

# **DISTRICT-WIDE SCHOOL SAFETY PLAN**

Commissioners Regulation 155.17  
(Updated October 2017)

Project S.A.V.E.  
(Safe Schools Against Violence in Education)

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# I. GENERAL CONSIDERATIONS AND PLANNING GUIDELINES

## A. PURPOSE

The Patchogue-Medford District-Wide School Safety Plan was developed pursuant to the Commissioners Regulation 155.17 (**Appendix A**). At the direction of the Patchogue-Medford School District Board of Education, the Superintendent appointed a District-Wide School Safety Team and charged it with the responsibility of developing and maintaining this District-Wide School Safety Plan.

## B. IDENTIFICATION OF DISTRICT-WIDE SCHOOL SAFETY TEAM

The Patchogue-Medford School District has appointed a District-Wide School Safety Team consisting of, but not limited to, representatives of the board of education, teaching staff, administrative staff, parent representative, school safety personnel, and other key school personnel. The members of the District-Wide School Safety Team and their area of representation are as follows:

<u>Name</u>	<u>Area of Representation</u>
John Boesch	Director of Security
Nicole Ciminiello	Patchogue-Medford Central Office Administrator
Donna Jones, Ed.D.	Asst. Superintendent for Business
Anthony C. O'Brien	Board of Education Representative
Robert Epstein	Patchogue-Medford Principals Association
Timothy Ritter	Patchogue-Medford Congress of Teachers
Bob Mongillo	Parent Representative

## C. CONCEPT OF OPERATION

The District-Wide School Safety Plan is the backbone of each Building Level Emergency Response Plan. The district-wide policies adopted by the Board of Education and reflected within this plan are to be used as guidelines by the school level safety teams in developing their Building Level Emergency Response Plans.

The District-Wide School Safety Plan was developed as a resource for the buildings. In the event of an emergency or violent incident in a school building, it serves as a guide for mobilizing the district's and local government agencies resources to provide a unified response to incidents. The plan strives to eliminate duplicate efforts, and provide a clear and concise direction

for necessary responses in the event of an emergency.

The initial response to any emergency or violent incident, at the building level, is to be managed by the School Emergency Response Team. Upon the activation of the School Emergency Response Team to an emergency or violent incident, **local emergency agencies are to be notified as well as the Superintendent of Schools or his/her designee.** The Superintendent will then activate the District-Wide School Safety Plan to initiate a district-wide response. During this time, the district's security office must be notified of the emergency or violent incident. When appropriate, specific county and state resources are to be activated to supplement the district's response, to existing protocols.

This plan is to be reviewed by the District-Wide Safety Team after each incident and annually to make any necessary changes to the plan and confirm the accuracy of all outside contacts.

## **II. RISK REDUCTION/PREVENTION AND INTERVENTION**

### **A. PREVENTION/INTERVENTION STRATEGIES**

#### **Program Initiatives**

The district has implemented a number of ongoing programs and activities designed to improve communication among students and between students and staff for the prevention and reporting of potentially violent incidents.

- **Bullying Prevention**  
Each of the schools have adopted strategies for bullying prevention. The items below reflect some of the strategies used in the schools to prevent bullying. Each principal is given the autonomy to develop the prevention programs that work best for their school culture. The programs below are examples of strategies that may be found in each school.
- **Elementary School Initiatives to Prevent Bullying**
  - Bucket Filling – Based on the book Have You Filled a Bucket Lately, students fill each other's (invisible) buckets by interacting positively with one another (saying or doing something kind, giving someone a heartfelt smile, using names with respect, helping without being asked, etc.). Lessons are presented that highlight what it means to be a "Bucket Filler" as opposed to a "Bucket Dipper".

- Peer Mediators – students are trained by Social Workers to resolve peer conflicts by conferring with students in order to understand the problem and develop a resolution and a contract that all parties sign.
- SOAR – Safety. Organization. Achievement. Respect.
- Kindness Links Us Together – Involves students performing kind acts. Students are recognized for being kind (kindness cards, kindness links, names announced over the PA) and the theme of “kindness” is integrated throughout the day during instruction as well as recess.
- Social Workers and Psychologist push in to classrooms to do formal lessons on topics such as bullying. Teachers will receive training on Superintendent’s Conference Day on Sanford Harmony, a program designed around helping students navigate social concerns.
- Bully Busters – Quote of the Week and morning inspirational message.
- **Middle School Initiatives to Prevent Bullying**
  - Presentations – Presentations by the Suffolk Sheriff’s Office, Suffolk County Police Department and other guest speakers.
  - Bully Forms – Posted strategically on each floor outside of bathrooms. Students can utilize the forms if they want to report any bullying that has taken place.
- **High School Initiatives to Prevent Bullying**
  - Grade level assemblies at the start of each school year that clearly outline bullying and cyberbullying.
- **Diffusing Anger**

A Social worker will conduct small group workshops with middle school and high school teachers dealing with strategies to diffuse student anger.

## B. TRAINING, DRILLS, AND EXERCISES

Each year the district conducts the following training sessions to insure that students and staff are aware of safety procedures as indicated in the chart below.

- **Annual Multi-Hazard Training:**

<u>Type of Training</u>	<u>Personnel Trained</u>	<u>Date of Training</u>
Annual School Safety Training	All Staff	Ongoing
Right to Know (GCN)	Nurses and health aides Custodians Maintenance Science teachers and aides Art teachers Technology teachers	September department meetings, ongoing for new employees
Asbestos Awareness	Custodians Maintenance	Annual Workshops, ongoing for new employees
Confined Space Training	Maintenance	Annual Workshops, ongoing for new employees
CPR and AED	Coaches Nurses and Health Aides Childcare aides Administrators Security Personnel	Ongoing, to keep all certification current.
Project S.A.V.E. Emergency Response Plan	Staff Students	Opening day faculty meetings Opening of school student assemblies
Project S.A.V.E. Comprehensive School Safety Plan	All Staff	Opening Day Faculty meetings. September department meetings, ongoing for new employees

- **Annual Drills:**  
Preparedness training and drills for disaster emergencies are conducted by security and documented as follows:

<u>Type</u>	<u>Frequency</u>	<u>Participants</u>	<u>Documentation</u>
Evacuation of building drills (fire drill, Go Home Early Drill, Lockdown etc.)	As per State law	All school personnel and students office	Reports filed annually with District Office
Review of District Emergency Response Plan Procedures	Ongoing	Board appointed Safety Team	Updated and revised as necessary
Review of Building Emergency Response Plan	Ongoing basis	School Level Safety Team	Building Checklist

### **Description of Procedures**

- **Early go-home drill**  
In the Fall of each school year, there is a district-wide drill where faculty, students and staff leave their building 15 minutes prior to their normal departure time. Parents are notified that this will be done to test our emergency evacuation procedures. Faculty is expected to return to the building after the drill. Contact is made with the local police department to coordinate crossing guards. Notification procedures are tested by the District's Transportation Department.
- **Lockdown drills**  
All buildings perform a lockdown drill at least four times a year to test the buildings ability to respond to an intruder. When the lockdown call is given over the PA, teachers are to look for nearby students and bring them into their classrooms, immediately lock their classroom door, close shades, have everyone in the room hide on the wall adjacent to the door, and instruct everyone to remain silent.
- **Training**  
To be received by all levels of district employees. Annual Training is provided by principals, who are responsible as Incident Commanders to ensure that all employees in their respective buildings are appropriately trained. Annual multi-hazard training is given to the staff of the Plants



and Facilities Department, Transportation Department, Central Office Administration, Security, Clerical, and Food Service staff. All employees are required to have an emergency response plan to use for reference.

## **C. SECURITY STAFF AND SYSTEMS**

### **Duties of School Safety Personnel**

School safety personnel include the following:

- **Greeters**  
Check identification; sign in and sign out all visitors to the building; distribute and collect visitor badges.
- **Hall Monitors**  
Maintain order in the hallways of secondary schools during class periods; check student passes; check visitor passes; provide assistance to classroom teachers in case of an emergency
- **Lavatory Aides**  
Maintain order and supervise lavatories at the high school. Aides are also responsible for ensuring all students sign in and out before and after entering lavatory.
- **Chaperones**  
Maintain order at after school and evening events
- **Security Guards**  
Maintain order inside and outside school grounds; check student and assist with checking visitor passes

### **Hiring and Screening Process of School Safety Personnel**

- All district security personnel are active or retired law enforcement agents and, have been extensively trained in de-escalating potentially violent situations.

Hall monitors, chaperones and greeters undergo a multi-step hiring and screening process which includes paper screening, reference checks, interviews, fingerprinting, and drug screening.

The administrators in each building are required to meet with security personnel on a regular basis and review emergency procedures which may be specific to each building.

## Implementation of School Security

- **Policies and Procedures Relating to School Safety**

The following policies relate to school building security:

*Community Use of Facilities Policy # 1330*

This policy provides procedures and guidelines for public use of school facilities, including the need to file an application, maintain appropriate insurance and follow the district safety plan (**Appendix B**).

*Public Conduct on School Property Policy # 1340*

This policy stipulates conduct and activities that are prohibited on school property, describes methods of gaining access to school buildings, and describes enforcement and penalties (**Appendix C**).

*Public Safety Policy # 1350*

This policy describes safety education and accident prevention measures and the establishment of the Safety Committee (**Appendix D**).

*Code of Conduct*

This policy specifies responsible behavior by students, teachers, other district personnel, parents and visitors.

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

- **Use of Security Devices**

All school buildings have greeters at their main entrances. All other exterior doors are locked. Signs on the locked entrances direct visitors to the main entrance. Greeters are responsible for signing in all visitors and providing them with an identification badge. All greeters are equipped with an operable radio in order to maintain strong communication within the buildings.

Security guards are present throughout the school day in each building and during before and after school activities.

The District Office is responsible for issuing photo badges to all district employees. The badges specify the building and department of each

employee.

Secondary schools have faculty that perform hall monitoring duties during the school day.

All buildings have video surveillance cameras at key locations inside and outside the buildings. The systems cover all hallways and entrance ways and high security areas. Motion detectors are in place to protect the facilities when school is not in session.

When necessary, the district conducts locker searches in secondary schools in order to preserve the safety of all students and staff. The searches are conducted in accordance with district policy and administrative regulations as indicated in Policy #5154 Student Searches and Interviews (**Appendix F**).

### **Blue Strobe Light**

The District has installed Blue Strobe lights on each building within the District. The purpose of the strobe light is to provide an extra layer of security protection to our schools in the event that a crisis situation manifests. In the event that a crisis occurs, requiring the need to lockdown a building, this system will enable the District to remotely deactivate the card access system. This will prevent an employee from walking into a crisis situation. Without this additional protection, an employee might be unaware that an intruder was in the building or that a crisis situation was in progress.

## **D. VITAL EDUCATIONAL AGENCY INFORMATION**

There are three private schools located within the Patchogue-Medford School District:

<b><u>School</u></b>	<b><u>Grade</u></b>	<b><u>Enrollment</u></b>	<b><u>Staff</u></b>
Emanuel Lutheran	K – 6	92	19
Holy Angels Regional School	K – 8	215	25

On or about October 1<sup>st</sup> each year, the private schools are contacted by the Business Office to determine the number of students enrolled in the building, to confirm the number of staff members and to verify the telephone numbers of key officials of each building. This information is sent to the Superintendent and to the Assistant Director of Plants and Facilities in the event of an emergency.

## **E. EARLY DETECTION OF POTENTIALLY VIOLENT BEHAVIOR**

As part of the school violence prevention training required by Project S.A.V.E. and the New York State Dignity for All Students Act (DASA) the district has developed a program of training and instruction that includes the following:

- Training for administrators and staff to increase awareness of and sensitivity to the prevalence, causes and consequences of bullying and harassment, and sharing strategies for preventing such behavior;
- Promoting students' involvement in anti-bullying and anti-harassment efforts, peer support, mutual respect and creating a culture which encourages students to report incidents of bullying and harassment or similar behavior to an adult;
- Collaborating with families and the community to inform parents about the prevalence, causes and consequences of bullying and harassment;
- Instruction for all students in civility, citizenship and character education including but not limited to, principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity, and awareness and sensitivity to discrimination or harassment and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders and sexes;
- Peer Helping Peer programs designed to educate students and staff.
- Project Adventure program to challenge students to develop confidence, improve self-esteem, and establish team camaraderie.
- Mentoring program for elementary and middle school students at risk designed to enhance social skills, self-esteem, confidence and coping skills coordinated by school psychologists and social workers.

In keeping with current district procedures, dissemination of informative materials regarding the early detection of potentially violent behaviors to teachers, administrators, parents and other persons in parent relation to students shall be done through the following:

### **District/School Web Pages**

- Student handbooks as appropriate for K-5, 6-8, and 9-12 grade levels;

- Building principals to annually review at first faculty meeting.

Currently the format will be that of the New York State “Protect Your Child from Violence, A resource for Parents” as developed by the NYS Council on Children and Families.

**F. HAZARD IDENTIFICATION**

The district has identified the following in-district and out-of-district sites of potential emergency.

**In-District:**

<b>Location</b>	<b>Hazard</b>	<b>Response</b>
Saxton MS	Fuel Pumps	Activate, Take Cover or In Building Shelter Plan as needed. Located on Pages 89-90 of the Building Level Response Plan.
River ES	Power Station	Activate, Take Cover or In Building Shelter Plan as needed. Located on Pages 89-90 of the Building Level Response Plan.
River ES	Train Tracks	Possible responses could include Air Pollution, Hazardous Material Spill, Explosion, Toxic Material Spill, School Bus Accident or Medical Emergency. Located in Building Level Response Plan.
South Ocean MS	Train Tracks	
Bay ES	Train Tracks	
Medford ES	Route 112 / Sunrise Hwy.	Possible responses could include Air Pollution, Explosion, Toxic Material Spill, School Bus Accident or Medical Emergency. Located in Building Level Response Plan.

**Out-of-District:**

<b>Location</b>	<b>Hazard</b>	<b>Response</b>
All District Schools	Shoreham Nuclear Power Plant, Deactivated	Activate, Radiological Incident Response. Located on Page 34 of the Building Level Safety Plan.
All District Schools	Brookhaven Lab	Possible responses could include Air Pollution, Toxic Material Spill or Radiological Incident. Located in Building Level Response Plan.

**III. RESPONSE**

**A. NOTIFICATION AND ACTIVATION**

**Internal and External Communication**

The district's Code of Conduct was approved by the Board of Education July 19, 2006 and was last updated on April 18, 2016, specifies the methods to be used for contacting appropriate school and law enforcement officials in the event of a violent situation. The following information defines the protocol:

- **Students**  
All students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the building principal or his/her designee. Any student observing a student possessing a weapon on school property or at a school function, must report this information immediately to a teacher, the building principal, the principal's designee or the superintendent. Protocols are reviewed annually with students at the start of each school year.
- **Staff**  
District staff are expected to promptly report violations of the Code of Conduct to their supervisor. The district has also developed and provided each employee with an Emergency Response Plan, as a guide to be used in the event of an emergency.
- **Building Administrator**  
The building principal or his/her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime, and substantially affect the order or security

of a school, as soon as practical.

In the event of a violent incident, the teacher or student who identifies the incident is to immediately report it to the building principal with as much detailed information as possible. The principal, his/her designee or the assistant principal, is then responsible for determining whether the crisis requires warning the building occupants, prior to contacting the appropriate law enforcement officials and the Superintendent of Schools. The building level Emergency Response Plan should be consulted for each specific crisis to determine the most appropriate agency to be contacted. Administrators must also use judgement, as each incident may require different responses.

- **System for Informing All Educational Agencies of a Disaster**  
When a report of a disaster or violent incident is received by the Superintendent of Schools, it is the Superintendent or his/her designee's responsibility to determine if all schools should be notified, as well as all other educational agencies within the school district. If the decision has been made to notify all schools, the Superintendent or his/her designee will enact the Emergency Response Plan, Information Dissemination Plan to relay specific information and instructions as necessary.

This plan calls for radio communication messages to be sent to all principals, and email messages to be sent to all directors, department heads and their secretaries. In the event of a power outage, all communication will be via radio.

- **Notification of Parents and Guardians in the Event of a Violent Incident or early dismissal**  
In the event that the Superintendent or his/her designee determines that parents and guardians should be notified of a violent incident, early dismissal or school closing, the district's School Closing Procedures will be activated. The district will send a message to parents through Connect Ed. The Superintendent will notify key personnel of his/her intentions and relay specific instructions, depending on the situation. The key personnel will then relay this information to their designated contacts to insure that the Superintendent's directives are executed.

- **Notification of Board of Education Members**

Once all the appropriate steps have been taken to notify emergency response agencies the Superintendent or his/her designee will notify the Board of Education.

## **B. SITUATIONAL RESPONSES**

### **Multi-Hazard Response**

The district has developed multi-hazard response plans for taking action in a number of different emergency situations. These plans are detailed in the Building Level Emergency Response Plan, and in the District-wide Emergency Response Plan.

### **Response to Acts of Violence: Implied or Direct Threats**

The District has implemented numerous procedures for responding to implied or direct threats of violence by students, teachers, other school personnel and visitors to the school.

The District, via Board Policies #4312 (**Appendix G**) and #5153 (**Appendix H**), has provided guidance and procedures regarding administrative notification in the event of a threat, implied threat or other act deemed violent or a threat of violence. Said policies indicate that the Board of Education is committed to maintaining a safe school environment, free from intimidation, threats and/or acts of violence. As such, when incidents are observed, district personnel and students are directed to immediately report said incident to the building principal or his/her designee who will conduct a thorough investigation and provide the necessary information to the Superintendent or the superintendent's designee, in the form of:

- Counseling;
- Consequences (detention, suspension, expulsion. etc.)
- Legal Avenues (police report, social services report. etc.)

The principal and related personnel will monitor reported situations until a satisfactory resolution has been obtained.

### **Acts of Violence**

The District-Wide Emergency Response Plan, adopted by the Board of Education, includes information regarding appropriate responses to potentially dangerous situations. Specific directions for responding to acts



of violence include the following:

- When responding to a violent incident, the principal or the principal designee's primary objective is to respond in a manner which will protect the health and safety of all building occupants. To accomplish this, the principal or principal's designee will first determine the type and level of threat to the building occupants. Then, the building level Emergency Response Plan is to be consulted to determine the best possible course of action for the particular incident. Appropriate action will be taken in accordance with Building Level Response Plan protocols.

**C. ARRANGEMENTS FOR OBTAINING EMERGENCY ASSISTANCE FROM LOCAL GOVERNMENTS**

- Building Administrator will utilize Project SAVE hotline to contact authorities.
- Building Administrator will then notify Superintendent
- Each building has been provided with a list of services and agency telephone numbers as follows:

Medford Fire Dept	852-4817
N. Patchogue Fire Dept	475-1315
Patchogue Fire Dept	475-1222
Police	911
American Red Cross	924-6911
Brookhaven Code Enforcement	451-6161
Brookhaven Environmental Protection	451-6455
Brookhaven Public Safety	451-6291
Brookhaven Memorial Hospital	654-7100
PSEG Long Island	1-800-490-0075
News 12	(516) 393-1159

**D. DISTRICT RESOURCES AVAILABLE FOR USE IN AN EMERGENCY**

The following school district resources are available for use in the event of an emergency:

- **Shelter**  
Gymnasiums are available in each of the eleven schools. Arrangements for use shall be made through the Principal or his/her designee.

- **Food**  
Cafeterias are available in each of the eleven schools. Arrangements for use shall be made through the Principal or his/her designee. Feeding programs shall be coordinated through the Director of Food Services.
- **Parking**  
Each of the eleven schools has ample parking facilities. Arrangements for use shall be made through the Principal or his/her designee.
- **Transportation**  
Nine district-owned school buses are available for shuttle services between district schools and other facilities as required. Arrangements for use shall be made through the Transportation Supervisor or designee.  
  
If additional buses are required, the district will coordinate with contracted bus companies to assist with the emergency.
- **Maintenance**  
A staff of custodians, grounds and maintenance personnel are available to assist with building operations, maintenance and other related duties. Arrangements for staff support shall be coordinated through the Principal or his/her designee and Assistant Director of Plants & Facilities or designee.

**E. PROCEDURES TO COORDINATE THE USE OF SCHOOL DISTRICT RESOURCES AND MANPOWER DURING EMERGENCIES**

Arrangements for use of school district resources during an emergency shall be made through the following administrators:

<b>Title</b>	<b>Name</b>	<b>Office</b>	<b>Home</b>
Superintendent of Schools	Dr. Michael Hynes	687-6385	
Asst. Superintendent for Business	Dr. Donna Jones	687-6330	
Asst. Superintendent for Personnel Services	Dr. Joey Cohen	687-6340	
Asst. Superintendent for Instructional Services	Lori Cannetti	687-6350	

Asst. Director of Plant & Facilities	Paul Noonan	687-6480	
Director of School Food Service	Daniel Erwin	687- 6525	
Director of Security	John Boesch	687-6580	
Transportation Supervisor	Carol Sicignano	687-6460	

**F. PROTECTIVE ACTION OPTIONS**

In the event of an emergency, the Superintendent of Schools or his/her designee will determine what emergency measures need to be taken. The appropriate response based on circumstances, may be to close school for the day, operate under a delayed opening, operate under an early dismissal or evacuation to either home or to an alternate school.

The Superintendent of Schools or his/her designee will contact the transportation department to arrange for transportation services.

The District Clerk will alert the local media for public service announcements.

**IV. RECOVERY**

**A. DISTRICT SUPPORT FOR BUILDINGS**

Upon notification, the Superintendent, or his/her designee, will dispatch additional personnel and support as needed to assist the Emergency Response Team on location. Additional support may include, but is not limited to:

- Administrative personnel;
- Support personnel, such as maintenance, custodial, secretarial, etc.;
- Transportation resources (cars, vans, buses, crossing guards, etc.);
- Communications resources (mobile phones, two-way radios, printing services, media support, "rovers").

Upon notification, the Superintendent, or his/her designee, will dispatch additional personnel and support as needed to assist the Post Emergency Response Team on location. Additional support may include, but is not limited to:

- Administrative support for post incident staff meetings and/or related programs;
- Media Liaison where necessary;
- Family Liaison where necessary.

## **B. DISASTER MENTAL HEALTH SERVICES**

The District will assist with the coordination of Disaster Mental Health Resources in support of the Post Emergency Response Teams in the following ways:

- Provide Crisis consultation where necessary;
- Provide support in identifying at risk students;
- Provide support and location for after school meetings where necessary;
- Provide classroom coverage to allow for funeral or related services;
- Provide location for adult counseling services;
- Assist with Crisis Response Team debriefing.

The District will evaluate its Emergency Response Plan; Post Emergency Response Plan and related supports within a few days following a crisis. A team of individuals involved in each facet of the response will be assembled and directed to discuss and evaluate the effectiveness of the identified plans. Feedback pertaining to what worked, what did not work and what modifications are necessary to the plan(s) will be solicited. Upon completion, plans will be updated based on constructive feedback received.

## **V. PLAN REVIEW AND PUBLIC COMMENT**

Pursuant to Commissioner's Regulation, Section 155.17 (e) (3), this plan will be made available for public comment at least 30 days prior to its adoption. The district-wide plan may be adopted by the School Board only after at least one public hearing that provides for the participation of school personnel, parents, students and any other interested parties. The plan must be formally adopted by the Board of Education.

Full copies of the District-wide School Safety Plan and any amendments will be submitted to the New York State Education Department within 30 days of adoption.

This plan will be reviewed periodically during the year and will be maintained by the District-Wide School Safety Team. The required annual review will be completed on or before October 1<sup>st</sup> of each year after its adoption by the Board of Education. A copy of the plan will be available at the Plants and Facilities Office, at the Saxton Middle School, at the Business Office located in the District Office at 241 South Ocean Avenue, Patchogue, NY 11772 and on the District website.

# **APPENDICES**

# **APPENDIX A**

**OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE  
STATE OF NEW YORK  
TITLE 8. EDUCATION DEPARTMENT  
CHAPTER II. REGULATIONS OF THE COMMISSIONER  
SUBCHAPTER J. BUILDINGS AND TRANSPORTATION  
PART 155. EDUCATIONAL FACILITIES**

Current through April 17, 2017

(Statutory authority: Education Law, §§ 101, 207, 215, 305, 305[14] as amd. by L. 1997, ch. 464, 403-a, 403-b, 408, 409, 409-d, 409-e, 409-f[1]-[2], 409-h, 1950[4][t], 2503, 2554, 2801-a, 3602, 3602-a[4], 3641, 3713[1], [2], 4402, 4403; Energy Law, § 9-103[8]; Environmental Conservation Law, §§ 8-0113[3], 8-0117[5]; 26 USC, §§ 142[a], [k], 1397E; Executive Law, art. 2-B; L. 1987, ch. 53, § 17; L. 1992, chs. 466, 700; L. 1993, ch. 700; L. 1994, ch. 64, §§ 1, 2; L. 1997, ch. 436; L. 1998, ch. 58, §§ 13, 48, ch. 56, part B, § 1; L. 2000, ch. 60, part A, § 5 and ch. 181; L. 2000, ch. 185, § 6; L. 2001, ch. 217; L. 2002, ch. 231)

**Section 155.17 School safety plans**

(a) Development of school safety plans.

Every board of education of a school district, every board of cooperative educational services and county vocational education and extension board and the chancellor of the City School District of the City of New York shall adopt by July 1, 2001, and shall update by July 1st for the 2002-2003 through the 2015-2016 school years and by September 1st for the 2016-2017 school year and each subsequent September 1st thereafter, a comprehensive district-wide school safety plan and building-level emergency response plans regarding crisis intervention and emergency response and management, provided that in the City School District of the City of New York, such plans shall be adopted by the chancellor of the city school district. Such plans shall be developed by a district-wide school safety team and a building-level emergency response team, as such terms are defined in subdivision (b) of this section, and shall be in a form developed by the commissioner in consultation with the Division of Criminal Justice Services, the superintendent of the State Police and any other appropriate State agencies. Each district-wide school safety plan and building-level emergency response plan shall be reviewed by the appropriate school safety team on at least an annual basis, and updated as needed.

(b) Definitions.

As used in this section:

(1) Educational agencies means public and nonpublic elementary and secondary schools, public and private nursery schools, approved private schools for the education of students with disabilities as defined in section 200.1(d) of this Title, and public and private schools for the education of preschool children with disabilities.

(2) Superintendent means a superintendent of schools or a district superintendent of schools, as appropriate.

(3) Disaster means occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade causes, such



as fire, flood, earthquake, hurricane, tornado, high water, landslide, mudslide, windstorm, wave action, epidemic, air contamination, drought, explosion, water contamination, chemical accident, war or civil disturbance.

(4) Emergency means a situation, including but not limited to a disaster that requires immediate action, occurs unpredictably, and poses a threat of injury or loss of life to students or school personnel or of severe damage to school property.

(5) Emergency services organization means a public or private agency, organization or group other than a governmental agency, which provides police, fire, medical, ambulance, rescue, housing or other services for the relief of human suffering, injury or loss of life or property as a result of an emergency.

(6) School cancellation means a determination by school officials that a school or schools should not be in session for one or more school days due to an emergency.

(7) Early dismissal means returning students to their homes or other appropriate locations before the end of the school day.

(8) Evacuation means moving students for their protection from a school building to a predetermined location in response to an emergency.

(9) Sheltering means keeping students in school buildings and providing them with shelter when it is deemed safer for students to remain inside rather than to return home or be evacuated.

(10) Lock-down means to immediately clear the hallways, lock and/or barricade doors, hide from view, and remain silent while readying a plan of evacuation as a last resort. Lock-down will only end upon physical release from the room or secured area by law enforcement.

(11) Building-level emergency response plan means a building-specific school emergency response plan that addresses crisis intervention, emergency response and management at the building level and has the contents prescribed in paragraph (c)(2) of this section.

(12) Building-level emergency response team means a building-specific team appointed by the building principal, in accordance with regulations or guidelines prescribed by the board of education, the chancellor in the case of New York City, or other governing body. The building-level emergency response team is responsible for the designation of the emergency response team and the development of the building-level emergency response plan and its required components. The building-level emergency response team shall include, but not be limited to, representatives of teacher, administrator, and parent organizations, school safety personnel, other school personnel, community members, local law enforcement officials, local ambulance, fire officials or other emergency response agencies, and any other representatives the school board, chancellor or other governing body deems appropriate.

(13) District-wide school safety plan means a comprehensive, multi-hazard school safety plan that covers all school buildings of the school district, BOCES or county vocational education and extension board, that addresses crisis intervention, emergency response and management at the district level and has the contents prescribed in paragraph (c)(1) of this section.

(14) District-wide school safety team means a district-wide team appointed by the board of education, the chancellor in the case of New York City, or other governing board. The district-wide team shall include, but not be limited to, representatives of the school board, teacher, administrator, and parent organizations, school safety

personnel and other school personnel. At the discretion of the board of education, or the chancellor in the case of the City of New York, a student may be allowed to participate on the safety team, provided however, that no portion of a confidential building-level emergency response plan shall be shared with such student nor shall such student be present where details of a confidential building-level emergency response plan or confidential portions of a district-wide emergency response strategy are discussed.

(15) Emergency response team means a building-specific team designated by the building-level emergency response team that is comprised of school personnel, law enforcement officials, fire officials, and representatives from local, regional and/or State emergency response agencies and assists the school community in responding to a violent incident or emergency. In a school district in a city having a population of more than one million inhabitants, such emergency response team may be created on the district-level with building-level participation, and such district shall not be required to establish a unique team for each of its schools.

(16) Post-incident response team means a building-specific team designated by the building-level emergency response team that includes appropriate school personnel, medical personnel, mental health counselors and others who can assist the school community in coping with the aftermath of a violent incident or emergency. In a school district in a city having a population of more than one million inhabitants, such post-incident response team may be created on the district-level with building-level participation, and such district shall not be required to establish a unique team for each of its schools.

(17) School safety plan means a district-wide school safety plan or a building-level school safety plan.

(18) 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 kidnapping 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.

(c) District-wide school safety plans and building-level emergency response plans. District-wide school safety plans and building-level emergency response plans shall be designed to prevent or minimize the effects of violent incidents and emergencies and to facilitate the coordination of schools and school districts with local and county resources in the event of such incidents or emergencies.

(1) District-wide school safety plans. A district-wide school safety plan shall be developed by the district-wide school safety team and shall include, but not be limited to:

(i) policies and procedures for responding to implied or direct threats of violence by students, teachers, other school personnel and visitors to the school, including threats by students against themselves, which for the purposes of this subdivision shall include suicide;

(ii) policies and procedures for responding to acts of violence by students, teachers, other school personnel and visitors to the school, including consideration of zero-tolerance policies for school violence;

(iii) appropriate prevention and intervention strategies, such as:

- (a) collaborative arrangements with State and local law enforcement officials, designed to ensure that school safety officers and other security personnel are adequately trained, including being trained to de-escalate potentially violent situations, and are effectively and fairly recruited;
- (b) nonviolent conflict resolution training programs;
- (c) peer mediation programs and youth courts; and
- (d) extended day and other school safety programs;
- (iv) policies and procedures for contacting appropriate law enforcement officials in the event of a violent incident;
- (v) except in a school district in a city having a population of more than one million inhabitants, a description of the arrangements for obtaining assistance during emergencies from emergency services organizations and local governmental agencies;
- (vi) except in a school district in a city having a population of more than one million inhabitants, the procedures for obtaining advice and assistance from local government officials, including the county or city officials responsible for implementation of article 2-B of the Executive Law;
- (vii) except in a school district in a city having a population of more than one million inhabitants, the identification of district resources which may be available for use during an emergency;
- (viii) except in a school district in a city having a population of more than one million inhabitants, a description of procedures to coordinate the use of school district resources and manpower during emergencies, including identification of the officials authorized to make decisions and of the staff members assigned to provide assistance during emergencies;
- (ix) policies and procedures for contacting parents, guardians or persons in parental relation to the students of the district in the event of a violent incident or an early dismissal;
- (x) policies and procedures for contacting parents, guardians or persons in parental relation to an individual student of the district in the event of an implied or direct threat of violence by such student against themselves, which for the purposes of this subdivision shall include suicide;
- (xi) policies and procedures relating to school building security, including, where appropriate, the use of school safety officers and/or security devices or procedures;
- (xii) policies and procedures for the dissemination of informative materials regarding the early detection of potentially violent behaviors, including but not limited to the identification of family, community and environmental factors to teachers, administrators, parents and other persons in parental relation to students of the school district or board, students and other persons deemed appropriate to receive such information;
- (xiii) policies and procedures for annual multi-hazard school safety training for staff and students, provided that the district must certify to the commissioner that all staff have undergone annual training by September 15, 2016 and each subsequent September 15th thereafter on the building-level emergency response plan which must include components on violence prevention and mental health, provided further that new employees hired after the start of the school year shall receive such training within 30 days of hire or as part of the district's existing new hire training program, whichever is sooner;

(xiv) procedures for review and the conduct of drills and other exercises to test components of the emergency response plan, including the use of tabletop exercises, in coordination with local and county emergency responders and preparedness officials;

(xv) the identification of appropriate responses to emergencies, including protocols for responding to bomb threats, hostage-takings, intrusions and kidnappings;

(xvi) strategies for improving communication among students and between students and staff and reporting of potentially violent incidents, such as the establishment of youth-run programs, peer mediation, conflict resolution, creating a forum or designating a mentor for students concerned with bullying or violence and establishing anonymous reporting mechanisms for school violence;

(xvii) a description of the duties of hall monitors and any other school safety personnel, the training required of all personnel acting in a school security capacity, and the hiring and screening process for all personnel acting in a school security capacity;

(xviii) in the case of a school district, except in a school district in a city having more than one million inhabitants, a system for informing all educational agencies within such school district of a disaster; and

(xix) the designation of the superintendent, or superintendent's designee, as the district chief emergency officer whose duties shall include, but not be limited to:

(a) coordination of the communication between school staff, law enforcement, and other first responders;

(b) lead the efforts of the district-wide school safety team in the completion and yearly update of the district-wide school safety plan and the coordination of the district-wide plan with the building-level emergency response plans;

(c) ensure staff understanding of the district-wide school safety plan;

(d) ensure the completion and yearly update of building-level emergency response plans for each school building;

(e) assist in the selection of security related technology and development of procedures for the use of such technology;

(f) coordinate appropriate safety, security, and emergency training for district and school staff, including required training in the emergency response plan;

(g) ensure the conduct of required evacuation and lock-down drills in all district buildings as required by Education Law section 807; and

(h) ensure the completion and yearly update of building-level emergency response plans by the dates designated by the commissioner.

(2) Building-level emergency response plan. A building-level emergency response plan shall be developed by the building-level emergency response team, shall be kept confidential, including but not limited to the floor plans, blueprints, schematics or other maps of the immediate surrounding area, and shall not be disclosed except to authorized department or school staff, and law enforcement officers, and shall include the following elements:

(i) policies and procedures for the response to emergency situations, such as those requiring evacuation, sheltering, and lock-down, which shall include, at a minimum, the description of plans of action for evacuation, sheltering, lock-down, evacuation routes and shelter sites, and procedures for addressing medical needs, transportation and emergency notification to persons in parental relation to a student;

(ii) designation of an emergency response team, other appropriate incident response teams, and a post-incident response team;

(iii) floor plans, blueprints, schematics or other maps of the school interior, school grounds and road maps of the immediate surrounding area;

(iv) establishment of internal and external communication systems in emergencies;

(v) definition of the chain of command in a manner consistent with the National Incident Management System (NIMS)/Incident Command System (ICS);

(vi) coordination of the building-level emergency response plan with the statewide plan for disaster mental health services to assure that the school has access to Federal, State and local mental health resources in the event of a violent incident;

(vii) procedures for an annual review of the building-level emergency response plan and the conduct of drills and other exercises to test components of the building-level emergency response plan, including the use of tabletop exercises, in coordination with local, county, and State emergency responders and preparedness officials;

(viii) policies and procedures for securing and restricting access to the crime scene in order to preserve evidence in cases of violent crimes on school property;

(ix) in the case of a school district, except in a school district in a city having more than one million inhabitants, certain information about each educational agency located in the school district, including information on school population, number of staff, transportation needs and the business and home telephone numbers of key officials of each such agency.

(3) Each board of education, chancellor or other governing body shall make each district-wide safety plan available for public comment at least 30 days prior to its adoption. Such district-wide plans may be adopted by the school board only after at least one public hearing that provides for the participation of school personnel, parents, students and any other interested parties. Each district shall file a copy of its district-wide safety plan with the commissioner and all amendments to such plan shall be filed with the commissioner no later than 30 days after their adoption. Each board of education, chancellor or other governing body or officer shall ensure that a copy of each building-level emergency response plan and any amendments thereto, is filed with the appropriate local law enforcement agency and with the State Police within 30 days of its adoption, but no later than October 15, 2016 and each subsequent October 15th thereafter. Building-level emergency response plans shall be confidential and shall not be subject to disclosure under article six of the Public Officers Law or any other provision of law.

(d) Use of school property.

Each board of education and board of cooperative educational services shall cooperate with appropriate State, county and city agencies in developing agreements for the use of school-owned facilities and vehicles during a disaster. School districts and boards of cooperative educational services are required to relinquish to the appropriate State or county agencies the control and use of school transportation vehicles and facilities in accordance with county emergency preparedness plans or directives.

(e) Communication liaisons.

(1) Except in a school district in a city having a population of more than one million inhabitants, each district superintendent, during a local or State emergency, shall act as the chief communication liaison for all educational agencies within the supervisory district territorial limits.

(2) The superintendent of schools in the Cities of Buffalo, Rochester, Syracuse and Yonkers, during a local or State emergency, shall act as the chief communication liaison for all educational agencies located within the city district.

(f) Reporting.

Each superintendent shall notify the commissioner as soon as possible whenever the emergency plan or building-level school safety plan is activated and results in the closing of a school building in the district, and shall provide such information as the commissioner may require. School districts within a supervisory district shall provide such notification through the district superintendent, who shall be responsible for notifying the commissioner. Such information need not be provided for routine snow emergency days.

(g) Instruction.

Each public school superintendent and each chief school administrator of an educational agency other than a public school shall take action to provide written information, by October 1st of each school year, to all students and staff about emergency procedures.

(h) Fire and emergency drills.

Each school district and board of cooperative educational services shall, at least once every school year, and where possible in cooperation with local county emergency preparedness plan officials, conduct one test of its emergency response procedures under each of its building-level emergency response plans, including sheltering, lock-down, or early dismissal, at a time not to occur more than 15 minutes earlier than the normal dismissal time.

(1) Parents or persons in parental relation shall be notified at least one week prior to the drill.

(2) Such drills shall test the usefulness of the communications and transportation system during emergencies.

(3) The provisions of section 175.5(a) of this Title regarding the length of school day for State aid purposes shall not apply to school days in which less than the minimum number of hours is conducted because of an early dismissal pursuant to this subdivision.

(i) Reports by educational agencies.

Except in a school district in a city having a population of more than one million inhabitants, the chief executive officer of each educational agency located within a public school district shall provide to the superintendent of schools information about school population, number of staff, transportation needs and the business and home telephone numbers of key officials of such educational agencies.

(j) Nothing contained in subdivision (a) or (c) of this section shall prevent an educational agency from using, in part or in total, an emergency management plan previously developed in cooperation with a county or other municipality as the emergency management plan required in this section until the adoption of school safety plans as required by subdivision (b) of this section; provided, however, that all applicable requirements of this section shall be met.

(k) Commissioner of Education.

The Commissioner of Education or his or her designee may order emergency response actions by individual school districts in the event that the local officials are unable or unwilling to take action deemed to be appropriate by State and/or county emergency

personnel in accordance with county or State emergency preparedness plans or directives.

***Disclaimer:*** *These Rules of the Regents and Regulations of the Commissioner of Education ("regulations") are unofficial, and are presented for general informational purposes as a public service. Although reasonable efforts have been made to ensure that these regulations are current, complete and accurate, the State Education Department does not warrant or represent that they are current, complete and accurate. These regulations are subject to change on a regular basis. Readers are advised to consult Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York (8 NYCRR), published by the Department of State, and the State Register for the official exposition of the text of these regulations, as well as for amendments and any subsequent changes or revisions thereto.*

# **APPENDIX B**



## COMMUNITY USE OF SCHOOL FACILITIES

The use of buildings, grounds, and facilities of the Patchogue-Medford School District as community centers, for legitimate and appropriate activities by the people of the community, is encouraged by the Board of Education. An organization whose membership is comprised of a majority of district residents may apply to use district facilities for an event that will also involve a majority of district residents. Such use shall be subject to appropriate sections of New York State Education Law, decisions by the New York State Commissioner of Education, and regulations of the Board of Education. Priority for the use of these facilities shall always be given to the various aspects of the educational program for which they were primarily provided, including activities relating to the regular school program, intramural and other extracurricular activities, adult education, summer school, and in-service education programs. Further, the Board of Education encourages the joint development of recreational facilities with municipal governmental agencies.

### Permitted Uses

District facilities may be used for the purposes listed below, subject to the conditions and restrictions set forth in this policy.

Instruction in any branch of education, learning or the arts.

Public library purposes, subject to provisions of the Education Law, or as stations of public libraries.

Social, civic and recreational meetings and entertainments, or other uses pertaining to the welfare of the community so long as such uses are non-exclusive and open to the general public.

Meetings, entertainment and occasions where admission fees are charged, when the proceeds are to be spent for an educational or charitable purpose.

Polling places for holding primaries and elections, for the registration of voters and for holding political meetings.

Civic forums and community centers.

Recreation, physical training and athletics, including competitive athletic contests of children attending a private, nonprofit school.

Child-care programs when school is not in session, or when school is in session for the children of students attending schools of the district and, if there is additional space available, for children of employees of the district.

Graduation exercises held by not-for-profit elementary and secondary schools, provided that no religious service is performed.

### Prohibited Uses

Any use not permitted by this policy is prohibited. In addition, the following uses are specifically prohibited.

Meetings sponsored by political organizations.

**Community Use of School Facilities (Continued)**  
**Prohibited Uses (Continued)**

Meetings, entertainments and occasions that are under the exclusive control of and the proceeds are to be applied for the benefit of a society, association or organization or a religious sect or denomination, or of a fraternal, secret or exclusive society or organization, other than veterans' organizations or volunteer fire fighters or volunteer ambulance workers.

Conditions of Use for District Facilities

- A) Use of district facilities may be permitted unless such facilities are in use for school purposes, or during educational programs. The district reserves exclusive and non-reviewable judgment to determine if a requested use would interfere with or disturb the district's educational programs.
- B) To ensure that district facilities are preserved for the benefit of the greater district community, only community-based groups and organizations (that is, groups which are located within the geographic area covered by the district) may be granted access to district facilities.
- C) In the event that an organization applies that is not located within the geographic area covered by the district, the information will be shared with the Superintendent and discussed with the Board of Education for review.
- D) Use of district facilities by the Boy Scouts or other patriotic youth groups listed as a patriotic society in Title 36 of the U.S. Code will be permitted to the same extent as other outside groups. The district shall not deny access to or otherwise discriminate against youth groups based solely on the group's membership or leadership criteria or oath of allegiance to God and country.
- E) United States military recruiters will be provided the same access to high school students on school grounds that is generally provided to colleges and universities or prospective employers.
- F) Use of district facilities will be permitted only where the applicant agrees to pay the district a user fee according to a schedule adopted by the district to cover the costs of heat, electricity, maintenance, custodial services, and any other expenses associated with the requested use. Use is further conditioned upon the applicant's agreement to pay additional fees associated with the use of any additional services or equipment. The district retains the right to condition use upon an applicant depositing with the district a sum equaling the estimated costs and fees associated with the proposed use 10 days in advance of the requested use. The district retains the further right to waive user fees for groups that are associated with or sponsored by the district.
- G) Where, in the judgment of the district, the requested use of district facilities requires special equipment or supervision, the district reserves the right to deny such use, or in the alternative, to condition such use upon the applicant's payment of additional fees in accordance with paragraph F above. Only authorized personnel shall operate district equipment.

**Community Use of School Facilities (Continued)**  
**Conditions of Use for District Facilities (Continued)**

Use of district facilities will only be permitted where the organization provides the district timely evidence of adequate minimum insurance coverage (\$1,000,000 per occurrence/\$3,000,000 aggregate to save the district its employees, agents, and volunteers harmless from all liability, property damage, personal injuries and/or medical expenses. The district will exercise complete and unreviewable discretion regarding what constitutes adequate insurance coverage for each proposed use.

Organizations must provide the district with a certificate of insurance meeting the above requirements.

Prior to the start of the event, an announcement should be made to the group regarding emergency evacuation procedures. For example, point out posted procedures, directions for exiting, how to respond to a fire alarm, etc.

In the event of an accident, the custodian on duty should be notified immediately by the organization designee and report the incident to the Director of Facilities. The Director of Facilities will notify the Assistant Superintendent for Business.

The board reserves the discretion to deny use of district facilities described above, or to terminate use of district facilities:

1. by an applicant who has previously misused or abused district facilities or property or who has violated this policy;
2. for use which could have the effect of violating the Establishment Clause of the United States Constitution or other provisions of the United States or New York State Constitution;
3. for any use which, in the estimation of the board, could reasonably be expected to or actually does give rise to a riot or public disturbance;
4. for any use which the board deems inconsistent with this policy;
5. for any use by a private for-profit entity that has the direct or indirect effect of promoting the products or services of such entity;
6. in any instance where alcoholic beverages or unlawful drugs are sold, distributed, consumed, promoted or possessed;
7. for any use prohibited by law, regulation or district policy.

**Community Use of School Facilities (Continued)****Application Procedure**  
**Section 1334**

1. All requests for the use of facilities by any outside organization wishing to use the buildings or facilities are to be initiated by the outside organization by filing a request with the plants and facilities office so as to ascertain the availability of buildings or facilities. Once the plants and facilities office reviews the insurance requirements, the request will be forwarded to the building Principal to confirm availability. Once all information has been confirmed, paperwork will be forwarded to the Assistant Superintendent for Business for approval.
2. For single events, applications will be accepted no later than 45 days prior to the event. For a series of events, applications will be accepted no later than 45 days prior to the first event in the series. Applications for a series of events will only be accepted for events that are similar in nature. Separate applications must be submitted for events that occur in each of the following periods:

Fall Permit Period:	September 1 up to and including November 30
Winter Permit Period:	December 1 up to and including February 28 (29)
Spring Permit Period:	March 1 up to and including June 30
Summer Permit Period:	July 1 up to and including August 31

The application timelines set forth herein may be waived by the Superintendent of Schools on a case-by-case basis upon the written request of the outside organization. Said request shall include, at a minimum, the cause for the delay, as well as the organizations proposed application.

Only completed applications will be accepted. A complete application includes a fully executed Patchogue-Medford Application to Rent or Use School Buildings and Grounds, and a signed statement of understanding and proof of insurance (see Exhibit A – Attached). All applicable fees must be received no later than 10 days prior to the first event on the application.

3. Building use may not commence until approval is given by the superintendent of schools.
4. The applicant must clearly and completely describe the intended use of the district facility in the application.
5. All applicants must review this policy prior to submitting the application. All applications must be signed by an authorized agent of the group or organization requesting use. The applicant's signature on the application shall attest to the group or organization's intent to comply with all board policies and regulations and to use district facilities strictly in accordance with the use described in the application.

**Community Use of School Facilities (Continued)**  
**Application Procedure (Continued)**

6. All applicants must agree to assume responsibility for all damages resulting from its use of district facilities. Proof of adequate insurance meeting the requirements outlined in this policy must be provided by the applicant at least 10 days before the date of the requested use.
7. Permits shall be valid only for the facility, use, dates and time specified in the permit. No adjustment to the permit is allowed except with the prior written approval of the superintendent. Permits shall not be transferable.
8. The superintendent is authorized to alter or cancel any permit if it becomes necessary to use the facility for school purposes or for other justifiable reason.
9. With regard to scheduling activities, the district retains the right to give preference to groups and organizations which are associated with or sponsored by the district.

Such application shall be made on approved forms obtainable from each school and shall be submitted at such an early date to the superintendent of schools to allow proper processing.

While the superintendent of schools is authorized to approve requests by outside agencies for use of school district facilities in the name of the Board of Education within the provisions of New York State Education Law and established regulations, the superintendent of schools shall refer to the Board of Education for final approval those requests which may be deemed questionable by the superintendent of schools.

**Fees**  
**Section 1335**

The sponsors of the activity for which permission is granted shall pay all fees and charges to the district in accordance with a schedule established by the Board of Education. Fees must be received by plants and facilities no later than 10 days prior to the event or first event in a series. The fee structure will be based upon the relationship of the organization to the Patchogue-Medford School District, the community at large and the nature of the organization. This schedule shall be based upon the expenses incurred by the district in making the buildings and personnel available.

The fee structure will be established by the Board of Education and shall be based on current compensation rates for personnel required at the function as preparing for or following up on the same. This fee structure shall be reviewed from time to time but at a minimum each July by the Assistant Superintendent for Business who will make appropriate recommendations to the superintendent of schools.

**Community Use of School Facilities (Continued)****Schedule of Charges**  
**Subsection 1335.1**

Charges for use of buildings and athletic fields shall be assessed according to the criteria outlined below and will be established each year by the Board of Education. (See Exhibit B – Attached)

Level I Users: School or community-based organizations that provide direct services to students such as PTA, scouting and athletic programs or organizations involved in a partnership program with a school or district club or organization. Fees to be assessed when school is not in session.

Level II Users: Not-for-profit community-based organizations such as local fire departments, hospitals, service clubs, and government agencies. Fees to be assessed when school is not in session.

Level III Users: For-profit organizations.

**Use of Equipment**  
**Subsection 1336.1**

Use of school-owned, movable equipment is prohibited. This prohibition is extended to musical instruments, business equipment, audiovisual equipment, athletic equipment, as well as school buses and other district-owned vehicles.

**Liability**  
**Subsection 1336.2**

Because it is in the public interest for the Board of Education to protect the school district against substantial financial loss, liability insurance will be required for individuals or groups who use school facilities or school district sites. Individuals and organizations shall attach a certificate of insurance to the application requesting the use of a school district-owned facility or an outdoor site. The face amount of the insurance certificate must be, at a minimum, equal to \$1,000,000 per occurrence/\$3,000,000 aggregate to save the district, its employees, agents, and volunteers harmless from all liability, property damage, personal injuries and/or medical expenses. The district will exercise complete and unreviewable discretion regarding what constitutes adequate insurance coverage for each proposed use.

**Community Use of School Facilities (Continued)**  
**Liability (Continued)**

Exemptions from this policy are authorized for school district-sponsored events or for events sponsored by school-related organizations such as student groups and parent organizations. No exemption, however, will be granted to any organization which intends to use school facilities for recreational, athletic, physical fitness, or similar activities. Organizations whose meetings are of a nature which require the participants to be sedentary are those to be considered for a waiver of liability insurance. Should such an organization wish to depart from its usual business meeting activity to sponsor a recreational, athletic, or physical fitness activity, the minimum insurance will be required and written evidence of same must be filed, in advance, pursuant to the established building use application procedure.

**Exceptions**  
**Subsection 1336.3**

Exceptions to any aspect of this policy will be made only upon application to the superintendent of schools and subsequent approval by the Board of Education.

Policy Adopted:

November 17, 1986

Supersedes Policies Adopted:

February 26, 1968

September 21, 1970

May 15, 1972

August 28, 1973

November 20, 1973

December 15, 1975

Policy Revised:

January 28, 1991

Policy Revised:

June 21, 1993

Policy Revised:

July 14, 1997

Policy Reviewed:

September 27, 1999

Policy Revised:

July 8, 2002

Policy Revised:

March 24, 2003

Policy Revised

August 25, 2003

Policy Revised:

November 10, 2003

Policy Revised:

April 15, 2013

Policy Revised:

August 26, 2013

Policy Revised:  
October 20, 2014  
Policy Revised:  
August 24, 2015  
Policy Reviewed:  
August 29, 2016



Policy 1330 – Exhibit A

**Application to Rent or Use Buildings and/or Grounds**



## Application to Rent or Use Buildings and/or Grounds

**NOTE:** Applications must be filed in the Principal's Office of the school building where the function is to be held, no earlier than 60 days and no later than 45 days prior to the event. **Any advertisement to be published, flyer, brochure, or newspaper ad, must be attached to original application for approval.** No event may be advertised or conducted until the district approves the permit and the applicant has received written permission to use the facilities. **User will be sent a copy via email if address is supplied. If a fee is required, the check must be received 10 days prior to the event to cover the District's expenses.**

NUMBER \_\_\_\_\_

<b>SCHOOL BUILDING TO BE USED:</b>					
<b>AREAS TO BE USED (check all that apply):</b>					
<b>**SUBJECT TO AVAILABILITY WHEN NOT IN USE BY THE SCHOOL**</b>					
<input type="checkbox"/> Auditorium	<input type="checkbox"/> Gymnasium	<input type="checkbox"/> Baseball Field	<input type="checkbox"/> Softball Field	<input type="checkbox"/> Open Field	
<input type="checkbox"/> Cafeteria	<input type="checkbox"/> Kitchen	<input type="checkbox"/> Football Field	<input type="checkbox"/> Tennis Court	<input type="checkbox"/> Other	
Classrooms: (Specify Rooms)				<input type="checkbox"/> Soccer or Lacrosse Field	<input type="checkbox"/> Running Track Field

SEASON (check one):	Date(s) of Event:		Day(s) of Event:	Time of Event:	
<input type="checkbox"/> Fall (Sept. 1 to Nov. 30) <input type="checkbox"/> Winter (Dec. 1 to Feb. 29) <input type="checkbox"/> Spring (Mar. 1 to June 30) <input type="checkbox"/> Summer (July 1 to Aug. 31)	From:	To:	<input type="checkbox"/> Monday <input type="checkbox"/> Tuesday <input type="checkbox"/> Wednesday <input type="checkbox"/> Thursday <input type="checkbox"/> Friday <input type="checkbox"/> Saturday <input type="checkbox"/> Sunday	From:	To:
	Month:	Month:		a.m./p.m. (circle one)	a.m./p.m. (circle one)
	Date:	Date:		Specify exact time:	Specify exact time:
	Year:	Year:			

Name of Event: \_\_\_\_\_

Number of Participants Expected: \_\_\_\_\_ Adults: \_\_\_\_\_ Children: \_\_\_\_\_

Percentage of Participants/Members who are residents of the Patchogue-Medford School District (Please attach proof): \_\_\_\_\_ % residents.

Admission charge amount: \_\_\_\_\_ Purpose of Charge: \_\_\_\_\_

Will refreshments be served? Give details: \_\_\_\_\_  
(Continued on page two)

# Application to Rent or Use Buildings and/or Grounds, Page Two

PATCHOGUE-MEDFORD SCHOOLS, 241 South Ocean Avenue  
 Patchogue, NY 11772, (631) 687-6480, [www.pmschools.org](http://www.pmschools.org)

Name of Organization:	
Email:	
Address:	Telephone:
Presiding Officer:	Event Supervisor:

**NOTE: THE EVENT PLANNED MUST FULFILL ALL REQUIREMENTS** OF THE RULES CONCERNING THE RENT OR USE OF SCHOOL PLANTS AND FACILITIES, WHICH APPEAR ON THE FOLLOWING PAGES. THE APPLICATION PROCEDURES FOR COMMUNITY USE CAN BE FOUND ON THE PATCHOGUE-MEDFORD WEB SITE, [www.pmschools.org](http://www.pmschools.org)

**A CERTIFICATE OF INSURANCE MUST ACCOMPANY APPLICATION AS PER THE REQUIREMENTS ON PAGE 5 OF THIS FACILITY USE AGREEMENT.**

This certificate must name the Patchogue-Medford Schools, 241 South Ocean Avenue, Patchogue, NY 11772 as additional insurance and the certificate holder. It is the sole responsibility of the applicant to maintain sufficient insurance coverage throughout the period of use requested.

**SPECIFIC BUILDING FACILITIES NEEDED:**

Number of Seats Needed:		Where Placed:
Number of Tables Needed:		Where Placed:
Security: <input type="checkbox"/> Yes <input type="checkbox"/> No	Piano: <input type="checkbox"/> Yes <input type="checkbox"/> No	**Special Lighting: <input type="checkbox"/> Yes <input type="checkbox"/> No
		**Public Address System: <input type="checkbox"/> Yes <input type="checkbox"/> No
Attach additional information if necessary.		

**\*\*NOTE:** The stage lights in the high school and the public address system in the middle and senior high schools must be operated by a trained member of the school staff. There will be a charge for this service at the current compensation rates for custodial service (See "Regulations for Stage Productions" below).

		**See Building Principal for Details
Gymnasium Bleachers Needed: <input type="checkbox"/> Yes <input type="checkbox"/> No	Kitchen Facilities: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Special Events Permit needed from Department of Health <input type="checkbox"/> Certified Food Service Worker Needed

(See "Policy Governing the Use of Cafeteria Kitchen" below)  
 If kitchen equipment is required, give details and state purpose:

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(Continued on page three)

# Application to Rent or Use Buildings and/or Grounds, Page Three

PATCHOGUE-MEDFORD SCHOOLS, 241 South Ocean Avenue  
Patchogue, NY 11772, (631) 687-6480, [www.pmschools.org](http://www.pmschools.org)

A Custodian will be in the building to open doors, turn on lights, provide heat and close the building when the activity is over.

## REGULATIONS FOR STAGE PRODUCTIONS

If a stage production is planned, please submit one application for the actual date of performance listing the applicant's needs for that day. The applicant shall submit a separate application listing the dates and times needed for rehearsal, setting up equipment, props, scenery, etc., and all rooms needed for dressing.

If an applicant will require special lighting or a public address system, such a request must be noted on the application (s).

A detailed list of all props and equipment brought into the building must be submitted in duplicate with this application. Every piece must contain a tag label clearly marked with the organization before being brought into the building and must be kept in the area assigned. Each item must be checked before the applicant will be permitted to remove it from the building.

## POLICY GOVERNING THE USE OF A CAFETERIA KITCHEN

The use of the kitchen facilities in any school in the Patchogue-Medford School District will be granted to non-school organizations only if a cafeteria employee of the particular school involved is available for supervision during the entire period of use of the kitchen facilities. The employee so assigned must be reimbursed by the organization to which the use of the kitchen facilities has been granted.

The kitchen facilities will not be available for any non-school organization activities during any Saturday, Sunday or holiday.

## APPLICANT MUST READ AND SIGN "AGREEMENT" AND STATEMENT OF UNDERSTANDING MUST BE NOTARIZED.

### AGREEMENT:

The undersigned is over 21 years of age and has read this form and attached regulations and agrees to comply with them. He/She agrees to be responsible to Patchogue-Medford U.F.S.D. for the use and care of the facilities. He/She, on behalf of the user organization does hereby covenant and agree to defend, indemnify and hold harmless the District from and against any and all liability, loss, damages, claims, or actions (including costs and attorney's fees) for bodily injury and/or property damage, to the extent permissible by law, arising out of or in connection with the actual or proposed use of the District's property, facilities and/or services by the user organization.

Date: \_\_\_\_\_

Signature of Organization's Representative

Email address: \_\_\_\_\_

Print Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: Day \_\_\_\_\_

Night \_\_\_\_\_

### **(For Office Use):**

Certificate of Insurance: Attached \_\_\_\_\_ Not Required \_\_\_\_\_

Approved By (as applicable):

**Principal:** \_\_\_\_\_ Date: \_\_\_\_\_

**Athletic Director:** \_\_\_\_\_ Date: \_\_\_\_\_

**Director of Art, Music and Cultural Arts:** \_\_\_\_\_ Date: \_\_\_\_\_

**Food Service Supervisor** \_\_\_\_\_ Date: \_\_\_\_\_

**District Clerk:** \_\_\_\_\_ Date: \_\_\_\_\_

**Business Manager:** \_\_\_\_\_ Date: \_\_\_\_\_

**Superintendent of Schools:** \_\_\_\_\_ Date: \_\_\_\_\_

Charges: (See Schedule of Charges)

This application will become the "Official Permit" only when approval stamp is applied

**PATCHOGUE-MEDFORD SCHOOLS  
241 SOUTH OCEAN AVENUE  
PATCHOGUE, NY 11772  
(631) 687-6480**

**STATEMENT OF UNDERSTANDING**

(To be attached to the Application for Use of School Buildings or School Grounds)

Date \_\_\_\_\_

The attached application for the use of \_\_\_\_\_  
(Name of school facility requested)

is submitted in accordance with, and with full knowledge of, the rules of the Patchogue-Medford Board of Education with respect to the use of school buildings and grounds, and in accordance with, and with full knowledge of, Section 414 of the New York Education Law.

The Applicant does covenant and agree to defend, indemnify and hold harmless the Patchogue-Medford School District from and against any and all liability, loss, damages, claims or actions (including costs and attorney's fees) for bodily injury and/or property damage, to the extent permissible by law, arising out of or in any way connected with the actual or proposed use of Patchogue-Medford School District's property, facilities and/or services, including but not limited to bodily injury to any employee, invitee, guest, contractor or subcontractor of Applicant.

Applicant understands and agrees that its use of Patchogue-Medford School District's property and facilities includes, but is not limited to, all areas identified in the application and/or permit, and sidewalks, walkways, parking lots, entrances, stairs, and all other areas incidental to and/or connected with the use of the premises (hereinafter referred to as "incidental areas"). Applicant agrees that its indemnity and insurance obligations extend to the areas identified in the application and/or permit and any and all incidental areas.

I certify that as the officially-designated officer of the Applicant organization, I have the authority to sign all forms and agreements, including this one, and that my signature indicates a full understanding of all the obligations assumed when using school facilities or school grounds.

\_\_\_\_\_  
Signature (of person to whom a permit will be issued)

\_\_\_\_\_  
Name (printed)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Name and address of organization:

Subscribed and sworn to

Before me this

\_\_\_\_\_ Day of \_\_\_\_\_

\_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
Telephone Number: \_\_\_\_\_

**PATCHOGUE-MEDFORD SCHOOL DISTRICT INSURANCE AGREEMENT –  
USE OF FACILITIES**

1. Notwithstanding any terms, conditions or provisions, in any other writing between the parties, the permittee hereby agrees to effectuate the naming of the Patchogue-Medford School District as an additional insured on the permittee's insurance policies.
2. The policy naming the Patchogue-Medford School District as an additional insured shall:
  - a. Be an insurance policy from an A.M. Best rated "Secure" or better insurer, licensed in New York State.
  - b. State that the organization's coverage shall be primary and non-contributory coverage for the District its Board, employees and volunteers.
  - c. The Patchogue-Medford School District shall be listed as an additional insured by using an endorsement providing additional insured coverage for accidents and claims arising out of their use of facilities such as ISO endorsement CG 2026 or equivalent. The decision to accept an alternative endorsement rests solely with the Patchogue-Medford School District. A completed copy of the endorsement must be attached to the certificate of insurance.
  - d. At Patchogue-Medford School District's request, the organization shall provide a copy of the declaration page of the liability and umbrella policies with a list of endorsements and forms. If so requested, the organization will provide a copy of the policy endorsements and forms.
3. The permittee agrees to indemnify Patchogue-Medford School District for any applicable deductibles and self-insured retentions.
4. Required Insurance:
  - a. **Commercial General Liability Insurance**  
\$1,000,000 per occurrence/ \$3,000,000 aggregate, with no exclusions for athletic participants.
  - b. **Excess Insurance**  
\$ \_\_\_\_\_ each Occurrence and Aggregate. Excess coverage shall be on a follow-form basis.
5. Permittee acknowledges that failure to obtain such insurance on behalf of the Patchogue-Medford School District constitutes a material breach of contract and subjects it to liability for damages, indemnification and all other legal remedies available to the Patchogue-Medford School District. The permittee is to provide the Patchogue-Medford School District with a certificate of insurance, evidencing the above requirements have been met, prior to the commencement of work or use of facilities.
6. The Patchogue-Medford School District is a member/owner of the NY Schools Insurance Reciprocal (NYSIR).  
The permittee further acknowledges that the procurement of such insurance as required herein is intended to benefit not only the Patchogue-Medford School District but also the NYSIR, as the District's insurer.

Policy 1330 – Exhibit B

**Schedule of Charges**

**Schedule of Charges**  
**Subsection 1336.1**

Charges for use of buildings and athletic fields shall be assessed according to the criteria outlined below and will be established each year by the Board of Education.

Level I and Level II Users:

1. For an event that requires one (1) custodian and when the event is limited to less than three (3) hours:

	<b>Weekdays</b>	<b>Saturdays</b>	<b>Sundays</b>
Elementary Schools	\$ 0	\$186	\$242
Eagle and Middle Schools	\$ 0	\$186	\$242
High School	\$ 0	\$223	\$296

2. Rate for each hour beyond the minimum of three (3) hours when one (1) custodian is needed:

	<b>Weekdays</b>	<b>Saturdays</b>	<b>Sundays</b>
Elementary Schools	\$ 0	\$62	\$83
Eagle and Middle Schools	\$ 0	\$62	\$83
High School	\$ 0	\$78	\$103

3. Rate for each hour for each additional custodian required for larger events. Additional custodians must be employed for a minimum of three (3) hours each.

	<b>Weekdays</b>	<b>Saturdays</b>	<b>Sundays</b>
All Buildings	\$ 0	\$48	\$63

4. A \$38 hourly rate for each food service worker required for events that utilize the kitchens. A minimum of three (3) hours will be required for each food service worker requested. The minimum cost will be \$114 for three (3) hours.
5. A \$58 hourly rate for an audiovisual technician. A minimum of three (3) hours will be required. The minimum cost will be \$174 for three (3) hours.
6. A \$26 hourly rate for each security guard required. A minimum of three (3) hours will be required. The minimum cost will be \$78 for three (3) hours.
7. A \$38 hourly rate for field use will apply. A minimum of three (3) hours will be required. The minimum cost will be \$114 for three (3) hours.



**Community Use of School Facilities (Continued)**  
**Schedule of Charges**  
**Subsection 1336.1 (Continued)**

Level III Users: For-profit organizations.

1. For an event that requires one (1) custodian and when the event is limited to less than three (3) hours:

	<b>Weekdays</b>	<b>Saturdays</b>	<b>Sundays</b>
Elementary Schools	\$ 416	\$ 616	\$ 810
Eagle and Middle Schools	\$1126	\$1679	\$2233
High School	\$1284	\$1916	\$2548

2. Rate for each hour beyond the minimum of three (3) hours when one (1) custodian is needed:

	<b>Weekdays</b>	<b>Saturdays</b>	<b>Sundays</b>
Elementary Schools	\$195	\$285	\$368
Eagle and Middle Schools	\$337	\$495	\$652
High School	\$442	\$652	\$863

3. Rate for each hour for each additional custodian required for larger events. Additional custodians must be employed for a minimum of three (3) hours each.

	<b>Weekdays</b>	<b>Saturdays</b>	<b>Sundays</b>
All Buildings	\$127	\$180	\$232

4. A \$68 hourly rate for each food service worker required for events that utilize the kitchens. A minimum of three (3) hours will be required for each food service worker requested. The minimum cost will be \$204 for three (3) hours.
5. A \$89 hourly rate for an audiovisual technician. A minimum of three (3) hours will be required. The minimum cost will be \$267 for three (3) hours.
6. A \$58 hourly rate for each security guard required. A minimum of (3) hours will be required. The minimum cost will be \$174 for three (3) hours.
7. A \$38 hourly rate for field use will apply. A minimum of three (3) hours will be required. The minimum cost will be \$114 for three (3) hours.

# **APPENDIX C**

## **PUBLIC CONDUCT ON SCHOOL PROPERTY**

In accordance with Section 2801 of the New York State Education Law requiring the Board of Education to promulgate rules and regulations governing conduct on school property of students, teachers, other staff, visitors, licensees, and invitees, the Board of Education adopts the following regulations to maintain public order on school property:

### **Access to School Buildings and Grounds** **Section 1340.1**

All persons other than a pupil enrolled in a building or an authorized member of the building staff shall, immediately upon entering any school building, report their presence to the principal in the school office. However, this regulation shall not apply to entertainments, sporting events, or public meetings held after regular school hours.

### **Prohibited Conduct and Activities** **Section 1340.2**

The Board of Education prohibits the following conduct or acts on school property by students, teachers, staff members, licensees, visitors, or invitees:

1. The willful physical injury of any person or the threat to use force which would result in such injury.
2. The harassment or coercion of any person.
3. The willful damage to, or destruction of, property.
4. The willful or negligent disruption of the orderly conduct of classes or of any other school program or activity.
5. The entry of any school building or upon any portion of the school premises unless such entry is made in connection with official business with the district or to attend an activity or function authorized thereby.
6. The willful interference with the lawful and authorized activities of others.
7. The possession, consumption, or exchange of alcoholic beverages, unauthorized drugs, or narcotics.
8. The possession or use of a knife, razor, ice pick, explosives, loaded cane, sword cane, machete, pistol, rifle, shotgun, pellet gun, laser pointer, or any other object that reasonably can be considered a weapon.
9. The violation of any federal or state statute, local ordinance, or Board of Education policy.

**Public Conduct on School Property (Continued)**  
**Prohibited Conduct and Activities, Section 1340.2 (Continued)**

10. The refusal or failure of any person to comply with a lawful order or direction of officials of the school district in the performance of their duties.
11. The distribution or posting of any written material, pamphlets, or posters without the prior written approval of the superintendent of schools.
12. The operation of motor vehicles, bicycles, or other vehicles in violation of traffic and parking regulations or in areas such as playfields, tennis courts, or running tracks where vehicles and bicycles are prohibited.
13. Willfully disregarding a prohibition against golfing, archery, rocketry, model airplane flying, or tossing or firing boomerangs, sling shots, or spears.
14. Failure to conform to fire drill, safety drill, or bomb threat procedures.
15. Willfully inciting others to commit any acts prohibited by this policy.

**Enforcement and Penalties**  
**Section 1340.3**

Any violation of the above shall be reported immediately to the building principal. The principal will investigate the case thoroughly and make a written report to the superintendent of schools.

The principal and the superintendent of schools will have the following options as to what penalty to impose:

- Option 1:** Violators will be reprimanded.
- Option 2:** Violators will be ordered to leave the school property immediately.
- Option 3:** Police will be called and a specific charge made under the proper sections of the Penal Code.
- Option 4:** Any penalty authorized by Section 3214 of the New York State Education Law or Board of Education policies, if the violator is a student, provided the provisions pertaining to notice and hearing have been met.

**Public Conduct on School Property (Continued)**  
**Enforcement and Penalties - Section 1340.3 (Continued)**

**Option 5:** Any penalty authorized under Section 3020-a of the New York State Education Law, if the violator is a tenured teacher, provided the provision pertaining to charges, notices, hearings, and findings have been complied with.

**Option 6:** Any penalty authorized under Section 3031 of the New York State Education Law, if the violator is a nontenured teacher, or Section 75 of the New York State Civil Service Law, if the violator is a non-teaching employee of the district, provided the provisions pertaining to charges, notices, and hearings have been complied with.

**Loitering on School Property**  
**Section 1340.4**

The Board of Education prohibits loitering on school property. A person is a loiterer when such person enters or remains in or on school grounds without any specific legitimate reason for being there and without written permission from someone authorized to grant it. Persons not requiring written permission are students; staff members; public officials; school board members; legitimate visitors; invitees; and licensees, the latter having obtained approval to use school facilities in accordance with Board of Education Policy #1330.

If a school district representative determines that a person is loitering on school grounds, said official representative shall direct that the person leave the premises. The request shall be personally communicated to the individual determined to be loitering. The school district representative shall exercise discretion in those situations which involve a parent, a person not an employee, an employee not assigned to the facility involved, a student not assigned to the facility involved, and a stranger. School district representatives shall exercise discretion in their actions, taking into account the scene of the visit, the possibility of violence, or the involvement of the use of drugs or alcohol. If the situation is one which, in the representative's discretion, does not require forceful action, the school district representative shall advise the person to leave the premises. Police may be called if there is a refusal to leave the premises or if the situation is one which, in the representative's discretion, requires forceful action.

Police may be called in advance of a request to leave the premises in the event of anticipated or actual turmoil or breach of law requiring immediate help.

The Board of Education authorizes unilateral action by police, including arrest, if any person is apprehended on school property and found to have

**Public Conduct on School Property (Continued)**  
**Loitering on School Property - Section 1340.4 (Continued)**

entered or remained unlawfully during times when school is not in session or if any of the following conditions exist:

1. The person refuses to leave the premises.
2. There is evidence of damage to school district property or theft of property.
3. The person is involved in an act of violence.
4. There is evidence of the use of an alcoholic substance or an illicit narcotic substance.
5. The person possesses a dangerous weapon.
6. The person is apprehended in an area barred to public admittance such as:
  - a. Vehicle or equipment compounds.
  - b. The interior of buildings.
  - c. Field houses.
  - d. Fire escapes.
  - e. Rooftops.
7. The person is in violation of activities or action prohibited in Section 1340.2 of this policy.

**Other Penalties**  
**Section 1340.5**

These regulations and the penalties are not considered to be inclusive or to preclude in any way the prosecution and conviction of any person for the violation of any federal or state law or local ordinance and the imposition of a fine or penalty provided for therein.

**Conflict**  
**Section 1340.6**

Nothing in these rules and regulations is intended to conflict with any provisions of collective bargaining contracts entered into with appropriate employee units.

**Public Conduct on School Property (Continued)**

**Legal References**  
**Section 1340.7**

The legal references respecting Policy #1340 - Public Conduct on School Property are as follows:

New York State Education Law, Section 2801  
New York State Penal Code, Sections 265.01(3) and 240.35  
Chapters 138 and 698 of the Laws of New York of 1979

Policy Adopted:  
November 16, 1964

Policy Reviewed:  
February 15, 1971

Policy Adopted:  
November 27, 1972

Policy Approved by New York State Education Department  
January 16, 1973

Policy Revised:  
January 21, 1980

Policy Revised:  
January 28, 1991

Policy Revised:  
January 24, 2000

# APPENDIX D



## PUBLIC SAFETY

The Board of Education desires that reasonable precaution be taken to assure the safety of students, employees, and any other persons who may occupy school district premises. Safety education and accident prevention measures are important for the development of appropriate behavior and the proper attitude which will minimize the possibility of physical harm.

The school district will undertake activities to promote risk-management and safety education programs. These programs are to be directed towards students and staff. The superintendent of schools will recommend to the Board of Education for consideration at its annual reorganization meeting the appointment of a Safety Committee composed of appropriate staff members.

The Safety Committee will recommend to the superintendent of schools programs involving inservice education, accident prevention procedures, procedures for reporting accidents and unsafe conditions, procedures for accident recordkeeping, programs for buildings and grounds inspection, vehicular and pedestrian safety programs, and fire prevention activities.

The Safety Committee is invited annually to report to the Board of Education at a meeting held each spring for the purpose of hearing reports from standing committees.

Policy Adopted:  
May 20, 1985

Policy Reviewed:  
October 18, 1999

Policy Reviewed:  
October 24, 2016

Policy Reviewed:  
August 28, 2017

# **APPENDIX E**

# **PATCHOGUE-MEDFORD SCHOOL DISTRICT**

## **CODE OF CONDUCT**

Project S.A.V.E.  
(Safe Schools Against  
Violence in Education)

May 21, 2001  
Revised: August 24, 2001  
Revised: June 20, 2005  
Revised: June 19, 2006  
Reviewed, no revisions: June 2007  
Reviewed, no revisions: June 2008  
Revised: March 24, 2009  
Revised: April 18, 2016

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# CODE OF CONDUCT

## I. INTRODUCTION

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

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

The board recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the board adopts this Code of Conduct.

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

## II. DEFINITIONS

For purposes of this code, the following definitions apply.

- “Disruptive student” means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.
- “Parent” means parent, guardian or person in parental relation to a student.
- “School property” means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in New York Vehicle and Traffic Law § 142.
- “School function” means any school-sponsored extracurricular event or activity.
- “Violent student” means a student under the age of 21 who:
  - a. Commits an act of violence upon a school employee, or attempts to do so.
  - b. 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.
  - c. Possesses, while on school property or at a school function, a weapon.
  - d. Displays, while on school property or at a school function, what appears to be a weapon.
  - e. Threatens, while on school property or at a school function, to use a weapon or inflict harm.
  - f. Knowingly and intentionally damages or destroys the personal property of any student, school employee, or any person lawfully on school property or at a school function.

## **II. DEFINITIONS (Continued)**

- g. Knowingly and intentionally damages or destroys school district property.
- “Firearm” means a firearm as defined in 18 U.S.C. § 921, for purposes of the Gun-Free Schools Act.
- “Weapon” means: (a) any other gun, including, but not limited to: BB guns, pistols, air guns, spring guns, revolvers, shotguns, rifles, machine guns, disguised guns, paintball guns, electronic stun guns, and electronic dart guns; (b) all knives and/or blades (with the exception of plastic cutlery solely used for eating meals), including, but not limited to: daggers, dirks, razors, razor blades, stilettos, switchblade knives, gravity knives, metal knuckle knives, box cutters, cane swords, and Kung Fu stars; as well as (c) brass knuckles, sling shots, pepper spray or other noxious spray, explosive or incendiary bombs, or other devices, instruments, materials or substances that can cause physical injury or death when used to cause physical injury or death.

## **III. STUDENT RIGHTS AND RESPONSIBILITIES**

### **A. STUDENT RIGHTS**

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

- Take part in all district activities on an equal basis regardless of actual or perceived race, sex, color, weight, creed, national origin, ethnic group, religion, religious practice, gender, sexual orientation, or disability.
- Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
- Be informed of school rules and consequences.

### **B. STUDENT RESPONSIBILITIES**

All district students have the responsibility to:

- Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and property.
- Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
- Attend school every day unless they are legally excused, and be in class, on time, and prepared to learn.
- Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
- Follow directions given by teachers, administrators, and/or other school personnel in a respectful, positive manner.
- Seek help in solving problems.
- Dress appropriately for school and school functions.
- Accept responsibility for their actions.

### **III. STUDENT RIGHTS AND RESPONSIBILITIES (Continued)**

#### **B. STUDENT RESPONSIBILITIES (Continued)**

- Conduct themselves as representatives of the district when participating or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

### **IV. ESSENTIAL PARTNERS**

#### **A. PARENTS/GUARDIANS**

All parents/guardians are expected to:

- Recognize that the education of their child(ren) is a shared responsibility of the parents and the school community.
- Send their children to school ready to participate and learn.
- Ensure their children attend school regularly and on time and verify absences.
- Send their children to school dressed in a manner consistent with the student dress standards.
- Reinforce school rules with their child(ren).
- Be supportive of education.
- Help their child(ren) deal effectively with peer pressure.
- Inform school officials of changes in the home situation that may affect student conduct or performance.
- Provide a place for study and ensure homework assignments are completed.

#### **B. TEACHERS**

1. All district teachers are expected to:

- Maintain a climate of mutual respect and dignity.
- Be prepared to teach.
- Demonstrate concern for student achievement.
- Know school policies, regulations, and rules, and enforce them in a fair and consistent manner.

2. Communicate to students and/or parents:

- Course objectives and requirements
- Marking/grading procedures
- Assignment deadlines
- Expectations for students
- Classroom rules and regulations

#### **IV. ESSENTIAL PARTNERS(Continued)**

##### **B. TEACHERS (Continued)**

3. Communicate with students and parents regarding student performance.

##### **C. GUIDANCE COUNSELORS**

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

##### **D. PRINCIPALS/ASSISTANT PRINCIPALS**

1. Promote a safe and orderly school environment.
2. Support teaching and learning.
3. Communicate regularly with the staff, students and parents.
4. Support and promote extracurricular activities.
5. Be responsible for enforcing the Code of Conduct consistently and ensuring that all cases are resolved promptly and fairly.

##### **E. DIRECTORS**

1. Promote a safe and orderly school environment.
2. Support teaching and learning.
3. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
4. Evaluate on a regular basis all instructional programs.

##### **F. SUPERINTENDENT**

1. Promote a safe and orderly school environment.
2. Support teaching learning.
3. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
4. Inform the Board of Education about educational trends relating to student discipline.
5. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
6. Work with district administrators in enforcing the Code of Conduct consistently, and ensuring all cases are resolved promptly and fairly.



#### **IV. ESSENTIAL PARTNERS (Continued)**

##### **G. BOARD OF EDUCATION**

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
2. Adopt and review 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 conducting board meetings in a professional, respectful, and courteous manner.

#### **V. STUDENT DRESS STANDARDS**

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

A student's attire, grooming and appearance shall:

- Be safe, appropriate and not disrupt or interfere with the educational process.
- Recognize that extremely brief and/or revealing garments are not appropriate.
- Ensure that undergarments are appropriately concealed so as not to be a distraction to the educational process.
- Not include the wearing of hats or headwear in the school except for a medical or religious purpose.
- Not include items that are vulgar, obscene, libelous, or denigrate others.
- Not promote, endorse and/or encourage illegal or violent activities.
- Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities, including, but not limited, to those related to gangs or organizations promoting violence (e.g., bandanas, articles of clothing promoting gang colors, etc.).

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

Students who violate the student dress standards shall be required to modify their appearance. Any student who refuses to do so shall be subject to disciplinary action, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress standards shall be subject to further discipline, up to and including out of school suspension.

## VI. 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, according to generally held standards of conduct, 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 students' 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 listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the consequences for their conduct.

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

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

- Running in hallways.
- Making unreasonable noise.
- Using language or gestures that are profane, lewd, vulgar or abusive.
- Obstructing vehicular or pedestrian traffic.
- Engaging in any willful act which disrupts the normal operation of the school community.
- Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
- Computer/electronic communication misuse, including, but not limited to, any unauthorized use of computers, software, or Internet/Intranet; accessing inappropriate websites; or any other violation of the district's acceptable use policy.
- The unauthorized display or use of personal electronic devices, including, but not limited to, radios, cell phones, iPods and other music, video, and/or media players, cameras, laptops, and tablets.

## **VI. PROHIBITED STUDENT CONDUCT (Continued)**

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

- Failing to comply with the reasonable directions of teacher, teacher aides, monitors, security personnel, bus drivers, school administrators or other school employees, or otherwise demonstrating disrespect.
- Lateness for missing or leaving school without permission.
- Skipping detention.

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

- Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
- Inappropriate public sexual contact.
- The unauthorized display or use of personal electronic devices, including, but not limited to, radios, cell phones, iPods and other music, video, and/or media players, cameras, laptops, and tablets.

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

- Committing an act of violence (such as hitting, kicking, punching, or scratching) upon students, teachers, administrators, other school employees, or any other person lawfully on school property, or attempting to do so.
- Possessing a firearm or weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
- Displaying what appears to be a firearm or weapon.
- Threatening to use any firearm or weapon.
- 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.
- Intentionally damaging or destroying school district property.

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

- Lying to school personnel.
- Subjecting other students, school personnel or any other person lawfully on school property, or attending a school function, to danger, by engaging in conduct which creates a substantial risk of physical injury.
- Stealing or attempting to steal the property of other students, school personnel or any other person lawfully on school property or attending a school function.

## VI. PROHIBITED STUDENT CONDUCT (Continued)

### E. Engage in any conduct that endangers the safety, morals, physical or mental health or welfare of others. Examples of such conduct include, but are not limited to: (Continued)

- 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.
- Discrimination, which includes an act of prejudice against any student, by a student(s) and/or employee(s) on school property or at a school function including, but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including identity and expression) or sex, to deny rights, equitable treatment or access to facilities available to others.
- Harassment, which includes: (a) the creation of a hostile environment by conduct or by verbal threats, intimidation, or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety, including, but not limited to, conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, as an actual or perceived basis for treating another in a negative manner.
- Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
- Acts of sexual harassment, as defined in the District's sexual harassment policy.
- Hazing, which includes committing an act against a student or coercing a student into committing an act, that creates a risk of emotional, physical or psychological harm to a person, as a precondition for the student to be initiated into, affiliated with, or maintaining membership in any school sponsored activity, organization, club, or team, or, for any other comparable improper purpose. The term "hazing" includes, but is not limited to:
  - a) Any humiliating, degrading or dangerous activity demanded of a student to join a group, regardless of the student's willingness to participate, that has the potential to endanger the mental or physical health or safety of that student, including, but not limited to, the creation and/or distribution and/or transmission of photographs, videos, or any other image or other recording that shows exposed private parts of the human body in a lewd or indecent manner (e.g., sexting).
  - b) Any hurtful, aggressive, destructive or disruptive behavior that subjects a student to risk of harm or that adversely affects the mental or physical health or safety of that student.
  - c) The coerced use or abuse of tobacco, alcohol, drugs or other illegal substances.

## VI. PROHIBITED STUDENT CONDUCT (Continued)

### E. Engage in any conduct that endangers the safety, morals, physical or mental health or welfare of others. Examples of such conduct include, but are not limited to: (Continued)

- d) Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of District policies and regulations.
  - e) An induction, initiation, or membership process involving harassment.
- Selling, using, possessing, or distributing obscene or pornographic material.
  - Using vulgar or abusive language, cursing or swearing.
  - Possessing or smoking a cigarette, cigar, pipe; possessing or using chewing or smokeless tobacco or an electronic cigarette, vaporizer, vapor pen/e-cigarette, liquid nicotine, or other device that can be used for smoking and/or vaporizing. “Electronic cigarette” and “vapor pen” shall include any refill, cartridge, and /or any other component of an electronic cigarette or vapor pen.”
  - Possessing, consuming, selling, offering, manufacturing, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either.
    - a. Illegal substances include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any synthetic version thereof, whether specifically illegal or not, commonly referred to as “designer drugs”, which are substances designed and synthesized to mimic the intended effects and usages of illegal substances, which are chemically substantially similar to, illegal drugs, which may or may not be labeled for human consumption.
- Inappropriately using or sharing prescription and over-the-counter drugs.
  - Gambling.
  - Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
  - Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging of a fire extinguisher.
  - Distribution or electronic transmission of photographs, videos, or any other image or other recording that shows exposed private parts of the human body in a lewd or indecent manner, whether or not photographs, videos, or other recordings were recorded and/or distributed and/or transmitted consensually by all parties involved in the making and recording of such photographs, videos, or other recordings.
  - Any form of electronic messaging that causes disruption to the educational environment (e.g., texting, sexting, tweeting, instant messaging, other social media applications and websites).
  - Failure to mitigate, hinder, attempt to stop, or report to a school official or the proper authorities any violation of the Code of Conduct.

## **VI. PROHIBITED STUDENT CONDUCT (Continued)**

**F. Engage in misconduct while on a school bus.** It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers, and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.

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

- Plagiarism.
- Cheating.
- Copying.
- Altering records.
- Assisting another student in any of the above actions.

## **VII. REPORTING VIOLATIONS**

All students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the building principal or his or her designee. Any student observing a student possessing a weapon or firearm on school property or at a school function must report this information immediately to a teacher, the building principal, the principal's designee or the superintendent.

All district staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to their supervisor.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution.

The building principal or his or her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical.

## **VIII. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS**

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:

- The student's age.
- The nature of the offense and the circumstances which led to the offense.

## **VIII. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS**

(Continued)

- The student's prior disciplinary record.
- The effectiveness of other forms of discipline.
- Information from parents, teachers and/or others, as appropriate.
- Other extenuating circumstances.

If the conduct of a student is related to a disability, the student shall be referred to the Committee of Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this Code of Conduct for disciplinary students with a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

### **A. PENALTIES**

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

- Oral warning – any member of the district staff.
- Written warning – bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, principal or designee, administrators, superintendent.
- Written notification to parent – bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, principal or designee, administrators, superintendent.
- Detention – teachers, principal, administrators, superintendent.
- Suspension from transportation – director of transportation, principal or designee, superintendent.
- Suspension from social or extracurricular activities – activity director, principal or designee, superintendent.
- Suspension of other privileges – principal, superintendent.
- In-school suspension – principal, superintendent.
- Removal from classroom – teachers, principal or designee.
- Short-term (five days or less) suspension from school – principal, superintendent, and Board of Education.
- Long-term (more than five days) suspension from school – superintendent, Board of Education.
- Permanent suspension from school – superintendent, Board of Education.

## **VIII. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS**

(Continued)

### **B. PROCEDURES**

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty 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:

#### **1. Detention**

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

#### **2. Suspension From Transportation**

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem on the bus may have their riding privileges suspended by the principal or the superintendent or their designee. In such cases, the student's parents 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 parents 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.



## **VIII. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS**

(Continued)

### **B. PROCEDURES (Continued)**

#### **3. Suspension From Athletic Participation, Extracurricular Activities And Other School Functions**

Parent will be notified of suspension from participation in athletic activities, extracurricular activities or other school functions. A student subjected to a suspension from athletic participation, extracurricular activities or other privileges is not entitled to a full hearing pursuant to Education Law § 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

#### **4. Suspensions**

Parents will be notified of in-school suspensions. The board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in "in-school suspension". The in-school suspension teacher will be a 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 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.

#### **5. Teacher Disciplinary Removal of Disruptive Students**

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 cases the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques and standard practices.

On occasion, a student's behavior may become disruptive. For purposes on 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 the 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.

## **VIII. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS**

(Continued)

### **B. PROCEDURES (Continued)**

#### **5. Teacher Disciplinary Removal of Disruptive Students (Continued)**

A classroom teacher may remove a disruptive student from class for up to three days. The removal from class applies to the class of the removing teacher only.

If the disruptive student poses an ongoing threat to the educational process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If the student poses a danger to himself/herself or others, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24 hours.

The teacher must complete a district-established disciplinary form and must notify 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. The teacher must call the student's parent/guardian within 24 hours to explain the circumstances of the removal.

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

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 not later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

## **VIII. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS (Continued)**

### **B. PROCEDURES (Continued)**

#### **5. Teacher Disciplinary Removal of Disruptive Students (Continued)**

The principal or principal's designee shall inform the person in parental relation to such pupil of the removal and the reason therefore within 24 hours of the pupil's removal.

The principal may require the teacher who ordered the removal to attend the informal conference, when scheduled during the teacher's normal workday.

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

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

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

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

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming until he or she is permitted to return to the class. A removed student may not be temporarily placed in another classroom. Appropriate class work must be provided for the removed student by the removing teacher.

Each teacher must keep a complete log (on a district-provided form) for all cases of removal of students from his or her class. The principal and/or his/her designee must keep a log of all removals of students from class.

## VIII. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS (Continued)

### B. PROCEDURES (Continued)

#### 5. Teacher Disciplinary Removal of Disruptive Students (Continued)

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, the principal or principal's designee shall verify whether the present removal is in violation of the student's rights under state or federal law. Accordingly, the principal or principal's designee shall verify the present removal is not in violation of the student's rights under state or federal law.

#### 6. Suspension from School (Out Of School)

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

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

Any staff member may recommend to the superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the superintendent for a violation of the Code of Conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

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

##### a) 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.

## VIII. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS (Continued)

### B. PROCEDURES (Continued)

#### 6. Suspension From School (Out Of School) (Continued)

##### a) Short-Term (5 days or less) Suspension From School (Continued)

The Suspending Authority must also notify the student's parents in writing that the student may be suspended from school. 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 conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of the complaining witnesses under such procedures as may be established by the building principal.

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five (5) business days. The superintendent shall issue a written decision regarding the appeal within ten (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 thirty (30) business days of the date of the superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so or new circumstances develop which could impact the decision rendered by the superintendent. Only final decisions of the board may be appealed to the commissioner within thirty (30) calendar days of the decision.

## **VIII. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS (Continued)**

### **B. PROCEDURES (Continued)**

#### **6. Suspension From School (Out Of School) (Continued)**

##### **b) Long-Term (more than 5 days) Suspension From School**

When the superintendent or building principal determines that a suspension for more than five (5) days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be presented by counsel, the right to question witnesses against him or her, and the right to present witnesses and other evidence on his or her behalf.

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

An appeal of the decision of the superintendent may be made to the Board, which 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 thirty (30) business days of the date of the superintendent's decision unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within thirty (30) calendar days of the decision.

##### **c) Permanent suspension**

Permanent suspension is reserved for extraordinary circumstances, such as when 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.

## **VIII. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS** (Continued)

### **C. MINIMUM PERIODS OF SUSPENSION**

#### **1. Students Who Bring To, Or Possess, A Firearm Or Weapon On School Property**

Any student, other than a student with a disability, found guilty of bringing to, or possessing, a firearm or weapon onto school property will be subject to suspension from school for at least one (1) calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law § 3214. The superintendent has the authority to modify the one-year suspension on a case-by-case basis based upon the following conditions:

- The student's age.
- The student's grade in school.
- The student's prior disciplinary record.
- The superintendent's belief that other forms of discipline may be more effective.
- Input from parents, teachers and/or others.
- Other extenuating circumstances.

A student with a disability may be suspended in accordance with the requirements of State and Federal law.

#### **2. Students Who Commit Violent Acts Other Than Bringing A Weapon to School**

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing to, or possessing a firearm or weapon onto school property, shall be subject to suspension from school for at least five (5) days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by- case basis. The superintendent may consider the same factors considered in modifying a one-year suspension for possessing a firearm or weapon.

## **VIII. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS** (Continued)

### **C. MINIMUM PERIODS OF SUSPENSION (Continued)**

#### **3. Students Who Are Repeatedly Substantially Disruptive of the Educational Process or Repeatedly Substantially Interfere with the Teacher's Authority over the Classroom**

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for up to five (5) days. For purposes of this Code of Conduct, "repeatedly is substantially disruptive", means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law § 3214 (3-a) on four (4) or more occasions during a semester. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. The superintendent may consider the same factors considered in modifying a one-year suspension for possessing a firearm or weapon.

### **D. REFERRALS**

#### **1. Counseling**

Students may be referred to counseling with a school guidance counselor according to the nature of the reason for the student's referral or the availability of services. The guidance office shall handle all referrals of students to counseling.

#### **2. PINS Petitions**

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

- Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- 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.



## **VIII. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS** (Continued)

### **D. REFERRALS (Continued)**

#### **2. PINS Petitions (Continued)**

- Knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

#### **3. Juvenile Delinquent 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:

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

The Superintendent is required to refer students age 16 and older, or any student 14 or 15 years old, who qualifies for juvenile offender status to the appropriate law enforcement authorities.

## **IX. ALTERNATIVE INSTRUCTION**

When a student of any age is removed from class by a teacher, or a student of compulsory attendance age is suspended from school pursuant to Education Law § 3214, the district will take immediate steps to provide alternative means of instruction for the student. The Board of Education expects students, administrators, teachers and parents to make every effort to maintain student academic progress in the event of removal or suspension, and support student re-entry to the classroom at the conclusion of the disciplinary action.

## **X. DISCIPLINE OF STUDENTS WITH DISABILITIES**

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate the district's student Code of Conduct, and/or to temporarily remove a student with disabilities from his or her current placement because maintaining the student in that placement is substantially likely to result in injury to the student or to others. The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law enjoy certain procedural protections that school authorities must observe when they decide to suspend or remove them. Under certain conditions those protections extend, as well, to students

## **X. DISCIPLINE OF STUDENTS WITH DISABILITIES (Continued)**

not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes.

Therefore, the Board is committed to ensuring that the district follows suspension and removal procedures that are consistent with those protections. The Code of Conduct for students is intended to afford students with disabilities and students presumed to have a disability for discipline purposes the express rights they enjoy under applicable 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 education setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.
- A “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 continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student’s current individualized education program (IEP), that will enable the student to meet the goals set out in such program, 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:**

- The Board, the Superintendent of Schools, or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five (5) consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

## **X. DISCIPLINE OF STUDENTS WITH DISABILITIES (Continued)**

### **A. AUTHORIZED SUSPENSIONS OR REMOVALS OF STUDENTS WITH DISABILITIES (Continued)**

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

- The superintendent may order the placement of a student with a disability in an IAES, another setting or suspension for up to ten (10) consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled student would be subject to suspension for the same behavior.
- The superintendent may order additional suspensions of not more than ten (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.
- 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 forty-five (45) days, if the student carries or possesses a firearm or 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.
  - “Weapon” means the same as “dangerous weapon” under 18U.S.C. § 930 (g)(w) which includes a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except for a pocket knife with a blade of less than two (2) inches in length.
  - “Controlled Substance” means a drug or other substance identified in certain provisions of the Federal Controlled Substances Act, specified in both Federal and State law applicable to this policy.
  - “Illegal Drugs” means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other Federal law.

**X. DISCIPLINE OF STUDENTS WITH DISABILITIES (Continued)**

**A. AUTHORIZED SUSPENSIONS OR REMOVALS OF STUDENTS WITH DISABILITIES (Continued)**

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

- Subject to specified conditions required by both federal and state law, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to forty-five (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 RULES**

**1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:**

- For more than ten (10) consecutive school days; or
- For a period of ten (10) consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than ten (10) school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspension or removals to one another.

**2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern or suspension or removal.**

However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if 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 firearms, weapons, illegal drugs or controlled substances.

**X. DISCIPLINE OF STUDENTS WITH DISABILITIES (Continued)**

**C. SPECIAL RULES REGARDING THE SUSPENSION OR REMOVAL OF STUDENTS WITH DISABILITIES**

**1. The Committee on Special Education shall:**

- 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 ten (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 firearms, 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 ten (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.

- 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 firearms, 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 constitute a disciplinary change in placement.

**X. DISCIPLINE OF STUDENTS WITH DISABILITIES (Continued)**

**C. SPECIAL RULES REGARDING THE SUSPENSION OR REMOVAL OF STUDENTS WITH DISABILITIES (Continued)**

**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 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.**

- The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
- 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:
  - Conducted an individual evaluation and determined that the student is not a student with a disability, or
  - Determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

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

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

**X. DISCIPLINE OF STUDENTS WITH DISABILITIES (Continued)**

**C. SPECIAL RULES REGARDING THE SUSPENSION OR REMOVAL OF STUDENTS WITH DISABILITIES (Continued)**

**3. The district shall provide parents with notice of disciplinary removal** no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving firearms, weapons, illegal drugs or controlled substances; or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner of Education shall accompany the notice of disciplinary removal.

**4. The parents of a student with disabilities subject to a suspension of five (5) consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.**

**5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five (5) 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 ten (10) consecutive 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.**

**X. DISCIPLINE OF STUDENTS WITH DISABILITIES (Continued)**

**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:**

- The district requires such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
- The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
  - During the pendency of an expedited due process hearing or appeal regarding the placement of appeal regarding the placement of a student in an IAES for behavior involving firearms, weapons, illegal drugs or controlled substances; or on grounds of dangerousness; or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration on the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
  - 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.



**X. DISCIPLINE OF STUDENTS WITH DISABILITIES (Continued)**

**D. EXPEDITED DUE PROCESS HEARINGS (Continued)**

**2. An expedited due process hearing shall be completed within fifteen (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 (5) business days after the last hearing date, and in no event later than forty-five (45) calendar days after receipt of the request for a hearing, without exceptions or extensions.**

**E. Referral to Law Enforcement and Judicial Authorities**

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

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

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

**XI. CORPORAL PUNISHMENT**

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

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

- Protect oneself, another student, teacher or any personnel from physical injury.
- Protect the property of the school or others.
- 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.

## **XII. STUDENT SEARCHES AND INTERROGATIONS**

The Patchogue-Medford School District Board of Education is committed to providing an atmosphere for a positive, safe and orderly school environment. Therefore, student searches and interrogations will be conducted in accordance with applicable Federal and State laws and guidelines.

## **XIII. VISITORS TO THE SCHOOLS**

Visitors to the school are subject to Board of Education policy number 1340.1 and the following terms.

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

- Anyone who is not a regular staff member or student of the school will be considered a visitor.
- All visitors to the school must report to the office of the principal upon arrival at the school. There, they will be required to present photo identification and 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 principal's office before leaving the building.
- Visitors attending school functions that are open to the public after regular school hours, such as parent-teacher organization meetings or public gatherings, are not required to register.
- 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.
- Teachers are expected not to take class time to discuss individual matters with visitors.
- 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.
- All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

#### **XIV. PUBLIC CONDUCT ON SCHOOL PROPERTY**

Public conduct on school property is governed by Board of Education policy number 1340 and the following terms. No person, either alone or with others, shall:

- Intentionally injure any person or threaten to do so.
- 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.
- Disrupt the orderly conduct of classes, school programs or other school activities.
- 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.
- Intimidate, harass or discriminate against any person on the basis of race, color, weight, creed, national origin, ethnic group, sex, religion, religious practice, age, gender (including gender identity and expression), sexual orientation, or disability.
- Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
- Obstruct the free movement of any person in any place to which this code applies.
- Violate the traffic laws, parking regulations or other restrictions on vehicles.
- Possess, consume, sell, offer, manufacture, distribute or exchange alcoholic beverages, controlled or illegal substances, or any synthetic versions (whether or not specifically illegal or labeled for human consumption) or be under the influence of either on school property or at a school function.
- Possess or use firearms or 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.
- Loiter on or about school property.
- Gamble on school property or at school functions.
- Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
- Willfully incite others to commit any of the acts prohibited by this Code of Conduct.
- Violate any Federal or State statute or regulation, local ordinance, or board policy while on school property or while at a school function.
- Smoke a cigarette, cigar, pipe, electronic cigarette, vaporizer, vapor pen/e-cigarette, liquid nicotine, or use chewing or smokeless tobacco on school property.

## **XV. DISSEMINATION AND REVIEW**

### **A. DISSEMINATION OF CODE OF CONDUCT**

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

- Providing copies of a summary of the Code of Conduct to all students at a general assembly held at the beginning of each school year.
- Making copies of the Code of Conduct available to all parents at the beginning of each school year.
- Making 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.
- 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 of Conduct as soon as practical after adoption.
- Providing all new employees with a copy of the current Code of Conduct when they are first hired.
- Making copies of the Code of Conduct 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.

**TEACHER REMOVAL OF STUDENT FORM**  
**Use Only For Three Day Removal**

Student Name \_\_\_\_\_

Date of Referral \_\_\_\_\_

Period \_\_\_\_\_

Teacher Name \_\_\_\_\_

Directions: Check off the situation that applies and follow the steps outlined.

**Student was substantially disruptive of the educational process or substantially interfered with the teacher's authority over the classroom and posed a danger to himself/herself or others.**

- Teacher may order the removal of the student immediately.
- Teacher must explain to the student the reason for the removal. Within 24 hours, the student will be allowed to present the student's version of the relevant events.
- Teacher must notify the administrative office that a child has been removed from class.
- 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 upon which the removal occurred.
- By the start of the day following the removal, the teacher must supply the main office with a copy of assignments for the student to complete during the removal period.

**Student is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.**

- Teacher/student conference must be held before student is removed.
- Teacher will inform the student of the work that needs to be completed for the remainder of the period.
- Teacher must notify the administrative office that a child has been removed from class.
- 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 upon which the removal occurred.
- By the start of the day following the removal, the teacher must supply the main office with a copy of assignments for the student to complete during the removal period.

Describe the events leading up to the removal and the steps taken to modify the child's behavior prior to removal \_\_\_\_\_

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What explanation was given to the student for his or her removal?

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What was the student's response?

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Notice to Parents from Principal

Date/Time/Manner

Check One and Date \_\_\_\_ Personal Delivery

\_\_\_\_ Other Means: Explain \_\_\_\_\_

Express Mail \_\_\_\_

Outcome: \_\_\_\_\_

White Copy - Principal

Yellow Copy - File

Pink Copy - Teacher

Code of Conduct

# **APPENDIX F**

## STUDENT SEARCHES AND INTERVIEWS

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 alleged violations 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.

The board authorizes the superintendent of schools, building principals, assistant principals, deans, directors and central office administrators, the school nurse and district security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct. In addition, the board authorizes building principals to initiate bag searches and visual inspections of students in response to potential threats as part of the procedures included in the Pre-Clearance and Security Screening in Lieu of Evacuation section of the School Emergency/Disaster Preparedness Plan. (See administrative regulations for guidance in setting up these searches and inspections.)

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

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

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

**Student Searches and Interviews (Continued)**

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

**1. Student Lockers, Desks and Other School Storage Places**

The rules regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

**2. Documentation of Searches**

The authorized school official conducting the search shall be responsible for promptly recording the following information about each search in which physical evidence is found that violates the law or the district code, except those conducted as part of a Pre-Clearance and Security Screening:

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

The principal or the principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s).

In the event the item must be turned over to police, the principal or the principal's designee shall be responsible for assuring that the dangerous or illegal items are personally handed over to police in accordance with established police procedures.



## Student Searches and Interviews (Continued)

### 3. Police Involvement in Searches and Interviews of Students

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

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

Before police officials are permitted to question or search any student, the principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. ***In the absence of a search or arrest warrant, or in the event that the police officials do not have probable cause to believe that a crime has been committed on school property or at a school function, a student may not be questioned or searched without the consent of the student's parent.*** The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

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

### 4. Child Protective Services Investigations

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

**Student Searches and Interviews (Continued)**

## 4. Child Protective Services Investigations (Continued)

All requests by child protective services to interview a student on school property shall be made directly to the principal or his or her designee. The principal or designee shall set the time and place of the interview. The principal or designee will be present during the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

Policy Adopted:  
August 12, 2002

**Administrative Regulations****STUDENT SEARCHES AND INTERVIEWS  
Bag Searches and Visual Inspections of Students  
Guidelines**

The following guidelines are to be used in those circumstances in which a building implements the procedures under the Pre-Clearance and Security Screening in Lieu of Evacuation section of the School Emergency/Disaster Preparedness Plan.

- Whenever possible, advance notice in the form of a letter should be given to students and parents.
- Individuals approved to conduct bag searches and visual inspections of students include teachers, deans, assistant principals, principals, directors and central office administrators.
- Students who bring in book bags or purses will have them searched. Students are to be told that they may take out the items they need for the day and to pick up their bags in the main office at the end of the day. Students may bring items into the building that are contained in a clear plastic bag. Schools will have a supply of plastic bags available in the event they are needed. Individuals conducting the search are to wear plastic gloves.
- Visual inspections must occur in an open area.
- A table must be placed between the searcher and the students.
- Male searchers are to search male students; female searchers are to search female students.
- Searchers are not to touch students in any manner.
- Searchers are to conduct their inspections as follows:
  - Greet students;
  - Ask students to empty the contents of their pockets;
  - Ask students if they have a cell phone or beeper;
  - Ask to see the top of students' waistbands and the top of their socks;
  - Wish them a good day.

Administrative Regulations Adopted:  
August 12, 2002

# **APPENDIX G**

**THREATS AND VIOLENCE**  
**As It Relates To District Employees**

The Board of Education strives to maintain a school environment free from intimidation, threats, or violent acts, including, but not limited to intimidating, threatening or hostile behaviors, physical abuse, vandalism, arson, sabotage, possession or use of weapons, or any other act, which, in the administration's opinion, is inappropriate to the school environment. Threats of violence, in any form - verbal, nonverbal, written, in drawing or other visual forms - made by a student or staff member will be immediately addressed by the administration. Serious and/or repeated threats will be followed by appropriate consequences as determined by school policy and recommendations of the School Safety Team following review of the situation.

As part of Chapter 181 of the Laws of 2000, the Schools Against Violence in Education (S.A.V.E.) legislation, employees who experience any of the behaviors listed above should immediately report this information to an administrator. All complaints will receive prompt attention and the situation will be investigated. Based on the results of the inquiry, disciplinary action deemed appropriate by school administration will be taken.

School employees who observe or have knowledge of violation of this policy should immediately report it to an administrator. A prompt investigation of these events will occur and the cooperation of all incident-related individuals will be sought. An employee who believes there is a serious threat to the safety and health of others must immediately report their concerns directly to law enforcement authorities and to school administration.

Policy Adopted:  
August 13, 2001  
Policy Reviewed:  
October 24, 2016  
Policy Reviewed:  
August 28, 2017

# APPENDIX H

## **THREATS AND VIOLENCE As It Relates To Students**

The Board of Education strives to maintain a school environment free from intimidation, threats, or violent acts, including, but not limited to intimidating, threatening or hostile behaviors, physical abuse, vandalism, arson, sabotage, possession or use of weapons, or any other act, which, in the administration's opinion, is inappropriate to the school environment. Threats of violence, in any form - verbal, nonverbal, written, in drawing or other visual forms - made by a student or staff member will be immediately addressed by the administration. Serious and/or repeated threats will be followed by appropriate consequences as determined by school policy and recommendations of the School Safety Team following review of the situation.

As part of Chapter 181 of the Laws of 2000, the Schools Against Violence in Education (S.A.V.E.) legislation, students who experience any of the behaviors listed above should immediately report this to a teacher or to an administrator. All complaints will receive prompt attention and the situation will be investigated. Based on the results of the inquiry, disciplinary action deemed appropriate by school administration will be taken.

Students who observe or have knowledge of violation of this policy should immediately report it to a teacher or to an administrator. A prompt investigation of these events will occur and the cooperation of all incident-related individuals will be sought. Students who believe there is a serious threat to the safety and health of others must immediately report their concerns directly to a teacher or to an administrator.

Policy Adopted:  
August 13, 2001  
Policy Reviewed:  
October 24, 2016  
Policy Reviewed:  
August 28, 2017

# **APPENDIX I**



## Required Drills (current as of 10/20/2017)

Type of Drill	Required Number of Drills & Deadlines		Authority
<b>School Year Fire and emergency drills</b>	At least 12 total drills each school year <ul style="list-style-type: none"> <li>○ 8 of the 12 drills must be evacuation drills                             <ul style="list-style-type: none"> <li>• 4 of the 8 evacuation drills must be through use of identified secondary means of egress</li> </ul> </li> <li>○ 4 of the 12 drills must be lock-down drills</li> </ul>		Education Law § 807(1)
	8 of the 12 drills	Between 9/1 and 12/31 each year	8 NYCRR § 155.17(h)
	Remainder of 12 drills	Anytime during school year	
	Note: 155.17(h) requires districts to conduct one test of their emergency response procedures under each of their building-level emergency response plans, including, sheltering, lock-down, or early dismissal, at a time to occur no more than 15 minutes earlier than normal dismissal time. Parents/guardians must be notified at least one week prior to the drill. The drills must test the usefulness of communications and transportation system during emergencies. There is no prohibition on this test of the building-level plan being conducted in conjunction with one of the 12 required fire & emergency drills.		
<b>Summer School Fire and emergency drills</b>	At least 2 drills during summer school in buildings where summer school is conducted		Education Law § 807(1)
	1 drill	During first week of summer school	
	1 drill	During remainder of summer school	
<b>School Bus drills</b>	At least 3 drills each school year on emergency procedures, with instruction on safe boarding & exiting procedures, as well as instruction on orderly conduct		Education Law § 3623(1)(c) 8 NYCRR § 156.3(f)
	1 drill	During first 7 days of school	
	1 drill	Between 11/1 and 12/31 each year	
	1 drill	Between 3/1 and 4/30 each year	