

2016-2017

ITHACA CITY SCHOOL DISTRICT

STUDENT CONDUCT MANUAL



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Superintendent

ACADEMIC LISTING OF DETAILED PROCEDURES

Distributed by the Ithaca City School District
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Detailed Procedures Section: A copy of the Student Conduct Manual, if not included here, may be obtained from any school main office or in the online copy of this manual.

Electronic access: This document can be viewed at the ICSD website www.icsd.k12.ny.us

Compliance: This plan meets the requirements of the Project SAVE legislation (Education Law section 2801) and section 100.2(l) of the New York State Commissioner of Education Regulations.

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AIDS/HIV

Refer to Board Policy 4315.1

Students with AIDS or the HIV infection are entitled to all the rights and privileges of education offered by law. If a student has AIDS/HIV infection, his or her case will be considered on an individual basis.

If the medical status of a student with AIDS/HIV infection precludes him or her from participating fully in a school education and/or extracurricular program, the District will provide that student with an appropriate alternative educational plan.

No student will be prevented from participating in the continuation of his or her education, or subjected to adverse or discriminatory treatment or stigma, solely on the basis on a diagnosis that she or he has AIDS or the HIV infection.

Information on students with AIDS or the HIV infection is strictly confidential and shall not be disclosed without a release or court order under Public Health Law Article 27-F.

Alcohol and Drug Use

Refer to Board Policy 5312.1

The Board of Education is committed to creating a safe and drug-free school environment. This includes eliminating alcohol and other substance use and abuse. The District assumes a leadership role with the understanding that this goal will be achieved only through collaborative efforts among parents, students, staff, and community members.

No student shall use, possess, sell, or distribute alcohol and/or other substances, or use or possess drug paraphernalia, or be under the influence of drugs or alcohol, on school grounds or at school-sponsored events.

Inappropriately using or sharing prescription or over-the-counter drugs, possession or consumption of illegal substances, and/or "act-alikes," being under the influence on school property or at a school sponsored function will result in an immediate suspension and superintendent hearing with the appropriate district hearing officer.

Possession, use, consumption, or being under the influence of alcoholic beverages on school property or at a school sponsored function will result in an

immediate suspension and superintendent hearing with the appropriate district hearing officer.

The District will provide for the administration of prescription medication or over the counter medication to children with conditions requiring such medications during the school day. The District expects that parents or guardians will administer medications at home (before and/or after school) whenever possible. (Please refer to the Medication Policy on Page 34 for further information.) The families of children who have conditions requiring medication during school hours may arrange with the school nurse for the administration of those medications. An 18 year old student must still have parent/guardian permission; with the only exception being for an emancipated minor.

The term “alcohol and/or other substances” includes, but is not limited to, alcohol, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alikes, and any of the substances commonly referred to as “designer drugs”. The inappropriate use, possession, sale or distribution of prescription and over-the-counter drugs is also prohibited.

The following persons shall be prohibited from school grounds or school-sponsored events: any person exhibiting behavior, conduct, or personal characteristics indicative of having used or consumed alcohol and/or other substances, or any person who sells, distributes or possesses alcohol and/or other substances.

In order to educate students on the dangers associated with substance abuse, the curriculum shall include instruction concerning drug use for all students at all levels K-12 as developmentally appropriate.

1. Students suspected of possession or being under the influence

If a staff member suspects a student of having used or consumed alcohol and/or other substances or being under the influence of alcohol and/or other substances on school grounds or at a school event during the school day, then:

- a. the staff member notifies the Principal or designee
- b. the Principal or designee escorts the student to the school nurse
- c. the nurse conducts an assessment , in the presence of another staff member, to establish if the student is medically stable and provides his/her assessment regarding student’s use or consumption in writing to the Principal or designee
- d. the nurse will call 911 at any point for students found to be seriously impaired and medically unstable

- e. the Principal or designee forwards this written determination to the District's office, where it is kept on file
- f. if the determination is that the student has consumed alcohol or other substances, the Principal or designee notifies the parent/guardian (who must come and get the student) and local law enforcement if deemed necessary

If a staff member suspects a student of having used or consumed alcohol and/or other substances on school grounds or at a school event outside of school hours, then:

- a. the staff member notifies the Administrator who is attending the event
- b. the staff member escorts the student to the Administrator
- c. the Administrator makes a determination regarding student's behavior, safety and possible use or consumption
- d. if the determination is that the student is at risk of alcohol consumption or other substances, the Administrator notifies the parent/guardian and local law enforcement if deemed necessary

2. Consequences

If a student is found to be in violation of the alcohol and drug use policy, he or she will be subject to any or all disciplinary sanctions and/or restorative justice practices. The following outcomes should be expected:

- a. Students who use, possess, sell, or distribute alcohol and/or other substances, or use, possess, sell, or distribute drug paraphernalia, or are reasonably suspected of being under the influence of alcohol and/or other substances, on school property or at a school function will receive a five-day school suspension by the Principal (or designee).
- b. Students will also be referred by the Principal (or designee) to a Superintendent's Hearing for consideration of suspension from school beyond five days. The number of days is determined based on findings of the Superintendent's Hearing.
- c. Students will be excluded from all curricular and extracurricular activities, including sports, for a period of 30 school days.

- d. Principals have the discretion to exclude a student from participating in any overnight school-sponsored activities for a period of one calendar year, unless the overnight activity is an instructional activity that lasts more than five school days, in which case a Superintendent's hearing shall be held prior to the imposition of a suspension from participation in the activity.

The above sanctions may be modified (including permanent suspension from school), or other additional or alternative sanctions imposed, at the Superintendent's discretion upon subsequent violations and/or extenuating circumstances.

3. Assistance and intervention

The District will assist students involved with alcohol or other substances in choosing healthier and more productive behaviors, and will provide information about third-party service providers to help students with substance abuse problems.

Athletic Academic Eligibility

Modified/Freshman/JV/Varsity Athletics

In order to be proactive and motivational in keeping our student athletes achieving academic success, the Board of Education encourages building educators, Athletic Department designee(s), and professional school counselors to work collaboratively. As such, the athletic eligibility policy provides three tiers of support and academic intervention connected to three levels of eligibility for participation.

Initial eligibility for participation in athletics will be determined through a review of the 5-week reports issued in the marking period immediately preceding the sport season (fall, winter, spring). In the case of fall sports, the year-end final grade will be used, taking into account any classes completed in summer school. Each subsequent five week report (or marking period grade) will determine a student/athlete's potential placement in the levels of eligibility for participation.

The following eligibility rules will apply:

Level 1 - Academic Monitoring. Any student with **one (1) grade between 65-69** will be eligible to participate, and will be supported with academic monitoring. When student-athletes are placed on academic monitoring it is with the recognition that they need

varying levels of support to be academically successful and to participate on an athletic team. The athletic department designee and the professional school counselor will meet with the student/athlete to review the intervention process. Student-athletes are required to complete a weekly progress report and submit the report to their coach every Friday. Student-athletes have three weeks to improve grades and may be required to miss a practice and/or game if not making adequate academic progress.

Level 2 - Academic Probation. Any student with **one (1) grade of below 65 or two (2) or more grades between 65-69** will be eligible for limited participation, and will be supported with progress sheets, individualized plans, and/or mandatory study halls. When student-athletes are placed on academic probation it is with the recognition that they need increased levels of support to be academically successful and to participate on an athletic team. The athletic department designee and student's school counselor will meet with the student/athlete to review the intervention process. The student will submit a weekly progress report to his or her coach on the Friday of each week and is required to attend the district designated *study hall* two (2) days each week. On days of attendance in study hall, the student/athlete is not allowed to practice or participate in games. The athletic department designee will also collaborate with the appropriate RtI building team in order to increase academic support. Students have three weeks to improve grades and may be placed on academic probation if not making adequate academic progress. Upon successful response to Level 2 interventions, the student/athlete will return to Level 1 of eligibility for participation and receive **Level 1** supports.

Level 3 - Academic Suspension. Any student with **two (2) or more grades below 65** will be ineligible to participate and will be supported with progress sheets, individualized plans, and/or mandatory study halls. When student-athletes are placed on academic suspension it is with the recognition that they need increased levels of support to be academically successful and to participate on an athletic team. The Student/Athlete will remain in the District Designated Study Hall every day and may not participate in practices and/or games until he or she becomes Level 2 eligible. This will be for a minimum of three weeks but no longer than five. If satisfactory progress is not made after five weeks they will be removed from the team for the remainder of the season. Upon successful response to Level 3 interventions, the student/athlete will return to Level 2 of eligibility for participation and receive **Level 2** supports.

The Wellness and Athletic Officer or designee, at their discretion, can also exit a student from academic monitoring after consulting with the student-athlete, the student-athlete's counselor, and the student athlete's family.

In all cases, coaches will be responsible for above academic eligibility policy procedures to support the academic success of our student/athletes and the Athletic Office will provide:

1. a list of student-athletes who have either a grade of 65-69 or a grade of below 65 to their respective coach at the beginning of each sport season;
2. a team roster for each sport, distributed to each secondary principal, including a cover letter explaining the Athletic Academic Eligibility Policy;
3. a study-hall checklist for all student/athletes in attendance;
4. overall supervision of the Academic Support Process.

Athletic Physicals

A student athlete should have all medical forms completed and returned to the school nurse by the third day of practice. Forms are available at the school health office and on the District website under “Athletics”. The Parent/Guardian must completely fill out and sign the medical sport form in ink, including explanation to all “yes” answers. Once completed, the school nurse obtains the school physician’s review and approval. Any student who does not have completed forms and approval by the School physician by the third day of practice will **not** be eligible to participate on the team for the season.

Students must have a report of a physical examination that has been completed within 12 months prior to the start of the school year by a physician duly licensed in New York State or a nurse practitioner working in collaboration with a New York State–licensed physician. The examination can be done by appointment with the school physician or the student’s private physician.

If a student will need medication during the sport activity, a medication order, with approval to self-medicate, is required from the student’s physician. Students need to have their own properly labeled medication. Under no circumstances may students share medication.

Separate eligibility guidelines, as set forth in the Selection/Classification Program, apply to students in grades 7 and 8 who are trying out for a JV- or varsity-level sport. These guidelines can be found at <http://www.nysphsaa.org/handbook>.

Athletic Code of Conduct

At the beginning of each sports season (Fall, Winter, and Spring), each athlete and their parents or guardians are required to sign an Athletic Code of Conduct. This Code of Conduct outlines the rules and regulations that each athlete must abide by while participating on an Ithaca sports team. The code addresses

students' behavior in the school, community and athletic arena; sportsmanship; academics; use of athletic equipment; and training and conditioning requirements.

Students who participate in athletics should recognize that they have an obligation to themselves, their teammates and coaches, their school and their community to strive for excellence. Participation in athletics demands a commitment, sacrifice and dedication to physical fitness and conditioning. Student-athletes must participate in their scheduled PE class in order to be eligible for practices and games. If they do not participate in PE they cannot participate in their chosen sport that day.

Respect for one's health and physical development must be an integral part of daily living. Medical research has demonstrated the harmful physiological effects of tobacco, alcohol, marijuana, and other controlled substances, especially among teenagers whose bodies are rapidly growing and developing. The district endorses these findings. Therefore the following regulations in addition to the student code of conduct apply to managers, athletes and cheerleaders.

1. Athletic Physicals

A student athlete should have all medical forms completed and returned to the school nurse, preferably before the beginning of the season, but no later than the third day of practice. Student athletes may not participate or try out for any athletic team until the medical process has been completed and student is medically cleared. Student athletes who are proactive and turn forms in early, will have an increased chance of being cleared by the first day of practice/ try-outs. Forms are available at the school Health Office and on the District website under "Athletics".

2. Alcohol and Other Drugs

Possession, use, sale, distribution, or being under the influence of alcohol, tobacco in any form, marijuana, or other substances used for smoking, other controlled substances, or a look-alike intended to portray itself as such, on, or off school property will result in the following:

- **First Offense:** Suspension for 20% of the total sports season or a minimum of 30 school days, per Board Policy, and attendance at recommended substance abuse counseling. If the athlete is suspended from school as a result of the violation, the athlete must report to all practices after suspension from school is completed. If the 20% or 30 school day penalty is not fulfilled during a sport season due to the season ending prior, it will carry over to the next season the athlete participates.

- Second Offense (during the same school year): Dismissal for the remainder of that sport season. If the season is completed prior to the suspension length for the first offense, it will carry over to the next season the athlete decides to participate in.
- Third Offense (during the same school year): Disqualification from participating in any interscholastic sport for the rest of the school year.

3. Citizenship

- a. Every athlete must be a good school and community citizen. An athlete may be suspended from the team for improper attitude toward the community, school, administration, staff, coaches or fellow students. That suspension will end only after an informal conference among concerned participants, including the player, coach, Athletic Director, and Principal.
- b. When any athlete is charged with a violation of criminal law, whether during the sport season or at any other time, the student will attend an informal conference on the matter with the Principal, Associate Principal, and Athletic Director. As a result of the hearing, the consequences may include a suspension from the season, dismissal from the team, or suspension from the athletic program. This decision may be appealed to the Superintendent or his/her designee.
- c. An athlete must attend a full school day on game days and practice days, unless he/she is excused by the school. The student athlete must fully participate in physical education classes on the day of a contest or practices. Otherwise, he/she will not be allowed to play in the contest or practice that day.
- d. No student will be allowed to quit a team without first talking to his or her coach, giving the reason for leaving the team. Any player who violates this requirement will be unable to join another sport or intramural until the next sports season.

The Athletic Code of Conduct commits the athlete to many responsibilities and this code must be signed and turned in to the coaching staff prior to the first contest. If the Athletic Code of Conduct is not turned in on time, the athlete will not be allowed to participate.

Attendance

Refer to Board Policy 5160

1. Objectives

The Board of Education recognizes the important relationship between class attendance and student achievement. Through implementation of this policy, the Board expects to:

- encourage full attendance by all students through positive interventions;
- maintain accurate attendance records to ensure student safety and parent/guardian awareness of student absenteeism;
- identify patterns of student absenteeism; and,
- develop effective intervention strategies to improve school attendance/timeliness and to increase the likelihood that students will achieve academic success.

2. Attendance/Grade Policy

Students are required to attend all scheduled classes, unless their absence is excused under Section 5 of this policy. Consistent with the importance of ICSD grading and homework expectations, attendance and classroom participation, unexcused absence, tardiness, or early departure may affect a student's classroom participation grade. Consequently, each marking period a student's final grade may be based on classroom participation as well as student's performance on homework, tests, papers, projects, etc.

All students with absences, tardiness, and early departures are expected to consult with their teachers regarding missed work. Make up opportunities will be available for students with excused absences and must be completed by a date specified by the student's teacher for the class in question. Teachers may also provide opportunities for students with unexcused absences, tardiness, or early departures to make up work.

3. Notification

Schools will employ the following strategies to accomplish the objectives:

- a. Each time a student is absent, tardy to school, or leaves early from school without a proper written excuse or acceptable notification from a parent, designated staff member(s) will notify the student's parent(s) by phone or mail of the specific incident, remind them of the attendance policy, and review attendance intervention procedures with them.
- b. When a student is absent, tardy, or leaves early from class or school five times for unexcused reasons, the school will send a letter home to

parents documenting the absences and reminding them of the policy. If a student is absent 10 days for unexcused reasons, a second letter will follow and the parents will be contacted for a conference with school officials. The Principal or his/her designee may commence the PINS (Person in Need of Supervision) and/or DSS Hotline process in the event the student is not regularly attending school, in accordance with the New York State Education Law, Art. 65, Part 1.

- c. Where extenuating circumstances are present, the individual school administration will deal with the case on an individual basis.

4. Strategies

- a. Each school will develop procedures to address tardiness to classes.
- b. Schools will accurately record attendance, absence, tardiness or early departure of each student. Schools will utilize data analysis for tracking individual student attendance and individual and group trends in student attendance problems.
- c. The administration is directed to establish attendance codes to be utilized in tracking excused and unexcused absences, tardiness, and early departures.
- d. The attendance policy will be included in student handbooks and will be reviewed with students at the start of the school year and with students entering during the school year. School newsletters and publications will include periodic reminders of the components of this policy.
- e. Parents will receive a plain language summary of this policy by mail at the start of the school year. Copies of this policy will also be made available to any community member, upon request, and at the Public Library, school offices, and on the district's website.
- f. Classroom attendance policies and practices will be in writing and reviewed with students and families during the first week of school.
- g. The district will provide a copy of the attendance policy and any amendments thereto to all faculty and staff. All faculty and staff will meet at the beginning of each school year to review the attendance policy to clarify individual roles in its implementation.

5. Excused and Unexcused Absences

The Board recognizes certain absences, tardiness, and/or early departures may be excused when they are for legitimate educational purposes, necessary, and/or unavoidable. The following is a list of absences, tardiness, and/or early departures that the Board considers to be excused and unexcused. This list is illustrative and not exhaustive. It shall be the responsibility of the Principal to make the final determination as to whether an absence, tardiness, and/or early departure are excused or unexcused.

Examples of Excused Absences	Examples of Unexcused Absences
Personal Illness Medical, mental health appointments Court or legal hearings School field trips Career Visits Religious Observance Illness or Death in Family College Visits Military Obligations Student Services Appointments Out of School Suspension In-School Suspension Participation in school-sponsored events Music Sectionals Impassable roads or weather	Truancy Shopping Vacations Oversleeping Senior Skip Day Driver’s Test Hunting/Fishing Birthday Celebrations Personal Babysitting Missing the Bus

6. Incentives, interventions, and disciplinary sanctions

Schools shall create and implement school-based incentive programs *and RtI multi-tiered intervention programs*, for exemplary attendance and significant attendance improvement.

Note: *Teachers grading policies will be consistent with ICSD attendance and grading policies.* **Teachers may not add bonus points to student grades as an incentive for exemplary attendance.**

Unexcused absences, tardiness, or early departures will result in disciplinary action consistent with the district’s code of conduct. Those penalties may include, for example, detention, or in-school suspension. Students may also be denied the privilege of participating in or attending extracurricular events, parking privileges (high school), high school extensions as defined in the student handbook, and/or other privileges.

In order to participate in after-school activities, students must be present in school for at least one-half of that school day and attend all classes as required. Students who are absent from school with an excused absence, as defined in Section III, other than illness or suspension will be allowed to participate in after-school activities.

6. Review of Records

The principal or his/her designee will be responsible for reviewing student attendance records and initiating appropriate action to address unexcused absence, tardiness, and early departure consistent with this comprehensive attendance policy.

In addition, the board of education shall annually review the district's student attendance records before the start of each school year.

Bullying, Harassment and Hazing (Dignity For All Students Act) Refer to Board Policy 0115, 5020 and 5020.1

The Board of Education is committed to providing an educational and working environment that promotes respect, dignity and equality. The Board recognizes that discrimination, such as harassment, hazing and bullying, are detrimental to student learning and achievement. These behaviors interfere with the mission of the District to educate its students and disrupt the operation of the schools. Such behavior affects not only the students who are its targets but also those individuals who participate and witness such acts.

To protect the rights of all students and groups for a safe and secure learning environment, the Board of Education strictly prohibits all forms of discrimination such as bullying, harassment, hazing and other forms of aggression and violence on school grounds, school buses and at all school-sponsored activities, programs and events. Bullying, hazing, and harassment interfere with both a school's ability to educate its students and a student's ability to learn. All administrators, faculty, staff, parents/caregivers, families, volunteers, and students are expected to refuse to tolerate harassment, hazing, and bullying and to demonstrate behavior that is respectful and civil.

Definitions:

Discrimination

Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as enumerated under *Harassment* as defined below).

Bullying

"Bullying" is any gesture or written, verbal, electronic, social, graphic, or physical act that is perceived as being dehumanizing, intimidating, hostile, humiliating, threatening, or otherwise likely to evoke fear of physical harm or emotional distress and may be

motivated either by bias or prejudice based upon any actual or perceived characteristic, such as race, color, religion, religious practice, ancestry, national origin, weight, ethnic group, socio-economic status, gender, sexual orientation, gender identity or expression; or a mental, physical, or sensory disability or impairment; or by any other distinguishing characteristic, or is based upon association with another person who has or is perceived to have any distinguishing characteristic. *Bullying and harassment also include forms of retaliation against individuals who report or cooperate in an investigation under policy 0115.*

Common forms of bullying include:

1. Physical: including but not limited to hitting, kicking, physical attacks, spitting, pushing, slapping, poking, tripping or causing to fall, scratching, any unwanted physical contact, taking or damaging personal belongings;
2. Verbal: including but not limited to taunting, malicious teasing, name calling, making threats, laughing at the expense of another, racial slurs, homophobic language, any unwanted or unreasonable verbal conduct directed toward or affecting another person that annoys, disturbs, frightens, insults, or offends;
3. Psychological: (also known as relational aggression, indirect or social bullying, covert aggression) including but not limited to spreading rumors, manipulating social relationships, turning people against each other, social exclusion, extortion, shunning, intimidation, ruining someone's reputation, humiliating, sharing someone's private information, giving dirty looks or aggressive stares, or teasing about clothing or one's looks;
4. Cyberbullying: including but not limited to the use of cell phones, e-mail, YouTube chat rooms or social networking (or other electronic modalities) to harass, threaten or intimidate someone and can be transmitting by video, picture or words. Types of cyber bullying can include but are not limited to: posting, sending or forwarding inappropriate or derogatory messages or images, spam, viruses, humiliating messages; sharing private information, sending hateful or defamatory remarks that can include racial, ethnic or homophobic messages, or posting or contributing to polling sites.

Harassment

Harassment has been defined in various ways in federal and state law (including the penal law) and regulation. The Board recognizes that these definitions are important standards, but the Board's goal is to prevent behaviors from escalating to violations of law and, instead, to promote a positive school environment and limit liability. The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a

student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. 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,
- socio-economic status
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression)

*Gender identity is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth. Gender expression is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.

Sexual Harassment

Refer to Board Policy 5020.1

1. The Board of Education condemns and will not tolerate sexual harassment. Sexual harassment means unwelcome sexual advances or behavior, requests for sexual favors, sexually motivated verbal or physical conduct, or communication of a sexual nature (verbal, written, visual, or nonverbal), when:
 - a. a student's submission to that conduct is made a term or condition, either explicitly or implicitly, of that student's education (including any aspect of the student's participation in school-sponsored activities); or
 - b. a student's submission to or rejection of that conduct is used as a factor in decisions affecting the student's education; or
 - c. the conduct, communication, or pattern of behavior has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in school-sponsored activities, or creates an intimidating, hostile, or offensive school environment, including gender-based harassment (i.e., generalized sexist statements and behaviors that

convey insulting or degrading attitudes about males ,females or transgendered persons) or harassment based on sexual orientation.

Sexual harassment of students can originate from a person of the same or of a different sex or gender identity than the targeted person, and from peers as well as employees, board members, or, in some circumstances, third parties. Sexual harassment includes, among other behaviors:

- **sexual assault;**
 - **unwanted sexual behavior**, which may include touching, verbal comments, sexual name calling, spreading sexual rumors, gestures, jokes, pictures, leers, overly personal conversation, pulling at another's clothes.
2. The complainant shall not be discouraged from reporting an incident of alleged sexual harassment. Individuals engaging in any form of retaliation related to the making of a report of sexual harassment of a student will be subject to disciplinary action in the manner prescribed by law and consistent with any applicable provisions in the District's policy manual, student conduct codes, or collective bargaining agreements.
 3. Any student who believes that he or she has been subjected to sexual harassment should report the alleged misconduct. The District will ensure a prompt investigation upon receiving report of, or in the absence of a report, upon suspecting the occurrence of any discrimination or harassment based on a protected characteristic(s).

Hazing

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

Prevention

The school setting provides an opportunity to teach children, and emphasize among staff, that cooperation with and respect for others is a key value. A District wide effort geared to prevention is designed to not only decrease incidents of bullying but to help students build more supportive relationships with one another by integrating the bullying prevention program into classroom instruction. Prevention includes the following:

- Training of staff
- Comprehensive school wide educational component
- Supervision of students
- Clear and consistent expectations of behavior

Intervention

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

**An upstander is someone willing to stand up and take action in defense of others. Further, it identifies people who take helpful steps to help others in instances of bullying, discrimination, harassment or other injustices. Depending on the situation they help themselves or others by expressing opposition to the bullying or/and by providing emotional support to the target and/or by getting help for the target.*

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

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

Reporting and Investigation

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets and persons with knowledge of bullying report such behavior immediately to **the principal, the principal's designee** or the **Bullying Prevention Coordinator** as soon as possible after the incident so that it may be effectively investigated and resolved. The District will also make a bullying complaint form available on its website and hard copies at each school to facilitate reporting. The District will collect relevant data from written and verbal complaints to allow reporting to the Board on an annual basis.

The District will investigate all complaints, formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner, although limited disclosure may be necessary to complete a thorough investigation.

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

If, after appropriate investigation, the District finds that a student, an employee or a third party has violated this policy, corrective and possible disciplinary action will be taken in accordance with the Code of Conduct, applicable collective bargaining agreement, District policy and state law. If the reported behavior constitutes a civil

rights violation, the complaint procedure associated with that policy will be followed. If either of the parties disagrees with the findings of the initial investigation, an appeal may be made as specified in the Code of Conduct.

Confidentiality

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

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

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

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

Investigation and Resolution Procedures

A. Initial (building-level) Procedure

Whenever a complaint of bullying is received whether verbal or written, it will be subject to a preliminary review and investigation. Except in the case of severe or criminal conduct, the **principal, the principal's designee** or the **Bullying Prevention Coordinator** shall make all reasonable efforts to resolve complaints informally at the school level. The goal of informal procedures is to end the bullying, prevent future incidents, ensure the safety of the target and obtain a prompt and equitable resolution to a complaint.

As soon as possible, following receipt of a complaint, the principal, the principal's designee or the Bullying Prevention Coordinator should begin an investigation of the complaint by:

- Reviewing any written documentation provided by the target(s) and/or other involved parties.
- Conducting separate interviews of the target(s), alleged perpetrator(s), and witnesses, if any, and documenting the conversations.
- Providing the alleged perpetrator(s) a chance to respond and notify him/her that if objectionable behavior has occurred, it must cease immediately. The individual will be made aware of remediation opportunities as well as potential disciplinary consequences.
- Determining whether the complainant needs any accommodations to ensure his/her safety, and following up periodically until the complaint has been resolved. Accommodations *may* include (if possible), but are not limited to:
 - A hall pass that allows the student to visit a designated adult at any time;
 - Access to alternative bathroom facilities;
 - Access to an alternative place;
 - An opportunity for independent study at home with district-provided tutor until the case is resolved;
 - Bus accommodations.

The District recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually, and the student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

Resolution of Complaint

Where appropriate and possible, informal methods may be used to resolve the complaint, including but not limited to:

- discussion with the accused, informing him or her of the District's policies and indicating that the behavior must stop;
- suggesting counseling, skill building activities and/or sensitivity training;
- conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;

- requesting a letter of apology to the target;
- writing letters of caution or reprimand; and/or
- separating the parties.

Appropriate disciplinary action shall be recommended and imposed in accordance with district policy, the applicable collective bargaining agreement or state law. School districts should make every effort to attempt to first resolve the misconduct through restorative measures.

The investigator shall report back to both the target and the accused regarding the outcome of the investigation and the action taken to resolve the complaint. The actions taken will be in conformance with the Remediation/Discipline/Penalties section of this regulation. The target shall report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against him/her.

If a complaint contains evidence or allegations of serious or extreme bullying, or a civil rights violation, the complaint shall be referred promptly to the Principal or his/her designee. The complainant will also be advised of other avenues to pursue their complaint, including contact information for state and federal authorities.

In addition, where the principal, associate principal, the principal's designee or the Bullying Prevention Coordinator has a reasonable suspicion that the alleged bullying incident involves criminal activity, he/she should notify the Superintendent (or his designee), and then contact the school attorney, appropriate child protection and, if appropriate, law enforcement authorities.

Any party who is not satisfied with the outcome of the initial investigation may request a District-level investigation by submitting a written complaint to the Superintendent within 30 school days.

B. District-level Procedure

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

The District level investigation should begin as soon as possible following receipt of the complaint by the Superintendent or Board President.

In conducting the formal District level investigation, the District will endeavor to use individuals who have received formal training regarding such investigations or that have previous experience investigating such complaints.

If a District level investigation results in a determination that bullying did occur, prompt corrective action will be taken to end the misbehavior in accordance with the Remediation/Discipline/Penalties section of this regulation.

No later than 30 school days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the target and alleged perpetrator, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

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

C. Board-level Procedure

When a request for review by the Board has been made, the Superintendent shall submit all written statements and other materials concerning the case to the President of the Board.

The Board shall notify all parties concerned of the time and place when a hearing will be held. Such hearing will be held within 15 school days of the receipt of the request of the complainant.

The Board shall render a decision in writing within 15 school days after the hearing has been concluded.

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

Provisions for Students Who Don't Feel Safe at School

The Board acknowledges that, notwithstanding actions taken by District staff, intervention may require a specific coordinated approach if the child does not feel safe at school. Students who do not feel safe at school are limited in their capacity to learn and reach their academic potential. Staff, when aware of bullying, should determine if accommodations are needed and possible in order to help ensure the safety of the student and bring this to the attention of the building principal. The

building principal, other appropriate staff, the student and the student's parent/caregiver will work together to define and implement any needed accommodations.

Retaliation Prohibited

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

Consequences and Remedial Actions

Consequences and appropriate remedial actions for a student or staff member who engages in one or more acts of bullying or harassment may range from positive behavioral interventions up to and including suspension or expulsion, in the case of a student, or suspension or termination in the case of an employee, as set forth in the board of education's approved code of student conduct or employee handbook. School employees will also be held accountable for bullying or harassing behavior directed toward school employees, volunteers, parents, or students. Consequences for a student who commits an act of bullying and harassment shall vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance, and must be consistent with the board of education's approved code of student conduct. Remedial measures shall be designed to: correct the problem behavior; educate the bully/harasser, prevent another occurrence of the behavior; and protect the target. The consequences and remedial measures may include, but are not limited to, the examples listed below:

Examples of Consequences

- Admonishment
- Participation in a guided reflection process designed to teach alternative behavior
- Temporary removal from the classroom
- Loss of privileges
- Classroom or administrative detention
- Referral to disciplinarian
- In-school suspension during the school week or the weekend, for students

- Out-of-school suspension
- Legal action
 - Referral to probation
- Expulsion or termination
- Parent/Caregiver meetings

Examples of Remedial Measures

Strategies for Individual Behavioral Change:

- Framing the aggressive behavior as a failed attempt to solve a real problem or reach a goal. The adult assists the misbehaving student to find a better way to solve the problem or meet the goal.
- Restitution and restoration
- Transformative conferencing/restorative justice practices
- Supervised peer support group
- Corrective instruction or other relevant learning or service experience
- Supportive discipline to increase accountability for the bullying offense
- Supportive interventions, including participation of an Intervention and Referral Services team, peer mediation, etc.
- Behavioral assessment or evaluation
- Behavioral management plan
- Student counseling
- Involvement of school administrator

Disciplinary Measures

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

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

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

Volunteers: Penalties may range from a warning up to and including notification of law enforcement.

Vendors: Penalties may range from a warning up to and including loss of district business, or notification of law enforcement.

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

Dignity For All Students Act (DASA): An Overview

In September 2010, the New York State Legislature enacted the Dignity for All Students Act, which took effect on July 1, 2012, to make it the policy of the State to provide **ALL** students in New York public schools an environment free of discrimination and harassment. The goal of the Act is to create a safe and supportive school climate where elementary and secondary school students can learn and focus within a safe and supportive environment free from discrimination, intimidation, taunting and harassment (which includes bullying and cyberbullying) on school property, a school bus and/or at a school function. The Dignity Act states that no student shall be subjected to harassment, bullying or discrimination by employees or students based on their actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

Harassment and bullying/cyberbullying is defined as any one of the following under the Dignity Act:

- The creation of a hostile environment by conduct or by threats, intimidation, or abuse, that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional, or physical well-being;
- A verbal or non-verbal act or actions that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety;
- A verbal or non-verbal act or actions that reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student;
- A verbal or non-verbal act or actions that 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 Dignity Act requires that all schools:

- Include instruction that supports the development of a school environment free of discrimination and harassment;
- Designate and train at least one staff member at every school to handle human relations in the areas of: race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex;
- Offer all employees training to raise awareness and sensitivity to potential acts of discrimination and/or harassment and to enable employees to prevent and respond to incidents of discrimination and harassment;

- Build a culture where instances of harassment, bullying, and discrimination are reported, investigated and responded to with prompt actions reasonably calculated to end the harassment, bullying or discrimination, eliminate any hostile environment, and ensure the safety of the student(s) toward whom harassment, bullying or discrimination was directed.

Child Abuse Protection and Reporting

Refer to Board Policy 5460

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

Pursuant to applicable law, any school official or employee who has reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment will follow the administrative procedures and immediately report, or cause to report, the case to the New York State Child Abuse and Maltreatment Register, as required by law. School officials and employees will cooperate fully with authorized child protective services workers during investigations of alleged child abuse or maltreatment. School officials and employees will not contact the child's family or any other person during the investigative period to determine the cause of the suspected abuse or maltreatment. Any school official who has cause to suspect that the death of any child is a result of child abuse or maltreatment must report that fact to the appropriate medical examiner or coroner, as required by law.

The District shall maintain an ongoing training program which will address the identification and reporting of child abuse and maltreatment. The Superintendent shall develop, with input from appropriate personnel, a plan for implementation of such a training program. Attendance at sessions of this training program shall be required of administrators, as well as all district employees who come in contact with students.

The Superintendent or their designee will prepare and implement all procedures as are necessary to accomplish the intent of this policy. A copy of this policy, along with the administrative procedures explaining the reporting requirements, shall be distributed annually to all personnel.

Step 1 of Reporting: The Hotline Phone Call

The **Statewide Central Register of Child Abuse and Maltreatment** mandated reporting phone number is **1-800-635-1552** or **1-800-342-3720**.

All hotline calls to Albany should be made as early in the day as possible in order for the Child Protective Services staff to plan for their investigation. The mandated reporter should complete the form LDSS 2221A if possible before calling, as it contains all the information for the phone report.

If the mandated reporter believes that the child should be taken into custody for the child's protection, he or she should state this fact when calling the hotline so that Tompkins County CPS caseworkers can take immediate action.

If the Statewide Central Register does not accept the report, the mandated reporter should ask for the reason, and may request to speak to a supervisor. The mandated reporter may also call the Tompkins County CPS to discuss the concern and ask advice.

Concern about Imminent Danger of a Child

If there is concern about imminent danger to a child, or if a child has disclosed sexual abuse, or if a child expresses fear of going home, the mandated reporter should contact **Tompkins County Child Protective Services at (607) 274-5610 or (607) 274-5317** directly, leaving both an after-school-hours phone number and a school number, and then immediately report to the Statewide Central Register. The mandated reporter or CPS caseworkers may also contact the local police, county sheriff, or state police.

In cases when Child Protective Services comes on school property and determines that the child is in imminent danger, caseworkers have the authority to take the child into protective custody without the consent of the child's parent or guardian. In practice, this occurs only in unusual circumstances.

CPS Interviews of Children on School Grounds and Access to Records

Section 425 of Social Services Law provides that Department of Social Services may request and shall receive assistance and data as needed to fulfill its responsibility. CPS caseworkers are allowed to interview suspected abused or maltreated students on school property **whether or not the school was the source of the report. Parental permission is not required for these interviews.** The school may request CPS caseworkers to sign a statement that the child was interviewed without parental notification or approval. **CPS interviews shall be conducted in the presence of the Principal or designee to the extent permitted by CPS.**

Step 2 of Reporting: The Written Form

The mandated reporter is responsible for filing the three-part form LDSS 2221A (<http://www.ocfs.state.ny.us/main/forms/cps/>), "Report of Suspected Child Abuse and Maltreatment," **within 48 hours after the hotline report**, and submitting it to Tompkins County DSS, Attention: Child Protective Services, 320 W. State Street, Ithaca, NY 14850. The Principal or designee then becomes responsible for all subsequent administrative action necessitated by the report.

The mandated reporter must neither keep a copy of the mandated report form LDSS 2221A, nor place any record of the report in the child's cumulative folder or health record.

Computer Networks and Electronic Devices

Refer to Board Policy 4526

The District places a high value on individual responsibility in all facets of school life. It is particularly important that students act with respect, consideration, and responsibility when using computer and network-based technologies because material and use cannot always be completely determined by teachers.

All computer resources, including files maintained on hard drives and servers, remain in the possession and control of the school District. Students have no reasonable expectation of privacy rights in any information or communications created or accessed using the District's electronic media and services, including information stored in computer directories or electronic mail files. Students may store files for educational use only. The Superintendent and the Superintendent's designee reserve the right to access, monitor, and disclose files for any reason, including viruses, inappropriate executable files, and inappropriate e-mail. Any evidence of inappropriate files or messages will be reported to the Principal. The District reserves the right to modify or delete without cause any material stored on District equipment. Any network user identified as a security risk or having violated District computer use guidelines may be denied access to the District's network. The District will cooperate fully with local, state or federal officials in any investigation related to unlawful activity conducted through the District Internet system.

Acceptable Use Regulation for Students

The following section includes student responsibilities that apply to all electronic devices and computer networks, both personal and district-owned. This includes (but not limited to) cell phones, iPods, digital cameras, and computers. The following

responsibilities apply to all school sponsored events that take place on school property and off school property, even during non-school hours:

STUDENTS HAVE THE RIGHT AND RESPONSIBILITY

1. TO RESPECT AND PROTECT THE PRIVACY OF OTHERS AND TO HAVE THEIR PRIVACY PROTECTED

- Use only assigned accounts and passwords and don't share your passwords..
- Use, view or copy **only** authorized passwords, data or networks.
- Log into districts systems using **ONLY** your name and accessing **ONLY** your files
- Read, delete, copy or modify **only** your own electronic mail
- Disclose names, personal contact information or any other private or personal information about yourself **only** and think carefully about what you are disclosing about yourself.
- When you receive an email message, share it **only** with permission of the person who sent you the message.
- Act responsibly at all times when using District accounts.

2. TO RESPECT AND PROTECT THE INTEGRITY, AVAILABILITY AND SECURITY OF ALL ELECTRONIC RESOURCES

- Observe all network security practices as posted
- Abide by the District's filtering software and refrain from bypassing the filtering software. **Students have the right to ask permission from a staff member to have the filter software unblocked if the site is needed for educational purposes and the staff member will make that determination.**
- Respect data, networks, or other ICSD electronic resources
- Load software onto the district's computers or network only with ICSD administrative permission
- Comply with District policy and regulations including state, local and federal law regarding the distribution, transmission or downloading of material, information or software.

3. TO RESPECT AND PRACTICE THE PRINCIPLES OF THE ICSD COMMUNITY

- Communicate in ways that are kind and respectful
- Refrain from any communication via any electronic media (email, social networking sites, iPods, cell phones, etc) that is hurtful towards another person or group of people or/and harms their reputation. This would also include deleting any hurtful correspondence that you receive.
- Communications or forwarded messages must be free of any personal attacks including prejudicial or discriminatory attacks.
- Wait and think carefully before sending or responding to an angry email.
- Electronic student polling sites are hurtful and disrespectful and must be avoided.
- Communications that use bias language or are discriminatory (such as "that's so gay" or "she's retarded") are hurtful and disrespectful and must be avoided.
- Delete any spam, chain letters or other mass unsolicited mailings.
- Refrain from communicating with or accessing internet websites that endorse violence, hate, illegal or libelous material. (Note: this description is not meant to prohibit materials that are used for educational purposes and supported by a teacher or class requirement.)
- Record, send post, email, text or upload video digital pictures/photos of another person **only** with explicit permission from that person
- If permission is granted to post a picture (see above), it needs to be used in a way that the person granting the permission intended and it cannot be altered in any way (such as photo-shopping) without permission of that person.
- Certain areas of the school are off limits (such as athletic showers, dressing rooms, or bathrooms) for using electronic devices that take digital pictures/photos (including cell phones) or videos.
- Keep all cell phones, smart phones, iPods, and other electronic devices out of sight and turned off during instructional programs and during classes. However, teachers have the discretion to allow them in class if they can be used as part of the instructional program or aid in the learning process.

4. TO RESPECT AND PRACTICE THE PRINCIPLES OF THE GLOBAL COMMUNITY

- Respect and protect intellectual property of others by refraining from any form of infringement on copyrights in accordance with federal law, the Fair Use Doctrine and District policies (including illegal copies of movies, games or movies)
- Always give credit to the sources you use online and refrain from plagiarism.
- Respect school property. Vandalism as defined as "harm to" or "destruction of" or an attempt to harm or destroy District equipment or materials, data of another user of the District's system or any other system linked to this District is against the law. Vandalism also includes attempts to disrupt the District's internet system including the uploading or creating of computer viruses.
- Use ICSD's media and services for commercial purposes or financial gain ONLY with prior written permission from Superintendent or designee.
- Refrain from using the District's Internet system to engage in any unlawful act including (but not limited to) arranging drug sale, the purchase of alcohol, engaging in gang activity, threatening the safety of another person, or other criminal activity.
- Refrain from sending, downloading, transmitting, accessing, forwarding or taking pictures or videos that are pornographic, or showing nudity or semi-nudity.
- Immediately notify a teacher or administrator if you become aware of any violations set forth in this AUP.

Any violation of the above AUP will be investigated and may result in possible disciplinary or restorative action in accordance with the District's Code of Conduct. Any infringement of this AUP that occurs off campus may result in an investigation and possible disciplinary action if the off campus behavior causes or may cause disruption in the school community or in any way disrupts school activity.

If there is a violation of cell phone use, it may result in confiscation of the device. If there is reasonable cause that the phone was used for activities that were an infringement of the AUP stated above, the phone may be searched.

Corporal Punishment

Refer to Board Policy 5314

In accordance with Regents' Rule 19.5, no teacher, administrator, officer, employee, or agent of the Ithaca City School District may use corporal

punishment against a pupil. Corporal punishment is defined as any act of physical force upon a pupil for the purpose of punishing that pupil.

Safety Restraint/Physical Contact: In situations in which nonphysical alternative measures or procedures cannot be effectively employed, reasonable physical force may be used for the following purposes:

- To protect oneself from physical injury
- To protect another pupil, teacher, or any other person from physical injury
- To protect the property of the school or of others
- To restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of School District functions, powers or duties, if that pupil has refused to comply with a request to refrain from further disruptive acts.

If any ICSD employee uses Safety Restraint/Physical Contact, he/she shall immediately submit a *Use of Physical Force Upon a Student Form* (available from the school office) to the building administrator. The building administrator shall notify the Chief Elementary or Chief Secondary Officer and then fax (274-2289) or mail the form immediately afterwards.

Any complaint concerning the use of corporal punishment against a pupil in the District may be made in writing to the Superintendent or her/his designee, who is required to investigate the complaint and to take appropriate action.

Disciplinary Consequences

1. Teacher Removal of Disruptive Pupils

Teachers have the power and authority to remove from their classroom any student who fits the statutory definition of “disruptive pupil.” The teacher’s use of this authority must comply with both the statutory requirements and the District’s Code of Conduct. The disruptive pupil will be escorted to the designated area.

According to New York State’s SAVE Legislation, when a teacher removes a student from the classroom, the teacher must explain to the student why the teacher is taking that action and must allow the student to informally present the student’s version of the relevant facts. In most cases, that exchange must occur before the student is actually removed from the classroom. However, if the teacher assesses the student as being not only “disruptive,” but also “posing

a continuing danger to person or property” or “representing an ongoing threat of disruption to the academic process,” then the explanation and response can occur after the student is removed from the classroom, provided it occurs within 24 hours. Disruptive pupil(s) may be removed by a teacher for up to two days depending upon the severity of the infraction.

Removal from the classroom is not the same as a school suspension. When a teacher removes the student from the classroom, the District will provide that student with “educational programming and activities.”

Within 24 hours (same day when possible) of a student removal, the Principal must notify the student’s parents (or person in parental relation) of the removal and reason(s) for it. The family may request an “informal conference” or “information hearing” with the Principal. That meeting must take place within 48 hours of the student’s removal. At the meeting, the Principal must explain the reason(s) for the removal, and the pupil and parent must have an opportunity to present the pupil’s version of the facts.

The Principal may set aside the teacher’s removal decision in three situations. First, if the Principal finds that the charge against the student is not supported by substantial evidence, the principal sets aside the removal. Second, if the Principal concludes that the student’s conduct warrants suspension from school, the Principal then imposes a suspension. This conclusion will then trigger the procedures established by Section 3214 and Board Policy 5313 for school suspensions, whether for five days or longer. The parent(s) are entitled to another conference with the Principal, at which they would have the right to question the complaining witnesses.

Finally, the Principal may set aside the removal decision if the principal finds that the student’s removal “is otherwise in violation of law.” One application of this provision would be that the principal sets aside class removal decisions that affect a student with disabilities, or a student that is presumed to have a disability for discipline purposes, when the removal amounts to a change in the student’s placement under Individual with Disabilities Education Act.

The Principal’s decision must be made in writing by the close of business on the day following the 48-hour period established for the informal hearing and given to the student and parent.

2. In-School Suspension

In-school suspension or “intensive study services” is the temporary removal of a student from the classroom(s) to a designated area in the school building where that student will receive substantially equivalent, alternative education.

3. Out of School Suspension (Short-Term)

Refer to Board Policy 5313

Principals have the authority to order a suspension of students from school for up to five days. In doing so, they must give the student oral or written notice of the charges against him or her and give the student an opportunity to present his or her side of the case. However, students whose presence poses a danger to persons or property may be immediately removed from the school.

The Principal must report short term suspension to the Superintendent by the end of the school day on which the suspension was ordered. District officials will immediately notify the parent(s) in writing that the student may be suspended from school. The notice must be made by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within 24 hours of the decision to propose a suspension, at the last known address of the Parents. Where possible, notification will also be provided by telephone.

The notice will provide a description of the incident(s) for which suspension is proposed and will inform the parent(s) of their right to request an immediate informal conference with the Principal at which the parent(s) may ask questions of complaining witnesses. Such notice will be in the dominant language or mode of communication used by the student's parent(s). Such notice and opportunity for an informal conference will take place prior to the suspension of the student, unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

Principals will also advise the Assistant Superintendent of any school suspension so that alternative instruction may be provided to students of compulsory attendance age. As determined by the principal, alternative instruction will be provided through the equivalent of two (2) hours of tutoring per each day (grades 6-12) and for one (1) hour of tutoring per each day (grades K-5) of the suspension. Students are of compulsory attendance age until the last day of the school year (July 1 – June 30) in which they reach 16.

4. Out of School Suspension (Long-Term) and Expulsion:

Refer to Board Policy 5313

The Superintendent alone has the authority to suspend a student from school for more than five days. Principals may recommend such disciplinary action to the

Superintendent by submitting a written history of the case and the reasons for the recommendation.

No student may be suspended from school for more than five days unless the student and his or her Parents have been afforded the opportunity for a fair hearing, upon reasonable notice, where the student has the right to be represented by counsel, to present witnesses and other evidence in his or her behalf, and to question witnesses against him or her. Long-term school suspension hearings will be conducted in accordance with the provisions of the New York State Education Law, Section 3214(3), and the notice of such hearings should advise the student of the rights afforded him or her pursuant to this law.

The hearing ordinarily must take place within the initial five-day suspension period. If the hearing cannot reasonably occur during the initial five day suspension, then the hearing can occur at a later date, if the parent/guardian writes a letter agreeing for their child to remain out of school until the hearing can be scheduled at a mutually agreeable time. The principal or associate principal is considered the “investigating officer” for the hearing. This is an impartial hearing that entitles each student to due process. Individuals who testify are to be administered an oath requiring them to acknowledge that they must tell the truth, under penalty of perjury and/or further school disciplinary consequences. Testimony of the “facts of the case” is taken and recorded on an audio recording device.

There are two phases to a hearing. The first phase determines, based upon the evidence, whether the behavior actually occurred. The second phase determines the consequences if actual guilt is determined. At this point in the hearing (consequence phase) the student’s previous disciplinary records are entered and there is an opportunity for student and others to speak on the student’s behalf.

If the student is a special education student, a manifestation determination hearing (see “Discipline and Students with Disabilities”) takes place between the 2 phases.

After the hearing, the hearing officer makes a recommendation to the Superintendent. The Superintendent reviews the facts and renders a final written determination. The hearing officer notifies the family by phone of the Superintendent’s determination.

Infractions of the drug-free and weapons-free policies warrant an immediate five days out-of-school suspension and referral to a Superintendent’s Hearing. Any other referrals to the Superintendent for disciplinary action must be preceded by a five-day out-of-school suspension.

Following the hearing, the Superintendent will determine the length of the school suspension, if any, and if the Superintendent determines that the facts and circumstances justify such action, the student may be expelled (permanently suspended).

When the school suspension is based, in whole or in part, upon the student's possession of any firearm, rifle, shotgun, dagger, dangerous knife, dirk, razor, stiletto, or any of the instruments specified in Penal Law Section 265.01(1), the hearing officer or Superintendent will be allowed to consider the weapon as evidence, notwithstanding a determination by a court that the recovery of the weapon was the result of an unlawful search or seizure.

A student suspended from school for more than five consecutive school days may be reinstated by the Superintendent or the Superintendent's designee after the stipulations and consequences resulting from the Superintendent's Hearing have been met and documented. The Principal or designee may require a meeting with the student prior to reinstatement following out-of-school suspension, but cannot require students who have served their suspensions to attend a re-admission conference.

Discipline Codes

The following items are considered violations of the discipline code for student behavior, and will be addressed with disciplinary consequences and possible civil or criminal sanctions. Each item has a corresponding item under the student expectations. The number in parenthesis after certain items corresponds to the New York State Education Department's Violent and Disruptive Incident Report (VADIR):

VADIR Glossary: For a complete list of definitions, see the VADIR section at the end of the document

1. Disorderly Conduct — Disruptive Behavior:

- 1.1 *Disturbing any lawful assembly or meeting;*
- 1.2 *Obstructing vehicular or pedestrian traffic;*
- 1.3 *Interfering in the discipline of others;*
- 1.4 *Throwing or propelling objects;*
- 1.5 *Inappropriate language.*

2. Disorderly Conduct — Violent Behavior:

- 2.1 *Threats – including extortion - written, verbal, or electronic (10);*
- 2.2a *Assault with serious physical injury (4);*
- 2.2b *Assault with physical injury (7);*
- 2.3a *Fighting (9);*
- 2.3b *Minor altercation (9);*
- 2.4 *Creating a hazardous or physically offensive condition by any act that serves no legitimate purpose (e.g., horseplay, roughhousing);*
- 2.5 *Criminal mischief including the destruction of property (12);*
- 2.6 *Any willful and unsanctioned act that disrupts the normal operation of the school community;*
- 2.7 *Engaging in other violent behavior.*

3. Insubordinate — Disruptive Behavior:

- 3.1 *Failing to comply with lawful directions of a teacher, school administrator, or other school employee;*
- 3.2 *Failure to comply with any school or district rule, regulation, or policy;*
- 3.3 *Being tardy, missing or leaving school or class without permission or excuse;*
- 3.4 *Inappropriate attire/failure to comply with dress code;*
- 3.5 *Misuse of Internet and other technologies as defined by Computer Network for Education Policy;*
- 3.6 *Forgery;*
- 3.7 *Tardy with disruption to class.*

4. Reckless Endangerment — Violent Behavior (any action that threatens the health, welfare, or safety of another or oneself):

- 4.1 *Throwing or propelling objects that result in physical injury (8a);*
- 4.2 *False alarm (15);*
- 4.3 *Bomb threat (14), even if later determined to be a hoax;*
- 4.4 *Unsafe driving (8d).*

Bomb Threat: Reporting a false bomb threat, or placing a facsimile or imitation of a bomb, is a felony according to NYS penal law, and will result in charges and/or penalties, plus financial restitution to the District.

5. Endangering Safety, Morals, Health, or Welfare of others — Disruptive Behavior:

- 5.1 *Selling, distributing, using, or possessing alcohol (19);*
- 5.2 *Selling, distributing, using, or possessing tobacco or a look-alike intended to portray itself as such;*
- 5.3 *Selling, distributing, using, or possessing drugs including related paraphernalia (18), or of substances they believe to be or portray to be drugs, or substances that “act like” or mimic being under the influence of drugs, or the inappropriate use, distribution or sale of prescription drugs;*
- 5.4 *Selling, distributing, possessing, or accessing obscene materials;*
- 5.5 *Burglary (11);*
- 5.6 *Theft (13);*
- 5.7 *Gambling.*

6. Endangering Safety, Morals, Health, or Welfare of others — Violent Behavior:

- 6.1 *Selling, distributing, using, or possessing (1) firearms or (2) other destructive devices, weapons, fireworks, or other dangerous instruments or contraband (17);*

- 6.2a *Sexual activities – forced (2.1);*
- 6.2b *Sexual activities – other (2.2);*
- 6.3a *All forms of verbal harassment/bullying including using profane, vulgar, or abusive language against cultural, religious and ethnic groups, and including that which promote homophobia, sexism, or racism – acts which substantially disrupt the educational process(10);*
- 6.3b *All forms of physical harassment/bullying against cultural, religious and ethnic groups, and including that which promote homophobia, sexism, or racism – acts which substantially disrupt the educational process(10);*
- 6.3c *Sexual harassment – verbal*
- 6.3d *Sexual harassment – physical*
- 6.4 *Threatening, harassing, intimidating or annoying students or school personnel through the use of electronic means;*
- 6.5 *Hazing;*
- 6.6 *Inciting other students to intimidate or to act with physical violence upon any other person (10);*
- 6.7 *Arson-deliberately starting a fire with intent to damage or destroy property (5);*
- 6.8 *Robbery (3).*

7. Academic Misconduct:

- 7.1 *Cheating;*
- 7.2 *Plagiarism;*
- 7.3 *Failure to attend class;*
- 7.4 *Excessive tardiness.*

8. Other Misconduct:

- 8.1 *Any conduct violating Federal, state, or local law, rule, or regulation, or District*

Gang: Any group of three or more individuals who share a common interest, bond, or activity characterized by criminal, delinquent, or otherwise disruptive conduct, engaged in collectively or individually.

policy including but not limited to the District's policy on maintenance and enforcement of public order on school property;

8.2 *Gang-related activity, including soliciting others for gang membership.*

Discipline Process (PreK-12)

The Superintendent and others he or she may designate, including all building administrators and directors, are responsible for identifying student behavior in conflict with the responsibilities of the Student Conduct Code. They will take measures to investigate, determine responsibility level(s), and assist students in making amends for their behavior, and apply appropriate disciplinary measures.

The building administrators may also implement restorative justice measures. These measures assist the responsible student(s) to:

- restore their relationship to the affected person(s)
- restore their relationship to the school community
- make progress in personally assuming responsibility for their actions
- make amends for their actions
- reduce the likelihood of repeating the behavior
- increase empathy for and understanding of the affected student(s)

These measures may include receiving counseling/advising, participation in 1-1 mediation or group mediation, reading assignment and reflective paper on a relevant topic, making a verbal or written apology, entering a behavioral agreement, providing community service to the school, cleaning up or restitution for damages. These consequences increase the student's awareness of his or her personal responsibility and develop his or her empathy for the affected person(s). Restorative justice measures often require agreement of the offender and/or the harmed person(s), and may be used alongside traditional disciplinary measures when the student is amenable to participating in this process.

By law, counseling **may not** be required but may be imposed as a condition of allowing a student's early return to school prior to the expiration of a lawfully imposed suspension.

Teachers may impose certain forms of disciplinary action and restorative justice, including the removal of a student causing substantial disruption from their classroom. Principals may impose all of these forms of disciplinary action and restorative justice, except for suspension from Commencement, long-term suspension (more than five days), and permanent suspension from school.

Except in extreme situations, the principal, associate principal, or teacher will request that student in violation of their responsibilities attend a conference before disciplinary action is decided. A conference intended for the purpose of considering suspension may also be held. Depending upon the nature of the offense, other persons involved, including parents, may be asked to attend the conference. In general, teachers and principals will keep parents advised of discipline problems with their children long before they reach the truly serious stage.

1. Restorative Practice Measures

- 1.1 Counseling;
- 1.2 Phone call home;
- 1.3 Self-assignment of restrictions or removal from activities;
- 1.4 Mediation with offender and harmed persons);
- 1.5 Group mediation with offender, harmed person(s), and their supporters;
- 1.6 Reading assignment and reflective paper;
- 1.7 Research assignment on relevant topic;
- 1.8 Apology-written and/or verbal;
- 1.9 Behavioral contract;
- 1.10 Community service to the school;
- 1.11 Producing informative materials relevant to the offense;
- 1.12 Cleaning up;
- 1.13 Payment of damages and/or repairing damage;

Damages: According to [Board Policy 5311.4](#), any student who damages school property will minimally pay for those damages.

2. Range of Consequences

The range of disciplinary consequences includes, but is not limited to:

- 1.1 Verbal warning;
- 1.2 Written warning;
- 1.3 Verbal notification of parent(s)/guardian(s);
- 1.4 Written notification of parents(s)/guardian(s);
- 1.5 Time out;
- 1.6 Academic probation;
- 1.7 Reprimand;
- 1.8 Detention, losing recess, staying after school;
- 1.9 Cleaning up;
- 1.10 Payment of damages and/or repairing damages;
- 1.11 Referral for a PINS (Person in Need of Supervision) proceeding, for repeated, incorrigible behavior;
- 1.12 Suspension or expulsion from transportation;

Damages: According to [Board Policy 5311.4](#), any student who damages school property will minimally pay for those damages.

- 1.13 Ban or removal from athletic participation;
- 1.14 Ban or removal from co-curricular, social or extracurricular activities
- 1.15 Ban or removal of other privileges, including but not limited to computer network use;
- 1.16 Exclusion from a particular class;
- 1.17 Removal from classroom of disruptive pupil;
- 1.18 In-school suspension/intensive study services;
- 1.19 Short-term suspension (up to five full days) with alternative instruction;
- 1.20 Short-term suspension from school (up to five full school days);
- 1.21 Long-term suspension from school (more than 5 full school days);
- 1.22 Permanent suspension (expulsion) from school;
- 1.23 Referral to law enforcement, Presentment Agency or other social services.

Suspension: See [Board Policy 5313](#) and "Disciplinary Consequences" for more information.

3. Standardized Consequences

All of these violations may warrant more than the minimum consequences stated here. Project SAVE legislation requires that each district state the absolute minimum of consequences for violent behaviors and then "build" from that baseline.

Standardized consequences for elementary students will be adjusted by the Principal as developmentally appropriate to the age of the child.

Disruptive acts: minimum one full school day of out-of-school suspension for a student who:

- Commits an act of violence against another student or any person lawfully or unlawfully upon District property (based upon the severity of the injury)
- Knowingly and intentionally damages or destroys the personal property of a teacher, administrator, other District employee, or any person
- Knowingly and intentionally damages or destroys school property (based upon the severity of the damage)

Violent acts: minimum five full school days out-of-school suspension for a student who:

- Commits an act of violence upon a teacher, administrator, or other school employee
- Possesses or displays a gun, knife, explosive or incendiary bomb, or other dangerous weapon
- Threatens to use, as a weapon, any instrument that appears capable of causing physical injury or death

Alcohol and other drug violations:

Violations of policy regarding alcohol, drugs, drug paraphernalia, and/or prescription drugs generally will carry the following consequences:

- Suspension from school for five days
- Suspension from extra-curricular activities including athletics for 30 days
- Notification of parent(s)
- Notification of law enforcement

Alcohol and Other Drugs:
See [Board Policy 5312.1](#) for more details.

The District will assist students involved with alcohol or other substances in choosing healthier and more productive behaviors, and will provide information about third-party service providers to help students with substance abuse problems.

Weapons and the Superintendent's actions:

Pursuant to the Federal Gun-Free Schools Act of 1994, any student found guilty at a Superintendent's Hearing of bringing a firearm onto school property or of having a firearm in his or her possession on school property, will be subject to at least a one-year suspension from school, subject to review on a case-by-case basis by the Superintendent. [See Board Policy 5312.2]

The Superintendent or designee must refer any student under the age of sixteen who has brought a weapon to school to the Presentment Agency (County Attorney's Office) for a juvenile delinquency proceeding. The Superintendent or designee must refer any student sixteen years of age or older, or a student fourteen or fifteen years of age who qualified for juvenile offender status, who has brought a weapon to school, to appropriate law enforcement officials.

Dress Code

Refer to Board Policy 5311.5

Student Dress Code Policy for All Students K-12

The purpose of the district dress code is to support a school community environment that is safe and one that is committed to the delivery of educational services without distractions or disruptions.

The Board prohibits attire bearing an expression or insignia, which is obscene, lewd, vulgar or libelous, or which advocates violence or prejudice on the basis of a protected classification as defined by district policy 5020.

The Board of Education requires students to attend school in attire that meets the standards of the student dress code and the responsibility for student dress and general appearance shall rest with individual students and their parents/guardians. The Board also requires students to wear protective gear in certain classes including but not limited to physical education, technology, and home and careers. Further, the Superintendent, Principals and other designated administrators shall have the authority to require a student to change his/her attire should it be deemed inappropriate according to the above guidelines. Students who do not comply will be subject to disciplinary procedures that are outlined in the Student Conduct and Student Discipline Handbook of Student Rights and Responsibilities.

Opt-Out Provision

Students or parents/guardians may contact school administration regarding exemption from the dress code policy when religious, cultural, or medical reasons exist. The opt-out provision must be discussed with building principal, central office and the parents or guardians. If the school administration denies the request for opt-out, the applicant may appeal the denial to the Superintendent or her designee within five school days. If the Superintendent or his/her designee denies the request, the applicant may appeal the denial to the Board of Education within five days of the Superintendent's written denial. The decision of the Board will be final.

All students, including students exempted from the student dress code, are expected to exemplify appropriate dress and appearance in a manner that projects an appropriate image for the student, their family, school, and district. Dress and attire influence how students conduct themselves and dress and conduct directly impact student learning, the Ithaca City School District authorizes the Superintendent to set specific standards for student attire. These standards shall be designed to promote values consistent with the achievement of educational goals that support student learning and achievement. Through its dress and grooming standards, the school district intends to promote community standards of decency, cleanliness, etiquette, decorum and good citizenship as part of its educational mission. The Superintendent, Principals and other designated administrators shall have the authority to require a student to change his/her attire should it be deemed inappropriate according to the following guidelines.

1. Clothing and/or Accessories

Students may not wear clothing and/or accessories, that:

- bear an expression or insignia that is obscene, lewd, vulgar, or libelous, promotes alcohol or drug use, or which advocates unlawful violence or prejudice on the basis of a protected classification as defined by district policy 5020;

- are extremely brief or otherwise revealing such as tube tops, muscle shirts, sagging pants, halter tops, spaghetti straps (i.e. no thinner than two fingers), and plunging necklines (front and/or back);
- have bottoms short enough that the student's fingers extend below the hem when hands are held at the student's side;
- obscure or hide the face (i.e. sunglasses, masks, bandana/scarf, and/or safety tape);
- do not fit appropriately in order to avoid injury;
- impede the educational process

The Board also requires students to wear protective gear in certain classes including but not limited to physical education, technology, home and careers as well as on climbing structures.

2. Hats

Students may wear a hat or other form of head covering in school, but must remove it in class if, in the teacher's determination, it (i) blocks the teacher's (or other students') view of the student's face or prevents the student from obtaining a clear and unobstructed view of the teacher and classroom (e.g., hats with brims); or (ii) is otherwise disruptive of the educational process.

3. Footwear

Footwear is required to promote health and safety of students, students must wear footwear at all times in the school building. Athletic shoes, laced shoes and/or shoe boots, loafers, dress shoes, or other closed toes/closed heel shoes. Mules described as closed toes and open heel are appropriate. Students shall not wear house slippers, or any other type of footwear that could constitute safety hazards. The Board requires students to wear appropriate footwear in certain classes including but not limited to physical education, technology, home and careers as well as on climbing structures.

4. Gang Attire

The presence of gangs and gang activities in the District's schools causes a substantial disruption of or material interference with the educational process and is contrary to the District's objective to provide a safe learning/teaching environment for all students/staff. No manner of grooming or apparel (including clothing, jewelry, hats, emblems, insignia, symbols or badges) that by virtue of color, arrangement, trademark, or attribute is known to be associated with or denote membership in or affiliation with any gang will be permitted in school buildings, school grounds, buses, or at school activities on or off District property. As the need arises, District administration may issue

more specific notices to students regarding specific forms of grooming or apparel that may be prohibited under this policy.

The term gang as used in this policy refers to all groups of three or more individuals who share a common interest, bond, or activity characterized by criminal, delinquent, or otherwise disruptive conduct engaged in collectively or individually.

ICSD Dress Code Implementation Guidelines

RESTRICTED ATTIRE

The following articles of clothing or styles of dress are not permitted while in ICSD Schools during the regular school day:

- No pants worn below the waist, “sagging”, or visible undergarments
- No tube tops, halter tops, midriff tops, spaghetti strap tops
- No sunglasses in class unless related to medical
- No house slippers/bare feet/exposed toes
- No “heelies” or “wheelies” (i.e. gym shoes with skates)
- No clothing or other item with offensive, lewd, vulgar, obscene or hate language, slogans or pictures
- No buttons, jewelry or other accessories containing lewd, vulgar, obscene, hate or offensive messages or pictures or which advocate or advertise the use of drugs or alcohol

****Anything else the principal or designee deems inappropriate or disruptive to the education environment will not be permitted.

Administrative Guidelines for Enforcement of ICSD Dress Code Regulations

1. First Offense:

- a. The student is sent to the office or to an administrator.
- b. If the student has clothing in their locker or backpack they are asked to put on appropriate school attire. If the student does not have additional clothing the parent/guardian is called or contacted and requested to bring the appropriate attire to school for the student.
- c. The parent/guardian brings the attire and the student changes into it and is sent to class or the parent fails to bring the attire and a parent/guardian conference is scheduled ASAP.*

* If the school has extra clothes on hand staff may provide clothes to the student.

2. Second Offense:

- a. The student is sent to the office or to a school administrator.
- b. The parent/guardian is called for a conference and required to bring the student's appropriate school attire.

3. Third Offense and All subsequent Offenses:

- a. The student is sent to the office or to a school administrator.
- b. The parent/guardian is contacted for a conference.
- c. The principal or his/her designee shall determine the appropriate ways to enforce the dress code policy.

These possible ways could range from in-school suspension for failure to comply or a number of days suspension from school for insubordination.

NOTE: When students are sent to the office for being inappropriately dressed, they cannot re-enter the class until they are appropriately attired.

Educational Records

Refer to Board Policy 5500

1. General

The District maintains certain records on each of its students. In general, these records contain progress reports, attendance records, grades, intelligence quotient assessment results, tests, achievement scores, medical records, athletic records, disciplinary records, and other forms of academic evaluation of students by educators. Psychological and psychiatric reports are confidential and are kept in separate files.

FERPA and provisions in the No Child Left Behind Act (NCLB) give the 18-year-old student and both parents/guardians of younger students (unless prohibited by state law, court order, or binding legal agreement) the right to:

- inspect and review any and all official records, files, and other data directly related to the student
- receive a list of individuals having access to these records
- ask for an explanation of any item in the records
- ask for an amendment to any record on the grounds that it is inaccurate, misleading, or in violation of the privacy of the student and provide the basis for such belief
- obtain a hearing if the school determines not to make the amendment

- The District may disclose education records without prior consent in other circumstances permitted by FERPA and NCLB

2. Disclosure

Records of each student are kept confidential with certain exceptions—under court orders, for health and safety emergencies under the law, and when certain persons need to know for the furtherance of the student’s education, such as a meeting of the Committee on Special Education.

However, the District may release, without prior consent, “directory information” for each student, which includes the student’s:

- name, address, telephone number
- date and place of birth, age
- school currently attending
- grade level participation in officially recognized activities and sports
- weight and height if the student is a member of an athletic team
- dates of attendance
- degrees and awards received
- most recent previous educational institution attended

Under FERPA and the No Child Left Behind (NCLB) regulations regarding information disclosed to military recruiters, opportunity shall be given annually for Parents/Guardians or Eligible Students to notify the School Principal that some or all of this information is not to be released without prior consent. This letter is mailed to families in August of each year.

Parents/guardians or students objecting to release of some or all of this information without prior consent must “opt-out” They may opt-out by annually notifying the Building Principal in writing by the last school day of September, identifying the types of directory information to be withheld from release. The annual notification must be received by the Building Principal by close of business on September 30, unless September 30 falls on a weekend or holiday, in which case the deadline will be extended to the close of business of the next school day.

Equal Educational Opportunity Rights

All students shall have equal educational opportunities regardless of actual or perceived race, gender, color, creed or, religion, national origin, age, disability, economic status, sexual orientation, gender identity and expression, marital status, and/or other legally protected classification, status or characteristic. The District will allow access to activities as is required by local, state, or federal law, except as otherwise provided by law or regulation.

This district policy follows the requirements of Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and Tompkins County Local Law Chapter 92-5.

The District follows these policies not only because it is required to do so by law, but because the District philosophy is rooted in equality and inclusiveness.

Grievance Procedures for Students

Students have a right to dispute the actions of a staff member or of the district in regards to their individual rights. The district intends to resolve the matter at the earliest possible stage while ensuring that the rights and integrity of all concerned are protected.

Students who feel one or more of their individual rights have been violated may follow established procedures to address their concerns. Generally the first place to seek information is from a teacher, a school counselor, school social worker, or the principal. Students who feel they have not received a satisfactory resolution at this level may seek a solution through formal procedures (e.g., the Student Grievance Procedure). Students and parents may also have recourse to the Commissioner of Education, certain federal and other state agencies, and/or a court of law. Parents/guardians may be involved at any level of a grievance and have the same rights as the student.

Definitions

Grievance. A claim by any student based on any event affecting his or her rights including equal opportunity rights, which will be handled according to this procedure. Note that claims of harassment will be handled by the Harassment Reporting and Response Procedures.

Student Advocate: Any adult of the student's choice who agrees to see that the student's rights are protected throughout the grievance process. Students may have an advocate present at all steps of the grievance procedure (Superintendent Hearing process follows a different procedure)

Parents/Guardians: Either or both parents, legal guardian(s) or person(s) in parental relation to the aggrieved student.

The aggrieved student has the right to:

- State his or her grievance orally and/or in writing
- Be notified of the progress of the case at each step of the way
- Ask questions of witnesses who present testimony at the hearing level
- Be furnished copies of official records that may be kept of the proceedings

Time Limits

A student must start a grievance within 10 school days of the time he or she knows of, or should have known of, the act or condition that is the subject of the grievance. A student may start a grievance at Step 1, either individually or by asking for assistance from an advocate of the student's choice.

Grievance Procedure Steps

Step 1 The aggrieved student (with an advocate, if desired) should discuss the situation with the staff member involved. If the student is not satisfied with the response, he or she may move to Step 2 within two school days of this meeting.

Step 2 The student should discuss the matter with his or her school counselor or the Associate Principal or Principal. The counselor or administrator will respond to this discussion within two school days unless all parties have agreed upon a specific request for more time. If the student is not satisfied with this response, he or she may move to Step 3 within five school days of receipt of the decision.

Step 3 The student should file a written appeal with the Principal. This must include the student's name, a statement of the particular problem, the identity of the people involved, the time, place and circumstances of the events or conditions that led to the grievance, and a statement of the action the student wants in order to correct the situation.

Within five school days of receipt of this written appeal, the Principal or representative will hold a hearing with the student and others involved. Within two school days of the conclusion of this hearing the Principal will provide a decision in writing to the student. If the student is not satisfied with this response, he or she may move to Step 4 within five school days of receipt of the decision.

Step 4 The student should file a written appeal with the Superintendent or the Superintendent's designee. This written appeal should follow the same form as for Step 3. The Superintendent will consider the written appeal, the record of the matter created in the prior steps, and any other information required at his or her discretion, and shall render a written determination to the student within 10 school days. The Superintendent's decision (except in cases of suspension from school and cases of Equal Opportunity grievances) is final.

Step 5 In cases regarding equal education opportunity, if the student still feels aggrieved, he or she may carry the appeal in writing to the Board within 30 school days.

Gun-Free and Weapons-Free Schools

Refer to Board Policy 5312.2

Firearms

Pursuant to the Federal Gun-Free Schools Act of 1994, any student found guilty after a Superintendent's Hearing of bringing a firearm onto school property or of having a firearm in his or her possession on school property, will be subject to at least a one-year suspension from school. All incidents of firearms found on school property will be reported to the local law enforcement agency. For the purposes of this provision, the term "firearm" shall include:

- a. any weapon (including a starting gun) which will, or is designed to, or may readily be converted to, expel a projectile by the action of an explosive;
- b. the frame or receiver of any such weapon;
- c. any firearm muffler or firearm silencer; or
- d. any "destructive device" including, but not limited to, any explosives, incendiary or poisonous gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device, any type of weapon which is designed to or may readily be converted to expel a projectile by the action of an explosive or other propellant and which has a barrel with a bore more than one-half inch in diameter, and other similar materials or devices (18 U.S.C. Section 921).

Other Weapons

In accordance with the Ithaca City School District Conduct and Discipline Policy (#5310), the possession, use, or sale of any other weapon including illegal knives, electronic dart gun, electronic stun gun, taser, firecracker or other fireworks is strictly prohibited and subject to immediate suspension and recommendation to a superintendent hearing.

Possession and/or use of any instrument or object that can inflict serious harm on another person or that can place a person in reasonable fear of serious harm is strictly prohibited and subject to severe disciplinary action. Such instruments or objects include but are not limited to:

- a. a switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife
- b. a billy club, blackjack, bludgeon, chukka stick, or metal knuckles
- c. a sandbag or sandclub
- d. a sling shot or slungshot
- e. a martial arts instrument, including, but not limited to, a kung fu star, ninja star, nun-chuck, or shirked
- f. an explosive
- g. a deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray
- h. an imitation gun
- i. loaded or blank cartridges or other ammunition
- j. any other deadly or dangerous instrument

The district may utilize temporary short-term disciplinary measures, such as suspension of five days or less, or in-school suspension in dealing with violations of this policy on a case-by-case basis. The school principal, in concert with a member of the executive team, has the discretion to use short-term measures before making a recommendation to hold a formal superintendent's hearing based on such factors as:

- a. The student's age or developmental level
- b. The student's grade in school
- c. The student's prior disciplinary record
- d. The principal's belief (or designee) that other forms of discipline may be more effective
- e. Input from parents/guardians, teachers and/or others
- f. Other extenuating circumstances

A student with a disability may be suspended in accordance with the requirements of state and federal law. The Superintendent of Schools shall develop administrative regulations to implement this Policy.

Law Enforcement Officials in the Schools

The Ithaca City School District and Local Law Enforcement agencies operate in a mutually cooperative relationship to keep our students, staff, and schools safe.

District officials have the same responsibility as every other citizen to report violations of law to the appropriate agencies. The school principal or his or her designee must notify the appropriate local law enforcement agency of all offenses that constitute a crime and/or substantially affect the order or safety or security of a school as soon as practical, and immediately in cases involving weapons, drugs and serious physical injury. The notification must identify the student, with directory information, and explain the conduct that violated the code of conduct and constituted a crime.

In addition to notifying police, School officials must take away from the student any illegal weapons or illegal items and other contraband brought by a student to school or to a school-sponsored activity and immediately turn said items over to law enforcement. School officials should notify parents.

Law Enforcement Officers, with or without canine units, may enter the schools if there is reasonable cause to believe that a crime or a violation has been or is being committed on District property; if they have a warrant or probable cause for an arrest or a search; if they have been invited by school officials in connection with a crime or a violation that has been or is being committed on District property; or if a health or safety emergency exists. If personal injury or property damage seems likely to occur, an administrator or designee will make the decision to summon police.

Police officers may enter a school to remove a student if they have a warrant or probable cause for the arrest of the student or other court order authorizing the student's removal. (Opinion of Counsel, 1 Educ. Dept. Rep. 800 (1959).

Law enforcement officials may not coerce students to submit to questioning. When questioned by law enforcement officers at school, students may be only asked only questions about a crime, violation, or other matter committed on school property, at a school function, or that directly relates to the orderly operation of the school. The student(s) have the right to remain silent if they wish, and to consult with their parents/guardians or an attorney before answering any questions.

Medications

Refer to Board Policy 5423

The Ithaca City School District (ICSD) will provide for the administration of medication to those children who have medical conditions requiring medications be administered during the school day. Whenever possible, parents/guardians will dispense medications before and/or after school hours.

The parent/guardian of children who have medical conditions that cause the child to need medications during school hours may arrange with the school nurse for the administration of those medications. Parental/Guardian permission is required for all students, unless the student is an emancipated minor, to receive medication during school hours. Parent/guardian must bring the medication, along with required documentation as outlined in Policy 5423-R to the school nurse.

****Please note: bus drivers/attendants cannot transport a child's medication to school**

Publications - School Newspaper and Student Publications:

School Newspaper and Student Publications Newspaper staff members, contributors, or editors and students have a responsibility to observe the rules for responsible journalism and, in particular, to refrain from libel and obscenity. The school has the right to halt distribution of materials that would materially and substantially disrupt the educational process or that are deemed pedagogically inappropriate.

Students and/or members of the media may take photographs and make audio/visual recordings at a class or school sponsored activity for news, documentary, or school related purposes, only with prior permission of the principal or adult supervisor in charge, as long as they do not materially and substantially interrupt the educative process or intrude upon the rights of others. In order to print or publish such photographs or recordings, the parent/guardian of the student photographed or recorded must grant written permission to the school district.

School newspapers in the Ithaca City Schools must also permit students who are not members of their staff to have the ability to have their work submitted and considered for publication in the school newspaper, particularly in those instances where non-editorial staff opinions differ from those of the editor.

Students in the District have a right to publish and distribute unofficial or non-school-sponsored newspapers on their own and with their own resources. Such publication and distribution does not indicate that the paper is representative of the school. The newspaper staff members have sole responsibility for any statement(s) published, and such publications have moral and legal obligations to observe the normal rules of responsible journalism. Distribution of such papers on school property is subject to the procedures established for literature distribution.

Release of Student Disciplinary Records

Students in the Ithaca City School District (ICSD) have the right to:

- a safe, healthy, orderly, and courteous school environment
- the guidance of an educational staff that acts as a positive role model and encourages the development of responsible community participants
- the opportunity to participate in all district activities on an equal basis regardless of race, gender identity, color, religion or creed, national origin, age, disability, economic status, sexual orientation, or marital or family of choice status
- constructive discipline for the development of positive social behavior
- due process according to education law and school policy before suspension from instruction and/or extracurricular activities is implemented

Individuals and groups within the school community contribute to the creation and implementation of behavioral standards, thereby helping to foster the positive development of our students. On those occasions when school rules are violated, school and district administration are responsible to act in a manner that balances the needs of the learning community with that of the individual student.

The ICSD does not disclose personally identifiable information about students that is obtained from students' education records, except as authorized by the federal Family Educational Rights and Privacy Act (FERPA) and FERPA's implementing regulations.

Disclosure of Student Suspensions and Expulsions to Elementary and Secondary Schools

In accordance with the requirements of the New York Education Law, it is the policy of the ICSD to transfer disciplinary records relating to the suspension or expulsion of a student, to any public or nonpublic elementary or secondary school in which the student enrolls, or seeks, intends, or is instructed to enroll, on a full-time or part-time basis.

Disclosure of Student Disciplinary Records to Post-Secondary Educational Institutions

The ICSD does not proactively disclose student disciplinary records to colleges/universities (or other post-secondary educational institutions) and will not disclose such records unless the district is specifically requested to do so. Any request to disclose a particular student's disciplinary records to a post-secondary educational institution must be accompanied by written authorization to disclose such records, signed by the student (if the student is age 18 or older) or signed by the student's custodial parent/guardian (if the student is under age 18). Students will be notified that they may request that their disciplinary records be released to the post-secondary educational institutions of their choice.

Disclosure of Information about Student Misconduct to Law Enforcement Officials

As authorized by FERPA, “information” that is not obtained from students’ educational “records” regarding misconduct committed by students on school grounds, or at a school sponsored function, may be shared by school officials with law enforcement officials, as needed to facilitate a law enforcement investigation to determine whether such misconduct constitutes criminal misconduct. That is, school officials may share “information” with law enforcement officials about student misconduct that occurred at school, or a school sponsored function, when such information is obtained contemporaneously from students or others persons with knowledge about such misconduct. However, the district does not disclose information to law enforcement about student misconduct when such information is obtained from students’ education records, unless law enforcement obtains a court order or judicial subpoena commanding the production of such records, or except as otherwise authorized by FERPA.

Religious Activities

Students have the right to hold and individually practice whatever religious beliefs they wish, free of any pressure from schools or classmates. Since all students have this right, everyone must be conscious of and respect the sensitivities of others in this regard. Students must be given reasonable opportunities to make up work that is missed due to religious observance which falls on a school day.

Religious indoctrination is illegal in the public schools and is not supported by the Board. The use of religious readings is permitted in the classrooms for historical or literary instruction. Similarly, religious music, as a part of a secular program or concert, is permitted provided it is presented in other than a religious context and on a voluntary basis.

Under certain circumstances, students may be released during regular school hours to receive religious instruction or for religious practice outside of school.

Such programs must be completely voluntary, and the education of students remaining in school may not be disrupted. Students also have the right to be excused from certain parts of the health and hygiene courses if the curriculum conflicts with their religion. For more information about these matters, see the Principal.

Restorative Practices

The Ithaca City School District aspires to the goal “of positively influencing human behavior and strengthening civil society throughout the world.” Social patterns that

have long characterized human life are changing dramatically around the globe, and diminishing social connectedness in families, schools, workplaces and communities. The work of **Restorative Practices** is the process of restoring and developing social capital, social discipline, emotional wellbeing and civic participation through participatory learning and decision-making.

The underlying premise of **Restorative Practices** is simple: human beings are happier, more productive and cooperative, and more likely to make positive changes in their behavior when those in positions of authority do things with them, rather than to them or for them.

Punitive and authoritarian styles or permissive and paternalistic styles are not as effective as restorative and authoritative styles – which encourage democratic participation and responsive leadership.

We believe that every human being has intrinsic value, deserves to be treated with respect, is capable of changing and growing, and is inherently motivated to learn. We also believe that learning occurs best within a participatory learning community with students actively engaged in their own learning and interacting with their fellow students, and that learning should not only build capacity for the future, but should address current problems and challenges facing individuals and society. (*International Institute for Restorative Practices*)

The Ithaca City School District accepts the challenge of **Restorative Practices**.

School Bus Conduct

Refer to Board Regulation 5320-R

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

Some students are eligible for bus transportation to and from school. All such students are expected to maintain good conduct while traveling to and from school. Excessive noise, pushing, shoving and fighting will not be tolerated. It is also important that those waiting for buses conduct themselves properly with respect to the rights and property of others. Parents are reminded that bus transportation for students is a privilege, which may be suspended due to misbehavior.

The Superintendent of Schools is directed to develop procedures for student conduct on school buses, to include standards for behavior, procedures, safety guidelines for possession on the bus, and appropriate disciplinary measures.

On buses, it is the responsibility of the school bus driver to maintain order. In this connection, he/she must communicate closely with the Building Principal or his/her representative. If a student becomes a serious disciplinary problem on a school bus, the Superintendent's designee may suspend his/her transportation privileges.

Ithaca school bus drivers and attendants care about your safety! Your mature and responsible bus behavior helps protect all students on your bus.

1. RESPECT YOUR DRIVER AND ATTENDANT

- Always follow your driver's instructions – your driver's job is to protect everyone on the bus.
- Observe general classroom behavior on the bus - distracting your driver could cause an accident.

2. RESPECT OTHER STUDENTS

- Treat others as you want to be treated - absolutely no name-calling, put-downs, threats, or bullying. Please show courtesy and respect to all your fellow riders at all times.
- No vulgar or inappropriate language.
- Keep your hands to yourself.
- Be at your bus stop at least five minutes early - it's dangerous to arrive late at the stop, and it's unfair to make other students late for school.

3. RESPECT YOUR OWN SAFETY

- Go directly to your assigned seat and stay seated at all times. School bus seats are designed to protect you if you are seated correctly, facing forward.
- Place backpacks or other items on your lap or on the floor in front of you.
- No eating, drinking, or chewing gum - you could choke, and food mess creates an unhealthy environment on the bus.
- Check for traffic before exiting the bus and move directly away from the Danger Zones around the bus as soon as you're off. If you must cross the street, wait for your driver's signal, and check carefully for traffic. Please do not use a cell phone or wear headphones while boarding or exiting your bus.
- Avoid clothing or backpacks with long, dangling straps or drawstrings. They're dangerous - they can get tangled in the handrail or door as you exit the bus.
- If you drop anything near or under the bus, leave it there - step back away from the bus, and ask an adult to help.

- No smoking, tobacco products, lighters, or matches - fire on a school bus is extremely dangerous.
- Keep your hands, feet, and head inside the bus at all times.
- Never throw anything on the bus. You could injure another student, or distract the driver and cause an accident.
- In addition to any other requirements, students shall use seat belts when traveling in district buses or other district vehicles equipped with such seat belts. The bus driver shall notify the Superintendent of any student failing to use a seat belt, or violating any other rule concerning conduct on school buses. Violation of such rules may result in suspension of a student's privilege to ride a school bus in accordance with regulations adopted by the Superintendent.

4. RESPECT SCHOOL PROPERTY

- Do not litter, mark up or damage seats, or play with emergency equipment - you and your parent(s)/guardian(s) are financially responsible for any damage to the bus.

IMPORTANT!

If anyone makes you feel threatened, bullied, or unsafe on the bus or at the bus stop, or if you know another student is being threatened or harassed, always tell your driver, attendant, parent, or another adult as soon as possible.

The Principal or designee, in conjunction with the Transportation Manager, will determine an appropriate consequence for any bus discipline referral.

The following range of consequences, as well as all District Code of Conduct restorative justice and disciplinary procedures, apply to student conduct on the bus. Repeat offenses will result in progressive discipline as determined by the Principal or designee.

First offense: warning/counseling from bus driver or attendant, reminder of the “whys” behind the safety rules. However, more serious offenses, even if a first offense by an individual student, may result in more severe consequences.

Second offense: Transportation office contacts parent/guardian and informs the school; student counseled by parent/guardian and District personnel.

Subsequent offenses: consequences in accordance with the District’s disciplinary policy. Serious infractions (threats, weapons, violence, harassment, cursing, unsafe crossing, outright defiance, etc.) may result in more immediate or more severe consequences.

Search, Seizure, and Privacy

1. Students Right to Privacy

Each student is entitled to the right of personal privacy and is protected by Constitutional guarantees. This right, however, is necessarily limited by the School's need to protect its educational climate from disruption by the presence of weapons, drugs, or other dangerous or prohibited items.

2. Possession of Prohibited Items

To protect the educational climate and the health and safety of persons and property on the School grounds and at School functions, students will not have at these places any of the following items:

- dangerous or deadly weapons or any instruments capable of inflicting injury to persons or property
- explosives
- noxious, irritating, or poisonous gases
- poisons
- drugs (except for those in a pharmacy-labeled container prescribed by a physician, and with a related self-medication order on file in the respective nurse's office)
- alcohol
- tobacco
- fire crackers
- bullets
- stolen property
- materials or devices, that endanger the physical safety of persons or property or are designed such that they would disrupt the educational environment
- materials, devices, paraphernalia, or identifying markings that are patently offensive, including those associated with clubs, sects, or groups avowing to practice harassment of other persons
- other items or materials prohibited by District policies or regulations, or school rules

3. Searches of Lockers and Desks

Lockers and desks made available for student use remain in the possession and control of the school. Students have no reasonable expectation of privacy rights in lockers or desks. Students may use lockers and desks for the limited purpose of temporarily keeping items needed to participate in school instruction and activities only. No other purpose is permitted.

Locker and desk checks are conducted from time to time without prior notice by the School.

If a search of the student's person, locker, or desk is pursuant to administrative procedure, the Principal will conduct the search of a student's locker or desk in the presence of at least one witness other than the student. Whenever practicable in the Principal's judgment, a student may be present at a search or check of the student's locker or desk.

Disposition of items removed from lockers or desks:

- The Principal may set aside a time period during which all students will clean their lockers and desks, remove all prohibited items, and return any overdue library books. Non-permitted items will be removed and held for the students, except for prohibited items that will be, held by the Principal for evidence, or released to the student's parent(s)
- Stolen property will be turned over to police as evidence or returned to its owner
- Illegal or dangerous items will be held for police

4. **Searches of Students**

If the Principal has a reasonable suspicion that a prohibited item is on a student's person, the following procedure will apply. Suspicion is considered reasonable when it is unequivocal and based on precise and reliable information.

a. Pre-Authorization to Search

The Principal will obtain written or oral permission from the Superintendent or designee before conducting a search. The Superintendent or designee will keep on file a written authorization or denial for each written or oral request. A search beyond outer clothing will be conducted only if there is a very high level of reasonable suspicion and exigent circumstances to justify such a search. A pre-authorized search will be performed by a school administrator of the same gender as the student and in the presence of another school district professional employee who is also of the same gender.

b. Emergency Search

If there is not sufficient time to obtain authorization and the Principal has a very high level of reasonable suspicion that there is an item or evidence of an item which could create an immediate danger to persons or property, the Principal may conduct an emergency search of a student. An emergency search beyond outer clothing will be conducted only under exigent circumstances by a school administrator of the same gender as

the student and in the presence of another school district professional employee who is also of the same gender.

c. Assistance to Principal In Conducting Search

If the Principal is authorized to conduct a search, he or she must be assisted by such other school employees as he or she designates.

d. Limits on searches

Searches of a student's person may be made only by authorization or emergency as outlined above, consented to by the student, pursuant to law enforcement official's warrant, or incident to an arrest. Authorized, emergency, and consented searches as outlined above must be:

- justified at its inception
- reasonably related in scope to the circumstances that justified the search in the first place
- limited to the place or area where one could reasonably expect to find evidence of the violation of law or school rules that prompted the search
- reasonable in duration
- of a level of intrusiveness commensurate with the seriousness of the infraction of school rules or violation of law for which evidence is sought

Note: The reasonableness of the scope of the search partly depends on the student's age and sex.

5. Law Enforcement Searches

A search of a student's person, locker, or desk may be conducted by law enforcement officials with appropriate legal justification (e.g. reasonable suspicion and/or probable cause, as applicable) and/or pursuant to a valid warrant.

6. Reports of Searches

Promptly following each search (whether student, locker, or desk search), the Principal will submit a Report of Search to the Superintendent or designee.

- For the search of a student, the Principal will provide a copy to the student's parent(s)
- For the search of a desk or locker, the Principal will provide a copy to the student

The report will include the identity of the person, locker, or desk search; the time of the search; whether the search was under warrant or by administrative procedure; the identity of the person conducting the search;

the persons present; the items (if any) taken; and if known, the intended disposition of these items.

If the search was conducted by administrative procedure, the report should also state whether the search was written, oral, pre-authorized (written or oral) or emergency, and the facts causing reason to think a prohibited item was present. A copy of each Report of Search, together with a copy of the written request and the authorization (or a statement, in the case of emergency search) will be kept on file by the Superintendent or designee.

Student Activities

1. Extracurricular Activities and Clubs

Students may organize clubs and other groups within guidelines established by, and available at, each school for any purpose not prohibited by law. To receive school funds and/or to use school facilities, a group must submit a list of club members and must have a faculty or staff member or District-approved adult volunteer who has agreed to act as adviser to the club, present at all Club activities.

Students are entitled to join any registered school group without discrimination or any arbitrary criteria. Student organizations may “establish reasonable membership criteria” if these are applied equally to all applicants.

Student groups are responsible for making clear to the public that their programs do not necessarily reflect the views of their school as a whole. Use of the school name when participating in a public demonstration is prohibited except by permission of the Principal or Principal’s designee. Student groups must recognize that persons who disagree with their views and programs are entitled to choose for themselves whether to listen to the group’s point of view without being coerced or harassed into doing so.

Interfering with school discipline, failing to abide by the terms under which the group was approved, and/or presenting a threat to the health or safety of members of the school community are examples of valid reasons for action against a student group. A student group has the right to a hearing before a decision is reached to ban, discontinue, or discipline it.

2. Outside Speakers and Assemblies

Students and student organizations have the right to invite outside speakers of their choice to the school and to organize and hold assemblies. Such activities, however, are regulated by each school and must be scheduled as to time, place, frequency, and availability of facilities so as not to disrupt school

activities. If a speaker is likely to cause disorder at a school, the speaker may be barred. In the presentation of controversial issues, the District cannot require that both sides be represented; however, in the interest of fairness, it strongly urges such action.

Students wishing to schedule assemblies should consult with their Principal, organization faculty adviser, or teachers. Requests must be submitted to Principal at least 10 days in advance of the planned appearance. Principals, in turn, must notify either the Chief Secondary Officer or Chief Elementary Officer (depending on grade level).

3. Bulletin Boards, Loudspeakers, School Websites and Other School Communication Resources

Subject to their availability and to reasonable regulations as to time, place and manner of their use, school communication resources such as bulletin boards, public address systems, and school duplicating equipment should be accessible to student groups pursuant to guidelines established by each Principal.

4. Accountability

In all cases, individuals and clubs, while representing the District, shall be held strictly responsible for their conduct. Any irregularity of conduct affecting in any manner the standing of the school or of the organization in the District and in the community will be grounds for the Principal to bar the offending member or organization from being a representative of the school on any occasion until the misconduct is remediated and the approval of the Superintendent obtained.

5. Building Use

Pupils may use school buildings for school social or other events as approved by the Principal and only under the supervision of one or more teachers or other authorized adults.

Whenever a school facility is used for social functions by the students of the public schools, the hours for closing will not be later than midnight. The time of closing for the Senior Prom and any other major dance will not be later than 1:00 a.m. Attendance at these functions is limited to registered students of the schools, and invited guests approved by the Principal (or designee). Invited guests must be approved at least two weeks prior to the event. All social functions must be properly chaperoned.

The School will charge the host student organization for all breakage or damage done to lights, windows, furniture, plumbing, building contents, or building structure resulting from such building use. These charges will be

made by a lien upon and be paid out of any funds in the treasury of the club responsible and will cover all damage done by the organization or its guests. In the event the organization fails to pay for the damages promptly, the building will be closed to the offending organization until the liability is removed.

6. Trips

Refer to Board Policies 4531 and 4531.1

The Board of Education recognizes the desirability of providing off-campus experiences that will enhance the educational programs of the school system.

All school-sponsored day trips require permission from the Principal or his/her designee. All school-sponsored evening trips and overnight trips require permission from the Superintendent or his/her designee. Information must be submitted at least three weeks prior to the trip or it will not be approved. Trips outside continental U.S. require approval by the Board of Education.

Procedures concerning all field trips and overnight trips are available in school offices.

7. Fund Raising

Refer to Board Policy 5251

No fee will be charged for a regular curriculum program, nor will any student be denied access to such an activity because of lack of funds.

The Board recognizes the need for fund-raising activities to foster the enrichment of regular curriculum and the implementation of extracurricular activity programs that are educational or charitable in nature.

Fund-raising procedures have been established that incorporate proper accountability, coordination, and the involvement by affected parties, and are available by contacting school principals.

Students must not be exploited for the commercial gain of others. Fund-raising activities that involve students in a positive educational activity are preferred, while fund-raising activities that involve door-to-door solicitation may be used in a limited and discriminating manner.

All fund-raising activities that take place in a school building or on school grounds are to be open to the general public except as provided for by administrative rules and regulations (which may be requested from the school where the fund-raising activity is to take place) and may not disrupt normal

school operations. All merchandise sold by fund-raising organizations must be controlled by the organization conducting the sale. The proceeds of the sales of merchandise and all admission fees must be used exclusively for educational and/or charitable purposes. In-school fund-raising activities will operate in harmony with all regular school activities, including the cafeteria program. Games of chance will comply with all legal requirements.

Students with Disabilities - Programs and Services

Refer to Board Policies 5020.3, 4321, 4321.1, 4321.2

1. General Information

The Ithaca City School District does not discriminate on the basis of disability in its programs and practices for personnel and students.

A student with a disability is a student who has been identified in one or more of the following ways in regard to abilities (defined by the NYS Education Department):

- emotionally disturbed
- learning disabled
- speech impaired
- deaf
- deaf-blind
- hard of hearing
- visually impaired
- other health impaired
- multiply disabled
- orthopedically impaired
- autistic
- suffering from traumatic brain injury
- developmentally delayed (i.e., NYS Education Department's category labeled "mentally retarded")

If a staff member thinks a student may have a disability that impacts the student's learning, the staff member refers the student to the Committee on Special Education for assessment and, if determined to have a disability, for classification and for development of an individualized education plan after application of appropriate Response to Intervention strategies.

Students or parents who believe they are entitled to services under the provisions of these laws should contact their Principal or the Director of Special Education.

2. Individuals with Disabilities Education Act (IDEA)

Federal and State laws require the District to provide to all students who have not attained the age of 21 prior to September 1 nor received a high school diploma a free appropriate public education, regardless of the nature or severity of the person's disability. Students with disabilities and their parents are guaranteed the right of the following:

- an individualized education program (IEP) established by the District for each student with a disability at the beginning of each school year and periodically reviewed for appropriateness
- parental review of records about the child's placement
- written notice to parents of changes in program or placement
- independent evaluation of the child, if parents disagree with the school district evaluation
- an opportunity to appeal program or placement decisions
- nondiscriminatory tests or procedures to place students
- the receipt of education along with non-disabled students whenever appropriate
- a free education in private schools that have special education programs approved by the NYS Education Department, if the student has been placed in private programs by the Ithaca City School District because the District cannot provide the services the students need

3. Section 504 of the Rehabilitation Act of 1973

Section 504 is a Federal civil rights statute that prohibits discrimination against persons with disabilities in programs receiving federal financial assistance. The Act protects individuals with disabilities who:

- have a physical or mental impairment that substantially limits one or more of the major life activities of such individuals (e.g., caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working)
- have a record of such an impairment
- are regarded as having such an impairment
- Students with Disabilities - Discipline Procedures

Refer to Board Policy 5310

1. Manifestation Determination

Students with disabilities are expected to follow the Student Conduct Code. However, if a student with a disability violates the code of conduct and is being considered for a suspension or removal that constitutes a disciplinary change of placement (i.e., removal for more than 10 consecutive days or a series of removals that in the aggregate total more than 10 school days within one school year) the District must conduct a manifestation determination. Upon review of the above information, the manifestation team must determine:

- if the conduct in question was caused by or had a direct and substantial relationship to the student's disability
- if the conduct in question was the direct result of the school district's failure to implement the IEP

The parent/guardian must receive written notification before any manifestation team meeting to ensure that the parent has an opportunity to attend. The notification must inform the parent of:

- the purpose of the meeting
- the names of the individuals expected to attend
- his or her rights to have relevant members of the Committee on Special Education participate at the parent's request

The manifestation team must review all relevant information in the student's file including:

- the student's IEP
- any teacher observations
- any relevant information provided by the parents

2. Outcomes of the Manifestation Determination

If the manifestation team determines that the specific behavior has no relation to the disability, the standard school discipline code will be followed.

If the manifestation team determines that the conduct was caused by or had a direct and substantial relationship to the student's disability or the conduct in question was the direct result of the school district's failure to implement the IEP:

- the CSE must conduct a functional behavioral assessment and implement a behavioral intervention plan for the student; and

- except for removals for drugs, weapons or serious bodily injury pursuant to section 201.7 of the Regulations of the Commissioner, the student must be returned to the placement from which the student was removed, unless the parent and the school district agree to a change of placement as part of the modification of the behavioral intervention plan.

Regardless of the manifestation determination, however, a student with a disability may be removed to an interim alternative educational setting (IAES) for illegal drugs, controlled substances, weapons and serious bodily injury for up to 45 school days.

The District must provide a student with a disability who has been suspended or removed for a period of 10 consecutive school days (or a series of removals that in the aggregate total more than 10 school days within one school year), educational services in an interim alternative educational setting (IAES), as determined by the CSE, that are necessary to:

- enable the student to:
 - continue to participate in the general education curriculum; and
 - progress toward meeting the goals set out in the student's IEP; and
 - receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur.

If a parent requests an impartial hearing or an appeal regarding the change in placement of his or her child to an IAES or the manifestation determination, the student must remain in his or her IAES pending the decision of the IHO or until expiration of the time period of the removal, whichever occurs first, unless the parents and the school district agree otherwise.

3. Students Presumed to Have a Disability for Discipline Purposes

The parent of a student who was not identified as a student with a disability at the time of some misconduct has the right to invoke any of the protections set forth relating to the discipline of students with disabilities, if the district had knowledge that the student had a disability before the precipitating behavior occurred. In this case, the student is considered a student presumed to have a disability for discipline purposes.

If a parent(s) claim that the district had such knowledge, the Superintendent, Principal or other authorized school official imposing the suspension or removal in question will determine whether the student is a student

presumed to have a disability for discipline purposes. The school official will deem the district to have had such knowledge if:

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

The District will not presume a student to have a disability for discipline purposes if, notwithstanding the district's receipt of information supporting a claim that it had knowledge the student has a disability, the student's parent has not allowed an evaluation of the student, the student's parent has refused services, or the district conducted an evaluation of the student and determined that the student is not a student with a disability.

If there is no basis for knowledge that the student has a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engages in comparable behaviors.

However, if the district receives a request for an individual evaluation while the student is subjected to a disciplinary removal, the district will conduct an expedited evaluation of the student in accordance with applicable law and regulations. Until the expedited evaluation is completed, the student shall remain in the educational placement determined by the district, which may include suspension.

Tobacco Use

Refer to Board Policy 5312.3

The Ithaca City School District recognizes its responsibility to promote the health, welfare and safety of students, staff and others on school property and at school sponsored activities.

Research conclusively proves that:

- Tobacco use is the single most preventable cause of death in the United States
- Regular use of tobacco is ultimately harmful to every user's health, directly causing cancer, respiratory and cardiovascular diseases, adverse pregnancy outcomes, and premature death
- Second-hand smoke is a threat to the personal health of everyone, especially persons with asthma and other respiratory problems
- Nicotine is a powerfully addictive substance
- Tobacco use most often begins during childhood or adolescence
- The younger a person starts using tobacco; the more likely he or she will be a heavy user as an adult
- Use of tobacco interferes with students' attendance and learning
- Smoking is a fire safety issue for schools

Prevention programs in schools are most effective when supplemented by strong tobacco-free policies and when they are a part of broader school, community, and state effort to reduce youth smoking. In light of this information, and to be consistent with educational curriculum and federal and state law, it is the intent of the Ithaca City School District to establish a tobacco-free environment.

No person is permitted to use tobacco products (including but not limited to cigarettes, cigars, pipes, bidis, clove cigarettes, dip, chew, snus, snuff, and any other spit or smoking tobacco product) in any way, at any time, including non-school hours, on District property, grounds, or in District vehicles.

Any person acting in an official capacity at any school-sponsored off-campus event or activity is prohibited from using tobacco products. Students are not permitted to possess tobacco products on school property, grounds, or at school-sponsored off-campus events or activities. Distribution or sale of tobacco products, including any smoking device, is prohibited on District property, grounds, and at all school-sponsored off-campus events and activities. Students and/or staff found in violation of this policy will be given the opportunity to participate in tobacco prevention and cessation programs.

Tobacco advertising is prohibited on school property, grounds, at any school-sponsored off-campus event or activity and in all school sponsored publications.

Certified Health Education teachers and classroom teachers responsible for providing Health Education instruction shall participate in regular staff development to effectively deliver the educational program.

Signs communicating this policy shall be prominently posted and properly maintained where tobacco use and smoking are regulated by this policy, including all building entrances, grounds, and vehicles. The Ithaca City School District shall also notify students, parents/guardians, staff, contractors and other school visitors annually of the tobacco-free policy in written materials including, but not limited to, handbooks, manuals, contracts, newspapers, and newsletters.

The superintendent shall develop administrative regulations, as necessary, to implement this policy including provisions for notification of the District's policy; possible disciplinary actions; and procedures for filing and handling complaints about violations of this policy. The superintendent shall ensure that the District's tobacco-use prevention program, policies, curricula, staff instructional delivery training are evaluated at regular intervals.

VADIR (Violent and Disruptive Incidents Report) – Glossary

For additional information refer to the "Questions and Answers" document available at: http://www.emsc.nysed.gov/sss/SDFSCA/uvir/home_uvir_vadir.htm

Incident Categories

1. **Homicide:** Any conduct which results in the death of another person, with or without a weapon.
2. **Sexual Offenses:**
 - 2.1 **Forcible Sex Offenses:** Involving forcible compulsion and completed or attempted sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact with or without a weapon including but not limited to, rape and sodomy. Pursuant to Penal Law §130.00(8), "**forcible compulsion**" means "to compel by either: (a) use of force; or (b) a threat, express or implied, which places a person in fear of immediate death or physical injury to himself, herself or another person, or in fear that he, she or another person will immediately be kidnapped." Pursuant to Penal Law §130.00(11), "**aggravated sexual contact**" means "inserting, other than for a valid medical purpose, a foreign object in the vagina, urethra, penis or rectum of a child, thereby causing physical injury to such child." "**Oral sexual conduct**" and "**anal sexual conduct**" mean oral or anal sex.
 - 2.2 **Other Sex Offenses:** involving inappropriate sexual contact but no forcible compulsion, with or without a weapon. Other sex offenses includes, but is not limited to, conduct that may be consensual or involve a child who is incapable of consent by reason of disability or because he or she is under 17 years of age. However, it does not

include consensual conduct involving students and/or non-students 18 years of age or under, unless at least one of the individuals participating in the conduct is at least 4 years older than the youngest participant.

Inappropriate **sexual contact requires physical contact with another person** but no forcible compulsion includes, but is not limited to, the following conduct:

- a. touching or grabbing another student on a part of the body that is generally regarded as private, such as buttocks, breast, genitalia etc.
- b. removing a student's clothing to reveal underwear or private body parts
- c. brushing or rubbing against another person in a sexual or provocative manner
- d. a student first rubbing their own genitalia and then touching another person's body

[Note: Verbal sexual harassment should be reported in category 10 (Intimidation, Harassment, Menacing or Bullying.) Self-exposure or "mooning," depending on the circumstances, are reported in either category 10 (Intimidation, Harassment, Menacing or Bullying) or category 20 (Other Disruptive Incident).]

3. **Robbery:** Forcible stealing of property from a person by using or threatening the immediate use of physical force upon that person, with or without the use of a weapon.
4. **Assault with Serious Physical Injury:** Intentionally or recklessly causing serious physical injury to another person, with or without a weapon, in violation of the school district code of conduct. Pursuant to Penal Law §10.00(10), "**serious physical injury**" means physical injury, which creates a substantial risk of death, or serious and protracted disfigurement or protracted impairment of health or protracted loss or impairment of the function of any bodily organ. Serious physical injury requires hospitalization or treatment in an emergency room and includes but is not limited to, a bullet wound, a serious stab or puncture wound, fractured or broken bones or teeth, concussions, cuts requiring stitches and any other injury involving risk of death or disfigurement.
5. **Arson:** Deliberately starting a fire with intent to damage or destroy property by using matches, lighters or other devices capable of producing sufficient heat (i.e. magnifying glass) to ignite other combustible items, including, but are not limited to, paper, linens, clothing, and aerosol cans.

Property includes any object belonging to the school, students, school staff or visitors to the school, including personal items of the arsonist.

6. **Kidnapping**: To abduct, as defined in section 135.00 of the Penal Law, a person, so as to restrain such person with intent to prevent his or her liberation, by either (a) secreting or holding him or her in a place where he or she is not likely to be found, or (b) using or threatening to use deadly physical force with or without a weapon.
7. **Assault with Physical Injury**: Intentionally or recklessly causing physical injury (not serious) to another person, with or without a weapon, in violation of the school district code of conduct. Physical injury means impairment of physical condition or substantial pain. Physical injury includes, but is not limited to, black eyes, welts, abrasions, bruises, black and blue marks, cuts not requiring stitches, and swelling. Substantial pain includes, but is not limited to, severe headaches, joint, or muscle pain.
8. **Reckless Endangerment**: Subjecting individuals to danger by recklessly engaging in conduct that creates a grave risk of death or serious physical injury, but no actual physical injury. The following are examples of incidents that did not result in physical injury but should be reported as reckless endangerment:
 - a. Throwing an object at another student. The object thrown must be capable of causing a grave risk of death or serious physical injury. A serious physical injury requires hospitalization or treatment in an emergency room and includes, but is not limited to, a bullet wound, a serious stab or puncture wound, fractured or broken bones or teeth, concussions, cuts requiring stitches and any other injury involving risk of death or disfigurement.
 - b. Incidents involving a person choking another individual, including, but not limited to incidents where a student offender refuses to obey staff directives or interventions to stop choking his or her victim.
 - c. Brandishing a weapon on a school bus threatening other students, bus driver and/or bus monitor with harm or injury.
 - d. Driving a car erratically and recklessly in a school parking lot while other student(s), staff, or individuals are present.
9. **Minor Altercations**: involving physical contact and no physical injury. Striking, shoving, or kicking another person or subjecting another person to unwanted physical contact with intent to harass, alarm or seriously

annoy another person, but no physical injury results. Fights that do not result in serious physical injury or physical injury are reported in this category.

10. **Intimidation, Harassment, Menacing, or Bullying Behavior and No Physical Contact:** Threatening, stalking, or seeking to coerce or compel a person to do something; intentionally placing or attempting to place another person in fear of imminent physical injury; or engaging in verbal or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs involving race, ethnicity, national origin, religion, religious practices, gender, sexual orientation, age, or disability that substantially disrupts the educational process. Incidents **not** resulting in a disciplinary or referral action are reported in Item 2 of the Summary Form. Incidents of harassment involving physical contact are reported in the Category 9 (Minor Altercations).
[Verbal sexual harassment is also reported in category 10. Self-exposure or "mooning," depending on the circumstances, are reported in either category 10 (Intimidation, Harassment, Menacing or Bullying) or category 20 (Other Disruptive Incident).]
11. **Burglary:** Entering or remaining unlawfully on school property with intent to commit a crime, with or without a weapon.
12. **Criminal Mischief:** Intentional or reckless damaging of the property of the school or of another person, including, but not limited to, vandalism and the defacing of property with graffiti, with or without a weapon.
13. **Larceny or Other Theft Offenses:** Unlawful taking and carrying away of personal property with intent to deprive the rightful owner of property. Permanently or unlawfully withholding property from another, with or without a weapon.
14. **Bomb Threat:** A telephoned, written, or electronic message that a bomb, explosive, chemical, or biological weapon has been or will be placed on school property, with or without a weapon.
15. **False Alarm:** Falsely activating a fire alarm or other disaster alarm, with or without a weapon.
16. **Riot:** Four or more persons simultaneously engaging in tumultuous and violent conduct and thereby intentionally or recklessly causing or creating a grave risk of physical injury or substantial property damage or causing public alarm, with or without a weapon.
17. **Weapons Possession:** Possession of one or more of the weapons listed below, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of a teacher or other school personnel as authorized by school officials. Possession includes bringing a weapon to or possessing a weapon at school.

17.1 Weapons:

- a. a firearm, including, but not limited to, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, spring gun BB gun or paint ball gun
- b. a switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife;
- c. a billy club, blackjack, bludgeon, chukka stick, or metal knuckles;
- d. a sandbag or sandclub;
- e. a sling shot or slungshot;
- f. a martial arts instrument, including, but not limited to, a kung fu star, ninja star, nun-chuck, or shirked;
- g. an explosive, including but not limited to, a firecracker or other fireworks;
- h. a deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray;
- i. an imitation gun;
- j. loaded or blank cartridges or other ammunition; or
- k. any other deadly or dangerous instrument.

17.2 Weapons Confiscated through Routine Security Checks at Building

Entrances: As of July 1, 2006, weapons that are detected and confiscated as a result of a security screening process (scanners, metal detectors, and other devices) upon entry into the school building should be recorded in this category. The phrase "upon entry" into the school building means that the weapon(s) is detected as a result of students, staff or visitors passing through these devices in order to get into the school building proper. This category is to be used only for weapons possession incidents that are discovered as a result of scanning devices at entrances, not within the school building or as a result of random searches of individuals or lockers, etc.

Weapons Found Under Other Circumstances: Incidents where weapons were found other than through a routine security check at a building.

18. **Use, Possession, or Sale of Drugs Only.** Illegally using or possessing a controlled substance, such as marijuana, on school property, with or without a weapon, including having such substance on a person or in a locker, vehicle, or other personal space; selling or distributing a controlled substance such as marijuana on school property; finding a controlled substance, such as marijuana, on school property that is not in the possession of any person; provided that nothing herein shall be

construed to apply to the lawful administration of a prescription drug on school property. Tobacco and tobacco products are not to be considered as drugs for the purposes of incident reporting.

19. **Alcohol Use, Possession, or Sale.** Illegally using or possessing alcohol on school property, including having such substance on a person or in a locker, vehicle, or other personal space; illegally selling or distributing alcohol on school property; or finding alcohol on school property that is not in the possession of any person;
20. **Other Disruptive Incidents:** Other incidents involving disruption of the educational process and rise to the level of a consequence listed in the Summary of Violent and Disruptive Incidents Form (columns j-0). Reportable incidents are limited to those resulting in disciplinary action or referral.
[Self-exposure or “mooning,” depending on the circumstances, are reported in either category 10 (Intimidation, Harassment, Menacing or Bullying) or category 20 (Other Disruptive Incident).]

Other Definitions

Bias Related: An incident is bias related if it is motivated by hate due to some characteristics or perceived characteristics of the victim, including race, gender, religion, color, sexual orientation, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference, or disability. Any act, or attempted act, is bias-related if it is designed to cause physical injury, emotional suffering, or property damage through intimidation, harassment, racial/ethnic slurs and bigoted epithets, vandalism, force, or the threat of force, motivated all or in part by hostility to some real or perceived characteristic of the victim. This definition is from the National Center for Education Statistics.

Counseling or Treatment Programs: For purposes of reporting, referrals to counseling or treatment programs are formal multi-session interventions, provided by certified or licensed professionals, aimed at reducing risk factors and increasing protective factors linked to the identified problem area(s) (i.e., drug/alcohol rehabilitation programs, anger management programs, etc.). Note: Routine referrals of a student to a principal or assistant principal for possible disciplinary action should not be counted as a referral to counseling or treatment program.

Disciplinary or Referral Action: For purposes of reporting, a disciplinary or referral action includes a referral to: Counseling or Treatment Programs, Teacher Removal, Suspension from Class or Activities, Out-of-School Suspension, Involuntary Transfer to Alternative Education Program or Law Enforcement/Juvenile Justice. (Refer to definitions below)

Gang Related: An incident is gang related if it is gang motivated or if gang membership caused the incident or contributed to actions that occurred during the incident. For example, an incident of vandalism or robbery might be part of an initiation into a gang, or a fight might be caused by gang rivalry. Report an incident as gang-related only if certain that gang membership contributed to the incident. A gang is an organized group characterized by turf concerns, symbols, special dress, and/or colors that engages in delinquent or illegal activity. This definition is from the National Center for Education Statistics.

Out-of-School Suspension: The student is suspended from attending school for at least one day.

Suspension from Class or Activities: For purposes of reporting, suspension from class or activities includes in-school suspension and/or suspensions from school transportation or school/extracurricular activities, such as band, choir, or athletics. Report incidents that result in an in-school suspension that lasts for at least the equivalent of one school day. Report suspensions from activities or transportation that excludes the student from the activity for at least five consecutive school days.

Teacher Removal: For purposes of reporting, a "teacher removal" means the removal of a disruptive pupil from the teacher's classroom pursuant to the provisions of Education Law §3214(3-a). Routine referrals of a student to a principal or assistant principal for possible disciplinary action should not be counted as a teacher removal.

Transfer to Alternative Education Program: For purposes of reporting, a "transfer to an alternative education program" means any transfer to an educational program in a setting outside of the student's home school to which the student is referred as part of or in lieu of disciplinary action, i.e., as a consequence of the child's misconduct. This includes, but is not limited to, involuntary transfers pursuant to Education Law §3214(5) and placement of students with disabilities in interim alternative educational settings as a result of violations of the school district code of conduct.

Transfer to Law Enforcement/Juvenile Justice: For purposes of reporting, referrals to law enforcement or juvenile justice include each incident whereby the perpetrator is referred to the police, law enforcement officers, or criminal justice.