



YONKERS PUBLIC SCHOOLS



CODE OF CONDUCT

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I. FOREWORD

One of the primary goals of the Yonkers Public Schools is to provide an excellent educational program for each student in a school environment free of disruptions that interfere with the educational process. The purpose of this Code of Conduct is to inform all students and parents of Yonkers Public Schools' expectations regarding behavior and conduct. The Code, reviewed and approved by the Yonkers Board of Education, is based on the policies of the Board of Education and District administrative procedures and practices. Students have rights as well as responsibilities and it is essential that students and parents fully understand that these rights and responsibilities go hand in hand.

This Code protects the rights of all students by:

- providing a Districtwide discipline management plan
- specifying the behavior that is expected of all students
- describing the broad range of student misconduct and providing appropriate disciplinary consequences/options for the various kinds of misconduct
- outlining student rights

Students, staff and parents are expected to become familiar with the provisions of the Districtwide Code of Conduct (and the rules and regulations adopted and implemented by their individual schools based upon their school-based discipline management system). Students are also expected to abide by the policies set forth in the Code so that everyone has the opportunity to grow and develop as positive members of society.

The Yonkers Public Schools does not discriminate on the basis of race, color, religion, economic status, sex, disability, sexual orientation or national origin. This policy includes a prohibition on racial harassment and a hostile environment, as this type of harassment denies students the right to an education free of discrimination on the basis of race, color, or national origin. Students may utilize the district's grievance procedures to address any issues related to these areas without fear of retaliation. In addition, the district will not tolerate sexual harassment at any level. Any complaint of discrimination of any type will be fully investigated, and the district will take appropriate action.

II. STUDENT RIGHTS AND RESPONSIBILITIES

A. Student Rights:

The Yonkers Public Schools affirms the rights of students where these rights do not interfere with the rights of others, the general social order, federal and state laws and regulation, and Board of Education policies. All students have the right to be treated equally and fairly so that no student shall be discriminated against on the basis of race, color, religion, economic status, sex, disability, sexual orientation or national origin in the areas of freedom of expression, personal rights, procedural due process and access to school programs. In addition, to promote a safe, healthy, orderly and civil school environment all district students have the right to:

1. Enjoy the basic rights of citizenship recognized and protected by law for persons of their age and maturity
2. Take part in all district activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability
3. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty
4. Access school rules and, when necessary, receive an explanation of those rules from school personnel

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

B. Student Responsibilities:

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct
3. Attend school every day unless they are legally excused and arrive to class, on time, 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. Respond to direction given by teachers, administrators and other school personnel in a respectful, positive manner
6. Work to develop strategies to control their anger
7. Ask questions when they do not understand
8. Seek help in solving problems that might lead to disciplinary action
9. Dress appropriately for school and school functions and abide by the district's Dress Code
10. Accept responsibility for their actions
11. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and hold themselves to the highest standards of conduct, demeanor and sportsmanship

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

A. Parents/Guardian/Person in Parental Relationship

All parents are expected to:

1. Recognize that the education of their children is a joint responsibility of the parents and the school community
2. Send their children to school, on time, ready to participate and learn
3. Ensure absences are excused for legal reasons only
4. Insist their children be dressed and groomed in a manner consistent with the student dress code
5. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment
6. Know and support school rules and help their children understand them
7. Build good relationships with teachers, other parents and their children's friends
8. Help their children deal effectively with peer pressure
9. Inform school officials of changes in the home situation that may affect student conduct or performance
10. Provide a place for study and ensure homework assignments are completed
11. Provide their current address and telephone number to the school and alternate/emergency contacts
12. Attend conferences when requested
13. Comply with all communication processes: e.g. notes, forms, consents, emergency cards, et.al

B. Teachers:

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn
2. Be prepared to teach
3. Demonstrate interest in teaching and concern for student achievement
4. Know school policies and rules, and enforce them in a fair and consistent manner
5. Establish positive classroom procedures and practices to support effective teaching and maximize student learning
6. Communicate to students and parents:
 - A. Course objectives, requirements and state standards
 - B. Assessments and marking/grading procedures
 - C. Assignment deadlines
 - D. Expectations for students
 - E. Classroom discipline plans
7. Communicate regularly with students, parents and other teachers concerning growth and achievement

C. Civil Service Employees:

1. Promote a safe, orderly and stimulating school environment
2. Communicate with school personnel any concerns regarding the school environment

D. Pupil Support Team Members:

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems
2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences as necessary, as a way to resolve problems
3. Regularly review with students their educational progress and career plans
4. Provide information to assist students with further educational goals and/or career planning
5. Encourage students to benefit from the curriculum and extracurricular programs

E. Principals/Assistant Principals:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning
2. Ensure that students and staff have the opportunity to communicate regularly with the principal for discussion of issues and concerns
3. Evaluate, on a regular basis, all instructional programs
4. Support the development of and student participation in appropriate extracurricular activities
5. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly

F. Superintendent/Central Office Administration:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning
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. Coordinate and ensure that all community and governmental resources are available to the school district

G. Board of Education:

1. Collaborate with student, teacher, administrator, 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
2. 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
3. Lead by example by continuing to conduct board meetings in a professional, respectful, courteous manner

IV. STUDENT DRESS CODE

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

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

SCHOOL UNIFORM POLICY

As part of our Safe School Plan, the Yonkers Public Schools has adopted a mandatory School Uniform Policy for all students in pre-kindergarten through grade 12. The wearing of school uniforms enables school personnel to identify those students assigned to the building, and may improve academic performance and self-esteem, and reduce absenteeism and competition over dress.

In cases of severe financial hardship, parents may contact their child's school by phone, mail or in person to request assistance.

Non-Compliance Measures: Applies to Students with an EXEMPTION

The intent of the policy is not to inhibit or prohibit any student who is not in uniform from receiving the education to which he/she is entitled. No student shall be suspended from class or from school, expelled from school, or receive a lowered academic grade as a result of not complying with the policy. No punitive action of any kind shall be taken against a student for not complying with the uniform policy as long as they have an exemption on file (see next page).

SCHOOL UNIFORM COLORS

SCHOOL	TOP COLOR	BOTTOM COLOR
School 5	Light Blue	Navy
DiChiaro	Yellow	Navy
School 9	Yellow	Blue
ECC	Light Blue	Navy
Montessori 11	White	Navy
School 13	White	Navy (boys) Red/blue Plaid (girls)
School 14	White	Navy
Paideia 15	White	Navy
School 16	Light Blue	Navy
School 17	White	Navy
Scholastic Academy	White	Grey (boys) Royal Blue/Grey Plaid Jumpers (girls) Royal Blue/Grey Plaid Skirts (5th grade girls)
de Hostos	Yellow (Gold)	Navy
School 21	White	Navy
School 22	White	Black
School 23	Light Blue	Navy (boys) Grey/Blue Plaid Jumpers (girls)
Paideia 24	White	Grey (boys) Burgundy/Grey Plaid Jumpers (girls)
School 25	Light Blue	Navy (boys) Grey/Blue Plaid Jumpers (girls)
Pulaski	White	Navy (boys) Red/Navy Plaid Jumpers (girls)
Montessori 27	White	Black

SCHOOL	TOP COLOR	BOTTOM COLOR
Gibran	White	Navy
School 29	White	Navy
School 30	Blue	Khaki
Montessori 31	Light Blue	Navy
Family School 32	Yellow	Navy
Dodson	White	Navy
Fermi	Yellow	Navy
Foxfire	White	Blue
King	White	Navy
PEARL/Hawthorne	White	Navy
Cedar Place	White	Grey (boys) Burgundy/Grey Plaid Jumpers (girls)
Commerce	White	Khaki
Yonkers MS*	White	Khaki
Emerson MS	Blue or White	Khaki (boys) Black (girls)
Museum MS	White	Black
Mark Twain MS	White	Tan
Yonkers HS*	Navy or White	Khaki
	White	Navy
Gorton HS	Navy	Khaki
Lincoln HS	Maroon	Khaki
Roosevelt HS	White	Khaki
Saunders HS	Light Blue	Khaki
CCE	Red or Black	Khaki
Hudson River Academy	Red or Black	Khaki

****Uniforms Required as per Board Resolution #02-9-73A***

Exemption Process

If the parent or guardian wants to exempt his or her child from the Uniform Policy, the parent or guardian must observe the following procedures:

1. Parents may request an application for exemption from the Districtwide School Uniform Policy at the Student's school.
2. Complete the application in full and submit it to the designated administrator for Uniform Policy exemptions at the student's school.
3. Meet with the designated administrator to discuss the uniform policy. The purposes of this meeting include a) ensuring that the parents(s) or guardian understand the reasons for, and goals of the uniform policy; b) verifying the accuracy of the information on the application.
4. After completing steps 1-3, the parent(s) or guardian will be notified by letter regarding the request for exemption.
5. Assure that the student abides by the Dress Code.

V. PROHIBITED STUDENT CONDUCT

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

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

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

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

Level I: Engage in Conduct that is **Insubordinate**

Level II: Engage in Conduct that is **Disorderly/Disruptive**

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

Level IV: Engage in conduct that is **Violent/Dangerous**

Level I: Engage in Conduct that is Insubordinate:

Level 1 infractions may occur anywhere in the school, including classrooms, cafeteria, hallways, and library, school grounds, or at a school function. They can be corrected by teachers and any other school personnel.

Level 1 Acts of Insubordination may include such behavior as:

- cheating or copying the work of other students
- tardiness to class
- cutting class
- loitering in unauthorized areas
- failure to bring required classroom materials or assigned work to class
- general misbehavior, such as eating in class, horseplay, making excessive noise
- first time violation of school dress code
- failure to deliver or return written communications between home and school
- leaving the classroom without permission
- inappropriate display of affection e.g. holding hands, hugging
- failure to display school I.D. (M.S./H.S. Only)
- general verbal rudeness
- inappropriate use of school computers, facsimile equipment, or other electronic devices, including personal electronic devices.

Required Disciplinary Responses (Penalty)

- oral correction
- traditional classroom management techniques (e.g. time-out in classroom, removal of classroom privileges)
- other appropriate disciplinary actions designed by the school to address the infraction

Additional Responses

- parent notification
- after school detention for repeated insubordination
- referral to Pupil Support Team (Psychologists, Guidance, Social Worker, Nurses, et.al.)
- notifying an Administrator or other authority when deemed necessary
- teacher-parent conference
- recess or lunch-time detention

Level II: Engage in Conduct that is Disorderly/Disruptive.

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

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

- posting or distributing unauthorized materials on school grounds
- using language or gestures that are profane, lewd, vulgar, or abusive including cursing and swearing
- repeated violations of district dress code
- disruptive behavior on school bus
- repeated cafeteria disturbance
- a pattern of disrespecting the property of other students
- a pattern of disrespecting school property
- running in the hallways
- leaving the school grounds
- repeated/extended insubordinate behavior (Level I)
- smoking or using tobacco products on school property or activities
- *Substantially disruptive behavior that continually interrupts instruction*

Required Disciplinary Response (Penalty)

- *For removal of substantially disruptive students: *teacher removal of student from classroom - See Procedures - #5*
- traditional classroom management techniques
- student/teacher conference
- parent/guardian contacted by phone

- written referral to administrator
- written notification to parent/guardian within 24 hours

Additional Responses

- behavior contract or growth plan
- detention
- in-house suspension
- referral to Pupil Support Team (Psychologist, Guidance, Social Worker, Nurse, et.al.)
- exclusion from extracurricular activities including, but not limited to, sports and field trips
- out of school suspension for 1 to 2 days
- suspension of transportation privileges

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

Level III encompasses infractions that are very serious in nature and require suspension. They require the cooperation of the teacher and school administration. They substantially interfere with the educational environment.

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

- failure to adhere to terms of behavior contracts/growth plans
- fighting
- bullying, threatening, stalking or seeking to coerce or compel a person to do something; engaging in verbal or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs involving race, ethnicity, national origin, religion, religious practices, gender, sexual orientation, age, or disability that substantially disrupts the educational process
- group demonstration such as boycott, sit-in, trespassing, walkout, etc.
- gambling
- hazing, which means any intentional, knowing, or reckless act directed against a student by one person alone, or acting with others, that endangers the mental or physical health or the safety of a student for the purpose of being initiated into, affiliating with, holding office in, or maintaining membership in any organization or general classification of students whose members are or include other students
- directly or indirectly assisting with the promotion of any behavior prohibited by the Code of Conduct
- defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them
- changing school records/documents or signing parent's or guardian's name on school document
- participation in activities by groups such as gangs and cults

- wearing dress or attire signifying gang affiliation
- repeated disruptive behavior on school bus
- possessing, using or being under the influence of alcohol
- *repeatedly, substantially disruptive: four (4) "teacher removals from the classroom" per semester*

Required Disciplinary Response (Penalty)

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

Additional Responses

- referral to Pupil Support Team (Psychologist, Guidance, Social Worker, Nurse, et.al.)
- referral to alternative education program
- notification to the Yonkers Police Department, and/or SROS assigned to building
- exclusion from extracurricular activities including, but not limited to, sports, field trips and commencement exercise/award ceremonies

Level IV: Engage in conduct that is Violent/Dangerous.

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

Level IV Violent/Dangerous May Include Such Behavior as:

- use of a weapon
- possession of a weapon such as a firearm, rifle, shotgun, pistol, revolver, starter pistol, other firearm, explosives, dangerous chemicals, knives, box cutters, sheet rock knives, utility razors, straight razors, linoleum cutters, or any object which is not necessary for school activities and which could be used as a weapon
- displaying what appears to be a weapon
- threatening to use any weapon
- assault: the intentional causing of physical injury to another person, with or without a dangerous weapon
- criminal harassment: intentionally striking, shoving or kicking another person or subjecting another person to unwanted physical contact, or threatening to do the foregoing; following a person in or about a public place; or otherwise engaging in a course of conduct which alarms or seriously annoys another person
- menacing: intentionally placing or attempting to place another person in fear of imminent physical injury
- selling, giving, or delivering an alcoholic beverage to another person
- selling, giving, delivering to another person, possessing, using, or being under the influence of a dangerous drug
- intentionally damaging or destroying the personal property of a student, teacher,

administrator, other district employee or any person lawfully on school property, including graffiti or arson

- defacing, vandalizing or destroying property with graffiti or by other means
- possession or use of fireworks, "poppers," smoke or stink bombs, or any other pyrotechnic device or flammable materials, or volatile chemical
- intentionally damaging or destroying school district property
- engaging in the offense of retaliation against any school employee
- any felony as defined by the criminal justice system
- bomb threats or terrorist threats either by telephone, person or E-mail
- sexual offenses: rape, sodomy, sexual abuse or other inappropriate contact of a sexual nature
- theft/burglary
- false alarm; falsely activating a fire alarm or other disaster alarm

All of the following disciplinary responses must be followed:

- Automatic 5-day suspension
- Superintendent's Hearing to determine further action (See Procedures)
- Notification to the Yonkers Police Department by the Administrator
- Phone call to parent
- Written notification to parent within 24 hours
- Parent/student/administrator conference
- Notification to appropriate Central Office personnel

Weapons Free School

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

In case of any general education student who has completed the school year in which her or she has turned 17 years of age and who has been found guilty of violations listed in the above paragraph, after Superintendent's Hearing, such student shall be expelled from the Yonkers Public Schools, unless the Superintendent shall determine that moderating circumstances exist sufficient to warrant a lesser penalty.

Closed Campus Policy

All Yonkers Public School campuses are considered closed. Therefore, once a child enters into school, he/she cannot leave that campus without following the procedures established by the school system. Failure to abide by the closed campus policy may result in disciplinary action.

VI. DISCIPLINARY PROCEDURES

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

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

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

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations.

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

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

A. Detention

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

B. Suspension from Transportation

If a student does not conduct himself/herself properly on a bus, the driver is expected to inform the dispatcher who then informs the transportation department and the building administrator. 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/guardian will become responsible for seeing that his or her child gets to and from school safely. 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/guardian 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.

C. Suspension from Athletic Participation, Extra Curricular Activities and Other Privileges

A student subjected to a suspension from athletic participation, 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/guardian will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

D. In-School Suspension

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

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/guardian will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

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

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to take a "time-out" in the classroom to give the student an opportunity to regain his or her composure and self-control, or asking a Guidance Counselor to see the student. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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

A classroom teacher may remove a substantially disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only. On the elementary level this applies to the specific subject area only.

STEP 1 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 a student **poses a danger or ongoing threat of disruption**, the teacher may remove the student immediately. The teacher must within 24 hours, 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.

STEP 2 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.

STEP 3 Within 24-hours after the student's removal, the principal or designee must notify the student's parents/guardian, in writing, that the student has been removed from class and why. The notice must also inform the parent/guardian that he or she has the right, upon request, to meet informally with the principal or the principal's designee and teacher to discuss the reasons for the removal.

The principal or designee shall require the teacher who ordered the removal to attend the informal conference.

If at the informal meeting the student denies the charges, the teacher or the principal 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 designee may reverse the removal of the student only 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 designee may overturn a removal at any point between receiving the student removal form issued by the teacher and the close of business on the day following the conference. No student removed from the class will be permitted to return to the class until the principal makes a final determination, or the period of removal expires, whichever is less.

Any disruptive student removed from the classroom shall be offered, by the removing teacher, equivalent instructional material until he or she is permitted to return to the classroom.

Each teacher must keep a file containing a copy of each *Student Removal* form.

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.

F. Suspension from School

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

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

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

The principal, upon receiving a referral or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

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

When the superintendent or principal (referred to 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 orally. 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 parent/guardian in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parent. 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 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 conferences shall be in the dominant language or mode of communication used by the parents/guardians. At the conference, the parent 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 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 parent/guardian in writing of his or her decision. The principal shall advise the parent/guardian that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, 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 superintendent's 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.

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

When the superintendent or 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 parent/guardian of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses and other evidences on his or her behalf.

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

An appeal of the decision of the superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the district clerk within 10 business days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances preclude 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.

3. Permanent Suspension

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

4. Any general education student who has completed the school year in which he/she has turned 17 years-of-age and who has been found guilty of possession of a weapon, shall be expelled from the Yonkers Public Schools after a Superintendent's Hearing unless the Superintendent or his/her designee determines that sufficient moderating circumstances exist to warrant a lesser penalty.

G. Referrals

1. Counseling

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

2. PINS Petitions

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

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

3. 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:

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

VII. POSITIVE BEHAVIOR

The Yonkers Public Schools recognize that all people - particularly young people - have the capacity to grow and change. Students of any age may behave in a manner insubordinate, disruptive and indeed even violent without being innately a "mean" or "vicious" person. With this understanding the District will help students who wish to remain in or return to school in a peaceful, productive manner and develop the skills to become a functioning useful member of society as a child, teenager and young adult.

To this end, the District has developed the following alternative programs:

- Hudson River Academy
- Project Second Chance
- Intensive Day Treatment (IDT)
- Act for YOUTH

Also, students who attend our schools are assisted in developing social-emotional coping skills and character development through such training programs as:

- Second Step
- RESPECT
- Peer Mediation/Conflict Resolution
- Positive Action

In addition, the Pupil Support Team in the schools may provide guidance and counseling. Some students can benefit by developing awareness and understanding of the problems they are facing, which may be contributing factors to their misbehavior. Families may also enlist the aid of the school's social worker to contact and connect with the many private and public agencies available to help families and children in crisis.

Whatever the District can do to turn children away from behaviors that can follow them and possibly destroy their lives we are willing to do. The goal of all the staff-administrators, teachers, support personnel - is to help students learn, grow and improve their lives.

VIII. DISCIPLINE OF STUDENTS WITH DISABILITIES

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

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

A. Authorized Suspensions or Removals of Students with Disabilities

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

A "suspension" means a suspension pursuant to Education Law §3214.

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

An "IAES" means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized educational program (IEP), that will enable the student to meet the goals set out in such IEP, 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 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 IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension or removal and does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
 - c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
 - d. The superintendent may order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

B. Change of Placement Rule

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
 - a. for more than 10 consecutive school days; or
 - b. for a period of 10 consecutive school days or less, if the student is subjected to a series of suspensions or removals that constitutes a pattern because they cumulate to more than 10 school days in a school year or because the length of each suspension or removal is ten days.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension removal.

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

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

1. The district's Committee on Special Education shall:
 - a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change

in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

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

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

- b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
- a. The superintendent, building principal or other school official imposing suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
 - b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
 - 1) conducted an individual evaluation and determined that the student is not a student with a disability, or
 - 2) determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

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

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

D. Expedited Due Process Hearings

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's Regulations incorporated into this Code, if:
 - a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings for the student to be in his or her current educational placement during such proceedings.
 - b. The parent 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 students 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 ground of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of IAES placement, whichever occurs first, unless the parent and the district agree otherwise.

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.

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

E. Referral to Law Enforcement and Judicial Authorities

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

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

IX. CORPORAL PUNISHMENT

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

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

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

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

X. STUDENT SEARCHES AND INTERROGATIONS

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district Code of Conduct. Students are not entitled to any sort of "Miranda" - type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the board authorizes the superintendent, building principals, the school nurse and district security officials to conduct searches of students and their belongings if the authorized school officials have reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District Code of Conduct.

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

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

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

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

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

Personal Searches

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

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

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

Locker Searches

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

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

Automobiles Searches

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property. The interiors of student vehicles may be inspected whenever a school authority has reasonable suspicion to believe that illegal or unauthorized materials are contained inside. Such patrols and inspections may be conducted without notice, without student's consent, and without a search warrant.

Seizure of Illegal Materials

If a properly conducted search yields illegal or contraband materials, such finding shall be turned over to proper legal authorities for ultimate disposition.

Metal Detectors in School Buildings

It is the policy of the Yonkers Board of Education to promote the health and safety of students within the school setting and to provide a school environment conducive to education. In order to implement that policy objective, the Yonkers Board of Education approves the randomized use of metal detectors in public school facilities as a measure of deterrence of the possession of weapons and other dangerous objects in school facilities. The Superintendent of Schools or his/her designee has proposed administrative guidelines governing the use of the metal detectors in school facilities, which the Board has reviewed. This policy and the subject guidelines have been adopted in an effort to forestall and prevent future incidents of possession by students of weapons and other dangerous objects in school facilities. The policy and guidelines have been structured for the purpose of enhancing the security of school facilities, while protecting the constitutional rights of our students.

XI. STUDENT SPEECH

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

“School sponsored publications” include student newspapers, periodicals, yearbooks, or theatrical productions, to which the school district lends its resources or name, or publication or speech which is included as part of the school curriculum, or other activities which the public might reasonably perceive to bear the imprimatur of the Yonkers Public Schools.

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

- a. The participants learn whatever lessons the activity is designed to teach
- b. Readers or listeners are not exposed to materials that may be inappropriate for their level of maturity

- c. The views of the speaker are not erroneously attributed to the schools, if, for example, the speech is:
1. ungrammatical
 2. poorly written
 3. inadequately researched
 4. biased or prejudiced
 5. vulgar or profane
- d. The speech will not be reasonably perceived to advocate drugs or alcohol use, irresponsible sex, or conduct otherwise inconsistent with the shared values of a civilized social order

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

- e. If the speech has the propensity to materially disrupt classwork or involve substantial disorder or invasion of the rights of others
- f. If the speech is potentially libelous, i.e., if it involves a false and unprivileged statement about a specific individual which injures the individual's reputation in the community
- g. If the speech involves fighting, abusive words, or slurs, i.e., words spoken solely to injure or harass other people such as threats of violence, defamation of character or of a person's race, religion, or ethnic origin.
- h. If the speech is "obscene" meaning that:
 1. The average person, applying contemporary community standards, would find that the publication, taken as a whole, appeals to a minor's prurient interest in sex ("minor" means any person under the age of 18);
 2. The speech depicts or describes, in a patently offensive way, sexual conduct such as intimate sexual acts (normal or perverted), masturbation, excretory functions, and lewd exhibition of the genitals.
 3. The work, taken as a whole, lacks serious literary, artistic, political or social value.

APPEAL

If the student is dissatisfied with the decision of the principal as to distribution of a non-school sponsored publication, the student may appeal the decision within five school days after receiving the decision. If the student requests an informal hearing, the hearing must be held within five school days of the decision.

If a student is dissatisfied with the decision of the Superintendent, the student may appeal this decision to the Yonkers Board of Education. An appeal is taken from the Superintendent's decision by notifying the Superintendent, either orally or in writing, within two (2) days of decision, of the student's desire to appeal. The Yonkers Board of Education shall render its decision in writing within ten school days of the notice of appeal. At every level of the appeal process, the student or a representative shall have the right to appeal and present the student's case, supported by relevant witnesses and material, as to why distribution of the student's publication is appropriate. If the administrator fails to act within the time periods outlined above, the appeal shall be deemed denied and the student shall have a right to go to the next level.

XII. RACIAL DISCRIMINATION AND HARASSMENT OF STUDENTS AND STAFF

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

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

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

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

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

A. Reporting Racial Discrimination or Harassment

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

Any District employee who witnesses or discovers an incident of racial harassment or discrimination during the school day, or during an after-school program, athletic event, or other extracurricular activity at the school or elsewhere¹ is charged with the duty to report the incident to the affected student's building principal.

Upon notice of any alleged incident of racial harassment from whatever source, the building principal shall file an incident report with the Superintendent's Office and with the District's Compliance Officer and shall investigate the incident as soon as possible.

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

¹ Including incidents that occur on school buses, at "away" games, field trips and all other school activities.

B. Investigation of Complaints

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

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

C. Remediation Action

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

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

D. Post Remedial Action

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

E. Complaint Records

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

XIII. SEXUAL DISCRIMINATION AND SEXUAL HARASSMENT OF STUDENTS AND STAFF

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

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

A. Staff to Student Harassment

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

B. Staff to Staff Harassment

1. For the purposes of this policy, staff to staff "sexual harassment" is defined as any unwelcome sexual advances, request for sexual favors, and/or other inappropriate verbal, visual, written or physical conduct of a sexual nature, or any effort to condition hiring, evaluation, promotion or terms and conditions of employment upon an individual's willingness to engage in sexual activity of any kind.
2. A substantiated charge against an employee or agent of the District shall subject such employee or agent to disciplinary actions which may include but are not limited to verbal warnings, letters of reprimand, transfers, suspensions, and dismissal, in accordance with appropriate procedural requirements.

C. Student to Student or Student to Staff Harassment

1. For the purpose of this policy, students to student or student to staff “sexual harassment” is defined as unwelcome sexual advances, requests for sexual favors, and/or other inappropriate verbal, visual, written or physical conduct of a sexual nature, whenever such harassment occurs on school property, at school-sponsored events or during transportation to or from school or school-sponsored events.
2. A substantiated charge against a student shall subject that student to disciplinary actions including verbal warnings, reprimand, counseling, suspension or expulsion, consistent with the Code of Conduct.

D. Behaviors that Constitute Sexual Harassment

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

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

E. Responsibility for Reporting Violations and Filing Complaints

1. School district employees and agents are responsible for reporting all alleged violations of this policy in accordance with the District’s procedures. The responsibility to report an alleged violation of this policy shall remain in effect, even if a complainant requests confidentiality.
2. Any district employee or student who believes that he/she has been subjected to sexual harassment or gender discrimination has the right to file a complaint and to receive prompt and appropriate handling of her/his complaint. In all phases of the complaint resolution process, every reasonable effort shall be made to maintain the confidentiality and protect the privacy of all parties, consistent with the District’s responsibility to investigate and address such complaints.
3. Retaliation against an individual who either orally reports or files a written complaint regarding sexual harassment or gender discrimination or who participates in or cooperates with an investigation is prohibited.

F. Implementation

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

1. Education of all staff and students about this policy and associated federal and state laws prohibiting sexual harassment and gender discrimination by widely disseminating information in documents such as announcements, bulletins, brochures, applications, contracts, and other communications.

2. Publication and dissemination of information to all District employees and students that will inform them of this policy, what gender discrimination and sexual harassment are, what the individual can do, and where to go for help.
3. Development of mandatory training seminars and in-service programs for all principals, teachers, and administrators to ensure the appropriate implementation of this policy. These training programs shall be designed to:
 - a. Inform them of their duties, responsibilities and potential liabilities when dealing with incidents involving sexual harassment and gender discrimination.
 - b. Assist them in developing training programs for District employees dealing with sexual harassment and gender discrimination to inform them of the policy, what sexual harassment and gender discrimination are, what the individual can do, and and where to go for help. The aim of such training is to ensure increased awareness of inappropriate behaviors prohibited by this policy and other state and federal laws on sexual harassment and gender discrimination.
 - c. Provide clear guidelines and assistance for appropriate handling of all incidents of sexual harassment and gender discrimination in the District.
4. Afford appropriate opportunities to educate students about matters related to sexual harassment and gender discrimination in order to develop behaviors and attitudes that mitigate against inappropriate sexual overtures and pressures in school, work, and social settings. Develop and introduce K-12 curricular modifications that integrate activities and skill building to help students understand and overcome sexual harassment and gender discrimination problems.

XIV. ATTENDANCE POLICY

A. Elementary/Middle/Senior High Schools

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

B. Student Responsibilities

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

C. Parent Responsibilities

1. Discuss this Attendance Policy with your child and reinforce our expectations for good attendance.
2. If you give your child permission to be absent from school, call the school's main office on the day of the absence. Send your child to school with a note explaining the reason for the absence on the day he/she returns.
3. If your child is going to be absent from school for more than one day (for an illness as an example), inform the school attendance office by phone on the first day of the absence.
4. Call the guidance counselor or administrator if your child is having attendance problems. A conference will be arranged to assist you and your child.
5. Respond to any and all communications that the school sends to you regarding attendance.
6. Provide your child with the opportunity and support to make-up any work missed due to an absence from school.

D. Notice

Effective implementation of any Attendance Policy requires all participants to be informed and to fully understand its purpose, procedures, and the consequences of non compliance. To ensure that students, parents/guardians, teachers and administrators are notified of, and understand, this policy, the following procedures will be implemented:

1. The district will provide each student with a copy of the Attendance Policy. All students will be required to sign and return a statement indicating that they have read, and understand, the policy.
2. An orientation session will be held for students at the beginning of each school year. Each time students cut class or are absent from school, the teacher will review the Attendance Policy with students, and inform them of impending consequences. Students enrolling after the first day of school are to be given a copy of the District Attendance Policy by their Guidance Counselor along with a brief orientation regarding the policy.

E. Parent/Guardian Notice

1. Principals will present the policy to parents/guardians at a "Back-to-School" event held during the first weeks of each school year. The presentation will stress the importance of student attendance, as well as parental responsibility for their children's attendance. This presentation will also explain the distinctions between legal and illegal absence.
2. The District will provide each student's parent(s)/guardian(s) with a copy of the District Attendance Policy. Each student and his/her parent(s)/guardian(s) will be asked to sign and return a statement indicating that they have read the policy and understand it. This signed statement will be filed in the student's guidance folder.
3. Student(s), parent(s)/guardian(s) who are unable to attend the "Back-to-School" event will be afforded other opportunities to discuss the Attendance Policy, such as daytime orientation or telephone conferences.

4. Each school will provide parent(s)/guardian(s) with the phone numbers of the school's attendance office or attendance person, guidance counselor and administrator(s).
5. When students cut class, or are absent from school, the school will inform parent(s)/guardian(s) by mail or phone. The specific parent/guardian notification requirements for High School, Middle School and Elementary students are outlined in the respective sections of this Attendance Policy for each level.
6. School newsletters and publications will include periodic reminders of the components of the Attendance Policy.

F. HIGH SCHOOL ATTENDANCE POLICY

1. General Policy

The following minimum attendance requirements are hereby established by the Yonkers Public Schools for all High School students. This policy does not differentiate between legal and illegal absences. Students on home instruction are not considered absent. Validated extended absences, where there are extenuating circumstances, may be excused by administrative action.

A student absent for more than 24 classes for a full year course, or 12 classes for a semester course, or 9 lab classes for a full year regents science lab course will not receive credit for the course. Both legal and illegal absences will be counted in this number. The only exceptions not counted toward the 24, 12, 9 limitation, are: (a) administrative altered schedule; (b) school operated music lessons; (c) school testing; (d) curriculum based field trips; and (e) approved participation in school athletic events. These are considered legal absences from class.

If a student is absent more than 24 times in a full year course, that student will not be allowed to attend summer school.

This policy takes effect 10 days after the first official day of class. This allows schools two weeks to refine and finalize student schedules. Decisions under this policy may be appealed to the building principals and, in succession, to the Superintendent of Schools and the Board of Education. See: Appeals Process.

All legal absences from school require a written or signed note from the student's parent/guardian, or a note from the person or institution indicated below.

Legal absences are as follows:

- Personal illness, physician's note accepted
- Illness or death in family
- Religious observance
- Attendance at a health clinic with a note from the clinic
- Quarantine with a note from a physician
- Required court appearance with a copy of the appearance ticket
- College visit with administrative approval
- Military obligation with a copy of the military order

Illegal absences are as follows:

- Absent from school without a note as required
- Present in school but absent from a class for any reason other than the exceptions noted above (a, b, c, d, e)

2. General Procedures/Data Collection and Sharing

a. Rules Regarding Make Up Work Missed Due to Absences:

Students must be given the opportunity to make up classwork, projects, and tests which were missed due because of LEGAL absences only. Work missed due because of ILLEGAL absences cannot be made up. Even though a student is give the opportunity to make up work missed for legal absences, the absence itself is still counted toward the total 24, 12, 9 absence limitation, and the student will still be denied course credit when this total is reached.

b. Parent/Guardian/Teacher Notification

Letters will be sent to parents/guardian, with copies to the student’s counselor and grade level administrator by the school’s attendance office, according to the Schedule of Absences Letters below:

Schedule of Absences Letters	1	2	3*	4*	5*
	Number of Absences				
Full Year Course	8	14	20	25	36
Half-Year Course	4	7	10	13	
Science Lab	3	6	8	10	XX

* Registered letter(s) will be sent

c. Appeals Process

In some cases, students will have demonstrated a dramatic change in behavior, performance and attitude toward school attendance or will have had an extended absence period due to illness or some other serious extenuating circumstance. In such cases, students or parent(s)/guardian(s) may exercise their right to appeal the 24 absence practice of no credit. Appeal forms will be accepted by the building principal during the first ten school days of the month prior to the end of the course.

In order to begin an appeal, parent(s)/guardian(s) or student should:

- Step 1** Obtain a copy of the Request for Appeal of No Credit form from the main office or guidance office. Fill out Section 1 of the form. Submit the form to the teacher of the course in question, as soon as possible after the 12th (6th or 5th) absence.
- Step 2** The teacher fills out Section 2 of the Appeals form with all requested information.
- Step 3** The teacher submits the form to the grade level administrator.
- Step 4** The grade level administrator holds an appeals conference with the student, teacher, guidance counselor and parent/guardian.
- Step 5** The grade level administrator fills in Section 3 of the form and routes copies of the form to the teacher, guidance counselor, parent, student and attendance office.

F. MIDDLE SCHOOL ATTENDANCE POLICY

The middle high school is an extension of the Elementary School and a natural bridge to the senior high school. The importance of responsibility for attending all classes must be instilled, and developed, within every middle school.

Also on the middle school level, attendance is critical to promotion. Promotion will be based on passing three core subjects (English, Math, Social Studies and Science) during the year or in summer school, and two non-core subjects.

1. To Improve Attendance the Following Steps Have Been Developed:

- a. Attendance will be taken each period by every teacher using an attendance scan form.
- b. Teachers will also keep an attendance record in their grade books, Delaney Books, or other source.
- c. It is the responsibility of the student to bring an absence note, signed by the parent/guardian, to school on the day after he/she returns to school. The note is to be brought to the school's attendance office by the student. There will be a two day grace period for notes to be brought to school. After this grace period, the absence will be coded as illegal.
- d. On a daily basis, attendance office personnel are responsible for updating reasons for student absences from class into the attendance computer.

2. Incremental Interventions for Middle School Absences:

The following system of incremental interventions will be carried out by each school as a minimum effort. Each school may add interventions as the nature of their attendance problems indicates, and time of staffing allows.

Step 1: Teacher Intervention

- a. Tell students to clear any absences with a note from a parent/guardian.
- b. Tell students to make up any work missed as a result of an excused/legal absence. Work missed due to an illegal absence may not be made up.
- c. Notify the student's Guidance Counselor when a student has been absent from a class three times in any two week period.

Step 2: Counselor Intervention

- a. Counselor will meet with each student referred for absence by teachers.
- b. The following are suggested interventions to be used by the Counselor:
 1. Weekly Attendance Sheet
 2. Parent contact or conference
 3. Home visits by Outreach Worker
 4. PINS Petition - triggered if a student is absent 20 or more days in a marking period
 5. Refer to CPS

The Counselor and/or Outreach Worker should refer a student to his/her grade level administrator if cutting or school absence continues in spite of their interventions.

Step 3: Administrative Intervention

Administrators who receive referrals from Counselors and/or Outreach Workers are responsible to meet with students, and their parents/guardians, in a further attempt to encourage students to improve their attendance.

The following are suggested interventions to be used by administrators:

- a. Daily Attendance Sheet
- b. Daily Message on Homework Hot-Line
- c. Phone calls to parents on a weekly basis
- d. Assignment of another student to act as a peer counselor
- e. Schedule a building Screening Committee meeting to be attended by the counselor, psychologist, social worker, teachers, parents/guardians and student. when students continue to absent themselves from school or class, in spite of the above interventions.
- f. Removal of privilege to continue participation in school activities
- g. Development of a Pilot Detention Program with a strong parental involvement component, for students who continue to be tardy and absent from school.

Step 4: Pupil Support Team (PST)

The Pupil Support Team consists of the Psychologist, Social Worker, Guidance Counselor, Nurse, Teacher(s), Administrator, Parent(s) et.al. The purpose of the team is to support students in reaching their potential. The team meets in order to help analyze problems and make recommendations to resolve issues.

If students continue to absent themselves from school, the grade level administrator will refer the student to the Pupil Support Team. The Pupil Support Team will meet to review the student's records; examining the student's academic, social, emotional and personal development. All staff members who interact with this student will be asked to provide feedback, develop alternative strategies to improve attendance, and then implement them. The goal is to verify what works with this student and what has not been effective.

G. ELEMENTARY ATTENDANCE POLICY

In order for elementary attendance to improve, a focused and closely monitored system must be implemented.

Attendance Policy - In order to implement the Attendance Policy, an Attendance Person in each elementary school must be identified.

1. Classroom teacher sends names of children who are absent for five days within an attendance period to the designated attendance person. (The names are sent to the Attendance Person whenever the number of days is reached.) These do not need to be consecutive absence.
If a child is absent, and the classroom teacher does not know the reason for the absence, the child's name is sent to the office.
2. Attendance personnel call homes to ascertain why students are absent and fill out a form that is shared with building administrator and classroom teacher. (Schools may design their own form, or a district form will be generated.)
3. In addition to the phone call, a letter is sent home by the Attendance Person. (The form will either be school-based or district generated.)
4. In the event that a student is absent for an additional five days, either within the same attendance period, or a different attendance period, the classroom teacher sends the name(s) to the office and the Attendance Person calls the home and sends a letter to the parent/guardian inviting he/she to a meeting with school staff.
5. Disposition will be shared with all concerned parties.

6. Once a child reaches 15 days of absence, the Pupil Support Team (PST) meets and decides upon a plan of action.

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

Attendance as a Criterion for Promotion

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

XV. VISITORS TO SCHOOL

The Superintendent of Schools encourages parents and other community members 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 or his or her designee is responsible for all persons in the building and on the grounds.

Principals should encourage members of the community to come to the schools to see first hand the educational process at work. The community should feel welcomed in our schools. The principal should answer any questions about his/her school and programs.

The Members of the Board of Education in fulfilling their responsibilities as Trustees have the right to visit any school without signing-in and without prior notification.

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 office of the principal or designated sign-in area upon arrival at the school. **There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds.** The visitor must return the identification badge to the sign-in location before leaving.
- C. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
- D. 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(s), so that class disruption is kept to a minimum.
- E. Teachers are not expected to take class time to discuss individual matters with visitors.
- F. The principal will attempt to answer all questions concerning the educational programs at the school. Visitors' inquiries concerning district data should be referred to the Department of Public Information.
- G. Visits by state or local officials must be reported to the Department of Public Information prior to their visit. If an official shows up unexpectedly at a school, notify the Department of Public Information immediately.

- H. 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.
- I. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

XVI. PUBLIC CONDUCT ON SCHOOL PROPERTY

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

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

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

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson
3. Disrupt the orderly conduct of classes, school programs or other school activities
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program
5. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, 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 in any place to which this code applies
8. Violate the traffic laws, parking regulations or other restrictions on vehicles
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function
10. Possess or use weapons in or on school property or at a school function except in the case of law enforcement officers or except as specifically authorized by the school district

11. Loiter on or about school property
12. Gamble on school property or at school functions
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties
14. Willfully incite others to commit any of the acts prohibited by this code
15. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function

B. Penalties

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

1. **Visitors.** Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection or charged with trespassing.
2. **Students.** They shall be subject to disciplinary action as the facts may warrant, in accordance with due process and the Code of Conduct.
3. **Tenured Faculty Members.** They shall be subject to disciplinary action as the facts may warrant, in accordance with Education Law §3020-a or any other legal rights that they may have.
4. **Staff Members in the classified service of the civil service entitled to the protection of Civil Service Law §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 4 and 5.** 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 "Penalties" section above. In addition, the District reserves its right to pursue a civil or criminal legal action against any person violating the code.

XVII. DISSEMINATION AND REVIEW

Dissemination of Code of Conduct

The Board will work to ensure that the community is aware of this Code of Conduct by:

- A. Providing copies of summary of the code to all students at a general assembly held at the beginning of each school year
- B. Making copies of the code available to all parents at the beginning of the school year
- C. 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
- D. Providing all current teachers and other staff members with a copy of the Code of Conduct and a copy of any amendments to the code as soon as practicable after adoptions
- E. Providing all new employees with a copy of the current Code of Conduct when they are first hired
- F. Making copies of the code available for review by students, parents and other community members

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

The Board of Education 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 the Code of Conduct violations. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

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.

XVIII. FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

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

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

The Board of Education of the School District has stated as a policy that it declines to designate student records as directory information under FERPA. The School District believes that it has a duty to protect the privacy rights of parents and students who expect that personally identifiable information from educational records will not be released to the general public for commercial or non-educational uses. Therefore, the School District will not provide access to directory information to the general public. However, the School District will provide such information for traditional uses, such as the yearbook, honor rolls, athletic programs and other school publications. In addition, the School District has also provided student's names and addresses to post-secondary educational institutions which desire to notify students of educational scholarship opportunities, and also to the armed forces for recruitment purposes. The School District intends to continue to disclose student information for these and other similar educational purposes. However, if a parent/guardian desires to withhold the use of information from the educational records of your child for even these limited educational purposes, he/she may do so by completing the proper form available at the principal's office in your child's school.

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

XIX. PUBLIC NOTICE

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

Students wishing to file a grievance regarding alleged discrimination based upon race, color, national origin, creed, sex or handicap may do so on forms available in any one of the following school offices: the principal's office and the guidance office of all elementary, middle and senior high schools; the Center for Continuing Education; the District Personnel Office. Completed forms should be directed to the District Compliance Officer.

Inquiries regarding compliance with Title VI and Title IX may be directed to:

District Safety and Security
One Larkin Center
Yonkers, New York 10701
(914) 376-8678

Inquiries regarding compliance with Section 504 Regulations may be directed to:

Pupil Support Services
One Larkin Center
Yonkers, New York 10701
(914) 376-8187

XX. GLOSSARY

For purposes of this Code, the following definitions apply:

- A. **“Disruptive student”** means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.
- B. **“Parent”** means parent, guardian or person in parental relation to a student.
- C. **“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.
- D. **“School function”** means any school-sponsored extra-curricular event or activity.
- E. **“Harassment”** means a sufficiently severe action of 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.
“Bullying” means any action marked by aggressive behavior to belittle, harm, and/or overpower an individual or group of individuals. Any behavior that is tormenting and repetitive, it includes but is not limited to, destruction of personal property, taunting, verbal harassment including name calling, graffiti, stalking, intimidation, threatening and/or humiliation.
- F. **“Serious Violent Incident”** means an incident of violent criminal conduct that is, or appears to be, life threatening and warrants the evacuation of students and/or staff because of an imminent threat to their safety or health, including, but not limited to: riot, hostage-taking, kidnaping and/or the use or threatened use of a firearm, explosive, bomb, incendiary device, chemical or biological weapon, knife or other dangerous instrument capable of causing death or serious injury.
- G. **“Violent student”** means a student under the age of 21 who commits an act of violence upon a school employee, or attempts to do so. 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.
 - 1. Possesses, while on school property or at a school function, a weapon
 - 2. Uses, while on school property or at a school function, a weapon
 - 3. Displays, while on school property or at a school function, what appears to be a weapon
 - 4. Threatens, while on school property or at a school function, to use a weapon
 - 5. Knowingly and intentionally damages or destroys school district property
 - 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
- H. **“Violent or disruptive incident”** shall mean one of the following categories of incidents that occurs on school property of the School District, Board of Cooperative Educational Services or county vocational education and extension board.

1. Weapons possession. Possession of one or more of the following dangerous instruments, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of a teacher or other school personnel as authorized by school officials:

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

2. Weapon use. Unlawful use of a weapon, as defined in clause a. of this subparagraph, on school property

3. Homicide. Any conduct which results in the death of another person

4. Personal injury and intimidation. Any of the following acts:

- a. *Assault.* The intentional causing of physical injury to another person, with or without a dangerous weapon;
- b. *Criminal harassment.* Intentionally striking, shoving or kicking another person or subjecting another person to unwanted physical contact, or threatening to do the foregoing; following a person in or about a public place; or otherwise engaging in a course of conduct which alarms or seriously annoys another person; where such behavior, under the District's Code of Conduct, is of sufficient seriousness to warrant the suspension or removal of a student or the referral of a student to the juvenile justice system, or disciplinary action against or dismissal of a school employee, or notification of law enforcement of the commission of a crime.
- c. *Intimidation or bullying.* Threatening, stalking or seeking to coerce or compel a person to do something; engaging in verbal or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs involving race, ethnicity, national origin, religion, religious practices, gender, sexual orientation, age, or disability that substantially disrupts the educational process.
- d. *Menacing.* Intentionally placing or attempting to place another person in fear of imminent physical injury;
- e. *Reckless endangerment.* Subjecting individuals to danger by recklessly

engaging in conduct which creates a substantial risk of physical injury.

f. *Kidnapping*. To abduct a person, which is defined in section 135.00 of the Penal Law as to restrain a person with intent to prevent his liberation by either (a) secreting or holding him in a place where he is not likely to be found, or (b) using or threatening to use deadly physical force.

5. Sexual Offenses. Rape, sodomy, sexual abuse, or other inappropriate contact of a sexual nature.

6. Use, possession or sale of drugs or alcohol. Illegally using or possessing a controlled substance or marijuana or alcohol on school property, including having such substance on a person or in a locker or vehicle or other personal space; or selling or distributing a controlled substance or marijuana on school property; or finding a controlled substance, marijuana or alcohol on school property that is not in the possession of any person; provided that nothing herein shall be construed to apply to the lawful administration of a prescription drug on school property.

7. Theft. Wrongfully taking, depriving or withholding property from another, including but not limited to robbery or theft with force.

8. Behavior risking injury. Any of the following acts that create a risk of injury to students and/or school employees:

a. *Bomb threat*. A telephoned, written or electronic message that a bomb, explosive or chemical weapon has been or will be placed on school property

b. *False alarm*. Falsely activating a fire alarm or other disaster alarm

c. *Arson*. Deliberately starting a fire with intent to destroy property.

d. *Riot*. Simultaneously, with four or more persons, engaging in tumultuous and violent conduct and thereby intentionally or recklessly causing or creating a grave risk of physical injury or causes public alarm.

9. Burglary. Entering school property with intent to commit a crime

10. Criminal mischief. Intentional or reckless damaging of the property of the school or of another person, including but not limited to vandalism and the defacing of property with graffiti.

Level I: Engage in Conduct that is Insubordinate

Level 1 infractions may occur anywhere in the school, including classrooms, cafeteria, hallways, and library, school grounds, or at a school function. They can be corrected by teachers and any other school personnel.

Required Disciplinary Responses (Penalty)

- oral correction
- traditional classroom management techniques (e.g. time-out in classroom, removal of classroom privileges)
- other appropriate disciplinary actions designed by the school to address the infraction

Additional Responses

- parent notification
- after school detention for repeated insubordination
- referral to Pupil Support Team (Psychologists, Guidance, Social Worker, Nurses, et.al)
- notifying an Administrator or other authority when deemed necessary

- teacher-parent conference
- recess or lunch-time detention

Level II: Engage in Conduct that is Disorderly/Disruptive

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

Required Disciplinary Response (Penalty)

- For removal of substantially disruptive students:
 - *teacher removal of student from classroom
- traditional classroom management techniques
- student/teacher conference
- parent/guardian contacted by phone
- written referral to administrator
- written notification to parent/guardian within 24 hours

Additional Responses

- behavior contract or growth plan
- detention
- in-house suspension
- referral to Pupil Support Team (Psychologist, Guidance, Social Worker, Nurse, et.al)
- exclusion from extracurricular activities including, but not limited to, sports and field trips
- out of school suspension for 1 to 2 days
- suspension of transportation privileges

Level III: Engage in Conduct that Endangers the Morals, Health and Welfare of Students and Staff

Level III encompasses infractions that are very serious in nature and require suspension. They require the cooperation of the teacher and school administration. They substantially interfere with the educational environment.



Students, clip out and carry with you



Level III: continued

Required Disciplinary Response (Penalty)

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

Additional Responses

- referral to Pupil Support Team (Psychologist, Guidance, Social Worker, Nurse, et.al)
- referral to alternative education program
- notification to the Yonkers Police Department, and/or SROs assigned to building
- exclusion from extracurricular activities including, but not limited to, sports, field trips and commencement exercise/award ceremonies

Level IV: Engage in Conduct that is Violent/Dangerous

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

All of the following disciplinary responses must be followed:

- Automatic 5-day suspension
- Superintendent's Hearing to determine further action (See Procedures)
- Notification to the Yonkers Police Department by the Administrator
- Phone call to parent
- Written notification to parent within 24 hours
- Parent/student/administrator conference
- Notification to appropriate Central Office personnel



YONKERS PUBLIC SCHOOLS

CODE OF CONDUCT
Levels of Prohibited Student Conduct

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