701
(March 8, 2002)
Education Law §§207; 305; 3202; 3205; 3209
Executive Law §§532-b; 532-e
Social Services Law §§17; 62; 397
8 NYCRR §§100.2; 175.6

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ELIGIBILITY FOR CO-CURRICULAR AND EXTRACURRICULAR ACTIVITIES

The Board of Education has the authority to establish reasonable standards as prerequisites for eligibility for co-curricular and extracurricular activities. These standards apply to entry qualifications as well as to continued participation in such activities. **The Port Jefferson Extracurricular Code of Conduct Handbook stipulates the expected standards of conduct. Advisors/Coaches must disseminate a copy of the Port Jefferson Extracurricular Code of Conduct Handbook to all students and parents at the start of each school year, and participating students should be individually informed of the application and scope of such standards.**

Eligibility and continued participation in co-curricular and extracurricular activities are a privilege extended to students, as opposed to a right, and the behavioral standards set forth in the district Code of Conduct **and Handbook** apply to all students participating in any co-curricular and/or extracurricular activity. All student participants, including athletes, will be informed that they have the obligation to act in a responsible manner because of the leadership roles they play in the school environment and as a result are expected to adhere to a ban on the consumption/use of alcoholic beverages, drugs (other than those appropriately prescribed), and/or tobacco products on or off campus.

Advisors/Coaches must adhere to the academic and attendance requirements set forth in the Extracurricular Code of Conduct Handbook.

"Training rules" are generally accepted as a condition of participation in student athletics, and may include attendance at practices, individual training programs, etc. Similar rules of rehearsal attendance and practice may apply to other extracurricular or co-curricular activities such as orchestra, band and theater.

Advisors/Coaches will provide these expectations in writing at the beginning of the school year or season, as appropriate.

Although suspension from participation in an extracurricular activity does not require a full hearing pursuant to Section 3214 of the Education Law, a student must be given the opportunity to appear informally before the disciplinarian and/or disciplinary committee, and present his/her side of the story as part of a general discussion of the conduct under review.

Cross-ref: 5300, Code of Conduct

Ref: Education Law §§1709(3); 2801
Bush v. Dassel-Cokato Board of Ed., 745 F. Supp. 562 (D. Minn. 1990)
Matter of O'Conner v. Bd. of Ed., 65 Misc.2d 40 (1970)
Matter of Wilson, 28 EDR 254 (1988)
Matter of Keily, 24 EDR 138 (1984)
Matter of Miller, 23 EDR 23 (1983)
Matter of Moore, 22 EDR 180 (1982)
Matter of Clark, 21 EDR 542 (1982)
Matter of Vetter, 20 EDR 547 (1981)

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~~ELIGIBILITY FOR EXTRA-CURRICULAR ACTIVITIES~~

~~The Board of Education has the authority to establish reasonable standards as prerequisites for eligibility for Co-curricular and extracurricular activities. These standards apply to entry qualifications as well as to continued participation in such activities. Advisors/Coaches must disseminate a copy of the expected standards of conduct to all students and parents at the start of each school year, and participating students should be individually informed of the application and scope of such standards.~~

~~Eligibility requirements should include academic, behavioral, and training standards. These standards should be applied fairly and reasonably to all student participants. All student participants, including athletes, should be informed that they have the obligation to act in a responsible manner because of the leadership roles they play in the school environment.~~

~~Academic Standards. While no academic standards have been adopted by the board, advisors/coaches may, in special situations where participation in sports is believed to be related to the student's academic performance, in consultation with the building principal, establish school attendance requirements, and the minimum grade point average (GPA) the student is expected to maintain. All such standards must be reasonable. The relationship between a student's GPA and his/her eligibility must be clearly explained to student. The parents and student must be afforded an opportunity to review, with the principal, the reasons for the establishment of the academic standards.~~

~~Behavioral standards must include a ban on consumption/use of alcoholic beverages, drugs and tobacco products. These standards extend to student conduct on and off school grounds, including student attendance at parties off school grounds where alcohol and/or illegal drugs are present.~~

~~"Training rules" are generally accepted as a condition of participation in student athletics, and cover such areas as attendance at practices, individual training, and programs.~~

~~Although suspension from participation in an extracurricular activity does not require a full hearing pursuant to Section 3214 of the Education Law, a student must be given the opportunity to appear informally before the disciplinarian and/or disciplinary committee, and present his/her side of the story as part of a general discussion of the conduct under review.~~

~~Ref: Education Law §§1709(3); 2801~~

~~*Bush v. Dassel-Cokato Board of Ed.*, 745 F.Supp. 562 (D. Minn. 1990)~~

~~*Mazzotte v. Moriah Central School Board*, N.Y. Supreme Court (Special Term 1984)~~

~~*Matter of O'Conner v. Bd. of Ed.*, 65 Misc.2d 40, 316 NY2d 799 (1970)~~

~~*Matter of Wilson*, 28 EDR 254 (1988), *Matter of Keily*, 24 EDR 138 (1984)~~

~~*Matter of Miller*, 23 EDR 23 (1983), *Matter of Moore*, 22 EDR 180 (1982)~~

~~*Matter of Clark*, 21 EDR 542 (1982), *Matter of Vetter*, 20 EDR 547 (1981)~~

COMPREHENSIVE SUBSTANCE USE/ABUSE POLICY

The Board of Education of the Port Jefferson Union Free School District is committed to the prevention of alcohol, tobacco, and other substance use/abuse. This policy describes the philosophy of the District and the program elements the District will use to promote healthy life styles for its students and staff and to inhibit the use/abuse of alcohol, tobacco, and other substances.

No person may use, possess, sell, **offer, manufacture,** or distribute alcohol or other substances, nor may use of possess drug paraphernalia, on or within 1,000 feet of school grounds, or at school-sponsored events, except drugs as prescribed by a physician. The terms "alcohol and other substances" shall be construed throughout this policy to refer to the use of all substances including, but not limited to, alcohol, tobacco, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alikes, and any ~~of these substances~~ **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. The "drug Free School Zone" law shall apply to all school buildings.

Additionally, any person exhibiting behavior, conduct, or personal or physical characteristics indicative of having used or consumed alcohol or other behavior altering substances shall be prohibited from using school facilities or participating in school sponsored events.

PHILOSOPHY

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, tobacco, 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 of Education, 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, tobacco, 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.

PRIMARY PREVENTION

A Primary Prevention Program will be developed and maintained in the schools. The intent of primary prevention programming is to prevent or delay the onset of alcohol, tobacco, and other substances use by students. The components of this programming shall include:

1. A K-12 prevention curriculum.

2. Training school staff, parents and guardians to use the information and skills necessary to reinforce the components of this policy in the home, school and community.
3. Community education about the issues of alcohol, tobacco, and other substance use/abuse as a basis for providing a consistent message to district youth.
4. Positive alternatives to alcohol and other substance use/abuse, such as peer leadership programs, service projects, and recreational and extra-curricular activities. Such activities will be planned collaboratively by students, school staff, parents, community members, and agencies.

INTERVENTION

An intervention program will be established and maintained. 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 substances requires counseling and/or treatment.
4. Providing services to students in or returning from treatment to assure that the school environment supports the process of recovery initiated in the treatment program.
5. Support individual, group and family counseling targeted at students at high risk for alcohol and/or other substances use/abuse.
6. Educating parents on when and how to access the District's and community's intervention services.
7. Confidentiality.

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's policy on Student Rights and Responsibilities. This includes referral to civil authorities and referral to a Superintendent's hearing in consideration of long term suspension from school. Any drugs found shall be confiscated immediately, followed by notification of law enforcement agencies and parents. Similar disciplinary measures for District and staff are addressed in Education law 1711 (5) (e), 2507 (5), 3020-1, and 013, including consideration of termination of employment.

Students who are disciplined for any of these infractions will be mandated to the intervention services established by this policy, or, in the case of District staff, will be encouraged to receive professional assistance. Abuses by staff which interfere with the performance of their job and/or which constitute illegal practices will be referred to the board with recommendations for appropriate disciplinary action.

STAFF DEVELOPMENT

The Board recognizes that if the administrative, instructional, and non-instructional staff are to be responsible for understanding, implementing and modeling this policy, they must be trained about the components of an effective alcohol and other substance prevention program. Staff training will be an on-going 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, (c) awareness of personal risk factors for alcohol and other substance use/abuse so that they may identify personal use/abuse problems and seek assistance, and (d) awareness of the special needs of students returning from treatment.
2. Additionally responsibilities of teachers: the knowledge and skills necessary to implement the District's K-12 alcohol and other substance prevention curriculum.
3. For intervention staff: appropriate staff training for those identified to carry out the intervention function to assure that their assessment, individual, group, and family counseling and referral skills support the needs of high-risk, using, and abusing youth.
4. For prevention staff: appropriate staff training to assure that they have the necessary knowledge and skills to support the application of prevention concepts through programming targeted at the school, home, and community.

Ref: Drug-Free Schools and Community Act 20 USC §§3171 st.seq.; Drug Free Schools and Campuses, 34 CFR Part 86; Public Law 101-226; 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; *New Jersey v T.L.O.*, 105, S.C.T., 733 (1985); *Odenhiem v. Carlstadt-East Rutherford Region School District*, 211; N.J. Super 54, 510 AD2d 483 (1974); *People v. Scott D.*, 34 N.Y. 483 (1974); *Matter of Wilson*, 28 EDR 254 (1988); *Matter of Pollnow*, 22 EDR 547 (1983); *Matter of Vetter*, 20 EDR 547 (1981); *Matter of Rodriguez*, 8 EDR 214 (1969)

Presented for:

1st reading – 6/9/15

2nd reading & adoption – 6/23/15

STUDENT CONDUCT ON SCHOOL BUSES

The Board of Education believes it is crucial for students to behave appropriately while riding on district buses, to ensure their safety, that of other passengers, and the fewest possible distractions for bus drivers.

~~Some students are eligible for district transportation.~~ While the law requires the district **district policy** furnishes transportation for ~~such~~ **eligible** students, it does not relieve parent(s) or guardian(s) of the responsibility for supervision until such time as the child boards the bus in the morning and after the child leaves the bus at the end of the school day. Only after a child boards the bus does he/she become the responsibility of the district. Such responsibility shall end when the child is delivered to the regular bus stop at the close of the school day. Bus drivers are held responsible for the reasonable behavior of students in transit.

Children are required to conduct themselves on the bus in a manner consistent with established standards for ~~classroom~~ behavior. **As per our Code of Conduct, unacceptable or inappropriate behavior** ~~Excessive noise, pushing, shoving and fighting~~ will not be tolerated. It is important that those waiting for buses conduct themselves properly in respect to the rights and property of others.

If a child does not conduct himself/herself properly on a bus, such instances shall be brought to the attention of the Building Principal by the bus driver, **in the form of a Bus Conduct Report.**

Children who become a serious disciplinary problem may have their riding privileges suspended by the ~~Superintendent~~ **Principal**. In such cases, the parent(s) or guardian(s) of the children involved become responsible for seeing that their children get to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the school district will make appropriate arrangements to provide for the student's education. Any such suspension shall be in accordance with the provisions of the Education Law.

The Board authorizes the Superintendent to establish and publicize regulations that may be required to contribute to the effective, safe, and orderly operation of school buses.

Cross-ref: Code of Conduct 5300

Ref: Education Law section 3214; 3635

Note: Prior Policy, 3541.4, revised

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CHILD ABUSE, MALTREATMENT OR NEGLECT IN A DOMESTIC SETTING

The Board of Education recognizes that because of their sustained contact with school-aged children, employees are in an excellent position to identify abused, maltreated or neglected children and refer them for treatment and protection. The Board further recognizes the specific dictates of law which require school officials to report suspected instances of child abuse, maltreatment (which includes neglect) in a domestic setting.

The purpose of mandatory reporting is to identify suspected abused and maltreated children as soon as possible, so that such children determined to be abused or maltreated can be protected from further harm and, where appropriate, can be offered services to assist 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:

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

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

The report 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.

The school district shall maintain an ongoing training program which will address the identification and reporting of child abuse and maltreatment, including the legal implications of reporting and not reporting. Attendance at sessions of this training program shall be required of all school officials. Attendance records shall be kept.

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

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
Family Educational Rights and Privacy Act,
20 U.S.C. §1232g, 45 CFR §99.36
Education Law §§3209-a, 3036
Penal Law 240.50

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~~SUSPECTED CHILD ABUSE AND MALTREATMENT~~

~~The Board of Education recognizes that because of their sustained contact with school-aged children, employees are in an excellent position to identify abused or maltreated children and refer them for treatment and protection.~~

~~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.~~

~~Pursuant to applicable law, any school official or employee who has reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment will immediately report this to the Building Principal who will report the case to the New York State Child Abuse and Maltreatment Register, as required by law. The district will cooperate to the extent possible with authorized child protective services workers in investigations of alleged child abuse.~~

~~School officials and employees will 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 employee who fails to report any 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 employees and other persons who report instances of child abuse immunity in good faith from any liability that might otherwise be incurred.~~

~~The school district shall maintain an ongoing training program which will address the identification and reporting of child abuse and maltreatment. In addition, a copy of this policy, along with the administrative regulations explaining the reporting requirements, shall be distributed to all members of the professional staff.~~

~~The Superintendent will prepare and implement all regulations as are necessary to accomplish the intent of this policy.~~

~~Cross-ref: 5314, Corporal Punishment Complaints
5500, Student Records
9135, Suspected Child Abuse by District Personnel~~

~~Ref: Child Protective Services Act of 1973
Social Services Law §411et seq.
Family Court Act §1012
Family Educational Rights and Privacy Act, 20 USC §1232g, 45 CFR §99.36
Education Law §3209-a~~

~~Note: Prior policy, 5144, revised~~