

**LONG BEACH PUBLIC SCHOOLS**  
**Long Beach, NY**

March 8, 2022

Ladies and Gentlemen:

The Long Beach Board of Education is the authorized state agency responsible for setting educational policy in the district. It consists of five trustees, each serving a three-year term. Board members pay school taxes at the regular rate and receive no salary or other financial compensation.

All meetings, except executive sessions, are held before the public. Members of the public may address the Board of Education on any specific agenda item during special time reserved for that purpose prior to Board discussion and action. The public may also address the Board of Education on any matter of concern at a second public session after the Board of Education completes agenda action items. Visitors should not address the Board in public relative to questions or comments regarding specific staff members or specific students. Such concerns should be brought to the attention of appropriate staff or to board members by telephone, in writing, or by scheduling a personal meeting, as appropriate to the circumstances

Visitors' comments will be limited to three (3) minutes for each agenda item upon which comment is made. Visitors are precluded from speaking on any agenda item more than once during each meeting.

Please be reminded that current CDC guidelines recommend social distancing of six feet between members not of the same household.

Sincerely,

Your Board of Education

**BOARD OF EDUCATION  
LONG BEACH PUBLIC SCHOOLS  
Long Beach Middle School Auditorium  
Tuesday March 8, 2022  
AGENDA**

**REGULAR MEETING**

**7:00 PM**

- I. Pledge of Allegiance/Call to Order/Opening Remarks – Board President
- II. Report of the Superintendent of Schools
  - **Student Showcase** – *Presentation of MLK Mural*
  - **2022-23 Budget Preparation** – *Capital Projects Third Option, Secondary Program, Athletics and Transportation*
- III. Board of Education Comments
- IV. Student Organization Announcements
- V. Questions and Comments from the Public on Tonight’s Agenda Only
- VI. Treasurer’s Report for January 2022
- VII. Approval of Minutes for Executive Session and Regular Meeting of February 8, 2022 and Executive Session of February 17, 2022
- VIII. Presentations of the Superintendent:
  1. Personnel Matters: Certificated
  2. Personnel Matters: Non-Certificated
  3. Adoption of 2022-2023 School Calendar
  4. Approval of Updated Corrective Action Plan
  5. Approval to Participate in Cooperative Agreement
  6. Approval of SEQRA – Lead Agency Designation and Type II Determination
  7. Approval to Place Capital Reserve Expenditure Proposition on Ballot
  8. Adoption of Legal Notice
  9. Acceptance of Stipulation of Settlement
  10. Approval of Deduct Change Order for Middle School Roof Replacement
  11. Approval of Disposal of Obsolete Equipment
  12. Approval of RFP Contract Renewal – KLH Fire Safety Consultants
  13. First Reading of the Revised Policy #8330 Review of Curricula or Instructional Materials
  14. Second Reading of the Revised Code of Conduct
  15. Second Reading of the Revised Policy #8450 Homebound Instruction
  16. Payment of Legal Bills: Legal Services
  17. Acceptance of Recommendations of CPSE/CSE
  18. Approval of Use of Schools Applications
- IX. Board of Education – Additional New/Old Business if any
- X. Questions and Comments from the Public
- XI. Announcements:
  1. Long Beach Classroom Teachers’ Association
  2. Administrative, Supervisory and PPS Group
  3. LBSEA -Long Beach Schools Employees’ Association – Group C
  4. Parent/Teacher Association
- XII. Adjournment

## RESOLUTIONS

**BE IT RESOLVED THAT**, upon the recommendation of the Superintendent of Schools, the Board of Education approves the following personnel actions.

### I. CERTIFICATED PERSONNEL

#### (a) Resignation for the Purpose of Retirement

Name: Ann Marie Pulice  
Assign./Loc. Art Teacher/LBHS  
Effective Date: June 30, 2022, close of day

Name: Flor West  
Assign./Loc. ENL Teacher/LBHS  
Effective Date: June 30, 2022, close of day

Name: Sandra Gordon  
Assign./Loc. Part Time Teacher Assistant/Lindell School  
Effective Date: June 30, 2022, close of day

#### (b) Resignation

Name: Jarrick Verner  
Assign./Loc. Part Time Teacher Assistant/LBHS  
Effective Date: January 21, 2022, close of day

#### (c) Leaves of Absence

Name: Marissa Koller  
Assign./Loc. Reading Teacher/Lindell School  
Effective Dates: May 3, 2022-October 9, 2022 (on or about)  
Reason: Maternity/FMLA

Name: Tamara Filloramo  
Assign./Loc. English Teacher/LBHS  
Effective Dates: April 4, 2022-May 16, 2022 (on or about)  
Reason: Maternity/FMLA

Name: Allison Silverberg  
Assign./Loc. School Nurse/Lindell School  
Effective Dates: March 10, 2022-April 4, 2022  
Reason: Medical

**I. CERTIFICATED PERSONNEL**

**(c) Leaves of Absence continued**

Name: Nicole Albani  
Assign./Loc. Music Teacher/LBHS  
Effective Dates: September 1, 2022-June 30, 2023  
Reason: Maternity/Child Care

Name: Sally Keiser  
Assign./Loc. Social Worker/Lido School  
Effective Dates: March 15, 2022-April 5, 2022 (on or about)  
Reason: Medical

**(d) Amended Leaves of Absence**

Name: Chelsey DiRocco  
Assign./Loc. ENL Teacher/East School  
Effective Dates: December 21, 2021-May 31, 2022 (on or about)  
Original Dates: December 21, 2021-May 2, 2022 (on or about)  
Reason: Maternity/FMLA

Name: Erica Yoo  
Assign./Loc. Elementary Teacher/Lido School  
Effective Dates: January 6, 2022-March 21, 2022  
Original Dates: January 6, 2022-February 28, 2022 (on or about)  
Reason: Maternity/FMLA

**(e) Appointment: Permanent Substitute Teacher**

Name: Kathryn de Bruin  
Assign./Loc.: Permanent Substitute Teacher/West School  
Certification: Permanent Pre K-6  
Effective Dates: March 9, 2022-June 23, 2022 (or earlier at the district's discretion)  
Rate of Pay: \$231.66 per day  
Reason: Annual appointment

**(f) Appointment: Supervisor for the Extended School Year-July 6, 2022-August 16, 2022 (supervisor starts in February)-rate of pay-\$10,000 stipend plus preparation rate as per contract.**

Laurence Lopez

**I. CERTIFICATED PERSONNEL**

- (g) **Appointment: Teachers for ENL Afterschool Program for the 21/22 school year-rate of pay \$77.53 per hour-grant funded Title III**

Melissa Delaney-LBMS  
Leslie Ling-Lido School  
Priscilla Edwards-Lido School

- (h) **Appointment: Teacher Assistant for ENL Afterschool Program for the 21/22 school year-rate of pay-according to contract-grant funded Title III**

Elizabeth Wisey

- (i) **Appointment: Interscholastic Coach for the Spring 2022**

SPRING SEASON -2022		
Position	Coach	Stipend
Volunteer Lacrosse Coach	Aaron Kozlowski	N/A

- (j) **The following personnel are recommended to be employed in the New York State Education Department’s funded Adult Education Programs and TASC Program dependent upon funding, funding requirements, and satisfactory performance for the 2021--2022 school year.**

**CERTIFICATED**

Name	Pay code	Rate per hour	Max hours	Total
Jessica Cuevas Alba	Substitute	\$22.57	80	1,805.60
Emily Siegel	Instructor (I-3)	\$28.02	80	2,381.70

- (k) **The following Per Diem Substitute Teacher is recommended for approval for the 2021-2022 school year**

**NAME**

**CERTIFICATION AREA**

Sharon Weiss

Permanent School District Administrator  
Permanent N-6

**I. CERTIFICATED PERSONNEL**

**(I) Recommendation for Appointment on Tenure** the staff members listed below are eligible for appointment on tenure in the area and on the date indicated. They have been found to be competent, efficient and satisfactory in their total professional performance.

<b>Name</b>	<b>Tenure Area</b>	<b>Date</b>
Amy Dirolf	Elementary Principal	7/1/22
Elizabeth Walsh-Bulger	Secondary Vice Principal	7/1/22
Sarah Kugelman	Elementary Assistant Principal	7/1/22
Patrick Kiley-Rendon	Director of Instructional Technology	7/1/22
Evelyn Daza	Coordinator of ENL & Student Internships	7/1/22
Gina Reddock	Program Manager for Adult Education	7/1/22
Lorraine Radice	Director of Literacy Pre K-12	9/1/22
Maria Vasquez Wright	Coordinator of CPSE/CSE	9/12/22

**I. CERTIFICATED PERSONNEL**

**(m) MEMORANDUM OF AGREEMENT: LONG BEACH PUBLIC SCHOOLS AND THE LONG BEACH CLASSROOM TEACHERS' ASSOCIATION**

**BE IT RESOLVED**, the Board of Education approves the Memorandum of Agreement between the negotiating representatives of the Long Beach Public Schools and the Long Beach Classroom Teachers' Association, dated February 18, 2022.

**(n) MEMORANDUM OF AGREEMENT: LONG BEACH PUBLIC SCHOOLS AND THE LONG BEACH CLASSROOM TEACHERS' ASSOCIATION**

**BE IT RESOLVED**, the Board of Education approves the Memorandum of Agreement between the negotiating representatives of the Long Beach Public Schools and the Long Beach Classroom Teachers' Association, and an employee discussed in executive session dated March 2, 2022.

**(o) MEMORANDUM OF AGREEMENT: LONG BEACH PUBLIC SCHOOLS AND THE LONG BEACH ADMINISTRATIVE, SUPERVISORY AND PUPIL PERSONNEL GROUP**

**BE IT RESOLVED**, the Board of Education approves the Memorandum of Agreement between the negotiating representatives of the Long Beach Public Schools and the Long Beach Administrative, Supervisory and Pupil Personnel Group, and an employee discussed in executive session dated February 11, 2022.

**(p) MEMORANDUM OF AGREEMENT: LONG BEACH PUBLIC SCHOOLS AND THE LONG BEACH ADMINISTRATIVE, SUPERVISORY AND PUPIL PERSONNEL GROUP**

**BE IT RESOLVED**, the Board of Education approves the Memorandum of Agreement between the negotiating representatives of the Long Beach Public Schools and the Long Beach Administrative, Supervisory and Pupil Personnel Group, and an employee discussed in executive session dated February 11, 2022.

**II. NON CERTIFICATED PERSONNEL**

**(a) Terminations**

Name: Michael Sacks  
Assign./Loc. Night Custodian/Lido Middle School Complex  
Effective Date: March 8, 2022, close of day

Name: Janet Hauser  
Assign./Loc. Part Time Lunch Aide/East School  
Effective Date: March 7, 2022, close of day

**(b) Resignations**

Name: Joseph Bourne  
Assign./Loc. Part Time Lunch Aide/Lido School  
Effective Date: February 11, 2022, close of day

Name: Chadwick Lukaszewski  
Assign./Loc. Part Time Teacher Aide/LBMS  
Effective Date: February 14, 2022, close of day

Name: Ariel Chajon  
Assign./Loc. Mechanics Helper/Transportation Department  
Effective Date: February 18, 2022, close of day  
Comment: To take another position in the district

Name: Thomas Connelly  
Assign./Loc. Part Time Teacher Aide/East School  
Effective Date: March 7, 2022, close of day

Name: Monica Hamilton  
Assign./Loc. Part Time Food Service Worker/LBHS  
Effective Date: February 11, 2022, close of day

**(c) Leave of Absence**

Name: Yasmin Kleinberg  
Assign./Loc. Part Time Teacher Aide/Lido School  
Effective Dates: January 19, 2022-March 4, 2022  
Reason: Family Illness

**(d) Catastrophic Leave of Absence**

Name: Ana Chajon  
Assign./Loc. Bus Driver/Transportation Department  
Effective Dates: March 8, 2022-Date to be determined  
Reason: Medical

**II. NON CERTIFICATED PERSONNEL**

**(e) Amended Leave of Absence**

Name: Jaysha Teemer  
Assign./Loc. Part Time Teacher Aide/LBMS  
Effective Dates: January 18, 2022-June 30, 2022 (or earlier at the district's discretion)  
Original Dates: January 18, 2022-March 1, 2022  
Reason: Personal

**(f) Appointment Part Time Aides 17.5 hours per week start date through June 24, 2022 (or earlier at the district's discretion). Rate according to contract.**

Name	Step	Rate per hour	Location	Reason	Start Date
Matthew Renz	1	17.09	East School	504	3/9/2022

**(g) Appointment: Probationary Bus Driver-30 hours per week**

Name: Ariel Chajon  
Assign./Loc.: School Bus Driver/Transportation Department  
Effective Date: March 9, 2022  
Probationary End Date: March 8, 2026  
Salary Classification: \$31,225 per annum  
Grade/Step: Grade II/Step 6  
Reason: To fill a vacancy

**(h) Appointment: Part Time Food Service Worker 17.5 hours per week**

Name: Danette Hogan  
Assign./Loc.: Part Time Food Service Worker/LBHS  
Effective Date: March 9, 2022  
Grade/Step: Grade 1/Step 6  
Salary Classification: \$15.77 per hour  
Reason: To fill a vacancy

**(i) Appointment: Part Time Lunch Aide-15 hours per week**

Name: Max Maquet  
Assign./Loc.: Part Time Lunch Aide/Lido School  
Effective Date: March 2, 2022  
Grade/Step: Grade 1/Step 1  
Salary Classification: \$15.07 per hour  
Reason: To fill a vacancy

**II. NON CERTIFICATED PERSONNEL**

- (j) The following personnel are recommended to be employed in the New York State Education Department's funded Adult Education Programs and TASC Program dependent upon funding, funding requirements, and satisfactory performance for the 2021--2022 school year.

**NON-CERTIFICATED**

Name	Pay code	Rate per hour	Max hours	Total
Claudia Canner	A-7	\$21.58	90	1,942.20

- (k) The following personnel are recommended to be employed for the Continuing Education program. Classes implemented only if there is sufficient enrollment. Each class is self-sustaining, subject to satisfactory performance.

**NON-CERTIFICATED**

Name	Title of Workshops	Rate per hour	Max hours	Total
Pamela Coleman	Google Drive & The Cloud	40.00	10	400.00
Larry Gerstman	Binoculars and Telescopes	30.00	10	300.00
Rosa Maria Goeller	Gentle Chair Yoga	30.00	12	360.00
Michael Simao	Adult Swim	30.00	40	1,200.00

- (l) The following Per Diem Substitute is recommended for approval for the 2021-2022 school year.

Name	Position
Kayla Flores	Cleaner
Remy Watts	Cleaner

**3. ADOPTION 2022-2023 SCHOOL CALENDAR**

**BE IT RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the 2022-2023 School Calendar.

**4. APPROVAL OF UPDATED CORRECTIVE ACTION PLAN**

**BE IT RESOLVED**, that the Board of Education of the Long Beach City School District, based on the recommendation of the District's Audit Committee, accepts the Audit Report for the year ended June 30, 2021 as presented by the District's external auditor, Jill Sanders of Cullen & Danowski, approves the updated Corrective Action Plan that includes current year findings and prior year's findings in response to the External Audit Management Letter Recommendations for the year ended June 30, 2021, and authorizes and directs the Administration to implement the Corrective Action Plan.

**BE IT FURTHER RESOLVED**, that the Board of Education hereby directs the District Clerk to file a certified copy of this resolution and the District's Corrective Action Plan with the Commissioner of Education and the Office of the State Comptroller.

**5. APPROVAL TO PARTICIPATE IN COOPERATIVE AGREEMENT – COACH BUS TRANSPORTATION**

**WHEREAS**, Long Beach City School District ("District") is desirous of participating in the Cooperative for joint solicitation of proposals for pupil coach transportation services as in accordance with General Municipal Law §119-o; and

**WHEREAS**, the Bethpage UFSD acting as the Coordinating Agent along with Bayport Blue-Point Public School, Great Neck Public School, Long Beach UFSD, Plainedge UFSD, Syosset UFSD, and Westbury School District ("School Districts") wish to jointly submit proposals for pupil coach bus transportation services for the 2022-2023 school year; and

**WHEREAS**, the School Districts have agreed to form a cooperative for this purpose ("Cooperative"); and

**WHEREAS**, the Bethpage Union Free School District is acting as Coordinating Agent for the RFP and shall assume the responsibility for drafting the specifications, advertising the RFP, opening the proposals, reporting the results, and making recommendations thereon, however, each of the School Districts shall be responsible for ensuring and, if necessary, placing an advertisement in the "official" newspaper of its own district; and

**WHEREAS**, a coordinating committee ("Coordinating Committee") shall be developed consisting of a representative from each of the School Districts to receive information about and address any outstanding issues attendant to the RFP process and RFP; and

**WHEREAS**, the Board of Education of each of the School Districts shall retain the legal authority to contract with the successful vendor(s);

**NOW THEREFORE BE IT RESOLVED**, that the Board of Education authorize the Long Beach City School District to participate in the Cooperative; and

**BE IT FURTHER RESOVLED THAT**, the specifications for the RFP as presented will be used, that the invitation to submit a response to the RFP shall be advertised by the Bethpage Union Free School District in Newsday, in accordance with NY General Municipal Law §103 and NY Education Law §305, that the District shall seek its required amount of services jointly with the other School Districts, and that the District shall assume its share of the costs of the Cooperative RFP.

## 6. APPROVAL OF SEQRA – LEAD AGENCY DESIGNATION AND TYPE II DETERMINATION

**WHEREAS**, the Board of Education of the Long Beach Public Schools desires to embark upon the following capital improvement projects:

- **Lido Complex (LBMS and Lido Elementary)**
  1. Replace existing steam heating system with hot water and partial air conditioning-1952 section
  2. Replace boiler #2 and boiler #3 (both steam boilers) with new hot water boilers
  3. Replace asbestos plaster ceiling in remaining classrooms.
- **Long Beach High School**
  1. Reconstruct bathrooms in main building
  2. Replace exterior doors and storefront on south side of gym
- **West School**
  1. Replace cafeteria rooftop air conditioning unit
- **Nike Site**
  1. Replace sidewalks and gravel turnaround
  2. Replace existing gazebo
- **Transportation Site**
  1. Replace existing storage building with a new prefab building 1,000 square feet
  2. Reconstruct sewer line
- **Public Library**
  1. Replace three HVAC units

(the "Projects"); and

**WHEREAS**, said capital improvements are subject to classification under the State Environmental Quality Review Act (SEQRA); and

**WHEREAS**, maintenance or repair involving no substantial changes in an existing structure or facility are classified as Type II Actions under the current Department of Environmental Conservation SEQRA Regulations (Section 6 NYCRR 617.5 (c)(1)); and

**WHEREAS**, pursuant to 6 NYCRR §§617.5 (c) (1), (2) and (9) the "maintenance or repair involving no substantial changes in an existing structure of facility," " replacement, rehabilitation or reconstruction of a structure or facility in kind, on the same site, including upgrading buildings to meet building or fire codes...",and " construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities" are Type II actions; and

**WHEREAS**, the SEQRA Regulations declare Type II Actions to be actions that have no significant impact on the environment and require no further review under SEQRA; and

**WHEREAS**, the Board of Education, as the only involved agency, has examined all information related to the capital improvement projects and has determined that the Project is classified as a Type II Action pursuant to Section 617.5(c)(1) and (2) of the SEQRA Regulations;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Education hereby declares itself lead agency in connection with the requirements of the State Environmental Quality Review Act; and

**BE IT FURTHER RESOLVED**, that the Board of Education, after a review of the proposed action, hereby declares that the Projects are Type II Actions, which requires no further review under SEQRA; and

**BE IT FURTHER RESOLVED**, that the Board of Education hereby shall forward an official copy of this Resolution to the New York State Education Department together with a copy of the correspondence from the New York State Office of Parks, Recreation and Historic Preservation in connection with its request for approval of the listed project from the New York State Education Department.

#### **7. APPROVAL TO PLACE CAPITAL RESERVE EXPENDITURE PROPOSITION ON BALLOT**

**WHEREAS**, the Board of Education has determined that there is a need to undertake certain capital improvements, renovations and/or alterations in the District's buildings and facilities, to commence during the 2022-2023 school year ("Project") in an amount not to exceed \$7,059,888 as described in the District's 2022-23 Capital Project Report ("Report") on file and available for public inspection in the office of the District Clerk; and

**WHEREAS**, the Board desires that a proposition be presented to District voters authorizing the expenditure of available funds from the 2007 Capital Reserve Fund and the 2018 Capital Improvement Fund for that purpose; now, therefore, be it

**RESOLVED**, that the Board of Education directs the district clerk to include the following proposition in the legal notice of the upcoming election and to place it on the May 17, 2022 ballot:

**"SHALL THE BOARD OF EDUCATION** be authorized to appropriate and expend: a sum not to exceed \$1,499,064.26, representing monies from the Long Range Building and Capital Improvement Fund for the following purposes: replace part of the existing steam heating system with hot water at the Lido/Middle School Complex; and a sum not to exceed \$5,570,823.74 representing monies from the 2018 Capital Improvement Fund for the following purposes : at the Lido/Middle School Complex, replace the remaining existing steam heating system with hot water and partial air conditioning, replace boiler #2 and boiler #3 with new hot water boilers, and replace plaster ceilings containing asbestos material in five classrooms, and at the NIKE Site, replace sidewalks and gravel turnaround; as well as preliminary and other costs incidental thereto?

(Because the funds to be expended hereunder are from the referenced Capital Reserve Funds, approval of this proposition will not require a tax levy upon the real

property of the district.)”

**8. ADOPTION OF LEGAL NOTICE**

**BE IT RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the 2022 School Election Calendar for the School Board/Budget Election to be held on May 17, 2022 as it appears with the materials accompanying the agenda.

**9. ACCEPTANCE OF STIPULATION OF SETTLEMENT**

**BE IT RESOLVED** that the Board of Education of the Long Beach City School District hereby approves the stipulation of settlement concerning Confidential Student A dated March 8, 2022 and authorizes the Board President to sign the Agreement.

**10. APPROVAL OF DEDUCT CHANGE ORDER FOR MIDDLE SCHOOL ROOF REPLACEMENT**

**WHEREAS**, the Long Beach City School District (“District”) has engaged Milcon Construction, Inc. for roof replacement at the Lido Middle School pursuant to a contract dated January 12, 2021; and

**WHEREAS**, the District’s architect recommends the return of an Allowance in the amount of \$15,000, which was included in the contract for unforeseen conditions; and

**BE IT RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education hereby accepts Deduct Change Order #1 to the contract with Milcon Construction for the decrease in cost of \$15,000; and

**BE IT FURTHER RESOLVED**, that the Board of Education authorizes the Assistant Superintendent for Finance and Operations to execute Deduct Change Order #1 to the contract with Milcon Construction on its behalf.

**11. APPROVAL OF DISPOSAL OF OBSOLETE EQUIPMENT**

**BE IT RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education authorizes the disposal of the following technology item that has become obsolete: one (1) television, asset #003135.

**12. APPROVAL OF RFP AWARDED VENDOR CONTRACT RENEWAL – KLH FIRE SAFETY CONSULTANTS**

**BE IT RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education wishes to exercise the option to renew the contract with KLH Safety Consultants for the 2021-22 school year as stated in the Request for Proposal dated August 17, 2020.

**13. FIRST READING OF REVISED POLICY #8330 COMPLAINTS ABOUT CURRICULA OR INSTRUCTIONAL MATERIALS**

**14. SECOND READING OF THE REVISED CODE OF CONDUCT**

**15. SECOND READING OF REVISED POLICY #8450 HOMEBOUND INSTRUCTION**

**16. PAYMENT OF LEGAL BILLS: LEGAL SERVICES**

**A) VOLZ & VIGLIOTTA**

**BE IT RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education authorizes expenditures in the amount of \$4,583.33 to Volz & Vigliotta for the monthly retainer for general counsel legal services for the period of April 1, 2022 through April 30, 2022 and \$3,619.00 for general counsel legal services for the period of January 1, 2022 through January 31, 2022; and \$3,458.33 for the monthly retainer for labor counsel legal services for the period April 1, 2022 through April 30, 2022 and \$94.00 for labor counsel legal services for the period of January 1, 2022 through January 31, 2022.

**17. ACCEPTANCE OF RECOMMENDATIONS FROM THE COMMITTEE ON PRE-SCHOOL SPECIAL EDUCATION AND COMMITTEE ON SPECIAL EDUCATION**

**18. APPROVAL OF USE OF SCHOOLS APPLICATIONS**

**BE IT RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the use of schools as attached, not to conflict with District events. However, please note that events may have to be modified and/or rescheduled based on building schedule.

**APPLICATIONS FOR USE OF SCHOOLS**

<u>Organization</u>	<u>Purpose</u>	<u>Facility Requested</u>	<u>Date Requested</u>
Coastal Tidal Waves	Travel Baseball	High School – Gymnasium and Athletic Field 4	Tues, Thur, Fri 5:30pm-7:00pm Sundays 10:00am-12:00pm March 1, 2022 – November 15, 2022
Girl Scout Junior Troop #2166	Girl Scout Meetings	Lindell Cafeteria	Thursdays 6:30pm-7:40pm March 17, 2022, April 14, 2022 May 12, 2022
Alcoholics Anonymous	Meetings	West End Community Center	Thursdays 6:00pm – 9:00pm July 1, 2022 – June 30, 2023

City of Long Beach	Substance Abuse Training Seminar	West School Cafeteria	Thursday March 3, 2022 6:00pm – 9:00pm
Long Beach Wrestling Club	Wrestling Camp	High School Gym, Pool and Cafeteria	Mon. thru Fri June 27-June 30, 2022 and July 1, 2022
Team Green Basketball	Basketball Camp	High School Gym, Cafeteria, Athletic Field 5	Mon. thru Fri. 8:30am – 2:30pm July 18-22, 2022

**NOTICE OF PUBLIC HEARING, BUDGET VOTE AND ELECTION**  
**OF THE LONG BEACH CITY SCHOOL DISTRICT**  
**NASSAU COUNTY, NEW YORK**

**NOTICE IS HEREBY GIVEN** that a public hearing on the proposed school district budget will be held on May 10, 2022 at 7:30 P.M. in the Long Beach High School Auditorium, 322 Lagoon Drive West, Lido Beach, New York, and can also be viewed remotely at <https://www.youtube.com/channel/UCzst8qfrB66Ur7JrZHfodyw/videos>; for the transaction of business as authorized by the Education Law, including the following items:

1. To present to the voters a detailed statement of the amount of money which will be required for the 2022-2023 fiscal year.
2. To discuss all the items hereinafter set forth to be voted upon by voting machine at the Budget Vote and Election to be held on Tuesday, May 17, 2022.
3. To transact such other business as may properly come before the meeting pursuant to Education Law of the State of New York and acts amendatory thereto.

**PLEASE TAKE FURTHER NOTICE** that a copy of the statement of the amount of money required for the ensuing year for school purposes (school budget) exclusive of public monies may be obtained by any district resident beginning May 3, 2022, between the hours of 8:00AM and 4:00PM, prevailing time, except Saturday, Sunday or holidays at the Office of the District Clerk, 235 Lido Boulevard, Lido Beach, New York, at Long Beach Public Library, at 111 West Park Avenue, Long Beach, New York, and on the District's internet website. A copy of the statement of the amount of money that will be required for the Library purposes exclusive of public money will be available at the Long Beach Public Library and the Library's district clerk's office for the year beginning July 1, 2022.

**AND FURTHER NOTICE IS HEREBY GIVEN**, that said Budget Vote and Election will be held on Tuesday, May 17, 2022 at the school election districts indicated below, between the hours of 7:00AM and 9:00PM, prevailing time, at which time the polls will be opened to vote by voting machine upon the following items:

1. To adopt the annual budget of the School District for the fiscal year 2022-2023 and to authorize the requisite portion thereof to be raised by taxation on the taxable property of the District.
2. To elect one (1) member of the Board of Education for a three (3) year term commencing July 1, 2022, and expiring on June 30, 2025, to fill the position held by Anne Conway, whose term expires on June 30, 2022.
3. To vote on the following proposition:

## **CAPITAL RESERVE FUND EXPENDITURE PROPOSITION**

**“SHALL THE BOARD OF EDUCATION** be authorized to appropriate and expend: a sum not to exceed \$1,499,074.26, representing monies from the Long Range Building and Capital Improvement Fund for the following purposes: replace part of the existing steam heating system with hot water at the Lido/Middle School Complex; and a sum not to exceed \$5,570,823.74 representing monies from the 2018 Capital Improvement Fund for the following purposes : at the Lido/Middle School Complex, replace the remaining existing steam heating system with hot water and partial air conditioning, replace boiler #2 and boiler #3 with new hot water boilers, and replace plaster ceilings containing asbestos material in five classrooms, and at the NIKE Site, replace sidewalks and gravel turnaround; as well as preliminary and other costs incidental thereto? (Because the funds to be expended hereunder are from the referenced Capital Reserve Funds, approval of this proposition will not require a tax levy upon the real property of the district.)”

4. To adopt the annual budget of the Long Beach Public Library for the 2022-2023 school year and authorize the requisite portion thereof to be raised by taxation on the taxable property of the school district.
5. To elect one (1) trustee of the Long Beach Public Library for a five (5) year term commencing on July 1, 2022 and ending June 30, 2027.

**PLEASE TAKE FURTHER NOTICE** that, per resolution of the Board of Education adopted on February 8, 2022, this vote and election will be held at the following school election districts (the accurate description of the boundaries is on file and may be inspected at the Office of the District Clerk, Administration Building, 235 Lido Boulevard, Lido Beach, New York 11561:

**LINDELL SCHOOL ELECTION DISTRICT**  
**LINDELL SCHOOL GYMNASIUM**  
**601 LINDELL BOULEVARD, CITY OF LONG BEACH**

This election district embraces the territory bounded on the West by a line parallel to and sixty (60) feet westerly from Malone Avenue, on the North by Reynolds Channel, on the East by the center line of Long Beach Boulevard and on the South by the Atlantic Ocean.

**EAST SCHOOL ELECTION DISTRICT**  
**EAST SCHOOL GYMNASIUM**  
**456 NEPTUNE BOULEVARD, CITY OF LONG BEACH**

This election district embraces the territory bounded on the West by the center line of Long Beach Boulevard, on the North by Reynolds Channel, East to the easterly bounding line of the City of Long Beach, and on the South by the Atlantic Ocean.

**LIDO/MS SCHOOL ELECTION DISTRICT**  
**LIDO COMPLEX AUDITORIUM LOBBY**  
**239 LIDO BOULEVARD, LIDO BEACH, NEW YORK**

This election district embraces the territory of the area known as Lido Beach, bounded on the West by a line commencing due east of the City of Long Beach, on the North by Reynolds Channel, on the East by the easterly boundary line of Point Lookout and on the South by the Atlantic Ocean.

**AND FURTHER NOTICE IS HEREBY GIVEN**, that pursuant to Section 495 of the Real Property Tax Law, the School District is required to attach to its proposed budget an exemption report. Said exemption report, which will also become part of the final budget, will show how the total assessed value of the final assessment roll used in the budgetary process is exempt from taxation, list every type of exemption granted by the statutory authority, and show the cumulative impact of each type of exemption, the cumulative amount expected to be received as payments in lieu of taxes (PILOT) and the cumulative impact of all exemptions granted. In addition, said exemption report shall be posted on any bulletin board maintained by the District for public notices and on any website maintained by the District.

**PLEASE TAKE FURTHER NOTICE** that petitions nominating candidates for Board of Education trustees and Library Board trustee are available from the Clerk of said School District at her office in the Administration Building, 235 Lido Boulevard, Lido Beach, New York, 11561. Nominating petitions must be filed with the Clerk of the School District not later than April 27, 2022, between 9:00 a.m. and 5:00 p.m., prevailing time. Vacancies on both the Board of Education and the Library Board are not considered separate, specific offices; candidates run at large. Nominating petitions for Board of Education trustee must be directed to the District Clerk, must be signed by at least 100 qualified voters of the District; must state the name and residence of each signer; and must state the name and residence of the candidate.

**NOTICE IS FURTHER GIVEN** that applications for absentee ballots for the school district election are to be completed on a form prescribed by the state board of elections and may be obtained by visiting the New York State Education Department's Website (<http://www.counsel.nysed.gov/common/counsel/files/absentee-ballot-application-and-instructions-english.pdf>; <http://www.counsel.nysed.gov/common/counsel/files/absentee-ballot-application-and-instructions-spanish.pdf>), or by contacting the District Clerk by email at [ldolan@lbeach.org](mailto:ldolan@lbeach.org) or 516-897-2108. Completed applications must be received by the District Clerk no earlier than April 18, 2022 and at least seven (7) days before the election, May 10, 2022, if the ballot is to be mailed to the voter, or the day before the election, May 16, 2022, if the ballot is to be delivered personally to the voter. Absentee ballots must be received by the District Clerk not later than 5:00 p.m., prevailing time, on Tuesday, May 17, 2022.

A list of persons to whom absentee ballots are issued will be available for inspection to qualified voters of the District in the Office of the District Clerk on and after Thursday, May 12, 2022, between the hours of 8:00a.m. and 4:00p.m., prevailing time, on each day prior to the day set for the annual election, except Sunday, and on May 17, 2022, the day set

for the election. Any qualified voter then present in the polling place may object to the voting of the ballot upon appropriate grounds by making his or her challenge and the reasons therefore known to the Inspector of Election before the close of the polls.

**PLEASE TAKE FURTHER NOTICE** that any person who is not registered under permanent personal registration on or before January 1, 2017, or supplemental registration lists furnished by the Nassau County Board of Elections, or has not voted at an intervening school district election, must present himself or herself personally for registration in order to be entitled to vote on May 3, 2022 from 2:00pm to 8:00pm; at Long Beach Middle School Auditorium Lobby, 239 Lido Boulevard, Lido Beach, New York 11561.

**PLEASE TAKE FURTHER NOTICE** that any person who has moved from one school election district in the Long Beach City School District to another, and who has not registered in the new school election district, and who is still registered in the district from which he or she moved, may vote in the election district in which he or she registered. Such people must advise, at the time of voting, the election inspectors of his/her new address to correct such registration.

**PLEASE TAKE FURTHER NOTICE** that only those qualified voters whose names appear on the registers prepared for said school district election will be entitled to vote on Election Day. The register will be filed in the District Clerk's Office and open to inspection by any qualified voter of the school district from 8:00a.m. to 4:00p.m. on weekdays from May 3, 2022 to May 17, 2022, and Saturday May 7, 2022, when it will be available from 9 A.M. to 12 Noon by appointment only.

**AND FURTHER NOTICE IS HEREBY GIVEN**, that military voters who are not currently registered may apply to register as a qualified voter of the school district. An application for registration as a military voter can be requested by contacting the District Clerk by telephone (516) 897-2108, facsimile (516)771-3944, email [ldolan@lbeach.org](mailto:ldolan@lbeach.org), mail to 235 Lido Boulevard, Lido Beach, NY, 11561, or in person (during regular office hours or between the hours of 8:15 AM to 4:00 PM); the application for registration must be received in the office of the District Clerk no later than 5:00 pm on May 2, 2022. In the request for an application for registration, the military voter is permitted to designate his/her preference for receiving the application for registration by mail, facsimile transmission or electronic mail. A military voter who is duly registered may apply for a military ballot by requesting an application form from the District Clerk; in order to receive a military ballot, the military ballot application must be received no later than 5:00 pm on May 2, 2022. In the request for an application for a military ballot, the military voter is permitted to designate his/her preference for receiving the application for a military ballot, and the military ballot, by mail, facsimile transmission or electronic mail. All qualified military voters' ballot application and military ballot must be returned by mail or in person. Ballots for military voters shall be distributed to qualified military voters no later than May 3, 2022. Military ballots must be received by the District Clerk (1) before the close of the polls, on Tuesday, May 17, 2022, and must show a cancellation mark of the United States postal service or a foreign country's postal service, or must show a dated endorsement of receipt by another agency of the United States Government; or (2) not later than 5:00 pm on the day of the election and be signed and dated by the military voter and one witness, with a date ascertained to be not later than the day before the election.

A list of persons to whom military ballots are issued will be available for inspection to qualified voters of the District in the Office of the District Clerk on and after Thursday, May 12, 2022, between the hours of 8:00a.m. and 4:00p.m., prevailing time, on each day prior to the day set for the annual election, except Sunday, and on May 17, 2022, the day set for the election. Any qualified voter then present in the polling place may object to the voting of the ballot upon appropriate grounds by making his or her challenge and the reasons therefore known to the Inspector of Election before the close of the polls.

**AND FURTHER NOTICE IS HEREBY GIVEN**, that pursuant to a rule adopted by the Board of Education in accordance with Section 2035 of the Education Law, any referenda or propositions to amend the budget, or otherwise to be submitted for voting at said election, must be filed with the Clerk of the Board of Education at the District Office, Administration Building, 235 Lido Boulevard, Lido Beach, New York 11561, in sufficient time to permit notice of the proposition to be included with the Notice of the Public Hearing, Budget Vote and Election required by Section 2004 of the Education Law or on or before April 18, 2022, at 4:00p.m., prevailing time; must be typed or printed in the English language; must be directed to the Clerk of the School District; must be signed by at least 25 qualified voters of the District; and must legibly state the name of each signer. However, the School Board will not entertain any petition to place before the voters any proposition the purpose of which is not within the powers of the voters to determine, which is unlawful, or any proposition which fails to include a specific appropriation where the expenditure of monies is required by the proposition, or where other valid reason exists for excluding the proposition from the ballot.

Dated: Lido Beach, New York April 1, 2022

By Order of the  
BOARD OF EDUCATION OF THE  
LONG BEACH CITY SCHOOL DISTRICT  
Lido Beach, New York  
Lori Dolan, District Clerk

## Instruction

**SUBJECT: REVIEW OF CURRICULA OR INSTRUCTIONAL MATERIALS**

All complaints concerning textbooks, library books and other instructional material shall be submitted to the Assistant Superintendent for Curriculum and Instruction. The Superintendent shall promulgate regulations subject to Board of Education approval establishing a complaint procedure which shall include:

1. an opportunity for an informal conference with the complainant;
2. the submission of formal written complaints;
3. the formation of an instructional material review committee. The committee shall make recommendations to the Superintendent concerning the disposition of any complaint;
4. a decision by the Superintendent; and
5. an appeal to the Board. The decision of the Board shall be final.

Adoption date: April 24, 1990

First Reading of Amended: March 8, 2022

## Instruction

**SUBJECT: HOMEBOUND INSTRUCTION**

Homebound instruction is a service provided to students who are unable to attend school in excess of 10 days due to a temporary physical, mental, or emotional injury or illness or for reasons related to discipline. Homebound instruction is established to alleviate concerns over academic work/credit, to maintain the skills necessary for returning to the classroom, and to assure ongoing home/school contact during the term of the absence. It is provided to minimize the impact of the student's absence and is not meant to replace the instruction a student receives in the school setting.

A parent/guardian must complete an application for General Education Homebound Educational Services which requires information and a certification from a New York State Licensed treating health care provider (i.e. physician, psychiatrist, psychologist or legally directed services) indicating; the reason the student is not able to attend any portion of the school day, whether or not the condition is contagious, the date of the next follow up appointment and/or the date in which the student is anticipated to return to school. The application must be submitted to the building principal or their designee. The district reserves the right to request additional documentation at any time a student is on homebound instruction. Should a student need alternative instruction on an interim basis as decided by the CSE, disciplinary hearing or as mutually agreed upon between the parents and the district, the appropriate party will complete the form and notify the building administration.

At the District's discretion homebound instruction may occur in a student's home, in a district facility or at a public site such as the library. If the instruction is provided in the student's home, a parent/guardian or adult over the age of 21 must be in the home during the instruction session. If the parent or guardian is unable to provide a proper chaperone, the instruction session can be canceled. The building principal in consultation with the student's parents, and other personnel as appropriate (i.e., nurse, social worker, psychologist, guidance counselor, CSE chairperson) will determine the appropriate location, day and time. In cases where the condition of the student might endanger the health or safety of the teaching staff, instruction may be provided virtually. Instruction will be provided on days of student attendance in accordance with the school calendar.

Homebound parameters:

- a. Elementary school students (grades 1-6) are entitled to one hour per school day of homebound services each day that the student is absent. During the first ten school days of absence, students will accrue five (5) hours of homebound services, and one hour per school day each school week of absence thereafter.
- b. Secondary school students (grades 7-12) are entitled to two hours/week per major subject. During the first ten school days of absence, students will accrue two (2) hours per subject, and two hours/week per major subject each school week of absence thereafter.
- c. Any accrued hours must be used with ten (10) school days.
- d. Unless the student is a graduating senior who needs credit for graduation, homebound instruction is not provided for elective courses.

## Instruction

**SUBJECT: HOMEBOUND INSTRUCTION (cont'd.)**

- e. All Physical Education is in the form of a project developed by the Athletics Department.
- f. Instructional materials should be obtained from the public school that the student is enrolled.
- g. All students participating in homebound instruction are expected to adhere to the Code of Conduct.

Prior to return to school, the parent/guardian will submit a letter from their child's New York State Licensed treating health care provider noting the student is able to attend school. Should a student need to stay out longer than the original application indicated, an updated note from their treating health care provider will be required and submitted to the building principal or their designee.

Students may receive credit for their work while on homebound instruction. As such the District shall maintain such reports and periodic evaluations as are necessary to provide adequate assessment and appraisal of the progress made during the period of home instruction.

Ref: Education Law §§ 1709(24); 4401 et seq.

Note: Policy added

Revised: March 17, 2005

Approved: May 24, 2005

First Reading of Revised: February 8, 2022

Second Reading of Revised: March 8, 2022



**LONG  
BEACH  
PUBLIC  
SCHOOLS**

**CODE  
OF  
CONDUCT**

Updated  
February 8, 2022

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Updated: February 8, 2022

# I. Introduction

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The Board of Education is committed to providing a safe and orderly school environment where students may receive quality educational services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents and other visitors is essential to achieving this goal.

The district has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

The Long Beach Board of Education recognizes the need to clearly define expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. Further, the Long Beach Board of Education recognizes the need to incorporate the NYS “Dignity for All Students Act” (“DASA”) and relevant provisions of NY Education Law. To this end, the Board adopts this Code of Conduct ("code").

Unless otherwise indicated, this code applies to all students, school personnel, parents and other visitors when on school property or attending a school function.

# II. Definitions

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For purposes of this code, the following definitions apply.

“Disruptive student” means an elementary or secondary student under the age of 21 who is substantially disruptive to the educational process or substantially interferes with the teacher’s authority within the classroom. The definition of "disruptive student" is from §3214(2-a) (b).

“Parent” means parent, guardian or person in parental relation to a student.

"School property" means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or on a school bus, as defined in Vehicle and Traffic Law §142.

"School function" means any school-sponsored extra-curricular event or activity, whether on or off school property. (NY Education Law § 11.2)

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

“Violent student” means a student under the age of 21 who:

1. Commits an act of violence upon a school employee, or attempts to do so or on a school bus.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so or on a school bus.
3. Possesses, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function or on a school bus.
7. Knowingly and intentionally damages or destroys school district property.

The definition of "violent student" is from §3214(2-a) (a); however, it has been modified slightly in two respects. This code includes “attempts to commit acts of violence”, and a more inclusive definition of “weapon”. The definition of "weapon" in the code is much broader than the definition used in the federal Gun-Free Schools Act. The term is broadly defined to keep all types of objects that can cause serious injury or death out of schools, and thereby enhance school safety. Federal and state laws mandate those students who possess a weapon as defined in federal law (18 USC §921) be suspended from school for a minimum of one calendar year.

"Weapon" means a firearm as defined in 18 USC §921 for purposes of the Gun-Free schools Act. It also includes but is not limited to any other gun, 3D, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, knife with a blade whose length is at least 2.5 inches, switchblade knife, gravity

knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

“Disability” means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term shall be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held. (NY Executive Law § 292.21)

“Employee” means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the social services law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact. (NY Education Law § 1125.3)

“Sexual Orientation” means actual or perceived heterosexuality, homosexuality, or bisexuality. (NY Education Law § 11.5)

“Gender” means actual or perceived sex, and shall include a person’s gender identity or expression. (NY Education Law § 11.6)

“Harassment” means 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; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. (NY Education Law § 11.7)

“Cyberbullying” shall mean harassment or bullying as defined in subdivision seven of this section, including paragraphs (a), (b), (c) and (d) of such subdivision, where such harassment or bullying occurs through any form of electronic communication. (NY Education Law §11.8)

“Restorative Justice” is an approach to discipline that focuses on repairing harm through inclusive processes that engage all stakeholders. This approach, which could include disciplinary consequences, shifts the form of discipline from punishment to learning.

## **III. Student Rights and Responsibilities**

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### **A. Student Rights**

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

1. Participate in all district activities on an equal basis regardless of their actual or perceived race, creed, color, weight, height, religion, national origin, ethnic group, political affiliation, gender, sexual orientation, age, marital status, military status, veterans’ status, disability, predisposing genetic characteristics, or the use of a recognized guide dog, hearing dog or service dog.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary consequence in connection with the imposition of the consequence.
3. Request the presence of a pupil personnel staff member as an advocate when being questioned on a disciplinary issue.
4. Be provided with school rules and, when necessary, receive an explanation of those rules from school personnel.
5. Proceed in a safe, supportive and orderly school atmosphere without the fear of threat to their well-being.
6. Under the Family Educational Rights and Privacy Act (FERPA), parents and students who are over 18 years of age have the right to inspect and review the student’s educational records and have the right to request the amendment of the student’s education records believed to be inaccurate or misleading. They also have the right to consent to disclosure of personally identifiable information in a student’s education record, except to the extent that FERPA authorizes disclosure without consent.

### **B. Student Responsibilities**

All district students have the responsibility to:

1. Promote a safe, supportive and orderly school environment that is conducive to learning and to show respect to other persons and to property.

2. Abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions within the guidelines of school dress code.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
12. Cooperate with school authorities in the investigation of incidents of violence or threat of violence.

## **IV. Essential Partners**

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A critical component of all codes of conduct is the shared beliefs of all stakeholders. Implementation without belief will be unsuccessful. Understanding, support, participation and belief of all members of the school community are needed for successful implementation of this code of conduct. All essential members are to maintain a climate of mutual respect and dignity towards each other. All essential partners are expected to:

### **A. Parent(s)/Guardian(s)**

1. Recognize that the education of their children is a joint responsibility of the parents and the school community. They must communicate with their child's teacher and other school personnel, and where possible attend all school functions.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused in keeping with state law. If a child is ill and cannot attend school, it is the parent's responsibility to arrange for alternate supervision. Accurate emergency contacts must be provided to the schools.
5. Ensure compliance with the Dignity for All Students Act (DASA) mandates.

6. Help their children understand appropriate rules are required to maintain a safe, supportive and orderly school environment.
7. Know school rules and help their children understand them so their children can help create a safe, supportive school environment.
8. Convey to their children a supportive and respectful attitude toward education and the district.
9. Build good relationships with teachers, other parents and their children's friends.
10. Accept responsibility and accountability on behalf of their children and encourage their children to be accountable and responsible for their actions.
11. Help their children deal effectively with peer pressure.
12. Inform school officials of changes in the home situation that may affect student conduct or performance.
13. Provide a place for study and ensure homework assignments are completed.
14. Model civil and respectful behavior at all times.

## ***B. Teachers***

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, creed, color, weight, height, religion, national origin, ethnic group, political affiliation, gender, sexual orientation, age, marital status, military status, veterans' status, disability, predisposing genetic characteristics, or the use of a recognized guide dog, hearing dog or service dog which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement, health and well-being.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
  - a. Course objectives and requirements
  - b. Marking/ grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Class room discipline plan.
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.
7. Model civil and respectful behavior at all times.
8. Address issues of discrimination and harassment, or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.

9. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
10. Report incidents of discrimination and harassment that are witnessed or otherwise brought to their attention in a timely manner.

**C. *Dignity Act Coordinator (DAC)***

1. Promote a safe, supportive, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, creed, color, weight, height, religion, national origin, ethnic group, political affiliation, gender, sexual orientation, age, marital status, military status, veterans' status, disability, predisposing genetic characteristics, or the use of a recognized guide dog, hearing dog or service dog;
2. Oversee and coordinate the work of the district-wide and building-level bullying prevention committees;
3. Identify curricular resources that support infusing civility in classroom instruction and classroom management and provide guidance to staff as to how to access and implement those resources;
4. Coordinate with the Professional Development Committee training in support of the bullying prevention committee;
5. Be responsible for monitoring and reporting on the effectiveness of the district's anti-bullying, harassment and discrimination policy and regulations (DASA policy);
6. Address issues of discrimination and harassment, or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students and staff.

**D. *School Counselor/School Psychologists/Social Workers***

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, creed, color, weight, height, religion, national origin, ethnic group, political affiliation, gender, sexual orientation, age, marital status, military status, veterans' status, disability, predisposing genetic characteristics, or the use of a recognized guide dog, hearing dog or service dog.
2. Assist students in coping with peer pressure and emerging personal, social and emotional problems.

3. Initiate teacher/ student/ counselor conferences and parent/ teacher/student/counselor conferences, as necessary, as a way to resolve problems.
4. Regularly review with students their educational progress and career plans.
5. Provide information to assist students with career planning.
6. Encourage students to benefit from the curriculum and extracurricular programs.
7. Model civil and respectful behavior at all times
8. Address issues of discrimination and harassment, or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
9. Address personal biases that may prevent equal treatment of all students.
10. Report incidents of discrimination and harassment that are witnessed or otherwise brought to their attention in a timely manner.

***E. Principals and Building Level Administrators***

1. Promote a safe, supportive, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, creed, color, weight, height, religion, national origin, ethnic group, political affiliation, gender, sexual orientation, age, marital status, military status, veterans' status, disability, predisposing genetic characteristics, or the use of a recognized guide dog, hearing dog or service dog.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Provide support in the development of the code of conduct, when called upon. Disseminate the code of conduct and anti-harassment policies.
6. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
7. Model civil and respectful behavior at all times.
8. Address issues of discrimination and harassment, or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.

9. Address personal biases that may prevent equal treatment of all students and staff.
10. Report incidents of discrimination and harassment that are witnessed or otherwise brought to their attention in a timely manner.

***F. Deans***

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Promote a safe, supportive, orderly and stimulating school environment and support active teaching and learning for all students regardless of actual or perceived race, creed, color, weight, height, religion, national origin, ethnic group, political affiliation, gender, sexual orientation, age, marital status, military status, veterans' status, disability, predisposing genetic characteristics, or the use of a recognized guide dog, hearing dog or service dog.
3. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex which will strengthen students' self-concept and promote confidence to learn.
4. Know school policies and rules, and enforce them in a fair and consistent manner
5. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
6. Model civil and respectful behavior at all times
7. Address issues of discrimination and harassment, or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students and staff.
9. Report incidents of discrimination and harassment that are witnessed or otherwise brought to their attention in a timely manner.

***G. Superintendent and District Level Administrators***

1. Promote a safe, supportive, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, creed, color,

weight, height, religion, national origin, ethnic group, political affiliation, gender, sexual orientation, age, marital status, military status, veterans' status, disability, predisposing genetic characteristics, or the use of a recognized guide dog, hearing dog or service dog.

2. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the Board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
6. Model civil and respectful behavior at all times
7. Address issues of discrimination and harassment, or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students and staff.
9. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the Superintendent's attention in a timely manner.

#### **H. Board of Education**

1. Promote a safe, supportive, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, creed, color, weight, height, religion, national origin, ethnic group, political affiliation, gender, sexual orientation, age, marital status, military status, veterans' status, disability, predisposing genetic characteristics, or the use of a recognized guide dog, hearing dog or service dog.
2. Address issues of discrimination and harassment, or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
3. Address personal biases that may prevent equal treatment of all students and staff.
4. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a Board member's attention in a timely manner.

5. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
6. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
7. Model civil and respectful behavior at all times.

***I. Bus Drivers***

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, creed, color, weight, height, religion, national origin, ethnic group, political affiliation, gender, sexual orientation, age, marital status, military status, veterans' status, disability, predisposing genetic characteristics, or the use of a recognized guide dog, hearing dog or service dog.
2. Maintain the highest degree of driving safety.
3. Require proper behavior of students.
4. Load and unload students correctly.
5. Learn and practice defensive driving techniques.
6. Obey all applicable state and federal laws, rules, and regulations.
7. Follow district (and contractor) policies and procedures.
8. Model civil and respectful behavior at all times.
9. Address issues of discrimination and harassment, or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
10. Address personal biases that may prevent equal treatment of all students.
11. Report incidents of discrimination and harassment that are witnessed or otherwise brought to their attention in a timely manner.

***J. Security Personnel***

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, creed, color, weight, height, religion, national origin, ethnic group, political affiliation, gender, sexual orientation, age, marital status, military status, veterans' status, disability, predisposing genetic characteristics, or the use of a recognized guide dog, hearing dog or service dog.

2. Promote a safe, supportive, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, creed, color, weight, height, religion, national origin, ethnic group, political affiliation, gender, sexual orientation, age, marital status, military status, veterans' status, disability, predisposing genetic characteristics, or the use of a recognized guide dog, hearing dog or service dog.
3. Know school policies and rules, and enforce them in a fair and consistent manner.
4. Model civil and respectful behavior at all times.
5. Address issues of discrimination and harassment, or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
6. Address personal biases that may prevent equal treatment of all students and staff.
7. Report incidents of discrimination and harassment that are witnessed or otherwise brought to their attention in a timely manner.

***K. Additional Collaborative partners***

The intent of the "Code of Conduct" is to provide for a safe, supportive and orderly school environment. In order to accomplish this task, the entire school community must participate. All staff members and approved community members participating in school events, volunteers, must adhere to the philosophy and procedures defined in this code of conduct.

## **V. Student Dress Code**

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

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Appropriate footwear is required at all times.
3. Not include items that are vulgar, obscene, discriminatory, or libelous or denigrate others based on a person's actual or perceived race, color, weight, height, national origin, ethnic group, religion, religious practice, disability, gender, sexual orientation or sex.

4. Not include gang related clothing or paraphernalia.
5. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

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

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

## **VI. Prohibited Student Conduct**

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The Board recognizes the need to make its expectations for student conduct on school property, on a field trip, or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct. All violations apply to student behavior in school, on school property, on school buses and at school-sponsored functions. Students may be subject to disciplinary action, up to and including suspension from school, when they:

**A. *Engage in conduct that is disorderly or insubordinate. Examples of disorderly conduct include but are not limited to:***

1. Running in hallways.
2. Making unreasonable noise which interferes with the educational process.
3. Using language, gestures or actions that are profane, lewd, sexual, vulgar or abusive.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act, which disrupts the normal operation of the school community.
6. Trespassing.
7. Misuse of computer and/or electronic communications and personal devices.
8. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students.
9. Lateness for, missing classes or leaving school without permission.
10. Skipping detention or in-school suspension.

**B. Engage in conduct that is disruptive. Examples of disruptive conduct include but are not limited to:**

1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
2. Possession and use of electronic equipment that disrupts the learning process and interferes with building management.
3. Behavior that interrupts student learning or teacher instruction.
4. Dress code violations

**C. Engage in conduct that is violent. Examples of violent conduct include but are not limited to:**

1. Committing an act of violence (such as biting, hitting, kicking, punching, pushing, spitting and scratching) upon a student, teacher, administrator or other school employee or attempting or threatening to do so, including electronic threats.
2. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
3. Displaying what appears to be a weapon.
4. Threatening to use any weapon.
5. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
6. Intentionally damaging or destroying school district property.
7. Extortion or any attempt to obtain property or favor from another by threat or by force.
8. Placing a bomb, explosive, biological or chemical weapon or incendiary device on District property, whether or not active; or making a telephoned, written or electronic message that a bomb, explosive, biological or chemical weapon or incendiary device has been or will be placed on or near District property.
9. Possessing or igniting any fire, lighter, or other flammable instrument, except in the controlled environment of a classroom or laboratory as part of an instructional program or of a school-related activity under the direct supervision of a teacher or other District personnel as authorized by school officials.

**D. Engage in any conduct that endangers the safety, morals, health or welfare of oneself or others. Examples of such conduct include but are not limited to:**

1. Arson or attempted arson. The setting or attempt to set an unauthorized fire on District property or property under the control of the District.

2. Subjecting other students, school personnel or any person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
3. Lying to school personnel.
4. Possession of stolen property.
5. Attempting to gain unlawful access to locked and unauthorized areas, drawers, and containers.
6. Stealing or attempting to steal anything that is school property, the property of other students, school personnel or any other person lawfully on school property or attending a school function.
7. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
8. Discrimination, which includes using the person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, gender, sexual orientation or sex as a basis for treating another in a negative manner or to deny them rights, equitable treatment or access to facilities, activities or benefits which are available to others.
9. Harassment, as defined in the "Definitions" section of this Policy, but which also includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group, which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
10. Unwelcome sexual advances, request for sexual favors, or other written, nonverbal or physical conduct of a sexual nature may constitute sexual harassment. Complaints regarding sexual harassment may be made directly to Michael I. DeVito or Dr. Michele Natali, Title IX coordinators.
11. Intimidation and/or threatening, which includes engaging in actions or statements that put an individual in fear of bodily harm
12. Inciting and or instigating a dangerous situation and/or unacceptable behavior.
13. Failure to report a dangerous situation and/or unacceptable behavior.
14. Bullying, which includes the act of threatening, stalking, coercing, or intimidating, verbally, physically, in writing, by gesture or through electronic communications, the well-being, health, safety, freedom or reputation of any person, that takes place on school property, at any school-sponsored function or on a school bus, or that takes place off school grounds, but that is designed to or has the effect of interfering with a student's ability to attend school and/or be educated in a safe, non-hostile environment. Bullying also includes systematic and intentional infliction of physical harm or psychological distress on an individual or group of individuals. Bullying can also encompass unwanted purposeful written, verbal, non-verbal, social or relational,

- or physical behavior (e.g. threatening, insulting or dehumanizing gestures by an adult or student) that has the potential to create long term damage, cause discomfort or humiliation or unreasonably interfere with the individual's school performance. Unwanted teasing, touching, threatening, intimidating, stalking, cyber-stalking, cyber-bullying, physical violence, theft, sexual, religious, or racial harassment, public humiliation, destruction of school or personal property, social exclusion including incitement and/or coercion and rumor or spreading of falsehoods are also forms of bullying.
15. Hazing, which includes 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.
  16. Using any type of recording device (including but not limited to those devices which photograph, video and audio record, and/or videotape) in any manner that interferes with or is disruptive of the educational process or invades the privacy of students, employees, volunteers, or visitors.
  17. Selling, using, distributing or possessing obscene material.
  18. Using vulgar or abusive language, cursing or swearing, as well as slurs that refer to a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, gender, sexual orientation or sex.
  19. Possession of cigarettes, e-pens, smoking and/or vaping products; smoking a cigarette, cigar, pipe or use of chewing or smokeless tobacco, vape cartridge, or vape oil.
  20. Possession of lighters and/or matches.
  21. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or other illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cannabis, "edibles", synthetic cannabinoids, THC, CBD products, cocaine, LSD, PCP, amphetamines, heroin, steroids, and look-alike drugs, Representing to any person, for purposes of sale or distribution that any substance, regardless of medium of absorption or form is an alcoholic beverage or an illegal substance shall be deemed to be actionable within the meaning of this section as an attempted possession, sale or distribution of a prohibited product.
  22. Possession of drug paraphernalia, such as but not limited to, pipes, rolling paper, snorter, distribution bags, vaping products and grinders.
  23. Inappropriately possessing, selling, using or sharing prescription, over-the-counter drugs and vaping devices.
  24. Gambling such as inappropriate use of playing cards, dice, or items related to games of chance.
  25. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner, whether in-person or virtual.

26. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
27. Engage in inappropriate displays of affection. All forms of sexual behavior are prohibited.
28. Inappropriate rough-housing, horseplay, and wrestling.
29. Threatening, bullying, or teasing other students and/or staff by verbal, written or electronic means.
30. Unauthorized solicitation of money.
31. Engaging in disruptive behavior during emergency and/or emergency drills.

***E. Engage in misconduct while on a school bus.***

In addition to prohibited student conduct as noted in section VI, the following specifically addresses behavior on the school bus.

Students are only allowed to ride on a bus assigned to them by the school district, unless otherwise permitted by school administrators or designee. It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting or other conduct in violation of the code of conduct will not be tolerated. Examples of misconduct on the bus include but not limited to:

1. Roughhousing at the bus stop.
2. Bringing prohibited items onto a school bus. Prohibited items include, but are not limited to, skateboards, animals, flammable materials of any kind, medications that contain controlled substances and weapons of any kind.
3. Disregarding the instructions of the bus driver or bus aide.
4. Eating, drinking or vaping on a school bus.
5. Throwing object(s) in and/or out of the bus.
6. Standing while the bus is moving.
7. Failing to keep head, hands and feet inside the bus at all times.
8. Harassing or bullying other students on the bus or at the bus stop.

***F. Engage in any form of academic misconduct. Examples of academic misconduct include but are not limited to:***

1. Plagiarism.
2. Cheating.
3. Altering, damaging, taking or destroying records, school materials, textbooks or electronic equipment.
4. Assisting another student in any of the above actions.
5. Theft of exams.

***G. Engage in off-campus misconduct that interferes with, or can reasonably be expected to substantially disrupt the educational process in the school or at a school function or endangers the health, safety or morals of students or staff within the school. Examples of such misconduct include but are not limited to:***

1. Cyberbullying (i.e., inflicting willful and repeated harm through the use of information technology, including, but not limited to, e-mail, instant messaging, blogs, chat rooms, pagers, cell phones, gaming systems and social media websites).
2. Threatening, hazing or harassing students or school personnel over the phone or through other electronic media.
3. Inflicting physical harm.
4. Any behavior that requires law enforcement.

## **VII. Reporting Violations**

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All students are expected to promptly report violations of the code of conduct to a teacher, school counselor, school psychologist, social worker, dean, coach, assistant, the building principal or other district personnel. Any student observing another student possessing a weapon, tobacco or vape products, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee or the Superintendent. The District will make a good faith effort to maintain the anonymity of the reporting student.

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

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

**Reporting Incidents of Discrimination, Harassment and Bullying**

Students who have been bullied, harassed or discriminated against, parents whose children have been bullied, harassed or discriminated against, or other students or staff who observe bullying, harassing or discriminating behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided, as well as any applicable district policies. (Refer to BOE Policy #3280 – Anti-Harassment in the School District, Policy #6121 -Equal Opportunity Policy #7550, Dignity for All Students Act Policy; and Policy #7551, Sexual Harassment).

**Dignity Act Coordinator Contact Information**

The name, designated school and contact information for each school building’s Dignity Act Coordinator is provided below:

<b>Dignity Act Coordinator</b>	<b>Designated School</b>	<b>Contact Information</b>
Dr. Paul Romanelli	District – Administration	897-2255
Mr. Jeffrey Myers	Long Beach High School	897-2013
Ms. Lorie Beard	Long Beach Middle School	897-2166
Ms. Kathleen Connolly	East Elementary School	897-2184
Dr. Ivelisse Hernandez	Lido Elementary School	897-2140
Dr. Jennifer Pullara	Lindell Elementary School	897-2198
Ms. Amy Dirolf	West Elementary School	897-2215

This information shall also be posted on the district’s website and included in the plain language summaries of the code of conduct provided to parents and students and shall be further disseminated in accordance with applicable law and regulations.

**VIII. Disciplinary Consequences, Procedures, Minimum Periods of Suspension and Referrals**

**1. Introduction**

Discipline is most effective when it deals directly with the problem in a timely fashion and maintains the dignity of all involved. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline. Disciplinary action, when necessary, will be firm, fair and consistent and administered in a timely manner so as to be most effective in changing student behavior. In determining the appropriate disciplinary

action, school personnel authorized to impose disciplinary penalties will consider the following:

- A. The student's age.
- B. The nature of the offense and the circumstances, which led to the offense.
- C. The student's prior disciplinary record.
- D. The effectiveness of other forms of discipline.
- E. Information from parents, teachers and/ or others, as appropriate
- F. Other extenuating circumstances.

If appropriate, disciplinary action will be taken by the administration in accordance with this policy, as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted.

Restorative Justice is an approach to discipline that focuses on repairing harm through inclusive processes that engage all stakeholders. This approach, which could include disciplinary consequences, shifts the form of discipline from punishment to learning. As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a less severe response than subsequent violations. If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be subjected to a disciplinary change in placement for behavior that has a direct and substantial relationship to his/her ability or behavior that was the direct result of the District's failure to implement the students' IEP.

Students who are found to have violated the district's code of conduct may be subject to the following disciplinary actions, either alone or in combination:

- a. Verbal warning
- b. Written warning
- c. Written notification to parent
- d. Detention (i.e. lunch, recess, and after-school)
- e. Suspension from class
- f. Suspension from transportation.
- g. Suspension from athletic participation
- h. Suspension from social or extracurricular activities
- i. Suspension of other privileges
- j. In-school suspension
- k. Removal from classroom by teacher.
- l. Short-term (five days or less) suspension from school
- m. Referral to Superintendent's hearing
  - Long-term (more than five days) suspension from school

- Permanent suspension from school

All disciplinary actions imposed must be consistent with the student's right to due process.

***Additional Disciplinary and Remedial Consequences for Bullying, Harassment and Discrimination:***

The Dignity Act calls for “remedial responses” to code of conduct violations. The Board supports the development of measured, balanced and age-appropriate responses to the bullying, harassment and discrimination of students by students and/or employees on school property, including school functions, with remedies and procedures focusing on intervention and education. Successful intervention may involve remediation.

Staff is expected, when aware of bullying, to either refer the student to designated resources for assistance, or to intervene in accordance with this policy.

Remedial responses to bullying, harassment and discrimination include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target of the act. Appropriate remedial measures **may** include, but are not limited to:

- Restitution and restoration
- Peer support groups
- Corrective instruction or other relevant learning or service experience
- Supportive intervention
- Behavioral assessment or evaluation
- Behavioral management plans, with benchmarks that are closely monitored
- Student counseling
- Parent conferences
- Student treatment or in-school counseling
- Modification of schedules
- Adjustment in hallway traffic and other student routes of travel
- Targeted use of monitors.

The amount of due process a student is entitled to receive before a disciplinary action is imposed depends on the severity of the penalty or response to behavior being applied. In all cases, regardless of the remedial response to behavior being applied, the school personnel authorized to impose the disciplinary action must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary action. Students who are to be given penalties other than a verbal warning, written warning or written notification to their parents are entitled to

additional interventions before the penalty is imposed. Once an In-School or Out-of-School suspension has been articulated to the student and his/her parent/guardian by the principal or his/her designee, the student shall not be permitted to participate in any extracurricular events (sports, clubs, etc.) either as a participant or a spectator until the parent/guardian-student conference is held with an administrator on the first school day after the suspension ends. Both the notice and informal conference shall be in the dominant language of "at least one person in the parental relation to the student.

## **2. Types of Disciplinary Consequences and Procedures**

### **a. Temporary classroom leaves**

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to:

1. Short-term "time out" in an elementary classroom or in an administrator's office;
2. Sending a student into the hallway briefly;
3. Sending a student to the principal's office for the remainder of the class time only;
4. Sending a student to a school counselor or other district staff member for counseling.
5. Sending student to Office of Dean/Teacher in Charge

Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

### **b. Detention**

Teachers, principals and the Superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Parents are to be notified when a teacher assigns detention. Detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention.

**c. Classroom suspension**

On occasion, a student's behavior may become disruptive. For purposes of this code of conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules. A classroom teacher may remove a disruptive student from class for up to two school days. The removal from class applies to the class of the removing teacher only.

If the disruptive student does not pose a danger or on-going threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class. If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24 hours.

The teacher must complete a district-established disciplinary removal form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal forms. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

Within 24 hours after the student's removal, the principal or other district personnel designated by the principal must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the

last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

The principal may require the teacher who ordered the removal to attend the informal conference. If at the informal meeting the student denies the charges, the principal or the principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

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

1. The charges against the student are not supported by substantial evidence.
2. The student's removal is otherwise in violation of law, including the district's code of conduct.
3. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The principal or his or her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less. Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.

The principal must keep a log of all removals of students from class.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

**d. In-school suspension**

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes

building principals and the Superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension." The in-school suspension teacher will be a professional. A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

**e. Suspension from transportation**

If a student does not conduct himself/ herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the Superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Referrals for out of district students will be sent to the Director of Transportation. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education. A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.

**f. Suspension from athletic participation, extracurricular activities and other privileges.**

A student subjected to a suspension from athletic participation, lunch, playground, recess, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

**g. Suspension from School**

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others. The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent and the building principals. Any staff member may recommend to the Superintendent or the principal that a student be

suspended. All staff members must immediately report and refer a violent student to the principal or the Superintendent for a violation of the code of conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension. The Superintendent or principal, upon receiving a recommendation or referral for suspension, or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

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

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish. The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within five business days, unless they can show extraordinary circumstances

precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of Education with the District Clerk within 10 business days of the date of the Superintendents' decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

When the building principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf. The Superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof.

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

**h. Permanent Suspension**

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

### **3. Minimum Periods of Suspension**

**a. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interfere with the teacher's authority over the classroom**

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for up to five days. For purposes of this code of conduct "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is up to a five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension.

If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

**b. Students who bring a weapon to school**

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214.

The Superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the following:

1. The student's age.
2. The student's grade in school.
3. The student's prior disciplinary record.
4. The Superintendent's belief that other forms of discipline may be more appropriately given

**c. Students who commit violent acts other than bringing a weapon to school**

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

A student with a disability may be suspended only in accordance with the requirements of state and federal law.

**4. Referrals**

**a. Counseling**

The Guidance Office and/or other appropriate pupil personnel staff shall handle all referrals of students to counseling.

**b. PINS Petitions**

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

1. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
2. Engaging in an on-going or continual course of conduct, which makes the student ungovernable or habitually disobedient, and beyond the lawful control of the school;  
or
3. Knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

**c. Juvenile Delinquents and Juvenile Offenders**

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

1. Any student under the age of 16 who is found to have brought a weapon to school, or
2. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42).

The Superintendent is required to refer students, age sixteen and older, or any students who are fourteen or fifteen years old who qualify for juvenile offender status to the appropriate law enforcement authorities.

## **IX. Alternative Instruction**

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When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take immediate steps to provide alternative means of instruction for the student.

## **X. Discipline of Students with Disabilities**

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The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose disciplinary consequences upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations. This code of conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

### ***A. Authorized Suspensions or Removals of Students with Disabilities***

1. For purposes of this section of the code of conduct, the following definitions apply.
  - A "suspension" means a suspension pursuant to Education Law § 3214.
  - A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension

and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.

- An "IAES" means a temporary educational placement for a period of up to 45 **school** days, determined by the Committee on Special Education (CSE), other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that should enable the student to continue to progress in the general curriculum although in another setting. The student will continue to receive those services and modifications, including those described on the current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.
2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
- a. The Board, the district (BOCES) Superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
  - b. The Superintendent may order the placement of a student with a disability into an appropriate IAES, another setting or suspension for a period not to exceed 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
  - c. The Superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
  - d. The Superintendent may order the placement of a student with a disability in an IAES, to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 **school** days, if the student either: (1) carries or possesses a weapon to or at school, on school premises or to a school function under the district's

jurisdiction, or (2) the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function under the district's jurisdiction, or (3) the student has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district's jurisdiction.

- 1) "Weapon" means the same as "dangerous weapon" under 18 U. S. C. § 930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length."
- 2) "Controlled substance" means a drug or other substance identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c).
- 3) "Illegal drug" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law. ) Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 **school** days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

## ***B. Change of Placement Rule***

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  - a. For more than 10 consecutive school days; or
  - b. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of

time the student has been removed and the proximity of the suspensions or removals to one another.

2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal. However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if (1) the manifestation determination team has determined that the behavior was not a manifestation of the student's disability, or (2) the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury.

### ***C. Special Rules Regarding the Suspension or Removal of Students with Disabilities***

1. The district's Committee on Special Education shall:
  - a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury. If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary. If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.
  - b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational

- setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
- a. The Superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
  - b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
    - 1) Conducted an individual evaluation and determined that the student is not a student with a disability, or
    - 2) Determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations. If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement

determined by the district, which can include suspension.

3. The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/ her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.
4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the manifestation determination team has determined that the behavior is not a manifestation of the student's disability.
7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's Regulations incorporated into this code.

#### ***D. Expedited Due Process Hearings***

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's Regulations incorporated into this code, if:
  - a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.

- b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
  - 1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
  - 2) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. The district will arrange for, and an impartial hearing officer will conduct, an expedited due process hearing in accordance with the procedures established in the Commissioner's Regulations. Those procedures include but are not limited to convening a resolution meeting, and initiating and completing the hearing within the timelines specified in those regulations.

### ***E. Referral to law enforcement and judicial authorities***

- In accordance with the provisions of IDEA and its implementing regulations:
1. The district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
  2. The Superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

For more detailed information on disciplining students with disabilities, see Part 201 of the Regulations of the Commissioner of Education.

## **XI. Corporal Punishment**

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

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

- to protect oneself from physical injury;
- to protect another pupil or teacher or any other person from physical injury;
- to protect the property of the school or of others; or
- 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; provided that alternative procedures and methods not involving the use of physical force cannot reasonably be employed to achieve the purposes set forth in clauses (a) through (d) of this subparagraph.”

In all cases, the employee is expected to use the minimum amount of force necessary.

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

## **XII. Student Searches and Interrogations**

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The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe, supportive and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary consequence on a student may question a student about an alleged violation of law or the district code of conduct. School officials questioning students shall advise each student why he/she is being questioned. However, parent(s) and students should be aware that school officials are under no obligation to contact a student's parent(s) prior to questioning the student nor are the students entitled to be advised of their legal rights, i.e. "Miranda"-type warning, before being questioned by school officials as such rights only apply to situations where an individual is being questioned while in the custody of police.

Students are protected by the Constitution from unreasonable searches and seizures. A school official authorized by the Board of Education, includes but is not

limited to, the Superintendent, district and building administrators, the school nurse, and security officials (in the presence of an administrator) may conduct a search of students and/or his or her belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student's belongings, the authorized school official should ask the student whether he or she possesses physical evidence that they violated the law or the district code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

A search that goes beyond a search of a student's outer clothing and belongings, may only take place when there is reasonable suspicion of danger or a reasonable suspicion that the student has hidden evidence beneath his/her outer clothing.

When practical, two administrators should be present for student searches. This is particularly important when the search goes beyond a student's outer clothing and belongings. If a student is being asked to remove an outer layer of clothing, the search should be conducted by a staff member of the same sex.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

**A. *Student Lockers, Desks and other School Storage Places***

The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be

subject to search at any time by school officials, without prior notice to students and without their consent.

### ***B. Documentation of Searches***

The authorized school official conducting the search is encouraged to promptly record information about each search, which may include any of the following:

1. Name, age and grade of student searched.
2. Reasons for the search.
3. Purpose of search (that is, what item(s) were being sought).
4. Type and scope of search.
5. Person conducting search and his or her title and position.
6. Witnesses, to the search.
7. Time and location of search.
8. Results of search (that is, what items(s) were found).
9. Disposition of items found.
10. Time, manner and results of parental notification.

The building principal or the principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the items is turned over to the police. The principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

### ***C. Police Involvement in Searches and Interrogations of Students***

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Been invited by school officials.

Before police officials are permitted to question or search any student, the building principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the

police questioning or search, the questioning or search shall not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function. Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.

**D. *Child Protective Services Investigations***

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/ or neglect, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to building principal or his or her designee. The principal or his or her designee shall set the time and place of the interview. The principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex. A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

## **XIII. Visitors to the Schools**

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The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

- A. Anyone who is not a regular staff member or student of the school will be considered a visitor.
- B. All visitors to the school must report to the security officer (Pre-K report to the Main Office) upon arrival at the school. There they will be required to sign the visitor's register and show a photo ID. They will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the security officer (Pre-K return to the Main Office) and sign out before leaving the building.
- C. Visitors attending school functions that are open to the public or public gatherings are not required to register.
- D. Parents who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
- E. Teachers are expected not to take class time to discuss individual matters with visitors.
- F. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
- G. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

## **XIV. Public Conduct on School Property**

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The district is committed to providing an orderly, safe, supportive, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including students, teachers and district personnel. The restrictions on public conduct on school property and at school functions contained in this code are not intended to limit freedom of speech or peaceful assembly. The district recognizes that free inquiry and free expression are indispensable to the objectives of the district. The purpose of this code is to maintain public order and prevent abuse of the rights of others. All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner, are expected to be properly attired for the

purpose they are on school property and must adhere to the guidelines of this Code of Conduct.

### ***A. Prohibited Conduct***

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of actual or perceived race, color, creed, weight, national origin, ethnic group, religion, religious practice, age, gender, sex, marital status, sexual orientation or disability, military status, predisposing genetic characteristics or domestic violence victim status.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Use tobacco products.
10. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, synthetic versions, or be under the influence of either on school property or at a school function.
11. Possess or use weapons in or on school property or at a school function except in the case of law enforcement officers or except as specifically authorized by the school district.
12. Loiter on or about school property.
13. Gamble on school property or at school functions.
14. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
15. Willfully incite others to commit any of the acts prohibited by this code.
16. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.

### ***B. Consequences***

Persons who violate this code shall be subject to the following consequences:

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 3 and 4. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

### ***C. Enforcement***

The building principal or his or her designee shall be responsible for enforcing the conduct required by this code. When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person. The district shall initiate disciplinary action against any student or staff member, as appropriate, with the "Consequences" section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

## **XV. Dissemination and Review**

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### ***A. Dissemination of Code of Conduct***

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

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

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of school policy on school conduct and discipline, including but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, discrimination or harassment against students by students and/or school employees; and including safe and supportive climate concepts in the curriculum and classroom management.. The Superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. On-going professional development will be included in the district's professional development plan, as needed.

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

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

Before adopting any revisions to the code, the board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate. The code of conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.

Non-Discrimination Policy, Annual Notice

The Long Beach City School District hereby advises students, parents, employees, and the general public that it offers employment and educational opportunities, including vocational educational opportunities, without regard to race, color, weight, height, sexual orientation national origin, ethnic group, political affiliation, sexual identity, gender, religion, age, marital status, military status, veterans' status, predisposing genetic characteristics, use of a recognized guide dog, hearing dog or service dog or disability. Grievance procedures are available to interested persons by contacting either of the compliance officers listed below. Inquiries regarding this nondiscrimination policy may be directed to:

Michael I DeVito, Esq. or  
Dr. Michele Natali  
Title IX compliance officers  
(sex discrimination)  
Long Beach City School District  
235 Lido Blvd.  
Lido Beach, NY 11561  
516-897-2090 or 897-2112

Dr. Sabrina Brancaccio or  
Dr. Michele Natali  
Section 504 compliance officers  
(handicap discrimination)  
Long Beach City School District  
235 Lido Blvd.  
Long Beach, NY 11561  
516-897-2200 or 897-2112

A copy of the secondary vocational education courses offered is available to district residents and may be obtained on our web site, [www.lbeach.org](http://www.lbeach.org) or by calling 516-897-2019.

Política de no discriminación, Anuncio anual

El distrito escolar de la ciudad de Long Beach, por medio de la presente, informa a los estudiantes, padres de familia, empleados y al público en general que éste ofrece empleo y oportunidades educativas, incluyendo oportunidades vocacionales educativas sin distinción de raza, color, peso, altura, orientación sexual, origen nacional, grupo étnico, afiliación política, identidad sexual, género, religión, edad, estado civil, estado militar, estado de veteran, predisposición de características genéticas, uso de un perro guía reconocido, perro de servicio o incapacidad. Los procedimientos para sus quejas están disponibles a las personas interesadas, contactando a cualquiera de las funcionarias del cumplimiento de la ley que están en la lista de abajo. Las preguntas con respecto a esta política de no discriminación deben ser dirigidas a:

Michael I DeVito, Esq., o  
Dr. Michele Natali  
Funcionaria del cumplimiento de la ley  
Título IX  
(Discriminación por sexo)  
Long Beach City School District  
235 Lido Blvd  
Lido Beach, NY 11561  
516-897-2090 o 897-2112

Dr. Sabrina Brancaccio o  
Dr. Michele Natali  
Funcionaria del cumplimiento de la ley  
Sección 504  
(Discriminación por incapacidad)  
Long Beach City School District  
601 Lindell Blvd  
Long Beach, NY 11561  
516-897-2200 o 897-2112

Una copia de los cursos vocacionales ofrecidos para la educación secundaria está disponible a los residentes del distrito, ésta podrá ser obtenida en nuestra página web, [www.lbeach.org](http://www.lbeach.org), o llamando al 516-897-2019.

## Non-Discrimination Policy, Public Notification

No student shall, on the basis race, creed, color, weight, height, sexual orientation, national origin, ethnic group, political affiliation, sexual identity, gender, religion, age, marital status, military status, veteran status, disability, predisposing genetic characteristics, use of a recognized guide dog, hearing dog or service dog, or disability be excluded from participation in, be denied the benefits of, or otherwise be subject to unlawful discrimination under any career and technical education program or activity. Inquiries regarding this nondiscrimination policy may be directed to:

Michael I DeVito, Esq. or Dr. Michele Natali, Title IX Coordinators Long Beach City School District, 235 Lido Blvd, Lido Beach, NY 11561, 516-897-2090 or 516-897-2112 or Dr. Sabrina Brancaccio or Dr. Michele Natali, Section 504 Coordinators, 235 Lido Blvd., Lido Beach, NY 516-897-2200 or 516-897-2112

## Política de no discriminación, Notificación Pública

Ningún estudiante, en base a su género, raza, color, peso, altura, orientación sexual, origen nacional, grupo étnico, afiliación política, identidad sexual, género, religion, edad, estado civil, estado military, estado de veteran, preisposición de características genéticas, uso de un perro guía reconocido perro de servicio o incapacidad podrá ser excluido de participar en cualquier Carrera y programa técnico educative o actividad, o ser negado de los beneficios como partícipe de éstos, de lo contrario estará siendo sujeto a discriminación ilegal en base a lo estipulado anteriormente. Preguntas con respect a la póliza de no discriminación deben ser dirigidas a:

Michael I DeVito, Esq. or Dr. Michele Natali, Coordinadores Título IX, Long Beach City School District, 235 Lido Blvd, Lido Beach, NY 11561, 516-897-2090 or 516-897-2112 or Dr. Sabrina Brancaccio or Dr. Michele Natali, Coordinadores Sección 504, 235 Lido Blvd., Lido Beach, NY 516-897-2200 or 516-897-2112

