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I. FOREWORD

One of the primary goals of the Menands Union Free School District is to provide an outstanding educational program for each student in an environment free of disruptions that is conducive to learning. The purpose of this Code of Conduct is to inform all students and parents of Menands' expectations regarding behavior and conduct. The Code, reviewed and approved by the Menands Board of Education, is based on the policies of the Board of Education and District administrative procedures and practices. Students have rights as well as responsibilities and it is essential that students and parents fully understand that these rights and responsibilities are imperative.

This Code protects the rights of all students by:

- Providing a district-wide discipline management plan
- Specifying the behavior that is expected of all students
- Describing the broad range of student misconduct and providing appropriate disciplinary consequences/options for the various kinds of misconduct
- Outlining student rights
- Upholding federal and state guidelines to prevent harassment, bullying, and discrimination

Students, staff and parents are expected to become familiar with the provisions of the district-wide Code of Conduct. Students are also expected to abide by the policies set forth in the Code so that everyone has the opportunity to grow and develop as positive members of society.

The Menands School does not discriminate on the basis of actual or perceived race, color, economic status, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (including gender identity and expression). The Board of Education, in accordance with New York State's Dignity for all Students Act, condemns and strictly prohibits all forms of discrimination of students by other students or by school employees, including harassment, hazing and bullying on school grounds, school buses, and at all school-sponsored activities, programs, and events.

This Code includes a prohibition on racial harassment and a hostile environment, as this type of harassment denies students the right to an education free of discrimination on the basis of race, color or national origin. Students may utilize the District's grievance procedures to address any issues related to these areas without fear of retaliation. In addition, the District will not tolerate sexual harassment at any level. Any complaint of discrimination of any type will be fully investigated and the District will take appropriate action.

II. STUDENTS RIGHTS AND RESPONSIBILITIES

A. Student Rights

The Menands Union Free School District affirms the rights of students where these rights do not interfere with the rights of others, the general social order, federal and state laws and regulation, and Board of Education policies. All students have the right to be treated equally and fairly so that no student shall be discriminated against on the basis of actual or perceived race, color, economic status, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (including gender identity and expression) in the areas of freedom of expression, personal rights, procedural due process and access to school programs. In addition, to promote a safe, healthy, orderly and civil school environment all District students have the right to:

1. Enjoy the basic rights of citizenship recognized and protected by law for persons of their age and maturity
2. Take part in all District activities on an equal basis regardless of actual or perceived race, color, weight, economic status, national origin, ethnicity, religion or religious practice, disability, sexual orientation, gender or sex (including identity and expression)
3. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty
4. Access school rules and, when necessary, receive an explanation of those rules from school personnel
5. Be protected from intimidation, harassment, bullying and/or discrimination based on race, color, economic status, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (including gender identity and expression) by employees or other students on school property or at a school function.

The discipline of students receiving special education services must follow the guidelines of the Board of Education, which meet the Individuals with Disabilities Education Act.

B. Student Responsibilities

All Menands students have the responsibility to:

1. Contribute to maintaining a safe 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 all District policies, rules and regulations dealing with student conduct
3. Attend school every day and arrive to class on time prepared to learn, unless they are legally excused
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible
5. Respond to direction given by teachers, administrators and other school personnel in a respectful, positive manner
6. Work to develop strategies to control their anger
7. Ask questions when they do not understand
8. Seek help in solving problems that might lead to disciplinary action
9. Dress appropriately for school and school functions and abide by the District's Dress Code
10. Accept responsibility for their actions
11. Conduct themselves as representatives of the Menands community when participating in or attending school-sponsored extracurricular events and hold themselves to the highest standard of conduct, demeanor and sportsmanship
12. To respect one another and treat each other fairly and civilly in accordance with this Code of Conduct and the Provisions of the Dignity for All Students Act, including the responsibility to conduct themselves in a manner that fosters an environment free from intimidation, harassment, bullying and/or discrimination.
13. Refrain from engaging in intimidation, harassment, bullying and/or discriminatory behavior based on a persons' race, color, economic status, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (including gender identity and expression) on school property or at a school function.

III. ESSENTIAL PARTNERS; BEHAVIORS THAT ARE EXPECTED OF ALL PARTIES

A. Parents/Guardian/Person in Parental Relationship

All parents are expected to:

1. Recognize that the education of their children is a joint responsibility of parents and the school community
2. Send their children to school, on time, ready to participate and learn
3. Ensure absences are excused for legal reasons only
4. Insist their children be dressed and groomed in a manner consistent with the student dress code
5. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment
6. Know and support school rules and help their children understand them
7. Build good relationships with teachers, other parents and their children's friends
8. Help their children deal effectively with peer pressure
9. Inform school officials of changes in the home situation that may affect student conduct or performance
10. Provide a place for study and ensure homework assignments are completed
11. Provide their current address and telephone number to the school and alternate/emergency contacts
12. Attend conferences when requested
13. Comply with all communication processes: e.g., e-mails, notes, forms, consents, emergency cards, et al
14. Teach their children respect and dignity for themselves and for others, regardless of actual or perceived race, color, economic status, weight, national origin, ethnicity, religion or religious practice, disability, sexual orientation, gender (including identity and expression) or sex which will strengthen their child's confidence and help promote learning in accordance with the Dignity for All Students Act.

B. Teachers

All teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn
2. Be prepared to teach
3. Demonstrate interest in teaching and concern for student achievement
4. Know school policies and rules, and enforce them in a fair and consistent manner

5. Establish positive classroom procedures and practices to support effective teaching
6. and maximize student learning
7. Communicate to students and parents:
 - i.A. Course objectives, requirements and state standards
 - ii.B. Assessments and marking/grading procedures
 - iii.C. Assignment deadlines
 - iv.D. Expectations for students
 - v.E. Classroom discipline plans
8. Communicate regularly with students, parents and other teachers concerning growth and achievement
9. Maintain a climate of mutual respect and dignity for all students, regardless of actual or perceived race, color, economic status, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (including gender identity and expression) which will strengthen students' self-confidence and promote learning.
10. Confront issues of harassment, discrimination and/or bullying or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
11. Report incidents of discrimination, bullying and/or harassment that are witnessed by faculty or otherwise brought to their attention via oral or written report by promptly notifying orally the building administrator, superintendent or their designee within one (1) school day from when they learn of the incident and to file a written report within two (2) school days thereafter with the principal, superintendent or their designee.

C. Non-Certified Staff

1. Promote a safe, orderly and stimulating school environment
2. Communicate with school personnel any concerns regarding the school environment
3. Report orally any incidents of discrimination, harassment and/or bullying that are witnessed or otherwise brought to staff's attention orally within one (1) school day to the building administrator, superintendent or their designee and to file a written report of such incident with the designated official to receive these reports within two (2) school days after making the oral report.

D. Support Services Teachers

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems

2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences as necessary, as a way to resolve problems
3. Regularly review with students their educational progress and career plans
4. Provide information to assist students with further educational goals and/or career planning
5. Encourage students to benefit from the curriculum and extracurricular programs
6. Report orally any incidents of discrimination, harassment and/or bullying that are witnessed or otherwise brought to staff's attention orally within one (1) school day to the building administrator, superintendent or their designee and to file a written report of such incident with the designated official to receive these reports within two (2) school days after making the oral report.

E. Superintendent/Central Office Administration

1. Review the policies of the Board of Education and state and federal laws relating to school operations and management
2. Inform the board about educational trends relating to student discipline
3. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs
4. Coordinate and ensure that all community and governmental resources are available to the School District
5. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning
6. Ensure that students and staff have the opportunity to discuss issues and concerns
7. Evaluate, on a regular basis, all instructional programs
8. Support the development of and student participation in appropriate extracurricular activities
9. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly
10. Maintain and encourage a climate of mutual respect and dignity for all students, regardless of race, color, economic status, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (including gender identity and expression), with an understanding of appropriate appearance language and behavior in a school setting, to strengthen student's self images and to promote confidence to learn.
11. Promptly lead or supervise and complete a thorough investigation of all written reports of discrimination, bullying and/or harassment that are submitted to the principal, superintendent or their designee. Such investigation may be performed in collaboration with the Dignity Act Coordinator for each building.
12. When an investigation verifies a material incident of harassment, bullying and/or discrimination, the principal, superintendent and/or their designee shall take prompt action, consistent with the District's Code of Conduct, reasonably

calculated to end the harassment, bullying and/or discrimination, eliminate any hostile environment and create a more positive school culture and climate.

13. Ensure the safety of the student(s) against whom the harassment, bullying and/or discriminatory conduct was directed.
14. Promptly notify the appropriate law enforcement agencies when it is believed that any harassment, bullying and/or discrimination may constitute criminal conduct.

F. Board of Education

1. Collaborate with student, teacher, administrators, parent organizations and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, District personnel and visitors on school property and at school functions.
2. Adopt and review the District's Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by continuing to conduct board meetings in a professional, respectful manner.

IV. DISTRICT DRESS CODE

Good grooming and personal appearance are essential elements in the teaching and learning process. Therefore, it is expected that teachers, administrators, school personnel and students dress in such a manner that will ensure health and safety in the school. Furthermore, it is essential that dress and personal appearance not be disruptive or interfere with the legitimate interest and welfare of students.

- A. Clothes must be worn that appropriately cover the body and do not interfere with student safety. Pants must be fastened at the waist and the legs must be equal lengths. Belts must be fastened at the waist. Straps must be fastened on the shoulders. No bare midriff/no spaghetti straps/no tube tops.
- B. Footwear must be worn at all times. Footwear that is a safety hazard will not be allowed. Footwear designed to accommodate shoelaces must be worn with the shoelaces.
- C. Care should be taken that skirts and shorts are appropriate and do not disrupt the orderly process of teaching and learning.
- D. Students will not wear clothing which promotes inappropriate products or activities prohibited by school policies or that is likely to cause a material and substantial disruption in the school. T-shirts and other clothing that display abusive language, profanity or illegal organizations or substances will not be worn
- E. In the interest of the safety and welfare of all students, headgear of any kind (including, but not limited to hats, headbands of any width, caps and hoods) may not be worn in school except for headgear required to be worn by a student's recognized religion, for medical reasons or protective gear worn in classes such as science or gym.
- F. In the interest of the safety and welfare of all students, coats, jackets, gloves or clothing generally accepted as "outer wear" may not be worn in the building
- G. Jewelry that may be deemed a WEAPON is not allowed. This includes, but is not limited to, rings covering multiple fingers, spiked necklaces or belts, belts with large removable buckles, chain-like neckwear, ninja type stars, etc.
- H. Clothing that is associated with or identifiable as a symbol of a gang or street club, may not be permitted in school or on school property
- I. Students and staff are required to wear appropriate or protective gear in certain classes such as: physical education and science

V. PROHIBITED STUDENT CONDUCT

The Menands 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 other student's ability to grow in self-discipline.

While the Board recognizes the need for District personnel to have the discretion to exercise fairness and common sense in the imposition of punishment, it also expects that District personnel will address any misbehavior with appropriately-tailored, reasonable sanctions.

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 that follow 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 or who violate these school rules will be required to accept the penalties for their conduct.

There are four (4) levels of Prohibited Student Conduct:

Level I:	Engage in Conduct that is Insubordinate
Level II:	Engage in Conduct that is Disorderly/Disruptive
Level III:	Engage in Conduct that Endangers the Morals, Health and Welfare of students and staff
Level IV:	Engage in Conduct that is Violent/Dangerous

Level I: Engage in Conduct that is Insubordinate:

Level I infraction may occur anywhere in the school, including classrooms, cafeteria hallways, and library, school grounds, or at a school function. **They can be addressed by teachers and any other school personnel.**

Level 1 Acts of Insubordination may include such behavior as:

- cheating or copying the work of other students
- tardiness to class
- loitering in unauthorized areas
- failure to bring required classroom materials or assigned work to class
- general misbehavior, such as eating in class, horseplay, making excessive noise
- failure to deliver or return written communications between home and school
- leaving the classroom without permission
- general verbal rudeness
- inappropriate use of school computers, facsimile equipment, telephones or other electronic devices, including personal electronic devices
- running in the hallways
- forging parent's signature

Required Disciplinary Responses (Penalty)(one or more of the below-listed)

- oral correction
- traditional classroom management techniques (e.g. time-out in classroom, removal of classroom privileges)
- other appropriate disciplinary actions designed by the teacher/administrator

Optional Additional Responses

- parent notification
- after school detention for repeated insubordination
- referral to Instructional Support Team
- notifying an administrator or other authority when deemed necessary
- parent-teacher conference
- recess, lunchtime or after school detention

Level II: Engage in Conduct that is Disorderly/Disruptive

Level II encompasses infractions which are of a more serious nature or a continuance of Level I misconduct. Level II Acts of Misconduct include those student acts which interfere with the orderly educational process in the classroom or in the school. These can be corrected by a teacher and an administrator.

Level II Acts of Disorder/Disruption May Include Such Behavior As:

- cutting class
- using language or gestures that are profane, lewd, vulgar, or abusive, including cursing and swearing
- District dress code violation
- disruptive behavior on school bus
- repeated cafeteria disturbance
- a pattern of disrespecting the property of other students
- leaving the school grounds
- repeated/extended insubordinate behavior (Level I)
- Substantially disruptive behavior that continually interrupts instruction

Required Disciplinary Response (Penalty) (one or more of the below listed)

*For removal of substantially disruptive students: *teacher removal of student from classroom - See Procedures - #V*

- traditional classroom management techniques
- student/teacher conference
- parent/guardian contacted by phone
- written referral to administrator
- notification of parent/guardian within 24 hours

Optional Additional Responses

- behavior contract or growth plan
- detention
- in-house suspension
- referral to Instructional Support Team
- exclusion from extracurricular activities, including but not limited to, sports and field trips
- out of school suspension for 1 to 2 days
- suspension of transportation privileges

Level III: Engage in Conduct that Endangers the Morals, Health and Welfare of students and staff:

Level III encompasses infractions that are very serious in nature and require suspension. They substantially interfere with the education environment and learning opportunities.

Level III Acts that Endanger the Morals, Health and Welfare of Students May Include Such Behavior as:

- failure to adhere to terms of behavior contracts/growth plans
- fighting involving physical contact; intentionally striking, shoving or kicking another person or subjecting another person to unwanted physical contact, or threatening to do the foregoing
- following a person in or about a public place; or otherwise engaging in a course of conduct which alarms or seriously annoys another person
- bullying, cyberbullying, or harrasment - repeatedly taking negative actions towards another person. Bullying includes but is not limited to behaviors such as: physical hitting, verbal taunts, spreading rumors, intentional social exclusion, being mean, posting inappropriate messages to or about someone electronically, etc.
- Threatening, stalking or seeking to coerce or compel a person to do something; engaging in verbal or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs involving race, color, economic status, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (including gender identity and expression)
- group demonstration such as boycott, sit-in, trespassing, walkout, etc.
- gambling (excluding events such as PTA 50/50 raffles)
- hazing, which means an induction, initiation, or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.
- directly or indirectly assisting with the promotion of any Level III or Level IV behavior prohibited by the Code of Conduct
- 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
- participation in activities by groups such as gangs and cults
- wearing dress or attire signifying gang affiliation
- repeated disruptive behavior on school bus
- smoking or using tobacco products on school property or activities

Required Disciplinary Response (Penalty) (one or more of the below listed)

- suspension for 1 to 5 school days per occurrence (follow suspension procedure)
- required administrator/student/parent/teacher conference
- Superintendent's Hearing for repeated offenses
- *This requires a minimum suspension of 1 day*

Optional Additional Responses

- referral to in-district counseling
- referral to out-of-district counseling (parent's discretion to follow through)
- referral to Instructional Support Team
- participation in mediation
- exclusion from extracurricular activities including, but not limited to, sports, field trips, cafeteria and recess, and commencement exercise/award ceremonies
- notification to the Menands Police Department

Level IV: Engage in Conduct that is Violent/Dangerous

Level IV infractions will not be tolerated and call for the most serious disciplinary procedures. They require immediate removal from the school and notification to the Menands Police Department.

Level IV Violent/Dangerous May Include Such Behavior As:

- use of a weapon
- possession of a weapon such as a firearm, rifle, shotgun, pistol, revolver, starter pistol, other firearm, explosives, dangerous chemicals, knives, box cutters, sheet rock knives, utility razors, straight razors, linoleum cutters, or any object which is not necessary for school activities and which could be used as a weapon
- threatening to use any weapon
- assault: the intentional causing of physical injury to another person, with or without a dangerous weapon
- menacing: intentionally placing or attempting to place another person in fear of imminent physical injury
- possessing, using or being under the influence of alcohol/illegal substance
- selling, giving, or delivering to another person a dangerous and/or illegal drug or substance, including alcohol
- 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
- defacing, vandalizing or destroying property with graffiti or by other means
- possession or use of fireworks, "poppers", smoke or stink bombs, or any other pyrotechnic device or flammable materials, or volatile chemical

- intentionally damaging or destroying School District property
- engaging in the offense of retaliation against any school employee
- any felony as defined by the criminal justice system
- bomb threats or terrorist threats either by telephone, person or e-mail
- sexual offenses: rape, sodomy, sexual abuse or other inappropriate contact of a sexual nature
- theft/burglary
- false alarm; intentionally falsely activating a fire alarm or other disaster alarm

All of the following disciplinary responses must be followed:

- Up to a 5-day suspension
- Superintendent's Hearing to determine further action (See Procedures)
- Notification to the Menands Police Department
- Written notification to parent
- Parent/student/administrator conference

Weapons Free School

A student who, after a Superintendent's Suspension Hearing, is found guilty of having brought a firearm, rifle, shotgun, pistol, revolver, starter pistol, other firearm, explosives, dangerous chemicals, knives, box cutters, sheet rock knives, utility razors, straight razors, linoleum cutters, or any object which is not necessary for school activities and which could be used as a weapon to school will be suspended from school for a period of not less than one year. The Superintendent of Schools may modify the penalty actually imposed on a case-by-case basis. In cases where the suspended student is of mandatory attendance age, then such student shall receive appropriate alternative instruction during such suspension. In the event the student is entitled to special education services under the Individuals With Disabilities Education Act, the proper procedures for long term suspensions of disabled students shall be followed.

Closed Campus Policy

The Menands School campus is considered closed. Therefore, once a child enters into the school, he/she cannot leave that campus without following the procedures established by the school system. Failure to abide by the closed campus policy will result in disciplinary action.

VI. DISCIPLINARY PROCEDURES

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

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

1. Seriousness of the offense
2. Student's age
3. Frequency of misconduct
4. Student's intent
5. Potential effect of the misconduct on the school environment
6. State law requirements for certain disciplinary consequences

As a general rule, discipline will be progressive, as opposed to adhering to a "zero tolerance" policy. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. This also means that the aforementioned conditions will be taken into consideration before applying a consequence.

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

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

A. Detention

Teachers and administrators may use afterschool or lunch/recess detention as a penalty for the student's misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student's parent/guardian has been notified and it is determined that the student has appropriate transportation home following detention.

B. Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the driver is expected to inform the dispatcher who then informs the administrator. Students who become a serious disciplinary problem may have their riding privileges suspended by an administrator. In such cases, the student's parent/guardian will become responsible for seeing that his or her child gets to and from school safely.

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

C. Suspension from Athletic Participation, Extracurricular Activities and Other Privileges

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

D. In-School Suspension

The Board recognizes that school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes administrators to place students who would otherwise be suspended from school as the result of a Code of Conduct violation on "in-school suspension" for a period of time determined by the administrator.

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

E. Teacher Disciplinary Removal of Disruptive Students (Level II infraction)

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to take a "time-out" in the classroom to give the student an opportunity to regain his or her composure and

self-control, or asking a Guidance Counselor to see the student. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

On occasion, a student's behavior may become disruptive. For purposes of this Code of Conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A *substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.*

STEP 1 If the disruptive student **does not pose a danger or ongoing threat of disruption to the academic process**, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If a student **poses a danger or ongoing threat of disruption**, the teacher may remove the student immediately. The teacher must as soon as possible explain to the student why he or she is being removed from the classroom and give the student a chance to present his or her version of the relevant events.

STEP 2 The teacher must complete an incident form and meet with an administrator as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the incident form.

STEP 3 Within 24 hours after the student's removal, the teacher must notify the student's parents/guardian that the student has been removed from class and why.

STEP 4 The teacher and the administrator will decide if other consequences are warranted. At a minimum, the student will be expected to make up the time and the work missed in the class.

A parent may request an informal conference with the teacher and an administrator to review the reasons for the student's removal from class and the consequences that were applied.

F. Suspension from School

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

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

Any staff member may refer a student to the administrator for disciplinary action. All staff members must **immediately** report and refer a **violent** student to the Superintendent for a violation of the Code of Conduct. All referrals shall be made in writing unless the conditions underlying the referral warrant immediate attention. In such cases an incident report is to be prepared as soon as possible by the staff member referring the student.

The Superintendent or Principal, upon receiving an incident report or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

1. *Short Term* (5 days or less) suspension from school

When the Superintendent or Principal (referred to the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law Section 3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. Every effort will be made to contact the parent by phone. The suspending authority must also notify the student’s parent/guardian in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parent.

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

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student’s presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to

the academic process. If the student's presence does pose such danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable. Parents may waive their right to a conference.

After the conference, the Superintendent or Principal shall promptly advise the parent/guardian in writing of his or her decision. The Superintendent/ Principal shall advise the parent/guardian that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within five business days. The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of Education with the District Clerk within 10 business days of the date of the Superintendent's decision. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

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

When the Superintendent determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parent/guardian of their right to a fair hearing.

At the hearing the student shall have the right to be represented by counsel, the right to question witnesses and other evidences on his or her behalf.

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

An appeal of the decision of the Superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within 10 business days of the date of the Superintendent's decision. The board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

3. *Permanent Suspension*

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

G. Referrals

1. *Counseling*

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

2. *PINS Petitions*

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

- A. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law
- B. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school
- C. Knowingly and unlawfully possessing drugs or alcohol in violation of penal law Section 221.05. A single violation of 221.05 will be a sufficient basis for filing a PINS petition.

3. *Juvenile Delinquents and Juvenile Offenders*

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

- A. Any student under the age of 16 who is found to have brought a weapon to school, or
- B. Any student 14 or 15 years old who qualifies for juvenile offender status under Criminal Procedural Law Section 1.20(42)

VII. DISCIPLINE OF STUDENTS WITH DISABILITIES

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities have certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

This Code of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

A. Authorized Suspensions or Removals of Students with Disabilities

1. For purposes of this section of the Code of Conduct, the following definitions apply:

A “suspension” means a suspension pursuant to Education Law Section 3214.

A “removal” means a removal for disciplinary reasons from the student’s current educational placement other than a suspension and change in placement to an Interim Alternative Educational Setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.

An ‘IAES” means a temporary educational placement for a **period of up to 45 days**, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student’s current individualized educational program (IEP), that will enable the student to meet the goals set out in such IEP.

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
 - a. The Board, the Superintendent, or Principal 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** and not to exceed the amount of time a non-disabled student would be subject to suspension for the

same behavior.

b. The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has not engaged in behavior that warrants a suspension or removal and does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.

c. The Superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.

d. The Superintendent may order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE) for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

B. Change of Placement Rule

1. A 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 constitutes a pattern because they cumulate to more than 10 school days in a school year or because the length of each suspension or removal is ten days.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change

in placement based on a pattern of suspension removal.

However, the District may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

C. Special rules Regarding the Suspension or Removal of Students with Disabilities

1. The District's Committee on Special Education shall:

a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the District is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

If subsequently, a student with a disability, who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year, is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

If one or more members of the CSE believe that modifications are needed, the School District shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.

b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.

2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state

statutory and regulatory criteria, the School District is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the District is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for disciplinary purposes.

a. The Superintendent, Principal or other school official imposing the suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.

b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the District had knowledge the student was a student with a disability, the District either:

1. conducted an individual evaluation and determined that the student is not a student with a disability or
2. determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is complete, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the District, which can include suspensions.

3. The District shall provide parents with notice of disciplinary removal later than the date on which the decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.

The procedural safeguard notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Educational Law.

5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's Regulations incorporated into this Code.

6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive school days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.

7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's Regulations incorporated into this Code.

D. Expedited Due Process Hearings

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's Regulations incorporated into this Code if:

a. The District requests such a hearing 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, or during the pendency of due process hearings for the student to be in his or her current educational placement during such proceedings.

b. The parent(s) request such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the students in an IAES.

2. During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on ground of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of IAES placement, whichever occurs, first, unless the parent and the District agree otherwise.

3. If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

c. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the District and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

E. Referral to Law Enforcement and Judicial Authorities

In accordance with the provisions of IDEA and its implementing regulations:

a. The District may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.

b. The Superintendent or principal shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

VIII. 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.

IX. 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.

In addition, the board authorizes the Superintendent, Principal, and school nurse to conduct searches of students and their belongings if the authorized school officials have 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 a 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 a student’s belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that he or she 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.

To maintain order and discipline in the schools and to protect the safety and welfare of students and school personnel, school authorities may search a student or student lockers under the circumstances outlined below and may seize any illegal, unauthorized or contraband materials discovered in the search. A student’s failure to permit searches and seizures as provided in this policy will be considered grounds for disciplinary action.

Personal Searches

A student's person and/or personal effects (e.g. purse, book bag, etc.) may be searched whenever a school authority has reasonable grounds for suspecting that the student has violated or is violating either the law or the rules of the school. Measures adopted for such a search will be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

If a pat down of a student's person is conducted, it will be conducted in private by a school official of the same sex and with an adult witness present.

If extreme emergency conditions require a more intrusive search of a student's person, such a search may only be conducted in private by a school official of the same sex, with an adult witness of the same sex present, and only upon the prior approval of the Superintendent or Principal, unless the health or safety of students will be endangered by the delay which might be caused by following these procedures.

Locker Searches

Student lockers are school property and remain at all times under the control of the school; however, students are expected to assume full responsibility for the security of their lockers.

Periodic general inspections of lockers may be conducted by school authorities for any reason and at any time without notice, without student consent, and without a search warrant.

X. STUDENT SPEECH

Students have a right to express their thoughts and opinions at reasonable times and places. The Board of Education expressly reserves the right to exercise pre-publication review of both school-sponsored publications and speech, and non-school sponsored publications and speech, when such publication or speech is disseminated in or through the Menands Union Free School District. The Board of Education also reserves the right to impose reasonable restrictions on the time, place and manner of dissemination of any type of publication or speech which is disseminated through the Menands School District.

“School-sponsored publications” include student newspapers, periodicals, yearbooks or theatrical productions to which the School District lends its resources or name, or publication or speech which is included as part of the school curriculum or other activities which the public might reasonably perceive to bear the approval of the Menands Union Free School District.

With regard to such publications or speech, the Board reserves its rights to exercise editorial control, including pre-publication review and restraint, in an effort to ensure that:

- a. The participants learn whatever lessons the activity is designed to teach
- b. Readers or listeners are not exposed to materials that may be inappropriate for their level of maturity
- c. The views of the speaker are not erroneously attributed to the schools, if, for example, the speech is:
 1. ungrammatical
 2. poorly written
 3. inadequately researched
 4. biased or prejudiced
 5. vulgar or profane
- d. The speech will not be reasonably perceived to advocate drugs or alcohol use, irresponsible sex, or conduct otherwise inconsistent with the shared values of a civilized social order

With regard to non-school sponsored publications or speech which is sought to be disseminated through the Menands School District, approval of the Superintendent or principal must be obtained prior to such dissemination. Such approval may be withheld and distribution may be halted, and/or disciplinary action may be initiated.

- e. If the speech has the propensity to materially disrupt classwork or involve substantial disorder or invasion of the rights of others

f. If the speech is potentially libelous, i.e., if it involves a false and unprivileged statement about a specific individual which injures the individual's reputation in the community

g. If the speech involves fighting, abusive words, or slurs, i.e. words spoken solely to injure or harass other people such as threats of violence, defamation of character or of a person's actual or perceived race, color, weight, economic status, national origin, ethnicity, religion or religious practice, disability, sexual orientation, gender or sex (including identity and expression)

h. If the speech is obscene.

APPEAL

If a student is dissatisfied with the decision of the Superintendent, the student may appeal this decision to the Menands School Board of Education. An appeal is taken from the Superintendent's decision by notifying the Superintendent, either orally or in writing, within ten (10) days of decision, of the student's desire to appeal. The Menands School Board of Education shall render its decision in writing within ten school days of the notice of appeal. At every level of the appeal process, the student or a representative shall have the right to appeal and present the student's case, supported by relevant witnesses and material, as to why distribution of the student's publication is appropriate. If the administrator fails to act within the time periods outlined above, the appeal shall be deemed denied and the student shall have a right to go to the next level.

XI. RACIAL DISCRIMINATION AND HARASSMENT OF STUDENTS AND STAFF

The Board of Education is committed to safeguarding the rights of all students within the School District to learn in an environment that is free from racial discrimination, including racial harassment. The Board recognizes that racial harassment of students can originate from a person of the same or different race from the victim including peers, employees, board members or any individual who foreseeably might come in contact with students on school grounds or at school-sponsored activities.

Racial harassment of students consists of different treatment on the basis of race and is recognized in two different forms:

1. When the District's employees or agents, acting within the scope of official duties, treat a student differently from other students solely on the basis of race; or
2. When the education environment is not kept free from discrimination because the harassing conduct is so severe, pervasive or persistent that it interferes with or limits the ability of a student to participate in or benefit from the services, activities or privileges provided

The Board also prohibits any retaliatory behavior against complainants or any witnesses.

Any student who believes that he/she has been subject to racial harassment should report the alleged misconduct immediately so that corrective action, up to and including discharge of an employee or suspension of a student, may be taken at once. The complainant shall not be discouraged from reporting an incident of alleged racial harassment. In the absence of a victim's complaint, the Board, upon learning of, or having reason to suspect the occurrence of any racial harassment, will ensure that an investigation is promptly commenced by appropriate individuals.

A. Reporting Racial Discrimination or Harassment

A student who believes that he/she has been subject to racial harassment should report the alleged misconduct immediately to the Superintendent or Principal or to the individual who has been designated in the school to receive such complaints. This is not meant to limit any rights the student may have with respect to violations of Title VI, Title IX, Section 504 of the Rehabilitation Act or the Americans with Disabilities Act. In such cases, the student may appeal directly to the District's Title IX Officer, the Superintendent and his/her designee or the Board of Education.

Any District employee who witnesses or discovers an incident of racial harassment or discrimination during the school day, or during an after-school program, athletic event, or other extracurricular activity at the school or elsewhere(*) is charged with the duty to report the incident to the Superintendent or principal.

Upon notice of any alleged incident of racial harassment from whatever source, an incident report shall be filed with the Superintendent's Office and with the District's Title IX Officer and the alleged incident shall be investigated as soon as possible.

No retaliation against complainants or witnesses will be tolerated. Such actions shall be considered a separate incident of racial harassment and investigated accordingly.

B. Investigation of Complaints

Upon notice of an incident of racial harassment, a prompt, impartial investigation of the allegations must follow. All witnesses shall be interviewed. If known, the alleged harasser shall be interviewed with regard to the complaint and underlying incident.

Regardless of the outcome, the Complainant is to be notified of the outcome of the investigation. A written report shall be completed by the Superintendent's Office and to the District's Title IX Compliance Officer with a recommendation as to whether disciplinary action against the harasser is warranted. The report shall indicate the nature of the complaint, names of witnesses, the alleged harasser's response to the allegations, and other pertinent information. The report shall contain a section for the Complainant to indicate whether he/she is satisfied with the recommendation.

C. Remediation Action

If the investigation reveals that racial harassment has occurred, appropriate sanctions will be imposed in a manner consistent with applicable laws, District policies and regulations, and collective bargaining agreements. Sanctions may range from a reprimand, up to and including dismissal of an employee or suspension of a student.

** Including incidents that occur on school buses, at "away" games, field trips and all other school activities.*

Anyone subjecting complainants or witnesses to any form of retaliation will also be subject to disciplinary action in the manner prescribed by law and consistent with any applicable provisions in the District's policy manual or collective bargaining agreements. If the investigation reveals that no racial harassment has occurred, or if the complainant is not satisfied with the remedial action taken after a finding of racial harassment, the complainant may appeal the determination to the Superintendent and his/her designee, and then to the Board of Education. The appeal must include a copy of the original complaint, all relevant reports, the specific action being appealed, and an explanation of

why the complainant is appealing.

D. Post Remedial Action

Following a finding of harassment, victims will be periodically interviewed by the Superintendent or Principal or his/her designee to ensure that the harassment has not resumed and that no retaliatory action has occurred. Counseling may be provided in appropriate cases. At the discretion of the District, follow-up interviews may continue for an appropriate period of time.

E. Complaint Records

Upon written request, complainants may receive a copy of any resolution reports filed by the Principal, Title IX Officer, Superintendent and his/her designee or Board of Education concerning his/her complaint. Upon substantiation, copies will also be filed with the student or employment records of both the complainant and the alleged harasser.

XII. SEXUAL DISCRIMINATION AND SEXUAL HARASSMENT OF STUDENTS AND STAFF

It is the policy of the School District to maintain a working and learning environment that is free from sexual harassment or discrimination on the basis of gender. Sexual harassment is deemed to be unacceptable conduct in the educational environment and will not be tolerated. It shall be a violation of this policy for any employee or agent of the District to harass a student or other employee or for a student to harass any other student or an employee through conduct or communications of a sexual nature, as defined below. It is no defense to a claim of sexual harassment that the alleged harasser did not intend to harass. The Menands School Board of Education considers compliance with this policy to be a matter of highest priority and directs all staff and students to conduct themselves in a manner consistent with this policy. For the purposes of this policy, the term “staff” shall include trustees of the Board of Education.

Discrimination means different treatment of an individual based upon a characteristic which has no legitimate relationship to the decision, activity or action involved. Discrimination on the basis of gender includes, but is not limited to, sexual harassment, which is defined as unwelcome comments or actions of a highly personal or sexual nature made by one person to another, or any effort to condition hiring, evaluation, promotion or the terms and conditions of employment or education upon an individual’s willingness to engage in sexual activity of any kind.

A. Staff to Student Harassment

1. For the purposes of this policy, staff to student “sexual harassment” is defined as any welcomed or unwelcome sexual advances, requests for sexual favors, and/or other verbal, visual, written or physical conduct of a sexual nature.
2. To prevent sexual harassment from occurring and because it is the policy of this District to foster healthy teacher-student relationships, amorous relationships between a school District employee or agent and a student are prohibited.
3. A substantial charge against an employee or agent of the District shall subject such employee or agent to disciplinary actions which may include but are not limited to verbal warnings, letters of reprimand, transfers, suspension, and dismissal, in accordance with appropriate procedural requirements.

B. Staff to Staff Harassment

1. For the purposes of this policy, staff to staff “sexual harassment” is defined as any unwelcome sexual advances, request for sexual favors, and/or other inappropriate verbal, visual, written or physical conduct of a sexual nature, or any effort to condition hiring, evaluation, promotion or terms and conditions of employment upon an

individual's willingness to engage in sexual activity of any kind.

2. A substantiated charge against an employee or agent of the District shall subject such employee or agent to disciplinary actions which may include but are not limited to verbal warnings, letters of reprimand, transfers, suspensions, and dismissal, in accordance with appropriate procedural requirements.

C. Student to Student or Student to Staff Harassment

1. For purposes of this policy, student to student or student to staff "sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors, and/or other inappropriate verbal, visual, written or physical conduct of a sexual nature, whenever such harassment occurs on school property, at school-sponsored events, or during the transportation to or from school or school-sponsored events.

2. A substantiated charge against a student shall subject that student to disciplinary actions including verbal warnings, reprimand, counseling, suspension or expulsion, consistent with the Code of Conduct.

D. Behaviors that Constitute Sexual Harassment

Sexually harassing behaviors, as defined above, may include but not limited to the following actions:

1. Verbal harassment or abuse of a sexual nature
2. Pressure for sexual activity
3. Repeated remarks to a person with sexual or sexually demeaning implications
 - a. unwelcome touching, pinching, patting or brushing against
 - b. suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, honors, programs, or activities available at or through the school
 - c. display of sexually suggestive objects or pictures

E. Responsibility for Reporting Violations and Filing Complaints

1. School District employees and agents are responsible for reporting all alleged violations of this policy in accordance with the District's procedures. The responsibility to report an alleged violation of this policy shall remain in effect, even if a complainant requests confidentiality.

2. Any District employee or student who believes that he/she has been subjected to sexual harassment or gender discrimination has the right to file a complaint and to receive prompt and appropriate handling of her/his complaint. In all phases of the

complaint resolution process, every reasonable effort shall be made to maintain the confidentiality and protect the privacy of all parties, consistent with the District's responsibility to investigate and address such complaints.

3. Retaliation against an individual who either orally reports or files a written complaint regarding sexual harassment or gender discrimination or who participates in or cooperates with an investigation is prohibited.

F. Implementation

The Superintendent and his/her designee is responsible for implementing this policy. Implementation activities will include, but not be limited to:

1. Education of all staff and students about this policy and associated federal and state laws prohibiting sexual harassment and gender discrimination by widely disseminating information in documents such as announcements, bulletins, brochures, applications, contracts and other communications.
2. Publication and dissemination of information to all District employees and students that will inform them of this policy, what gender discrimination and sexual harassment are, what the individual can do, and where to go for help.
3. Afford appropriate opportunities to educate students about matters related to sexual harassment and gender discrimination in order to develop behaviors and attitudes that mitigate against inappropriate sexual overtures and pressures in school, work and social settings.

XIII. THE DIGNITY FOR ALL STUDENTS ACT AND THE PROHIBITION OF HARASSMENT, BULLYING, CYBERBULLYING, AND DISCRIMINATION

The Board of Education, in accordance with New York State's Dignity for all Students Act, condemns and strictly prohibits all forms of discrimination of students by other students or by school employees, including harassment, hazing and bullying on school grounds, school buses, and at all school-sponsored activities, programs, and events. Discrimination, harassment, hazing, or bullying that takes place at locations outside of school grounds, such as cyberbullying, which creates or can be reasonably expected to create a material and substantial interference with the requirements of appropriate discipline in the operation of the school or impinge on the rights of other students, is prohibited and may be subject to disciplinary consequences.

The Dignity Act defines harassment as the creation of a hostile environment by verbal and nonverbal conduct, verbal threats, intimidation or abuse, including cyberbullying, that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits; or mental, emotional and/or physical well-being; including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or reasonably causes or would be reasonably expected to cause a student to fear for his or her physical safety. Such conduct, verbal threats, intimidation or abuse, may be based on any characteristic including, but not limited to a person's actual or perceived:

- race
- color
- weight
- national origin
- ethnic group
- religion
- religious practice
- disability
- sex
- sexual orientation
- gender (which includes a person's actual or perceived sex, as well as gender identity and expression).

A. Definitions

Bullying - Bullying is defined as unwanted, aggressive behavior that involves a real or perceived power imbalance. Bullying is further understood to be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. Bullying may be premeditated or a sudden activity. It may be subtle or easy to identify, done by one person or a group. Bullying behaviors generally happen more than once or have the potential to happen more than once.

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

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

Cyberbullying means harassment/bullying, as defined above, through any form of electronic communication and may include, among other things, the use, both on and off school property, of electronic technology and communication devices, including, but not limited to, e-mail, instant messaging, blogs, chat rooms, pagers, cell phones, iPods, gaming systems and social media websites, to deliberately harass or threaten others.

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

Discrimination - Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs. Discrimination is the denial of rights based upon a student's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (including gender identity and expression).

Emotional harm that takes place in the context of "harassment or bullying" means harm to a

student's emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

Employee means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title 9-B of article 5 of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law §§11[4] and 1125[3]).

Gender means a person's actual or perceived sex and includes a person's gender identity or expression (Education Law §11[6]).

Harassment - The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (including gender identity and expression).

For purposes of this definition, the term "threats, intimidation or abuse" shall include verbal and non-verbal actions. (Education Law §11[7])

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

Hostile Environment in the context of harassment and bullying refers to an environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

Material Incident of Harassment, Bullying and/or Discrimination means a single, verified incident or a series of related verified incidents where a student is subject to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function. This term includes a verified incident or series of related incidents of harassment or bullying that occur off school property; meet the definition of harassment and/or bullying as set

forth above, and is the subject of a written or oral complaint to the superintendent, principal or their designee, or other school employee.

School Property means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus (Education Law §11[1]).

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

School Function means a school-sponsored extra-curricular event or activity (Education §11[2]).

Sexual Orientation means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11[5]).

Nothing in this provision will prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Education Law §3201-a or 2854(2)(a) and Title IX of the Education Amendments of 1972 (20 U.S.C. §1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under Section 504 of the Rehabilitation Act of 1973.

The Dignity Act Coordinator (DAC)

The Dignity Act also requires that at least one staff member at every school be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion or religious practice, disability, sexual orientation, gender and sex. The staff member shall be referred to as the Dignity Act Coordinator "DAC" and is appointed by the Board of Education.

The Dignity Act Coordinator must be an employee of the District, a BOCES or a charter school and must be licensed and/or certified by the Commissioner as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, school administrator or supervisor, or superintendent of schools.

The DAC must be provided training which addresses the social patterns of harassment, bullying and/or discrimination, including but not limited to those acts based upon a persons' actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex. The DAC must be provided training in the identification and mitigation of harassment, bullying and/or discrimination as well as training in strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.

In the event that a DAC vacates his or her position, another eligible employee must be immediately designated for an interim appointment as Coordinator, pending approval of a successor Coordinator by the Board of Education within thirty (30) days of the date the position was vacated. In the event a Coordinator is unable to perform the duties of his or her position for an extended period of time, another eligible employee shall be immediately designated for an interim appointment as Coordinator, pending the return of the previous Coordinator to his or her duties as the DAC.

The name(s) and contact information for the DAC will be shared with all school personnel, students, parents and persons in parental relation. The information provided will include the name, designated school and contact information for each DAC. Information will be provided listing the information on the District's website; posting the information in highly-visible areas of school buildings and making the information available at the District and school-level administrative offices and including the information in the plain language summary of the code of conduct or by providing the information to parents and persons in parental relation at least once per year in a manner determined by the school, which may include electronic communication and/or sending the information home with the students.

The change in the name and/or contact information for a DAC shall not be deemed to constitute a revision to the Code of Conduct so as to require a public hearing.

B. Prevention

The school district incorporates curricular material that raises awareness and sensitivity to discrimination or harassment and civility in the relationships of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, gender, and sexual orientations. The Board will designate at its annual organizational meeting a Dignity Act Coordinator(s) for the school district. In addition, the Superintendent will establish a Bullying Prevention Committee. The Dignity Act Coordinator(s) and the Bullying Prevention Committee will assist the administration in developing, implementing, and monitoring programs and educational initiatives related to the prevention of discrimination, harassment, and bullying.

C. Intervention, Incident Reporting, and Investigation

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

Students who have been subjected to discrimination, harassment, bullying, or hazing, parents whose children have been subjected to such behavior, or other students who observe such behavior are encouraged and expected to make a verbal and/or written complaint.

School employees who observe or learn of an incident of discrimination, harassment, bullying, or hazing witness harassment, bullying, and/or discrimination or receive an oral or written report of such acts shall promptly orally notify the principal, superintendent, or their designee not later than one school day after such employee witnesses or receives a report of such acts, and shall also file a written report with the principal, superintendent, or their designee no later than two school days after making an oral report. If a staff person is unsure of the nature of the incident or the reporting procedure, he/she is expected to inquire about how to proceed by speaking with an administrator or the Dignity Act Coordinator. A district employee may be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident, whether or not the target complains. The principal, superintendent or the principal's or superintendent's designee shall lead or supervise the thorough investigation of all reports of harassment, bullying and/or discrimination, and ensure that such investigation is completed promptly after receipt of any written reports.

Complaints of harassment, bullying, or discrimination will be documented, investigated, and tracked. An equitable and thorough investigation will be carried out by the administration. In addition, the results of the investigation shall be reported back to both the target and the accused and their parents in accordance to regulations set forth under the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g; 34 CFR Part 99) If either of the parties disagrees with the results of the investigation, they can appeal the findings.

When an investigation verifies a material incident of harassment, bullying, and/or discrimination, the superintendent, principal, or designee shall take prompt action, reasonably calculated to end the harassment, bullying, and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such behavior was directed.

The principal, superintendent, or their designee shall notify promptly the appropriate local law enforcement agency when it is believed that any harassment, bullying or discrimination constitutes criminal conduct.

The principal shall provide a regular report, at least once during each school year, on data and trends related to harassment, bullying, and/or discrimination to the superintendent.

Pursuant to Education Law section 13, retaliation by any school employee or student shall be prohibited against any individual who, in good faith, reports or assists in the investigation of harassment, bullying, and/or discrimination.

D. Investigating and Responding to Allegations of Staff-to-Student Discrimination and Harassment

In the case of a report of alleged staff-to-student discrimination, harassment, or bullying, reporting, investigation, and response must follow district policies and due process obligations related to staff-to-student misconduct.

E. Disciplinary Consequences/Remediation/Penalties

When incidents of harassment and bullying occur, student offenders will be given the clear message that their actions are wrong and that the behavior must improve. Student offenders will receive in-school guidance in making positive choices in their relationships with others. Disciplinary action that is measured, balanced and age-appropriate will be taken by the administration, as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted.

A student who engages in harassment, bullying, cyberbullying, or hazing will be subject to appropriate action, which may include disciplinary action. Appropriate action may include, but is not limited to restitution, counseling, corrective instruction, service learning experience, behavioral assessment or evaluation, behavioral management plan, detention, suspension from school, parent conferences, possible Superintendent's hearing, and /or long term suspension from school.

XIV. ATTENDANCE POLICY

A. School Responsibilities

All students have a right to educational opportunities that will enable them to develop to their fullest potential. Attendance policies are based on the principle that regular school attendance maximizes the students' interaction with their teachers and peers, and is a major component of academic success. Improved school attendance generally increases student achievement and reduces the dropout rate. Therefore, attendance policies that provide the early identification of attendance problems, and effective methods to address them, are most likely to succeed. Successful implementation of any attendance policy requires cooperation among all members of the education community including parents/guardians, students, teachers, administrators and support staff. Our goal is to achieve 100% rate of attendance in school.

B. Student Responsibilities

1. Attend all classes each day and work to meet the academic, behavioral and attendance expectations of the Menands Union Free School District.
2. In the event an absence from school or a particular class occurs, the student must provide the attendance office and/or teacher with a note, signed by a parent/guardian or administrator, explaining the absence. Absences for which there is no note on file in the attendance office will be considered illegal.
3. Make up any classwork, homework or tests missed due to a class absence.

C. Parent Responsibilities

1. Discuss this Attendance Policy with your child and reinforce our expectations for good attendance.
2. If you give your child permission to be absent from school, call the school's main office on the day of the absence. Send your child to school with a note explaining the reason for the absence on the day he/she returns.
3. If your child is going to be absent from school for more than one day (for an illness as an example), inform the school attendance office by phone on the first day of the absence
4. Call the guidance counselor or administrator if your child is having

attendance problems. A conference will be arranged to assist you and your child.

5. Respond to any and all communications that the school sends to you regarding attendance.

6. Provide your child with the opportunity and support to make up any work missed due to an absence from school.

D. Parent/Guardian Notice

1. When students cut class or are absent from school, the school will inform parent(s)/guardian(s) by mail or phone.

2. School newsletters and publications will include periodic reminders of the components of the Attendance Policy.

3. For students with excessive absences, a letter is sent home by the Attendance Person and includes an attendance print-out.

4. Once a child reaches 15 days of absence, the Superintendent or principal meets with the parent.

5. If a child reaches 25 days of absences, and the parent/guardian has not shown a commitment to work with the school/agencies, the family will be referred to CPS and/or a PINS petition will be filed. In addition, parents/guardians will be apprised that their child is in danger of being retained.

Attendance as a Criterion for Promotion

Attendance will be considered in making a judgment about promotion to the next grade level. A very poor record of attendance can severely deter a child from achieving the level of skills and knowledge requirements for success at the next grade level.

XV. TRANSPORTATION

The Menands Union Free School District board of education establishes that all students who are transported by the district shall adhere to appropriate standards of conduct in being transported. Students shall adhere to appropriate standards of conduct when they are being transported, and also when they are waiting to be transported on or have exited from a school vehicle. "Appropriate standards of school conduct" shall mean standards of behavior that are required by the board of Menands Union Free School District students in other settings, as well as such standards of conduct as may be required specifically by the circumstances of transporting students in a safe, orderly and efficient manner.

A. SCHOOL BUS SAFETY AND BEHAVIOR RULES

Parents of students have the responsibility of supervising their children until the child boards the bus in the morning and after the child leaves the bus at the end of the school day. Once a child boards the bus he or she becomes the responsibility of the school district. Such responsibility will end when the child is delivered to the regular bus stop at the close of the school day. In view of the fact that a bus is an extension of the classroom, the Board will require students to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Children who become a serious disciplinary problem on the school bus may have their riding privileges suspended. In such cases, the parents of the children involved will be responsible for seeing that their children get to and from school safely.

Waiting for the Bus

1. Observe the following safety precautions while waiting for the bus:
 - a. Do not stand or play in the road
 - b. If possible, avoid crossing streets
 - c. Whenever you must cross a street, look both ways and cross only if you are sure that no moving vehicles are approaching from either direction
 - d. Do not push, pull or chase any other pupils
 - e. Avoid trespassing on private property and being noisy

2. As the bus approaches, line up at least six feet of the road and do not approach the bus until it has stopped and the driver has opened the door. Again, avoid pushing others in the line.

Riding the Bus

1. Remain seated at all times when the bus is moving. Do not switch seats.
2. Face forward while sitting in your seat. Students should not be kneeling or sitting on their books.
3. Students should sit three to a seat where possible.
4. Students in K-4 should sit in the front seats when boarding the bus.
5. Horseplay, annoying other students and fighting are all considered to be misbehavior.
6. Students must pay for any damage they cause to seats or other parts of the bus.
7. Noise must be kept at a reasonable level.
8. Eating and drinking are not allowed on the morning and afternoon bus runs.
9. Objects (snowballs, rocks, etc.) should not be thrown at the departing bus.
10. Students cannot extend arms or any other body parts out of windows.
11. Smoking is not allowed. NO alcohol, drugs, weapons or animals can be transported in a school bus.
12. Nothing should be thrown inside the bus or out the windows.
13. Bus drivers must be obeyed at all times.

Unloading the Bus

1. Do not leave your seat until the bus has come to a complete stop and the driver has opened the door.
2. If you must cross a street as you leave the school bus, be sure to walk in front of the bus (never in the back) at a distance of at least 10 feet away from the bus. You should be able to make eye contact with the driver. Never go back in front of the bus after crossing the street.

Discipline

1. First incidence of misconduct - This will be handled at school and a letter will be sent home to parents.
2. Second incidence of misconduct - Pupil will lose bus transportation privileges for up to two weeks.
3. Third incidence of misconduct - Pupil will be suspended from bus transportation for remainder of the school year.

XVI. PUBLIC CONDUCT ON SCHOOL PROPERTY

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

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

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

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so
2. Intentionally damage or destroy School District property or the personal property of a teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson
3. Disrupt the orderly conduct of classes, school programs or other school activities
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others or are disruptive to the school program
5. Intimidate, harass or discriminate against any person on the basis of actual or perceived race, color, weight, economic status, national origin, ethnicity, religion or religious practice, disability, sexual orientation, gender or sex (including identity and expression)
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed

7. Obstruct the free movement of any person in any place to which this Code applies
8. Violate the traffic laws, parking regulations or other restrictions on vehicles
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances or be under the influence of either on school property or at a school function
10. Possess or use weapons in or on school property or at a school function except in the case of law enforcement officers or except as specifically authorized by the School District
11. Loiter on or about school property
12. Gamble on school property or at school functions
13. Refuse to comply with any reasonable order of identifiable School District officials performing their duties
14. Willfully incite others to commit any of the acts prohibited by this Code
15. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function

B. Penalties

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

1. **Visitors.** Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection or charged with trespassing.
2. **Students.** They shall be subject to disciplinary action as the facts may warrant, in accordance with due process and the Code of Conduct.
3. **Faculty Members.** They shall be subject to disciplinary action as the facts may warrant, in accordance with Education Law Section 3020-a or any other legal rights that they may have.

4. Staff Members in the classified service of the civil service entitled to the protection of Civil Service Law Section 75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law Section 75 or any other legal rights that they may have.

5. Staff members other than those described in subdivisions 3 and 4. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

C. Enforcement

The Superintendent or principal shall be responsible for enforcing the conduct required by this Code.

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

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

XVII. 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:

- A. Providing a copy of the Code to all students and parents at the beginning of each school year.
- B. Posting a copy of the Code on the school website.
- C. Providing all current teachers and other staff members with a copy of the Code of Conduct and a copy of any amendments to the Code as soon as practicable after adoptions.
- D. Making copies of the Code available for review by students, parents and other community members.

The Board of Education will review this Code of Conduct 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.

The Board may appoint an advisory committee to assist in reviewing the Code and the District's response to the Code of Conduct violations. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

XVIII. FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

The Board of Education, Menands Union Free School District, has adopted a policy designed to assure parents and students the full implementation, protection and enjoyment of their rights under the Family Educational Rights and Privacy Act (FERPA). A copy of the School District's Policy is available for review in the office of the District Clerk.

FERPA requires the School District to designate as "directory information" any personally identifiable information taken from student's educational records prior to making such information available to the public for any use.

The Board of Education of the School District has stated as a policy that it declines to designate student records as directory information under FERPA. The School District believes that it has a duty to protect the privacy rights of parents and students who expect that personally identifiable information from educational records will not be released to the general public for commercial or non-educational uses. Therefore, the School District will not provide access to directory information to the general public. However, the School District will provide such information for traditional uses, such as the yearbook, honor rolls, athletic programs and other school publications. However, if a parent/guardian desires to withhold the use of information of their child for even these limited educational purposes, he/she may do so by completing the proper form available at the Superintendent's office.

If a parent/guardian has no objection to the use of student information for the educational purposes described here, he/she does not need to take any action.

XIX. PUBLIC NOTICE

The Menands Union Free School District as required by Title VI of the Civil rights Act of 1964, Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of sex, race, religion, age, sexual orientation, handicapping condition, or national origin in the hiring of employees and in the educational programs, services or activities which it provides, including vocational programs.

Students wishing to file a grievance regarding alleged discrimination based upon actual or perceived race, color, weight, economic status, national origin, ethnicity, religion or religious practice, disability, sexual orientation, gender or sex (including identity and expression) may do so orally with the Dignity Act Coordinator, on forms available in the Superintendent's office, the Guidance Office or the Center for Continuing Education. Completed forms should be directed to the Dignity Act Coordinator.