



**City School District
of New Rochelle**

Code of Conduct

Attendance Policy

Student

**Acceptable Use
Policy**

Adopted June 2001
Revised August 2006
Reprinted 2009

August 2009

Dear Parents/Guardians and Students,

The Safe School Against Violence in Education (S.A.V.E.) legislation is intended to provide a safe and effective learning environment. To help achieve that goal, our Board of Education has developed this district-wide Code of Conduct in consultation and with the input of a broad cross-section of the New Rochelle community.

The Code is designed to maintain and enforce order on school property and at school functions. It incorporates many of our District's existing policies, practices and procedures as well as disciplinary consequences for students or others who violate its provisions. The Code builds on the principles of good citizenship, respect for others, respect for property, tolerance and civility.

As part of the District's commitment to promote access to technology, we have created an Acceptable Use Policy which appears on page 26. By providing access to the Internet, the School District intends to promote educational excellence and to prepare students for an increasingly technological world.

However, the School District also recognizes that with this access comes material which is unrelated to scholarship, and which in many instances is inappropriate for places of learning.

For this reason, some resources such as e-mail and access to discussion groups are only to be used under directed supervision by faculty, and will be limited to teacher-directed projects. In addition, the School District, in cooperation with the Board of Cooperative Educational Services (BOCES), has taken precautions to restrict access to questionable materials, to the best of its ability. Much of the responsibility for appropriate use of the Internet must rest on students themselves.

Ultimately, we realize that the parents/guardians are responsible for setting and conveying the standards that their children should follow.

If you have concerns that factors outside of the school -- at home or in the community -- might be indicative of potentially dangerous or destructive behavior, please do not hesitate to contact a school administrator.

In addition, we have also included the District's Attendance Policy for the 2009-10 school year.

With your support, we will continue to offer our children a quality education in a safe, secure environment conducive to learning.

Sincerely,
Richard E. Organisciak
Superintendent of Schools

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL PROPERTY

Adopted by the Board of Education of the City School District of New Rochelle

June 5, 2001

Revised August 2006

Reprinted 2009

I. INTRODUCTION

The Board of Education is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. To achieve this goal, the Board expects that students, teachers, other district personnel, parents and other visitors will behave responsibly on school property and at school functions, based on well-established principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

In order to clearly define the Board's expectations for acceptable conduct on school property and at school functions, identify the possible consequences of unacceptable conduct, and ensure that discipline when necessary is administered promptly and fairly, in accordance with Sections 2810 and 3214 of the Education Law and Part 100 of the Regulations of the Commissioner of Education, the Board adopts this Code of Conduct, which shall apply to all students, school personnel, parents and other visitors when on school property, attending school functions, or in transit to or from school property or a school function. The Code is not intended to limit freedom of expression or peaceful assembly, for the District recognizes the value of free inquiry and free expression. The purpose of this Code is to maintain safety and public order and to prevent abuse of the rights of others.

II. DEFINITIONS

“Parent” means the biological, adoptive or foster 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 in or on a school bus, as defined in Vehicle and Traffic Law Section 142.

“School function” means any school-sponsored curricular or extra-curricular event or activity.

“Weapon” means a firearm as defined in 18 U.S.C. Section 921 for purposes of the Gun Free Schools Act. It also means any other gun, knife, blade, explosive or incendiary bomb or other device, instrument, material or substance capable of causing serious physical injury or death when used as a weapon.

III. STUDENT RIGHTS AND RESPONSIBILITIES

A. STUDENT RIGHTS

The School District is committed to safeguarding the rights given to all students under state and federal law. In addition, all District students have the right to:

1. A safe, healthy, orderly and civil school environment.
2. Equal educational opportunity and freedom from discrimination based on race, religion, color, national origin, sex, sexual orientation or disability.
3. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty.
4. Have access to school rules and, when necessary, receive an explanation of those rules from school personnel.
5. Freedom of expression, provided such does not interfere with the rights of others or disrupt or interfere with the education, discipline or normal activities of the school.

B. STUDENT RESPONSIBILITIES

All District students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning.
2. Show respect to other persons and to property.
3. Obey the law, this Code of Conduct and school rules and report any infractions to the appropriate school authorities.
4. Attend school every day and be in class, on time and prepared to learn, unless they are legally excused.
5. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
6. React to direction given by teachers, administrators and other personnel in a respectful, positive and cooperative manner.
7. Dress appropriately for school and school functions, that is, in a manner that does not infringe upon the rights of others or significantly disrupt the education, discipline or other normal activities of the school.
8. Conduct themselves as representatives of the District when participating in or attending school-sponsored extracurricular events and hold themselves to the highest standards of conduct and sportsmanship.

IV. ESSENTIAL PARTNERS

In addition to the many ways in which adults help children achieve academic goals, adults play critical roles in helping the District maintain safe and orderly schools.

A. PARENTS are expected to recognize that the education of their children is a joint responsibility of parents and the school community. Parents should send their children to school daily, on time, ready to participate and learn. Parents should convey to their children a supportive attitude toward education and the School District, including an understanding of the importance of school rules in maintaining a safe and orderly environment where they can learn. Parents should communicate with the school about changes in the home situation or other factors that may affect their children's conduct or performance.

B. TEACHERS are expected to maintain a climate of mutual respect and dignity, which will strengthen students' self-concepts and promote their confidence to learn. Teachers should know school policies and rules and enforce them in a fair and consistent manner. They should communicate regularly with students, parents and other school personnel concerning student progress and achievement.

C. GUIDANCE COUNSELORS, PSYCHOLOGISTS, SOCIAL WORKERS and SCHOOL NURSES are expected to assist students in coping with peer pressure and emerging personal, social and emotional problems. They should initiate teacher/student/parent conferences as necessary, as a way to resolve problems.

D. PRINCIPALS are expected to promote a safe, orderly and stimulating school environment, supporting active teaching and learning. Principals are responsible for informing the school community of the Code of Conduct, supervising expeditious and fair enforcement of the Code, and communicating with parents as required or appropriate.

E. THE SUPERINTENDENT OF SCHOOLS is expected to promote a safe, orderly and stimulating school environment, supporting active teaching and learning. The Superintendent shall review with administrators the policies of the Board of Education and laws relating to school operations and management, and shall inform the Board of Education about educational trends relating to student discipline. The Superintendent should work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs, and should work with district administrators in enforcing the Code of Conduct expeditiously and fairly.

F. THE BOARD OF EDUCATION shall 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. The Board should adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation, and should amend it from time to time where appropriate.

V. STUDENT DRESS CODE

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

A student's dress, grooming and appearance shall:

1. Be safe, appropriate, and not disrupt or interfere with the rights of others or the educational process.
2. Include footwear at all times.
3. Not include the wearing of hats, head scarves or handkerchiefs in the school building except for a medical or religious purpose.
4. Not include items that are vulgar, obscene or libelous, or that denigrate others on account of race, color, religion, national origin, sex, sexual orientation or disability.

5. Not promote, endorse or encourage the use of alcohol, tobacco, controlled substances, illegal drugs or other illegal or violent activities.

Each Building Principal 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

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

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

- A. Engage in conduct that is disorderly**, including, but not limited to:
 1. Running in hallways.
 2. Making unreasonable noise.
 3. Dangerous horseplay.
 4. Using language or gestures that are profane, lewd, vulgar, abusive or threatening.
 5. Obstructing vehicular or pedestrian traffic.
 6. Engaging in any willful act, which disrupts the normal operation of the school community.
 7. Trespassing. Students are not permitted in any school building during a period of suspension from school or at any time when they know that such presence is forbidden. They are not permitted in any school building other than the one they regularly attend without permission from the administrator in charge of that building.
- B. Engage in conduct that is insubordinate**, including, but not limited to:
 1. Failing to comply with the legitimate and reasonable directions of teachers, school administrators or other school employees, or otherwise demonstrating disrespect to school personnel.
 2. Lateness for, missing or leaving class, homeroom, detention, or school grounds without permission.
- C. Engage in conduct that is disruptive**, including, but not limited to:
 1. Failing to comply with the legitimate and reasonable directions of teachers, school administrators or other school employees, or otherwise demonstrating disrespect to school personnel.
 2. Being insubordinate or disorderly in a class, hallway, cafeteria, assembly,

after-school event or other school function.

3. Intimidation or harassment by, among other things, threatening to assault or injure another person; threatening to damage, destroy or remove any public or private property without authorization; or abusing any person through the use of “fighting words,” such as profanity, personal insults, slurs based on race, religion, national origin, sex, sexual orientation or disability, or any other intimidating or harassing remarks that create a reasonable possibility of leading to a fight or substantial disruption or interference with the education, discipline or normal activities of the school.
4. False alarms or bomb threats.
5. Possessing walkmen, radios, beepers or other electronic devices.

D. Engage in conduct that is violent or destructive, including but not limited to:

1. Committing an act of violence (such as hitting, kicking, fighting, punching, cutting or scratching) upon any person lawfully on school property or at a school function, or attempting to do so.
2. Possessing, displaying, using or threatening to use a weapon or what appears to be a weapon.
3. Knowingly and intentionally damaging or destroying school district property or the personal property of any person lawfully on school property or at a school function, including but not limited to graffiti, vandalism or arson, or attempting to do so.

E. Engage in any conduct that endangers the safety, morals, health or welfare of others, including but not limited to:

1. Stealing school district property or the personal property of any person on school property or at a school function; knowing receipt of such stolen property; or extortion.
2. Acts of sexual harassment, including unwanted and inappropriate verbal, written or physical conduct of a sexual nature directed toward others. Further definitions of sexual harassment are available in the District’s sexual harassment policy.
3. Smoking or using tobacco products, or igniting matches, lighters or other igniting instruments.
4. Possessing, consuming, selling, distributing or exchanging alcoholic beverages, drugs, controlled substances or related paraphernalia, or being under the influence of alcohol, drugs or controlled substances.
5. Inappropriately using or sharing prescription or over-the-counter drugs.
6. Gambling.
7. Hazing, including but not limited to physical contact, incitement to other misconduct, or humiliation, in connection with initiation into or maintaining membership in any group.

F. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately and safely while riding, waiting for, boarding and leaving school buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Excessive noise, pushing, shoving and fighting will not be tolerated. Similarly, physically harming or threatening other students or the driver, damaging bus property, refusing to obey the driver or causing persistent disruption will be violations of this Code.

G. Engage in academic misconduct, including but not limited to:

1. Plagiarism.
2. Cheating, including but not limited to representing someone else's work as one's own; using unauthorized oral or written assistance for a quiz, test or other assignment, illegally obtaining tests in advance, substituting for a test-taker, knowingly providing another student with the opportunity to cheat, and other forms of unauthorized collusion.
3. Misuse of computer access or facilities in violation of the School District's Policy and Procedure Governing External Database Access.
4. Altering school records.
5. Assisting another person in any of the above actions.

VII. REPORTING VIOLATIONS OF THE CODE OF CONDUCT

The principal or equivalent person in charge of each school or school program shall have primary responsibility for determining whether a violation of this Code of Conduct has occurred. Each such person may delegate all or part of this responsibility to a designee, such as assistant principals, house principals or administrative deans, to the extent allowable by law. Teachers and other staff members who are aware of a violation must immediately report the incident to the person in charge of each school or his/her designee for further investigation.

Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, administrator or other school employee. Any weapons, alcohol or illegal substances found will be confiscated immediately, followed by notification of the parent of the student involved and appropriate disciplinary action.

The Building Principal will notify the appropriate local law enforcement agency of those Code violations that may constitute a crime and substantially affect the order or security of the school as soon as reasonably practical.

VIII. DISCIPLINARY PROCEDURES AND PENALTIES

Discipline is most effective when it deals directly with a problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel are expected to use disciplinary action only when necessary, to emphasize the student's ability to grow in self-discipline, and in a manner that is firm, fair and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties should consider the student's age and maturity; the nature of the offense and the surrounding circumstances; the student's prior disciplinary record; the effectiveness of other forms of discipline; information from parents, teachers and/or others, as appropriate; extenuating circumstances; and the degree of danger created for other members of the school community by the particular infraction. As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations.

Students with disabilities may be disciplined for violations of this Code as set forth in Section X.

A. PENALTIES

Students who are found to have violated this Code of Conduct may be subject to the following penalties, either alone or in combination. Consistent with the student's due process rights, the identified school personnel are authorized to impose each penalty.

1. Verbal or written warning - Any member of the District staff
2. Written notification to parent - Any member of the District pedagogical or administrative staff
3. Detention - Teachers, administrative deans, house and assistant principals, building principals, Superintendent (see Section B(1) below).
4. Suspension from transportation, athletic participation, social or extracurricular activities or other privileges - Administrative deans, house and assistant principals, building principals, Superintendent
5. In-school suspension - Administrative deans, house and assistant principals, building principals, Superintendent
6. Removal from classroom - Teachers, administrative deans, house and assistant principals, building principals, Superintendent
7. Short-term (five days or less) suspension from school - Building principal, Superintendent, Board of Education
8. Long-term (more than five days) suspension from school - Superintendent, Board of Education
9. Permanent suspension from school - Superintendent, Board of Education.

B. PROCEDURES

The amount of due process a student is entitled to will depend on the type of penalty being imposed. In all cases, the school personnel authorized to impose the penalty must let the student know what misconduct the student is alleged to have committed, must investigate the facts surrounding the alleged misconduct, and must give the student an opportunity to present his/her version of the facts. Students who may be given penalties other than a verbal or written warning, written parental notification or detention may be disciplined as explained below.

1. Detention

After-school detention will be imposed as a penalty only after the student's parent has been notified to confirm that the student has appropriate transportation home following detention.

2. Suspension from transportation

If a student acts in violation of this Code on or while waiting for, boarding or leaving a bus, the bus driver is expected to bring such misconduct to the attention of the building principal. After investigating the facts of the alleged misconduct, the building principal or his/her designee may, following a reasonable opportunity for the student and his/her parent to confer with the administrator about the misconduct and the penalty, suspend the student's riding privileges. In such cases, the student's parent will become responsible for seeing that the child gets to and from school safely.

3. Suspension from athletic participation, social or extra-curricular activities and other privileges

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

4. In-school suspension

Building principals and their designees (assistant principals, house principals or administrative deans) are authorized to place students who act in violation of this Code and might therefore otherwise be suspended from school in "in-school suspension."

"In-school suspension" is the temporary removal of students from the classroom and their placement in another area of the school building designated for such a suspension, where students will receive substantially equivalent, alternative education, provided by appropriately certified personnel.

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

5. Teacher Removal of Disruptive Students

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, such as when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules. A disruptive student can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In many instances the classroom teacher can control disruptive student behavior by using good classroom management techniques. Occasionally, however, it may be necessary for a teacher to remove a disruptive student from the classroom to ensure that other students continue to learn.

A classroom teacher may remove a student from class for up to two days if the teacher determines that the student is disruptive. The removal from class applies to the class of the removing teacher only.

If the student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student, before the student is removed, with an explanation of why he/she is being removed. The student must also be given the opportunity to present his/her version of the relevant events. Only after this informal discussion may a teacher remove a student from class.

If the student does pose 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/she was removed from the classroom and give the student a chance to present his/her version of the relevant events within one full school day.

The teacher must complete a District-established referral form and meet with the principal 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 referral form. If the principal is not available by the end of the same school day, the teacher must leave the completed referral

form with the principal's secretary and must meet with the principal prior to the beginning of classes on the next school day.

Within one school day after the student's removal from class by a teacher, the principal or his/her designee must notify the student's parent, in writing, that the student has been removed from class and why. The notice must also inform the parent of his/her right, upon request, to meet informally with the principal or the principal's designee within two school days to discuss the reasons for the removal and behavior modification(s) to remedy the cause for the removal. 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 by the parent by the day after the student's removal at the last known address for the parent. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number for the purpose of contacting parents.

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 his/her parent a chance to present the student's version of the relevant events. The informal meeting must be held within two school days of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal (or designee).

The principal or his/her designee may overturn the removal of the student from class if the principal or his/her designee 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; or
3. the conduct warrants suspension from school and a suspension will be imposed.

The principal or his/her designee must make a determination as to whether to overturn the removal before the close of business on the day after the day of the informal hearing. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal or his/her designee makes a final determination, or the period of removal expires, whichever is less. At the teacher's discretion, he/she may rescind the removal prior to expiration of the full period of removal. Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming as appropriate.

Each teacher must keep a complete log (on a District form) for all cases of removal of students from his/her class. The principal must keep a log of all removals of students from class. Removal of a student with a disability may, under certain circumstances, constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his/her class until he/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.

Nothing in this Code abridges the right and responsibility of a principal to suspend a student pursuant to Education Law Section 3214. Further, nothing in this Code abridges the customary right and responsibility of a teacher to manage student behavior in the classroom. The removal process should not become a substitute for good classroom management.

6. Suspension From School

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent and the building principals. Suspension from school is a significant 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. All staff members are expected promptly to refer such a student to the principal, with a written report to be prepared as soon as possible. Upon receiving such a report, the principal shall gather the relevant facts.

a. Short Term (Five Days Or Less) Suspension From School

When the principal proposes to suspend a student charged with misconduct for five days or less, he/she must immediately so notify the student orally and must, if the student denies the misconduct, provide an explanation of the basis for the proposed suspension. The principal 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 conduct with which the student is charged and the incident for which suspension is proposed and shall inform the parent of the right to request an immediate informal conference with the principal, at which the parents shall be permitted to ask questions of complaining witnesses. Both the notice and the informal conference shall be in the dominant language or mode of communication used by the parents.

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, in which case the parental notice and opportunity for an informal conference shall take place as soon as is reasonably practicable. After the conference, the principal shall promptly advise the parents in writing of his/her decision.

b. Long Term (More Than Five Days) Suspension from School

When the Superintendent or building principal determines that a suspension for more than five days may be warranted, the Superintendent or his/her designee shall give reasonable notice in writing to the student and his/her parents of their right to a formal disciplinary hearing. The notice shall set forth the specific charges against the student, the date, time and place of the hearing, the student's right to be represented by counsel, the right to question witnesses against the student, and the right to present witnesses and other evidence on his/her behalf.

The Superintendent shall personally hear and determine the proceeding or may, in his/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/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 School District may be represented at a Superintendent's hearing by its attorneys, who will present the School District's case against the student. While the proceedings will be similar to those of a court of law, every effort will be made to have the hearing in a relaxed atmosphere. Parents and students may contact School District personnel for information concerning what to expect at a Superintendent's hearing.

The hearing officer shall make an advisory report to the Superintendent containing findings of fact and recommendations as to the appropriate measure of discipline. A student's prior disciplinary history ("anecdotal record") will not be considered as evidence of guilt, but may be considered with respect to the penalty to be imposed after a determination of guilt has been made. A student or parent may review the student's anecdotal record in advance of a disciplinary hearing by making a request to the building principal. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof. The student and his/her parents shall be promptly notified in writing of the Superintendent's decision as to innocence and guilt and as to punishment. The written decision shall also contain notification of the student's right to appeal the decision to the Board of Education, which will make its decision based solely upon the hearing record. New evidence will not be considered by the Board. All appeals to the Board must be in writing and submitted to the District Clerk within 10 business days of the date of the Superintendent's decision. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

c. Permanent Suspension

Permanent suspension is reserved for severe misconduct by students over compulsory education age.

C. MINIMUM PERIODS OF SUSPENSION

The periods of suspension described below are minimum penalties for specific misconduct. As appropriate, longer periods of suspension may be imposed for such misconduct, or for any other violations enumerated in Part VI ("Prohibited Student Conduct") above.

1. Students who bring a weapon to school

Any student other than a student with a disability who, following a hearing pursuant to Education Law Section 3214, is found guilty of bringing a weapon onto school property or to a school function will be subject to suspension from school for at least one calendar year, subject to modification by the Superintendent on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the student's age, grade in school and prior disciplinary record; whether other forms of discipline may be more effective; input from parents, teachers and others; and extenuating or aggravating circumstances.

The Superintendent is required to refer the following students to the Westchester County Attorney or other appropriate law enforcement authorities for a juvenile delinquency proceeding before the Family Court: any student under the age of 16 who is found to have brought a weapon to school, and any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law.

The Superintendent is also required to refer to the appropriate law enforcement authorities students 16 years old or older, or any student 14 or 15 years old who qualifies for juvenile offender status and who possesses a firearm on school grounds.

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

2. 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 or to a school function shall be subject to suspension from school for at least five days, subject to modification by the Superintendent on a case-by-case basis based on consideration of the same factors to be considered in modifying a one-year suspension for possessing a weapon.

3. 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 engages in conduct which results in the student being removed from the classroom by teacher(s) on four or more occasions during a semester, or three or more occasions during a marking period will be suspended from school for at least five days, subject to modification by the Superintendent on a case-by-case basis based on consideration of the same factors to be considered in modifying a one-year suspension for possessing a weapon.

IX. ALTERNATIVE INSTRUCTION

When a student of any age is removed from class by a teacher, or a student of compulsory attendance age is suspended from school pursuant to Education Law Section 3214, the District will take prompt steps to provide alternative means of instruction for the student. In addition, at the discretion of the Superintendent, alternative instruction may be made available to a student over the compulsory attendance age who has been suspended from school but presents a sincere desire to complete his/her high school education.

X. DISCIPLINE OF STUDENTS WITH DISABILITIES

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive, violent or problem behavior. The Board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities seek to impose discipline on them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the requirements of 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, the following definitions apply.

A “suspension” means a suspension from regular attendance at school pursuant to Education Law Section 3214.

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

An “IAES” means a interim alternative educational placement for a period of up to 45 days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student’s current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications that are designed to address the behavior which precipitated the IAES placement and to prevent the behavior from recurring.

2. School personnel may order the suspension or removal of a student with a disability from his/her current educational placement as follows:

- a. The Board, the 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, in accordance with Section VIII(B)(6)(a) of this Code.

- b. The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines after a hearing held pursuant to Section 3214 of the Education Law that the student has engaged in behavior in violation of this Code that warrants a suspension and the suspension or removal does not exceed the amount of time a non-disabled student 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 suspensions 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, for the same amount of time that a student without a disability would be subject to discipline even when the Committee on Special Education has determined that the student’s misconduct was a manifestation of his or her disability, up to 45 school days, if the student, while on school property or at a school function,

possesses a weapon or knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance, or inflicts serious bodily injury upon another person, as defined in applicable federal and state law and regulations.

3. Subject to specified conditions required by 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/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 and because of such factors as the length of each suspension or removal, the total amount of time the student is removed or suspended, and the proximity of the suspensions or removals to each other.

2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension would result in a disciplinary change of placement unless the Committee on Special Education has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances, or infliction of serious bodily injury upon another person.

C. 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 imposing upon a student with a disability 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 infliction of serious bodily injury upon another person.

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 Committee on Special Education shall review the behavioral intervention plan and its implementation to determine if modifications are necessary. If one or more members of the Committee believe that modifications are needed, the School District shall convene a meeting of the Committee 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 to determine whether the student's conduct was (i) caused by or had a direct and substantial relationship to the student's disability or (ii) was a direct result of the school district's failure to implement the student's IEP, whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances, or infliction of serious bodily injury upon another person, 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 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 special education services under federal and state law at the time of the misconduct shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with criteria therein set forth, the School District is deemed to have had knowledge that the 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.

The Superintendent shall be responsible for determining whether the student is a student presumed to have a disability.

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

- (1) the District has previously conducted an individual evaluation and determined that the student was not a student with a disability; or
- (2) the District has previously determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner legally required.
- (3) the student's parent has not allowed the student to be evaluated; or
- (4) the student's parent has refused IDEA services.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary action against the student, the student may be subjected to the same disciplinary actions and procedures as any other non-disabled student who engaged in comparable behavior. However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal or suspension, an expedited evaluation shall be conducted and completed in the manner legally prescribed. 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 may 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 infliction of serious bodily injury upon another person, 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 that constitutes a disciplinary change in placement.

A procedural safeguards notice prescribed by the Commissioner of Education shall accompany the notice of disciplinary removal.

4. The parents of a student with disabilities subject to a suspension of five consecutive 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's hearings on disciplinary charges against students with disabilities shall be bifurcated into a guilt phase and a penalty phase in accordance with the Regulations of the Commissioner of Education.

6. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Regulations of the Commissioner of Education.

D. EXPEDITED DUE PROCESS HEARINGS

1. An expedited due process hearing before an impartial hearing officer as prescribed by federal and state law shall be conducted in the manner specified by the Regulations of the Commissioner of Education, if:

- a. The District requests such a hearing to obtain an order of an impartial hearing officer to place a student with a disability in an IAES, or during the pendency of due process hearings, where school personnel maintain that it is dangerous for the student to be in his/her current educational placement during such proceedings.
- b. The parent requests such a hearing to seek review of 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 manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of 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. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he/she must mail a written decision to the District and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

E. REFERRAL TO LAW ENFORCEMENT AND JUDICIAL AUTHORITIES

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

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, consistent with law.

XI. CORPORAL PUNISHMENT

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

Corporal punishment does not include the use of reasonable physical force :

1. to protect oneself, or another person from physical injury;
2. To protect the property of the school or others;
3. to restrain or remove a student whose behavior is interfering with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to comply with a request to refrain from further disruptive acts;

provided that alternative procedures and methods that do not involve the use of physical force cannot reasonably be used to achieve the purposes set forth above.

XII. VISITORS TO THE SCHOOLS

The Board encourages parents and other District citizens to visit the District's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal is responsible for enforcement of such limits. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a "visitor".
2. All visitors to the school must report to the office of the principal or the visitors' desk upon arrival at the school. There they will be required to sign the visitors' register and will be issued a visitor's identification pass, which must be carried and displayed at all times while the visitor is in the school or on

- school grounds and returned to the principal's office before the visitor leaves.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
 4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher, so that class disruption is minimized.
 5. Teachers are expected not to take class time to discuss individual matters with visitors.
 6. Any unauthorized person on school property will be reported to the principal and asked to leave. The police may be called if the situation warrants.
 7. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

XIII. PUBLIC CONDUCT ON SCHOOL PROPERTY

In order to create and maintain a safe, orderly, respectful environment that is conducive to learning, the District establishes the following regulations for public conduct on school property and at school functions by persons other than students.

A. PROHIBITED CONDUCT

No person, either alone or with others, while on school property or at a school function, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or remove public or private property.
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 race, color, nationality, religion, age, sex, sexual orientation or disability.
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.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances or illegal drugs, or be under the influence of any of the foregoing.
10. Smoke or use tobacco products.
11. Possess, display, use or threaten to use any weapon, 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.
14. Refuse to comply with any lawful 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.

B. PENALTIES

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

1. Visitors: Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection. Where appropriate, visitors may be barred from future access to school property or school functions.
2. School District employees shall be subject to immediate ejection, and to further disciplinary action in accordance with applicable provisions of the Education Law, the Civil Service Law, and applicable collective bargaining agreements.

C. ENFORCEMENT

The Superintendent shall be responsible for enforcing the conduct required by this Code. The Superintendent may designate other district staff who are authorized to take action consistent with the Code.

When the Superintendent or his/her designee sees an individual engaged in prohibited conduct which in his/her judgment does not pose any immediate threat of injury to persons or property, the designated school official shall tell the individual that the conduct is prohibited, attempt to persuade the individual to stop, and 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 designated school official 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, as set forth in the Penalties section above. In addition, the District reserves the right to pursue a civil or criminal legal action against any person violating the provisions of this Code.

XIV. DISSEMINATION AND REVIEW 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 at an assembly held at the beginning of each school year.
2. Mailing a summary of the Code of Conduct written in plain language to all parents of District students before the beginning of the school year and making this summary available later, upon request.
3. Providing all current teachers and other staff members with a copy of the Code and any amendments thereto as soon as practicable after adoption.
4. Providing all new employees with a copy of the current Code when they are first hired.
5. Filing a copy of the Code in each school building, where it will be available for review by students, parents and other community members, upon request.

The Board will sponsor an in-service education program for district staff members to ensure the effective implementation of the Code. The Board will review the Code

annually in order to consider its effectiveness and the fairness and consistency of its implementation, and will update it as necessary.

The Code of Conduct and any amendments to it will be filed with the Commissioner of Education not later than 30 days after adoption by the Board.

ATTENDANCE POLICY

(Effective July 1, 2002)

The Board of Education of the City School District of the City of New Rochelle, New York, recognizes that regular school attendance is a major component of academic success. Evidence that learning is taking place is shown when students pass tests, successfully complete assignments, and actively participate in class. In order for students to demonstrate their understanding of the subject matter and to participate actively in the learning process, they must be present in class. Therefore, in order to receive academic credit for any course, students must earn the necessary academic average and meet the school's standard of attendance. Through implementation of this policy, the Board of Education expects to reduce the current level of unexcused absences, tardiness, and early departures (referred to in this policy as "ATEDs"), encourage full attendance by all students, maintain an adequate attendance recordkeeping system, identify patterns of students ATEDs and develop effective intervention strategies to improve school attendance.

Notice

To be successful in this endeavor, it is imperative that all members of the school community are aware of this policy, its purpose, procedures and the consequences of non-compliance. To ensure that students, parents, teachers and administrators are notified of and understand this policy; the following procedures shall be implemented:

- The attendance policy will be included in student handbooks and will be reviewed with students at the start of the school year.
- Parents will receive a plain language summary of this policy by mail at the start of the school year.
- Parents are responsible for notifying the school if a child is going to be absent, tardy or leave early. The child's full name and grade should be given. In the elementary schools, phone contact will be made with the parents of students who are absent and whose parents have not notified the school of that absence. School administrators must ensure that a phone number where a parent or guardian can be reached during the day is on file with the school.
- At back-to-school events at the beginning of each school year, School Principals will review this policy and stress the parent's responsibility for their ensuring their children's attendance.
- School newsletters and publications will include periodic reminders of the components of this policy.
- The School District will provide a copy of the attendance policy and any amendments thereto to faculty and staff. New staff will receive a copy upon their employment.
- All faculty and staff will meet at the beginning of each school year to review the attendance policy to clarify individual roles in its implementation.
- Copies of this policy will also be made available to any community member, upon request.

Excused and Unexcused Absences

- Excused ATEDs are defined as absences, tardiness, and early departures from class or school due to personal illness, illness or death in the family, impassable roads or weather, religious observance, quarantine, required court appearances, attendance at health clinics, medical appointments (if no outside time can be arranged), approved college visits, approved cooperative work programs, military obligations, or such other reasons having received prior approval by the School Principal.

- All other ATEDs are considered unexcused absences.
- All ATEDs must be accounted for. It is the responsibility of the student's parent(s) to notify the school office within at least 24 hours of the ATED and to provide a written excuse upon the student's return to school.

General Procedures/Data Collection

- Attendance will be taken daily.
- Grades Pre K-5: Attendance will be taken and recorded once at the beginning of the school day and at any time a class is dispersed and reconvened.

Grades 6-12: Attendance will be taken and recorded for each class period.

- At the conclusion of each class period or school day, all attendance information shall be compiled and provided to the designated staff member(s) responsible for attendance.
- The nature of an ATED shall be coded through data processing on a student's record.
- Student ATED data shall be available to and should be reviewed by the designated school personnel in an expeditious manner.
- Where additional information is received that requires corrections to be made to a student's attendance records, such correction will be made immediately. Notice of such a change will be sent to appropriate school personnel subject to applicable confidentiality rules.
- Attendance data will be analyzed periodically to identify patterns or trends in student absences.
- Where consistent with other school practices, teachers and staff who see students absent from a class period without excuse shall refer the students to the School Principal.
- Continuous monitoring will be conducted to identify students who are absent, tardy, or leave class or school early.

Disciplinary Consequences

- Unexcused ATEDs will result in disciplinary action consistent with the district's Code of Conduct. Those penalties may include, for example, detention or suspension. Students may also be denied the privilege of participating in or attending extracurricular events.
- In addition, designated staff member(s) will contact the student's parents and the student's guidance counselor. Such staff member(s) shall remind parents of the attendance policy, explain the ramifications of unexcused ATEDs, stress the importance of class attendance and discuss appropriate intervention strategies to correct the situation.

Attendance/Grade Policy

- The Board of Education recognizes the important relationship between class attendance and student performance. Consequently, each marking period a student's final grade may be based on classroom participation as well as student's performance on homework, tests, papers, projects, etc.
- Students are expected to attend all scheduled classes. Consistent with the importance of classroom participation, unexcused ATEDs will affect a student's class participation grade for the marking period.

High School Attendance Policy

New York State law requires that students attend school on a regular basis. It also specifies that the school district, the students themselves, and the parents are responsible for ensuring student attendance.

Students show evidence of learning when they pass tests, successfully complete assignments and actively participate in class. In order for students to demonstrate their understanding of the subject matter and to participate actively in the learning process, they must be present in class. Therefore, in order to receive academic credit for any course, students must earn the necessary academic average and meet the school's standard of attendance.

Absences from Class Defined

For the purpose of determining credit for a course, all absences—excused and unexcused—are tallied with the following exceptions:

1. Prolonged illness with medical documentation
2. Illnesses resulting in homebound instruction as per State Education Law
3. Curricular alteration of a student's schedule with prior approval, e.g., scheduled music lessons, school testing, curriculum based field trips, and participation in school athletic events
4. Guidance and/or intervention counseling
5. Suspension
6. Legal placement

Lateness to Class Defined

1. Entering class late **without** a pass from an administrator will not be permitted and will be recorded as an absence.
2. Entering class late **with** an administrator's pass will be permitted; however three (3) latenesses constitute one absence.
3. Excessive lateness results in the student being referred to the House Principal.

Policy

1. Students are expected to be in every class every day. Class cutting is not permitted and will result in disciplinary action consistent with the District Code of Conduct.
2. Any student with more than **6** absences per marking period, or **3** absences for classes meeting every other day, will receive a grade of F for the course for that marking period, unless the student completes missed work within a reasonable amount of time.

Teachers will provide an opportunity for students to complete missed work for **excused absences**.

Teachers are not obligated to provide makeup work for **unexcused absences**.

3. Any student enrolled in a course with more than 24 absences for the year or **12** absences for ½ credit courses will receive a grade of F for the year. This will be converted into a numerical grade of 55, unless the student completes missed work within a reasonable amount of time.

The student may become ineligible for participating in, or attending co/extra curricular activities.

4. A failing grade due to absences may be appealed to the House Principal, Assistant Principal or Principal.

Procedures

The following system of incremental interventions is in place for **each marking period**:

1. Each day an automated phone call will be made to the home to report absences. When a student is absent from school, the parent/guardian must notify the House Office.
2. For the third absence (second in a course that meets every other day), the teacher will receive an Attendance Alert Form from the House Office. The teacher will contact the parent / guardian by phone and note this contact on the Attendance Alert Form. The House Office will contact the parents/guardians in writing.
3. For the sixth absence (third in a course that meets every other day) the teacher will receive a second Attendance Alert Form from the House Office. The House Principal will send a letter to the parent/guardian and a conference will be arranged to include the student, parent/guardian, teacher, school counselor, and any other members of the support team as may be appropriate. A concerted effort will be made to resolve any difficulties creating absences.

Annual Review

The Board of Education shall annually review the building-level student attendance record and, if such record shows a decline in student attendance, the Board of Education shall revise this comprehensive attendance policy and make any revision to the plan it deems necessary to improve student attendance.

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

ACCEPTABLE USE POLICY FOR TECHNOLOGY AND THE INTERNET 5550 – STUDENTS –

Introduction

The City School District of New Rochelle (“School District”) furnishes computers and network facilities and equipment, and provides access to the Internet in order to support learning and enhance instruction. By providing access to the Internet, a vast information highway connecting thousands of computers all over the world, the School District intends to promote educational excellence and to prepare students for an increasingly technological world. This use should facilitate resource sharing, research, innovation and communication.

However, the School District also recognizes that with this access come uses and the availability of material which are unrelated to scholarship, and which in many instances are inappropriate for places of learning, and inappropriate for young people in particular.

For this reason, computer, network and Internet facilities (including, without limitation, e-mail and discussion groups) are to be used only for purposes directly related to learning. Students should use their own computers and their own Internet access arrangements for all other purposes. Resources such as e-mail and discussion groups are only to be used under directed supervision by faculty, and will be limited to teacher-authorized projects. In addition, the School District, in cooperation with the Board of Cooperative Educational Services (BOCES), has taken precautions to restrict access to questionable materials, but students and parents need to know that it is impossible to control all materials.

Much of the responsibility for appropriate use of School District computers, network facilities and Internet access must rest on students themselves. Therefore, the School District requires that students act responsibly by reading and following its policies regarding Technology and the Internet. Copies of these policies are available to parents upon request.

Ultimately, we realize that the parents/guardians of minors are responsible for setting and conveying the standards that their students should follow. Likewise, parents and students must understand that access to School District computer, network and Internet facilities is a revocable privilege, and not a right. Use of the system can and will be monitored by the School District, and there is no expectation of privacy in student use.

Applicability and General Principles

These policies apply to all students who use School District computers, or who otherwise gain access to the School District network facilities and/or Internet via computer equipment and/or access lines located in the School District or elsewhere. This includes any remote access which students may gain from off-site, but which involves the use of School District sites, servers, intranet facilities, e-mail accounts or software.

All access to and use of the School District computers, network facilities and Internet access must be for the purposes of education and research consistent with the educational goals of the School District. Students must make efficient, ethical and legal utilization of network resources. Students must be aware that material created, stored on, or transmitted from or via the system is not guaranteed to be private. In addition to the fact that the Internet is inherently insecure, School District network administrators may review any and all individual computers and/or areas of the network at any time to ensure

that the system is being used properly. For this reason, students should expect that e-mails, materials placed on personal Web pages, and other work that is created on the network may be viewed by a third party.

Both internal and external Network and Internet access will be provided to authorized users by the assignment of unique log-in identification codes (“usernames” and passwords) and, where appropriate, with limited hard disk space on School District hardware, for their own individual use. Authorized users will be personally responsible for maintaining the integrity of the School District’s access policy, and may not permit other persons to use their usernames, passwords, accounts or disk space, or disclose their usernames, passwords or account information to any third party.

Usernames and passwords will be furnished subject to the provisions of this Policy, and such updates or modifications as may hereafter be promulgated.

Computer and network users must respect the integrity and security of the School District’s systems and network, and the access privileges, privacy and reasonable preferences of other users. The School District reserves the right to limit access time and disk space in order to optimize an equitable allocation of resources among users.

The School District makes no warranties of any kind, whether express or implied, for the service it is providing. It is not responsible for any damages, including loss of data resulting from delays, non-deliveries, mis-deliveries, or service interruptions, whether caused by the School District’s negligence, or by a user’s errors or omissions. Information obtained from the Internet is used at the user’s (student’s) own risk, and the School District specifically disclaims any responsibility for the accuracy or quality of information obtained by students via access provided by or through the School District.

The following policies are intentionally broad in scope and, therefore, may include references to resources, technology and uses not yet available.

Rules of Conduct and Compliance

Students who violate this Acceptable Use Policy may have their access privileges suspended or revoked by the network administrator. In addition, because the School District’s information networks and systems are used as part of the educational program, the School District’s Code of Conduct also applies to network activities. This Acceptable Use Policy is an extension of the Code of Conduct, and the disciplinary penalties set out in the Code of Conduct will apply if the student acts in violation of this Acceptable Use Policy.

Except as otherwise indicated below, all policies and prohibitions regarding users of the network also apply to users of individual School District computers.

1. The network may not be used to download, copy, or store any software, shareware, or freeware. This prohibition specifically includes still, video and audio media files, and text files, created by third parties not employed by or enrolled as students in the School District. In order to avoid copyright issues, this prohibition applies to any such downloading, copying or storage, regardless of copyright status, unless approved by a network administrator. Moreover, only the network administrator is authorized to consent to the terms of any software license with respect to downloaded programs.
2. Computer and network users may not add (or attempt to add) any

software, shareware, freeware, or other applications to a School District computer or to the network without the prior approval of the appropriate faculty member/ administrator (in the case of an individual computer) or the network administrator (in the case of the network).

3. The School District's computers and network (including the use of such computers or the network to access the Internet) may not be used for any commercial purposes, and users may not buy or sell products or services through the system.
4. The School District's computers and network (including the use of such computers or the network to access the Internet) may not be used for advertising, political campaigning, or political lobbying.
5. The School District's computers and network (including the use of such computers or the network to access the Internet) may not be used for any activity, or to transmit any material, that violates United States, New York State or local laws. This includes, but is not limited to, fraudulent acts, violations of copyright laws, and any threat or act of intimidation or harassment against another person.
6. The School District is a place of tolerance and good manners. Use of the network or any School District computer facilities for hate mail, defamatory statements, statements intended to injure or humiliate others by disclosure of personal information (whether true or false), personal attacks on others, and statements expressing animus towards any person or group by reason of race, color, religion, national origin, gender, sexual orientation or disability is prohibited. Network users may not use vulgar, derogatory, or obscene language. Network users may not post anonymous messages or forge e-mail or other messages.
7. Computer and network users are strongly advised to use caution about revealing any information on the Internet, or storing such information on the School District's computers or the network, which would enable others to exploit them or their identities: this includes last names, home addresses, Social Security numbers, passwords, credit card numbers or financial institution account information, and photographs. Under no circumstances should a user reveal such information about another person without that person's express or prior consent.
8. Computer and network users may not log on to someone else's account, attempt to access another user's files, or permit anyone else to log on to their own accounts. Users may not try to gain unauthorized access ("hacking") to the files or computer systems of any other person or organization. However, students must be aware that any information stored on or communicated through the School District network may be susceptible to "hacking" by a third party, and such information may be reviewed by the School District at any time, with or without prior notice.
9. Computer and network users may not access Web sites, newsgroups, or chat areas that contain material that is obscene or that promotes illegal acts. If a user accidentally accesses this type of information, he or she should immediately notify a teacher, librarian, and/or network

administrator. Likewise, use of the network to access, process or store pornographic material (whether visual or written), or material which contains dangerous recipes, formulas or instructions, is prohibited.

10. The attention of all computer and network users is specifically directed to the School District's separate Internet Safety Policy, which applies to all users of School District computer and network facilities, and which is incorporated herein by reference. Any attempt to bypass, defeat or circumvent the Internet Safety Policy Technology Prevention Measures, which are designed to prevent access to visual depictions that are obscene, involve child pornography, or are harmful to minors is punishable as a violation of this Acceptable Use Policy. In addition, evidence of use of any computer or the network to access, store or disseminate child pornography will be referred to law enforcement authorities for investigation and prosecution as may be appropriate.
11. Computer and network users may not access newsgroups, blogs, chat rooms, social networking websites (including, but not limited to MySpace and Facebook), list servers or other services where they may communicate with people outside of the School District (specifically including e-mail) unless they are supervised by a teacher and have been given explicit approval to do so.
12. Computer and network users may not engage in "spamming" (sending irrelevant or inappropriate electronic communications individually or en masse) or participate in broadcast electronic communications (such as chain letters or other mass communications) unless they are supervised by a teacher and have been given explicit approval to do so.
13. Computer and network users who maliciously access, alter, delete, damage or destroy any computer system, computer network, computer program, or data may be subject to criminal prosecution as well as to disciplinary action by the School District. This prohibition includes, but is not limited to, changing or deleting another user's account; changing the password of another user; using an unauthorized account; damaging any files; altering the system; using the system to make money illegally; destroying, modifying, vandalizing, defacing or abusing hardware, software, furniture or any School District property. Users may not develop programs that harass other users or infiltrate a computer or computer system and/or damage the software components of a computer or computer system (e.g., create viruses, worms).
14. Computer and network users may not intentionally disrupt information network traffic or crash the network and connected systems; they must not degrade or disrupt equipment or system performance. They must not download or save excessively large files without the express approval of the network administrator. Computer and network users may not add any software or applications to the School District's network or computers, or add to or modify any existing software or applications, without the express permission of the network administrator.
15. As is the case with all student work, computer and network users may not plagiarize, which is a serious academic offense. Plagiarism is "taking ideas

or writings from another person and offering them as your own." Credit must always be given to the person who created the article or the idea. A student who, by cutting and pasting, or otherwise reproducing, text or data, leads readers to believe that what they are reading is the student's original work when it is not, is guilty of plagiarism.

16. Computer and network users must comply with the "fair use" provisions of the United States copyright laws. "Fair use" in this context means that the copyrighted materials of others may be used only for scholarly purposes, and that the use must be limited to brief excerpts. The School District's library professionals can assist students with fair use issues.
17. Computer and network users may not copy any copyrighted or licensed software from the Internet or from the network without the express permission of the copyright holder: software must be purchased or licensed before it can legally be used.
18. Computer and network users may not take data, equipment, software or supplies (paper, toner cartridges, disks, etc.) for their own personal use. Such taking will be treated as theft. Use of School District printers and paper must be reasonable.
19. Computer and network users must behave properly in any computer lab setting. Normal rules of classroom decorum and compliance with instructions from faculty and administrators will apply.
20. The City School District of New Rochelle assumes no responsibility for student, faculty or staff websites created and hosted outside of the District network.

Violations and Consequences

Consequences of violations include but are not limited to:

- Suspension or revocation of information network access;
- Suspension or revocation of network privileges;
- Suspension or revocation of computer access;
- Suspension from school;
- Expulsion from school;
- Criminal prosecution.

In addition, the School District may seek monetary compensation for damages in appropriate cases. Repeated or severe violations will result in more serious penalties than one-time or minor infractions.

This Acceptable Use Policy is subject to change. The School District reserves the right to restrict or terminate information network access at any time for any reason. The School District further reserves the right to monitor network activity as it sees fit in order to maintain the integrity of the network and to monitor acceptable use. School and District-wide administrators will make the final determination as to what constitutes unacceptable use.

Disciplinary penalties involving possible suspension or expulsion from school will be determined in accordance with the School District's Code of Conduct. However,

suspension or revocation of access privileges will be determined by the network administrator, acting in consultation with school and District-wide administrators.

Policy

Adopted: Res. No. 02-132 – Nov. 7, 2001
Revised: Res. No. 02-146 – Dec. 4, 2001
Revised: Res. No. 02-162 – Jan. 8, 2002
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Revised: Res. No. 05-105 – Oct. 5, 2004
Revised: Res. No. 09-190 – Feb. 3, 2009

CITY SCHOOL DISTRICT OF
NEW ROCHELLE
New Rochelle, New York

Non-Discrimination Statement

In the administration of its programs and policies, the City School District of New Rochelle does not discriminate on the basis of age, sex, race, creed, color, national origin or disability. It complies with Title VI, Title VII of the Civil Rights Act of 1964, Title IX of The Educational Amendment of 1972, Section 504 of The Rehabilitation Act of 1973, The Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990 and the Individuals with Disabilities Education Act.

Inquiries regarding this policy should be referred to the School District’s Compliance Officer, Dr. Diane Massimo, Assistant Superintendent, Instructional Support Services, 515 North Avenue, New Rochelle NY 10801-3416, (914) 576-4233.