

**SACHEM CENTRAL SCHOOL DISTRICT**  
**51 SCHOOL STREET, LAKE RONKONKOMA, NY 11779**  
**REGULAR MEETING AGENDA**

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November 28, 2018

7:30 PM

Board of Education Room

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*The Board of Education welcomes all who are attending this meeting.*

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**I. OPENING OF MEETING**

1. **Roll Call**
2. **Call to Order**
3. **Salute to the Flag**
4. **Moment of Silence**
5. **WE ARE SACHEM - Pride/Presentations**

- \* Superintendent's Report
- \* Curriculum Update
- \* Child Care Update

**II. VISITORS - (EACH VISITOR WILL BE LIMITED TO 3 MINUTES)**

Upon the recommendation of the Superintendent of Schools, the Board of Education welcomes visitors who wish to address the Board on matters relating to this agenda.

If you wish to speak, please fill out a card (located on the table in the rear of the room) and turn in to the table in the front of the room adjacent to the Board of Education. The President of the Board will call speakers to the floor.

**BUSINESS ITEMS**

**III. BUSINESS ITEM 3.A.1.**

**A. Bid Awards**

**3.A.1. Bid Award**

Certain supplies, materials, and equipment to be used in various school units have been advertised for bid and/or requests for proposal (RFP) in accordance with Section 103 of General Municipal Law. Bids/RFP's are utilized to establish firm prices for a variety of items/services that may be required by the District during the school year. There is no guarantee that the District will require any/all of the items requested on bids/RFP's. Actual usage will be on an "as needed" basis and may vary. Bids/RFPs have been evaluated by the staff and recommendations for

action are ready to be made.

The bid/RFP awards presented for action are:

| <u>RFP/Bid Number &amp; Title</u>   | <u>Action Required</u> |
|---|------------------------|
| a. Bay Shore School District Bid – General Building Maintenance Involving New Construction, Reconstruction & Demolition | Approve                |

**PERSONNEL ITEMS**

**IV. CONSENT AGENDA FOR PERSONNEL ITEMS 4.A.1. THROUGH 4.C.5.**

**A. Teachers**

**4.A.1. Leaves of Absence of Teaching Personnel**

RECOMMENDED ACTION: “that, upon the recommendation of the Superintendent of Schools, the Board of Education approve the leaves of absence of teaching personnel as follows”:

| <u>Name</u>     | <u>Grade/Subject</u> | <u>School</u> | <u>Reason</u> | <u>Dates</u>    |
|-----------------|----------------------|---------------|---------------|-----------------|
| Dassau, Allison | Elementary           | Merrimac      | CCL           | 12/6/18-6/30/19 |

**4.A.2. Leave Replacements Appointments of Teaching Personnel**

RECOMMENDED ACTION: “that, upon the recommendation of the Superintendent of Schools, the Board of Education approve the leave replacement appointments of teaching personnel as follows”:

| <u>Name</u>  | <u>Tenure Area</u> | <u>School</u> | <u>Step</u> | <u>Dates</u>    |
|--------------|--------------------|---------------|-------------|-----------------|
| Reino, Julia | Psychology         | Grundy        | 1-4         | 12/4/18-6/30/19 |

**4.A.3. Salary Changes for Teaching Personnel**

RECOMMENDED ACTION: “that, upon the recommendation of the Superintendent of Schools, the Board of Education approve the salary changes for teaching personnel as follows”:

| <u>Name</u>       | <u>School</u> | <u>Date of Change</u> | <u>From Step</u> | <u>To Step</u> | <u>Salary Difference</u> |
|-------------------|---------------|-----------------------|------------------|----------------|--------------------------|
| Devine, Alexandra | East          | 9/4/18                | 2-1              | 2-2            | \$2,574.00               |

**4.A.4. Approval of Substitute Teachers**

RECOMMENDED ACTION: “that, upon the recommendation of the Superintendent of Schools, the Board of Education approve the substitute teacher list as follows”:

**Name**

Cardella, Alexandra  
 LoSchiavo, Marissa  
 Sierra, Judith

**4.A.5. Termination/Resignation of Substitute Teachers**

RECOMMENDED ACTION: “that, upon the recommendation of the Superintendent of Schools, the Board of Education approve the termination/resignation of substitute teachers as follows”:

**Name**

**Date**

|                 |          |
|-----------------|----------|
| Durso, Larry    | 11/19/18 |
| Ferrara, Nicole | 11/26/18 |
| Krizan, Garrett | 11/19/18 |

**4.A.6. Approval of Coaching Assignments**

RECOMMENDED ACTION: "that, upon the recommendation of the Superintendent of Schools, the Board of Education approve the following coaching assignments for the 2018-19 school year":

**HOME**

|               |              |             |            |              |                |
|---------------|--------------|-------------|------------|--------------|----------------|
| <b>SCHOOL</b> | <b>FIRST</b> | <b>LAST</b> | <b>LOC</b> | <b>SPORT</b> | <b>SALARY*</b> |
|---------------|--------------|-------------|------------|--------------|----------------|

**WINTER**

**Volunteer**

|     |     |             |      |           |     |
|-----|-----|-------------|------|-----------|-----|
| OOD | Joe | Catalanotto | East | Wrestling | n/a |
|-----|-----|-------------|------|-----------|-----|

**LATE WINTER**

|         |         |          |          |                       |            |
|---------|---------|----------|----------|-----------------------|------------|
| OOD     | James   | Holmgren | Sagamore | Wrestling<br>MS Head  | \$4,711.00 |
| North   | Michael | McCarthy | Samoset  | Wrestling<br>MS Asst. | \$3,733.00 |
| Samoset | Jason   | Urbancik | Samoset  | Wrestling<br>MS Head  | \$4,711.00 |

\*Contractual Stipend Only

**4.A.7. Resignation of Translators/Interpreters for the 2018-19 School Year**

RECOMMENDED ACTION: “that, upon the recommendation of the Superintendent of Schools, the Board of Education approve the resignation of the following Translators/Interpreters for the 2018-19 school year:”

Huang, Xiaojuan (Jenny)

**B. Teacher Assistants**

**4.B.1. Appointment of Leave Replacement Teaching Assistants**

RECOMMENDED ACTION: “that, upon the recommendation of the Superintendent of Schools, the Board of Education approve the appointment of leave replacement teacher assistants as follows”:

| <u>Name</u>         | <u>Tenure Area</u> | <u>School</u> | <u>Step</u> | <u>Dates</u>    |
|---------------------|--------------------|---------------|-------------|-----------------|
| Candemeres, Matthew | ISS Teacher        | Sachem        | 1-3         | 11/6/18-6/30/19 |
|                     | Assistant          | North         |             |                 |
| Flahavan, Robert    | ISS Teacher        | Sachem        | 1-3         | 11/6/18-6/30/19 |
|                     | Assistant          | East          |             |                 |

**C. Support Staff**

**4.C.1. Resignation of Support Services Personnel (All Civil Service Classifications)**

RECOMMENDED ACTION: “that, upon the recommendation of the Superintendent of Schools, the Board of Education approve the resignation of support services personnel (all Civil Service classifications) as follows”:

| <u>Name</u>         | <u>Position &amp; Assignment</u> | <u>Service Ends</u> |
|---------------------|----------------------------------|---------------------|
| Anderson, Lauren    | Special Ed Aide/ Waverly         | 11/21/18            |
| Berkowitz, Samantha | Recreation Aide/Child Care       | 10/5/18             |
| Tasnim, Zarin       | Recreation Aide/Child Care       | 10/5/18             |
| Vuturo, Josette     | 4 Hr. FSW/Samoset                | 12/1/18             |

**4.C.2. Resignation/Termination of Substitute Support Services Personnel (Exempt, Labor and Non-Competitive)**

RECOMMENDED ACTION: “that, upon the recommendation of the Superintendent of Schools, the Board of Education approve the resignation/termination of substitute support services personnel (exempt, labor and non-competitive) as follows”:

| <u>Name</u>                   | <u>Service Ends</u> |
|-------------------------------|---------------------|
| <b><u>Clerical</u></b>        |                     |
| Weston, Jean                  | 11/13/18            |
| <b><u>Custodian</u></b>       |                     |
| Anson, James                  | 11/29/18            |
| Barlow, Thomas                | 11/29/18            |
| Cardona, Luis                 | 11/29/18            |
| Gurdon, Matthew               | 11/29/18            |
| LaScala, Matthew              | 11/28/18            |
| Miller, Mark                  | 11/28/18            |
| <b><u>Recreation Aide</u></b> |                     |
| Devito, Anthony               | 11/29/18            |

**4.C.3. Appointment of Support Services Personnel (Exempt, Labor and Non-Competitive)**

RECOMMENDED ACTION: “that, upon the recommendation of the Superintendent of Schools, the Board of Education approve the probationary appointment of support services personnel (exempt, labor and non-competitive) as follows”:

| <u>Name</u>          | <u>Position &amp; Assignment</u> | <u>Base Salary</u> | <u>Service Begins</u> | <u>Probationary Appointment</u>   |
|----------------------|----------------------------------|--------------------|-----------------------|-----------------------------------|
| Austin, Cara         | Recreation Aide/<br>Child Care   | \$11.00/hr.        | 11/29/18              | None                              |
| Barravecchio, Ingrid | Asst. Group Leader               | \$12.16/hr.        | 11/29/18              | None                              |
| De Rienzo, Kelly     | Recreation Aide/<br>Child Care   | \$11.00/hr.        | 11/29/18              | None                              |
| LaScala, Matthew     | Custodian/<br>Chippewa           | \$54, 778          | 11/29/18              | 90 days<br>11/29/18 to<br>2/28/19 |
| Miller, Mark         | Custodian/Samoset                | \$54, 778          | 11/29/18              | 90 days<br>11/29/18 to<br>2/28/19 |
| Reese, Kristen       | Recreation Aide/<br>Child Care   | \$11.00/hr.        | 11/29/18              | None                              |

**4.C.4. Appointment of Substitute Support Services Personnel (Exempt, Labor and Non-Competitive)**

RECOMMENDED ACTION: “that, upon the recommendation of the Superintendent of Schools, the Board of Education approve the substitute support services personnel (exempt, labor and non-competitive) as follows”:

| <u>Name</u>                  | <u>Service Begins</u> |
|------------------------------|-----------------------|
| <u>Aide</u><br>Winter, Janis | 11/29/18              |

**4.C.5. Approval of Maintenance Mechanics/Grounds Crew Stipend**

RECOMMENDED ACTION: “that, upon the recommendation of the Superintendent of Schools, the Board of Education approves the following stipends to be paid according to the Memorandum of Agreement between Sachem Central School District and the United Public Service Employees Union on behalf of the Sachem Support Staff Unit. This Memorandum of Agreement was approved by the Board of Education on February 15, 2017. These stipends shall not be added to the member’s base salary, but be paid as a separate, annual, lump sum.”

| <u>Employee</u>       | <u>Stipend</u> |
|-----------------------|----------------|
| Gary Asbell           | \$3,000        |
| John Bree             | \$1,000        |
| Dwight Buck           | \$2,000        |
| James Calhoun         | \$2,000        |
| Ray Cotrel            | \$2,000        |
| Michael DeFontes      | \$3,000        |
| Michael Delio         | \$3,000        |
| Gerard Doolan         | \$2,000        |
| Anthony Etergineoso   | \$1,000        |
| James Fallica         | \$3,000        |
| Steven Fricchione     | \$3,000        |
| Patrick Giambrone     | \$3,000        |
| Vasilos Gianacopoulos | \$2,000        |
| Vincent Gilardi       | \$3,000        |
| Keith Goehring        | \$2,000        |
| Michael Hill          | \$1,000        |
| Brian Kehoe           | \$1,000        |
| James McLean          | \$2,000        |
| Jonathan Metzger      | \$2,000        |
| Gary Mininni          | \$3,000        |
| Bob Moran             | \$3,000        |
| Frank Morgan          | \$2,000        |
| Michael Nocco         | \$1,000        |
| William Nullet        | \$2,000        |

|                  |         |
|------------------|---------|
| Misael Santos    | \$1,000 |
| Ronald Simonin   | \$1,000 |
| Spencer Stowell  | \$3,000 |
| Paul Wilken      | \$3,000 |
| Joseph Zappasodi | \$3,000 |

## V. ACTION ITEMS

### 1. Consent Agenda for Action Items 5.1.1. through 5.1.3.

#### 5.1.1. Approval of Agreement with Music Theatre International - Sachem High School East

RECOMMENDED ACTION: “that, upon the recommendation of the Superintendent of Schools, the Board of Education approves the agreement between the Sachem Central School District and Music Theatre International for a refundable security deposit of \$400.00 for the production of Mamma Mia at Sachem High School East. The cost of \$3,185.00 will be paid through Eastern Suffolk BOCES Arts in Education.”

#### 5.1.2. Approval of Agreement with TPR Education, LLC D/B/A the Princeton Review 2018-19

RECOMMENDED ACTION: “that, upon the recommendation of the Superintendent of Schools, the Board of Education approves the rider to agreement between Sachem Central School District and TPR Education, LLC d/b/a The Princeton Review to provide SAT and ACT review classes and course materials to students. Tuition for the classes is to be paid directly to TPR Education by the students. The term of this agreement shall be from July 1, 2018 to June 30, 2019. This agreement has been reviewed and approved by the school district’s attorney.”

#### 5.1.3. Approval of J. J. Stanis and Company, Inc. Excess Major Medical Renewal

RECOMMENDED ACTION: “that, upon the recommendation of the Superintendent of Schools, the Board of Education approves the Excess Major Medical renewal rates from J.J. Stanis and Company, Inc. The rates will remain the same. The current rates are \$6.25 for individual coverage and \$15.00 for family coverage. These rates are effective January 1, 2019 through December 31, 2019.”

### 2. Donation

#### 5.2.1. Donation - Nokomis Elementary School PTA

RECOMMENDED ACTION: “that, upon the recommendation of the Superintendent of Schools, the Board of Education accepts with gratitude, a

donation from the Nokomis Elementary School PTA in the amount of \$8,000.00. This donation is for the BOCES Performing Arts Code A2111-4971-30.”

**3. Reading and Adoption**

**5.3.1. 2nd Reading and Adoption**

RECOMMENDED ACTION: "that, upon the recommendation of the Superintendent of Schools, the Board of Education approve the following:"

BE IT RESOLVED THAT the Board of Education approves the second reading and adoption of the following policies which were previously reviewed by the members of the Board of Education for the first reading on November 14, 2018.

- Policy 5300 Code of Conduct
- 0110 Sexual Harassment
- 6010 Fiscal Controls
- 6150 Budget Transfers
- 6410 Authorized signatures
- 6420 Online Banking Services
- 6600 Fiscal Accounting and Reporting
- 6650 Claims Auditor
- 6660 Independent/External Audits
- 6675 Extra classroom Activity Funds
- 6800 Payroll Procedures
- 6830 Expense Reimbursement

**4. Recommendations from the Committee on Special Education**

**5.4.1. Recommendations from the Committee on Special Education**

RECOMMENDED ACTION: “that, upon the recommendation of the Superintendent of Schools, the Board of Education accept the recommendation of the Committee on Special Education for the following meetings”:

11/15, 11/16, 11/19, 11/20, 11/21, 11/26, 11/27, 11/28

**VI. MONTHLY REPORTS**

**A. Determinations from the Committee on Preschool Special Education**

**6.A.1. Determinations from the Committee on Preschool Special Education**

The determinations from the Committee on Preschool Special Education for the following dates are on file in the office of the District Clerk:

11/15, 11/20, 11/27



**B. Board of Education Sub Committees**

1. Sachem Legislative Committee
2. Sachem Citizens' Advisory Audit Committee
3. Sachem Budget Advisory Committee
4. Sachem Policy Committee

**C. 2018-19 Updates to the Board****D. 2018-19 Board Goals*****Goal #1 - Provide Safe and Secure Schools***

Ensure an educational environment where students are safe, supported and empowered in their learning for all school related activities as well as extra and co-curricular activities. Promote positive peer relationships, and successful student learning environments through a variety of avenues.

Student Success Indicator Alignment - Safety, Community Engagement, Physical and Mental Wellness, Social and Emotional Development

***Goal #2 - Enhance Student Achievement, Quality of Instruction and Leadership Skills***

Provide and implement a dynamic curriculum which incorporates critical thinking, collaboration, creativity, technology and civic responsibility while preparing students to thrive in a global community. The curriculum is supported by a K-12 district committee of educators and administrators focused on curriculum and instructional practices. All students will be provided with the opportunities to be college and career ready.

Student Success Indicator Alignment - Creativity, Innovation, Performance Assessments, Standardized Assessments

***Goal #3 - Improve Parent, Community and Staff Communication***

Cultivate community relationships and engagement by enhancing communication.

Student Success Indicator Alignment - Community Engagement, School Climate and Culture

***Goal #4 - Improve Fiscal Responsibility and Accountability throughout the District***

Focus on balancing the needs of students with taxpayer sensitivity, while aligning district resources to the goals of the Board of Education.

Student Success Indicator Alignment - Community Engagement, School Climate and Culture, Safety

***Goal #5 - Committed to Providing the Staff with the Necessary Tools and Support to Provide the Students with the Highest Quality Education***

Create an environment that establishes a foundation for the highest quality instruction and learning through recruitment, support and retention of staff. Creating opportunities and encouraging all employees to reach their full potential and positively impact the Sachem students and community through professional growth and learning opportunities.

Student Success Indicator Alignment - Creativity, School Climate and Culture, Democracy and Citizenship

***Goal #6 - We Are Sachem***

Promote and strive for one Sachem family, and cultivate a sense of individual and collective pride throughout the district. Develop deep collaboration amongst our 15 schools, for both vertical and horizontal articulation, to support the highest quality programs and activities throughout the district.

Student Success Indicator Alignment - Community Engagement, School Climate and Culture, Democracy and Citizenship

**VII. PRESENTATION/DISCUSSIONS****VIII. CLOSING****A. Visitors (Each visitor will be limited to 3 minutes)**

Upon the recommendation of Superintendent of Schools, the Board of Education may hear from members of the audience who wish to present any matters of importance.

**B. Board of Education Discussion of Future Agenda Items**

Any member of the Board of Education wishing to propose a future agenda item present a motion to the Board of Education for consideration.

**C. Next Meeting**

The next Regular meeting of the Board of Education will be held on December 12 at 7:30 PM in the Board Room at Samoset Middle School.

**IX. EXECUTIVE SESSION**

The Board may entertain a motion to meet in Executive Session. There will be no items requiring a vote.

**X. ADJOURN**

**SACHEM CSD**

**POLICY FOR 2nd READING**

**November 28, 2018**

# SACHEM CENTRAL SCHOOL DISTRICT

## CODE OF CONDUCT

Policy 5300

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### I. Introduction

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

The School 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 ("code").

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

### II. Definitions

For purposes of this code, the following definitions apply:

"Academic Misconduct" means an action or attempted action that may result in creating an unfair academic advantage for oneself or an unfair academic advantage or disadvantage for any other member or members of the academic community.

"Alcohol" means possessing, consuming, or being under the influence of alcohol on Sachem School properties, at school functions, athletic activities, and while on trips.

"Bullying" means repeated, unwanted, mean or aggressive behavior toward another person to show you have power over them or to make them feel bad about themselves.

"Bus Misconduct" means behavior by a student which is detrimental to the safe operation of the school bus.

"Cyberbullying" means harassment through any form of electronic communication including, but not limited to, instant messaging, e-mail, websites, chat rooms, social media and text messaging.

"Dangerous Instrument/Weapon" means possession, and/or threat, and/or use of knives, guns (real or look alike), or other objects readily capable of causing bodily harm.

## SACHEM CENTRAL SCHOOL DISTRICT

### CODE OF CONDUCT

Policy 5300

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"Defamation" means 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" means the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs.

"Defiance/Disrespect" means refusal to follow directions, talking back, and/or socially rude interactions.

"Detention: Failure to Attend" means failure to report to or be present in a designated classroom/area during the time a student is assigned detention.

"Disruptive Behavior" means behavior that hampers or interferes with instruction, learning, or disrupt the daily activities of the school environment.

"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.

"Drug Paraphernalia" means possession of any equipment, product, accessory, or material that is intended or modified for making, using, concealing, or distributing drugs, for recreational purposes.

"Drugs" means possessing, consuming, or being under the influence of an illegal substance which causes a physiological change in the body on Sachem School properties, at school functions, athletic activities, and while on trips.

"Electronic Device Misuse" means technology use that is unauthorized, that threatens, humiliates, harasses, or intimidates school-related individuals, disrupts the educational process, and/or violates local, state, or federal law.

"Endangering Health, Safety/Welfare of Others" means conduct that compromises the safety, physical, mental health or welfare of self and/or others.

"Failure to Follow Prescribed Schedule" means failure of student to be in designated area without express authorization.

"Fighting" means committing an act of aggressive physical contact towards another person.

"Gambling" means accepting, recording, or registering of bets, or carrying on a policy game, or any other lottery, or playing any game of chance, for money, or other thing of value.

# SACHEM CENTRAL SCHOOL DISTRICT

## CODE OF CONDUCT

Policy 5300

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"Gender" means actual or perceived sex and shall include a person's gender identity or expression.

"Gender expression" is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

"Gender identity" is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

"Harassment" means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) 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) reasonably causes or would reasonably be expected to cause a student to fear for his/her physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. The harassing behavior may be based on any characteristic, including, but not limited to, a person's actual or perceived:

- Race,
- Color,
- Weight,
- National origin,
- Ethnic group
- Religion
- Religious practice
- Disability
- Sex
- Sexual orientation, or
- Gender (including gender identity and expression)

"Hazing" means - an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical.

"ID Card Misuse" means the student identification card is the property of School District. The card is non-transferable, and shall not be used by any person other than the specified student to whom the card was issued.

"Inappropriate Language/Gestures" means words or gestures that are profane, vulgar, discriminatory or otherwise construed as socially offensive or harassing.

## SACHEM CENTRAL SCHOOL DISTRICT

### CODE OF CONDUCT

Policy 5300

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"Inappropriate Physical Contact" means behavior which infringes on the personal space and movement of others, is offensive, suggestive, or results in bodily injury.

"Intimidation" means conduct that makes others uncomfortable or fearful; compelling or deterring others by threat(s).

"Lateness to School/class" means failure to arrive at school/class at the designated time, without legal or proper excuse.

"Leaving School Grounds" means failing to remain on school grounds, at any point after arrival, without authorization.

"Menacing" means actions that would be construed as threatening, harmful, or injurious to another.

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

"Property Loss/Theft" means possession of, transfer of, or being responsible for removing someone else's property, without that person's permission.

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

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

"Sexual orientation" means actual or perceived heterosexuality, homosexuality or bisexuality.

"Smoking/Vaping" means possessing, using, selling, distributing, or exchanging tobacco products, e-cigarettes, vaporizers, liquid nicotine, and/or smoking paraphernalia on Schem School properties, at school functions, athletic activities, and while on trips.

"Social Media Misuse" means social media use that is unauthorized, that threatens, humiliates, harasses, or intimidates school-related individuals, disrupts the educational process, and/or violates local, state, or federal law.

"Trespassing" means entering or remaining on school grounds, school transportation, or at a school sponsored event on/off campus, without authorization.

"Vandalism/Property Damage" means destruction of or damage to school or personal property of a student, teacher, administrator, or other School District employee, or any person lawfully on school property or attending a school function.

"Violent student" means a student under the age of twenty one (21) who:

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

"Weapon" means a firearm as defined in 18 USC §921 for purposes of the Gun Free Schools Act.

### III. Student Rights and Responsibilities

#### A. Student Rights

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

1. Take part in all School District activities on an equal basis regardless of race, weight, color, creed, national origin, ethnic group, religion, religious practice, gender (including gender identity) or sexual orientation or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school policies, regulations and rules and, when necessary, receive an explanation of those rules from school personnel.

#### B. Student Responsibilities

All School District students have the responsibility to:

1. Contribute to maintaining a safe, supportive and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by School District policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.



5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to manage their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the School District when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

#### IV. Essential Partners

##### A. Parents

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community and collaborate with the School District to optimize their child's educational opportunities.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Ensure their children are dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them so that their children can help create a safe, supportive school environment.
8. Convey to their children a supportive attitude toward education and the School District.
9. Build positive, constructive relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.

##### B. All School District Personnel

All School District officers and employees are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion,

religious practice, disability, sexual orientation, gender or sex (including gender identity), which will strengthen students' self-concept and promote confidence to learn.

2. Demonstrate concern for student achievement.
3. Know school policies and rules, and enforce them in a fair and consistent manner.
4. Maintain confidentiality in conformity with federal and state law.
5. Communicate regularly with students, parents and other teachers concerning growth and achievement.
6. Participate in school-wide efforts to provide adequate supervision in all school spaces.
7. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
9. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
10. Encourage students to benefit from the curriculum and extracurricular programs.
11. Be familiar with the code of conduct.
12. Help children understand the School District's expectations for maintaining a safe, orderly environment.
13. Support the development of and student participation in appropriate extracurricular activities.

### C. Teachers

In addition to the responsibilities set forth in B above, all School District teachers are expected to:

1. Be prepared to teach.
2. Demonstrate interest in teaching and concern for student achievement.
3. Communicate to students and parents:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline plan.
4. Communicate regularly with students, parents and other teachers concerning growth and achievement.

**D. Guidance Counselors**

In addition to the responsibilities set forth in B above all guidance counselors are expected to:

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher /student /counselor conferences and parent/ teacher/ student/ counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.
6. Make known to students and families the resources in the community that are available to meet their needs.

**E. Principals/ Administrators**

In addition to the responsibilities set forth in B above, all principals/administrators are expected to:

1. Ensure that students and staff have the opportunity to communicate regularly with the principal/administrators and have access to the principal/administrators for redress of grievances.
2. Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
3. Support the development of and student participation in appropriate extracurricular activities.
4. Provide support in the development of the code of conduct, when called upon. Disseminate the code of conduct and anti-harassment policies.
5. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

**F. The Dignity Act Coordinator(s) (*insert applicable title, i.e., Bullying Prevention Coordinator*)**

In addition to the responsibilities set forth in B above, the Dignity Act Coordinator(s) is/are expected to:

1. Oversee and coordinate the work of the School District-wide and building-level bullying prevention committees.
2. Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
3. Coordinate, with the Professional Development Committee, training in support of the bullying prevention committee.

4. Be responsible for monitoring and reporting on the effectiveness of the School District's bullying prevention policy.

#### G. Superintendent of Schools

In addition to the responsibilities set forth in B above, the Superintendent of Schools is expected to:

1. Inform the Board about educational trends relating to student discipline.
2. Review with School District administrators the policies of the Board and state and federal laws relating to school operations and management.
3. Work to create instructional programs that minimize incidence of misconduct and are sensitive to student and teacher needs.
4. Work with School District administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

#### H. Board of Education

In addition to the responsibilities set forth in B above, the Board of Education is expected to:

1. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
2. 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, School District personnel and visitors on school property and at school functions.
3. Adopt and review at least annually the School District's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
4. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.

#### VI. Student Dress Code

Students will give proper attention to personal cleanliness and dress in a manner consistent with the dress code expectations of the Sachem CSD. These expectations are designed to aid students in character development by cultivating their respect for self and others. Students and their parents have the primary responsibility for meeting the dress code expectations of the School District. All School District personnel are expected to assist students in understanding and achieving the set standards. All School District personnel shall dress appropriately and help students develop an understanding of appropriate appearance in the school setting.

A student's dress, grooming, and appearance shall:

1. Be safe, appropriate, and not disrupt or interfere with the educational process.
2. Ensure that undergarments are completely covered with outer clothing.
3. Ensure that top and bottom garments meet without a gap when sitting and standing.
4. Ensure that tops have two or more finger's width of coverage on the shoulders.
5. Ensure that shorts, dresses, and/or skirts extend past students' fingertips, when arms are fully extended at their sides while standing.
6. Ensure that footwear is worn at all times and is safe in order to avoid injury to self and/or others. Shoes, sneakers, boots, and sandals with a strap are permitted.
7. Extremely brief garments, revealing garments, plunging necklines (front and/or back), and see-through garments are not permitted.
8. Not include the wearing of hats and/or hoods in the school building, except for a medical or religious purpose.
9. Not include items that are vulgar, obscene, libelous, or denigrating on account of race, color, creed, national origin, sexual orientation, or disability. Symbols of hate are not permitted.
10. Not promote and/or endorse and/or encourage the use of alcohol, tobacco, illegal drugs, weapons, e-cigarettes, vape paraphernalia, smoking, and/ or any other illegal or violent activities.
11. Not pertain to gang affiliations - items such as, but not limited to: bandanas, gang symbols and/or colors are not permitted.

The dress expectations are posted on the website and the responsibility to be familiar with these expectations lies with the student and parents.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replace it with an acceptable one.

Each day, students are provided with opportunities to make better choices.

Each building principal or his/her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year. Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

**VII. Prohibited Student Conduct**

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

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. School District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on educating students so that they may 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, disruptive, disrespectful, and/or defiant. . include, but are not limited to:
  - 1. Running in hallways or classrooms.
  - 2. Intentionally making disruptive, repetitive noise.
  - 3. Using language or gestures that are profane, lewd, vulgar or abusive.
  - 4. Any sexual behavior and/or contact,
  - 5. Obstructing pedestrian traffic in hallways, stairwells, and doorways.
  - 6. Intentionally obstructing vehicular traffic.
  - 7. Engaging in any willful act which disrupts the normal operation of the school community.
  - 8. Intentionally damaging or destroying, including graffiti or arson, the personal property of a student, teacher, administrator, other School District employee, or any person lawfully on school property or attending a school function.
  - 9. Intentionally damaging or destroying school property.
  - 10. 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.
  - 11. Dishonesty (lying, lying by omission, knowingly sharing false information).
  - 12. Failing to comply with reasonable directives of teachers, school administrators, or other school employees/ contractors in charge of students.
  - 13. Failing to comply with assigned consequences.
  - 14. Leaving school or classroom without permission.
  - 15. Unexcused tardiness or absenteeism

16. Trespassing on school grounds or entering a school building without administrative permission and authorized supervision.
17. Failing to vacate school grounds at the conclusion of school authorized activities.
18. Being in an unauthorized area without supervision.
19. Using drones on or above school property.

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

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
4. Displaying what appears to be a weapon.
5. Threatening to use any weapon.

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

1. Fighting or engaging in violent behavior.
2. Subjecting other students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
3. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
4. Threatening another with bodily harm.
5. Obstructing vehicular or pedestrian traffic
6. Creating a hazardous or physically offensive condition by any act which serves no legitimate purpose
7. Hiding evidence of an illegal act or school violation
8. Hazing
9. Discriminating against another individual(s)
10. Defaming another individual
11. Bullying (including cyberbullying) another individual
12. Harassing another individual
13. Selling, using, distributing or possessing obscene material.
14. Using vulgar or abusive language, cursing or swearing.
15. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.
16. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances"

include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."

17. Inappropriately using or sharing prescription and over-the-counter drugs.
  18. Gambling.
  19. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
  20. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
- D. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on School 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.
- E. Engage in any form of academic misconduct. Examples of academic misconduct include, but are not limited to:
1. Plagiarism.
  2. Cheating.
  3. Copying.
  4. Altering records.
  5. Altering the work of others without permission.
  6. Assisting another student in any of the above actions.
- F. Engage in off-campus misconduct that interferes with, or can reasonably be expected to substantially disrupt the educational process in the school or at a school function. Examples of such misconduct include, but are not limited to:
1. Cyberbullying (i.e., inflicting willful and repeated harm through the use of electronic text).
  2. Threatening or harassing students or school personnel over the phone or other electronic medium.
- G. Engage in misconduct while using technology. Examples of such misconduct include, but are not limited to:
1. Violating any law.
  2. Displaying, performing, sending, receiving, or storing any content that is obscene, inappropriate, offensive, or otherwise objectionable, even if the material or its dissemination is lawful.



3. Harassing any person or advocating or encouraging violence of any kind against any person, entity or government.
4. Infringing, violating or misappropriating another's rights.
5. Obtaining unauthorized access to, or interfering by any means with, any user, system, network, service or account, including evasion of filters or violation of the security or integrity of any network or system,
6. Distributing computer viruses or malware of any kind.
7. Sending, receiving or supporting email messages that are unsolicited, deceptive, anonymous, excessively, voluminous or that contain falsified identifying information, including spamming and phishing.
8. Violating the School District's Acceptable Use Policy.

#### **VIII. 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/her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to any school employee.

All School District staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. School District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the code of conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction. Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, 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/her designee must notify the director of security who will, when appropriate, notify 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. The notification to law enforcement may be made by telephone, followed by a letter, when appropriate, and mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

#### **IX. Disciplinary Penalties, Procedures and Referrals**

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

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

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## CODE OF CONDUCT

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1. The student's age.
2. The nature of the offense and the circumstances which led to the offense.
3. The student's prior disciplinary record.
4. The effectiveness of other forms of discipline.
5. Information from parents, teachers and/or others, as appropriate
6. Other extenuating circumstances.

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

### A. Penalties

Students who are found to have violated the School 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.

1. Oral warning.
2. Written warning.
3. Written notification to parent.
4. Detention.
5. Suspension from transportation.
6. Suspension from athletic participation.
7. Suspension from social or extracurricular activities.
8. Suspension of other privileges.
9. In-school suspension.
10. Teacher removal of disruptive students.
11. Short-term (five days or less) suspension from school.
12. Long-term (more than five days) suspension from school
13. Permanent suspension from school

### 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, the 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

Teachers, principals and the Superintendent of Schools may use after-school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. The Board believes that detention is an effective method of discipline for students. A student who violates the student disciplinary code may be assigned detention by a school administrator or teacher. A teacher or staff member is responsible for making his/her arrangements for his/her assigned detentions. When a student is assigned detention, the School District should attempt to notify the parent(s)/guardian(s) of the student. Furthermore, the School District will ensure that the student has transportation home.

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 may have their riding privileges suspended by the building principal or the Superintendent of Schools or his/her designee. In such cases, the student's parent will become responsible for seeing that his/her child gets to and from school safely. Should the family not be able to provide alternate transportation the School District will provide alternate education for the period of suspension.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.

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

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

4. In-school suspension

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes building principals and the Superintendent of Schools 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 School District official imposing the in-school suspension to discuss the conduct and the penalty involved.

5. Teacher 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. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his/her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office (2) sending a student to the principal's office for the remainder of the class time only; or (3) sending a student to a guidance counselor or other School District staff member for counseling.

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

If a teacher finds that a student's continued presence in the classroom does not pose a continuing danger to persons or property and does not present an ongoing threat of disruption to the academic process, the teacher shall, prior to removing the student from the classroom, provide the student with an explanation of the basis for the removal and allow the student to informally present the student's version of relevant events. In all other cases, the teacher shall provide the student with an explanation of the basis for the removal and an informal opportunity to be heard within twenty-four (24) hours of the pupil's removal, provided that if such twenty-four (24) hour period

does not end on a school day, it shall be extended to the corresponding time on the next school day.

The building principal shall inform the person in parental relation to such student of the removal and the reasons therefor within twenty-four (24) hours of the student's removal, provided that if such twenty-four (24) hour period does not end on a school day, it shall be extended to the corresponding time on the next school day. The student and the person in parental relation shall, upon request, be given an opportunity for an informal conference with the building principal to discuss the reasons for the removal. If the student denies the charges, the building principal shall provide an explanation of the basis for the removal and allow the student and/or person in parental relation to the student an opportunity to present the pupil's version of relevant events. Such informal hearing shall be held within forty-eight (48) hours of the student's removal, provided that if such forty-eight (48) hour period does not end on a school day, it shall be extended to the corresponding time on the second school day next following the student's removal.

The teacher must complete a School District-established disciplinary form as soon as possible prior to the end of that class period if at all possible. The teacher must meet with the principal or his/her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal. If the principal or his/her designee is not available the teacher must leave the form with the secretary and meet with the principal or his/her designee prior to the beginning of classes on the next school day.

Any disruptive student removed from the classroom by the classroom teacher shall be offered alternative continued educational programming and activities until he or she is permitted to return to the classroom. A removed student may not be temporarily placed in a regular teacher's classroom. Appropriate classwork must be provided for the removed student by the removing teacher.

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

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, after five (5) days of removal a manifestation hearing will be conducted. If the removals are not the result of a student's handicapping condition, said removals are not considered a change of placement.

## 6. Suspension from school

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others. The board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent of Schools and the building principals. Any staff member may recommend to the Superintendent of Schools 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 of Schools 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 of Schools 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 of Schools or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(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 complaining witnesses under such procedures as the principal may establish. The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence

does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the principal shall promptly advise the parents in writing of his/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 of Schools within ten business days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent of Schools 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 of Schools' decision, they must file a written appeal to the Board with the School District Clerk within ten (10) business days of the date of the Superintendent of Schools' decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within thirty (30) days of the decision.

b. Long-term (more than 5 days) suspension from school

When the Superintendent of Schools determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his/her behalf. The Superintendent of Schools shall personally hear and determine the proceeding or may, in his/her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him 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 of Schools. The report of the hearing officer shall be advisory only, and the Superintendent of Schools may accept all or any part thereof.

An appeal of the decision of the Superintendent of Schools may be made to the board that will make its decision based solely upon the record before it. All appeals to the board must be in writing and submitted to the School District clerk within 10 business days of the date of the Superintendent of Schools' 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 of Schools. Final decisions of the board may be appealed to the Commissioner within 30 days of the decision.

c. Permanent suspension from school

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

Student offenders of School District Policy #0115 will receive in-school guidance in making positive choices in their relationships with others. If appropriate, disciplinary action will be taken in accordance with this Code of Conduct. Consequences for a student who commits an act of bullying shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors.

**C. Minimum Periods of Suspension**

1. Students who bring a weapon to school

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The Superintendent of Schools has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent of Schools may consider the following:

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

A student with a disability may be suspended only 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 who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five (5) days. If the proposed penalty is the minimum five (5) 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 (5) 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 of Schools has the authority to modify the minimum five (5) day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent of Schools may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interferes with the teacher's authority over the classroom

Any student 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 at least two days. For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this code on four or more occasions during a semester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds a five (5) day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent of Schools has the authority to modify the suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent of Schools may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

#### D. Referrals

1. Counseling

The Guidance Office & the Office of Student Services shall handle all referrals of students for counseling.

2. PINS Petitions

The School 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:

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

- b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
- c. Knowingly and unlawfully 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 Delinquents and Juvenile Offenders

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

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

The Superintendent of Schools is required to refer students age sixteen (16) and older or any student fourteen (14) or fifteen (15) years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

**X. 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 School District will take immediate steps to provide alternative means of instruction for the student.

**XI. Discipline of Students with Disabilities**

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

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

1. For purposes of this section of the code of conduct, the following definitions apply.

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

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

An "IAES" means a temporary educational placement for a period of up to forty-five (45) days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications 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/her current educational placement as follows:
  - a. The Board, the District (BOCES) superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
  - b. The Superintendent of Schools may order the placement of a student with a disability into 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 of Schools determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
  - c. The Superintendent of Schools 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.
  - d. The Superintendent of Schools 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 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.

- 1) "Weapon" means the same as "dangerous weapon" under 18 U.S.C. §930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length."
  - 2) "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
  - 3) "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.
3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to forty-five (45) days at a time, if maintaining the student in his/her current educational placement poses a risk of harm to the student or others.

#### B. Change of Placement Rule

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  - a. for more than ten (10) consecutive school days; or
  - b. 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 suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal. However, the School District may impose a suspension or removal, which would otherwise result in a

disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

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

1. The School District's Committee on Special Education shall:
  - a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the School 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 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/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.

- b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the School District is deemed to have had knowledge that their child was a student with a disability before the behavior

precipitating disciplinary action occurred. If the School District is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

- a. The Superintendent of Schools, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
- b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the School District had knowledge the student was a student with a disability, the School District either:
  - 1) conducted an individual evaluation and determined that the student is not a student with a disability, or
  - 2) determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the School District, which can include suspension.

3. The School District shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.
4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for

an informal conference available to parents of non-disabled students under the Education Law.

5. Superintendent of Schools 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.

#### D. Expedited Due Process Hearings

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:
  - a. The School District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his/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/her current educational placement during such proceedings.
  - b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
    - 1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an

IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the School District agree otherwise.

- 2) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall be completed within 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 School District and the parents within five 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 School District may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
2. The Superintendent of Schools 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.

#### **XII. Corporal Punishment & The Use Of Physical Force**

The Board asserts that corporal punishment is not an acceptable method of enforcing decorum, order or discipline, and that corporal punishment is contrary to the purposes of education. The board prohibits the use of corporal punishment by School District employees.

1. No teacher, administrator, officer, employee or agent in the School District shall use corporal punishment against a student.
2. As used in this section, corporal punishment is defined as the use of physical force for the purpose of punishing a student, except as otherwise provided in subdivision 3.



3. Nothing contained in this section shall be construed to prohibit the use of reasonable physical force to restrain or remove a student whose behavior is interfering with the orderly exercise and performance of School District functions, powers or duties, if that student has refused to comply with a request to refrain from further disruptive acts. It may also be used for the following purposes:
  - a. to protect oneself from physical injury;
  - b. to protect another student or teacher or any other person from physical injury; or
  - c. to protect the property of the School District or another.

The above exceptions are permissible, provided that alternative procedures and methods not involving the use of physical force cannot reasonably be employed to achieve the same purposes. Alternative procedures and methods not involving the use of physical force include:

- a. the use of language which reduces hostility;
  - b. issuing clear directions to the offending student;
  - c. explaining the consequences of the student's actions to the student; and
  - d. enlisting the aid of another School District employee.
4. With respect to any and all incidents involving the use of physical force by a School District employee, the School District employee shall ensure that:
  - a. the dignity and integrity of the employee and his/her profession are maintained; and
  - b. the rights of the student have not been violated.
5. Whenever an incident has occurred during which a School District employee has had physical contact in any way that could be construed as physical force or corporal punishment, the School District employee must give a full, clear, factual and objective report of the incident to the Building Principal.
6. A student who has been subjected to physical force by a School District employee or the parent(s)/guardian(s) of such a student may file a grievance in accordance with the procedures outlined in the School District's student grievance regulation.

#### Investigation of Complaints

Any claim about the use of corporal punishment shall be submitted in writing by the complainant to the Superintendent of Schools. This written complaint will be forwarded to the School Attorney within seven school days. The Superintendent of Schools or his/her designee shall investigate the complaint to determine whether an incident actually took place, and if so, to determine the identity of the person or persons who administered the corporal punishment, the identity of the

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student or students involved, reasons for the action and any other relevant facts or circumstances. Results of this investigation will be forwarded to the School Attorney upon completion of the investigation.

### Reports to Commissioner of Education

Reports shall be submitted to the Commissioner of Education on or before January 15 and July 15 of each year concerning complaints about the use of corporal punishment during the six (6) month reporting period. Such reports shall set forth the substance of each complaint, the results of the investigation and the action, if any, by the School District.

### **XIII. Student Searches and Interrogations**

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

Students are protected by the Constitution from unreasonable searches and seizures. A student may be searched and contraband seized on school grounds or in a school building by a School District employee only when the School District employee has reasonable suspicion to believe the student is engaging in proscribed activity which is in violation of school rules and/or illegal.

Factors to be considered in determining whether reasonable suspicion exists to search a student include:

- a) The age of the student;
- b) The student's record and past history;
- c) The predominance and seriousness of the problem in the school where the search is directed; and
- d) The urgency to conduct the search without delay.

If reasonable suspicion exists to believe that a student possesses a weapon, it is permissible for a School District employee to search that student.

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

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may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the School 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. School District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

A strip search is a search that requires a student to remove any or all of his/her clothing, other than an outer coat or jacket. If an authorized school official believes it is necessary to conduct a strip search of a student, the school official may do so only if the search is authorized in advance by the Superintendent of Schools or the school attorney. Strip searches may only be conducted by an authorized school official of the same sex as the student being searched and in the presence of another School District professional employee who is also of the same sex as the student. In every case, the school official conducting a strip search must have probable cause - not simply reasonable cause - to believe the student is concealing evidence of a violation of law or the School District code. In addition, before conducting a strip search, the school official must consider the nature of the alleged violation, the student's age, the student's record and the need for such a search. School officials will attempt to notify the student's parent by telephone before conducting a strip search, or in writing after the fact if the parent could not be reached by telephone.

### Lockers

Lockers are provided by the school for student use and the administration has the right to search lockers. A student may have exclusive use of a locker as far as other students are concerned but he/she does not have such exclusivity over the locker as it relates to the school authorities.

### Questioning of Students by School Officials

School officials have the right to question students regarding any violations of school rules and/or illegal activity. In general, administration may conduct investigations concerning reports of misconduct which may include, but are not limited to, questioning students, staff, parents/guardians, or other individuals as may be appropriate and, when necessary, determining disciplinary action in accordance with applicable due process rights.

Should the questioning of students by school officials focus on the actions of one particular student, the student will be questioned, if possible, in private by the appropriate school administrator. The student's parent/guardian may be contacted; the degree, if any, of parental/guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity for further action which may occur as a result.

The questioning of students by school officials does not preclude subsequent questioning/interrogations by police authorities as otherwise permitted by law. Similarly, the

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questioning of students by school officials does not negate the right/responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to such statements given by students to school officials.

School officials acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials (at least until after the questioning of students by school authorities has been conducted) are not required to give the so-called "Miranda warnings" (i.e., advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent; that any statement made by the individual may be used as evidence against him/her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

If deemed appropriate and/or necessary, the Superintendent/designee may also review the circumstances with School District legal counsel so as to address concerns and the course of action, if any, which may pertain to and/or result from the questioning of students by school officials.

### Documentation of Searches

The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:

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

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

**D. Police Involvement in Searches and Interrogations of Students**

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

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

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

**E. Child Protective Services Investigations**

Consistent with the School 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 School District will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to building principal or his/her designee. The principal or his/her designee shall set the time and place of the interview. The principal or his/her designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his/her clothing in order for the child protective services worker to verify the allegations, the school nurse or other School District medical personnel must be

present during that portion of the interview. No student may be required to remove his/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.

#### **XIV. Visitors to the Schools**

The Board encourages parents and other School District citizens to visit the School 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/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:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the principal upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the principal's office before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Teachers are expected not to take class time to discuss individual matters with visitors.
5. Any unauthorized person on school property will be reported to the principal or his/her designee. Unauthorized persons will be asked to leave. The School District security or the police may be called if the situation warrants.
6. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

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

The School District is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to

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regulate public conduct on school property and at school functions. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including students, teachers and School District personnel.

The restrictions on public conduct on school property and at school functions contained in this code are not intended to limit freedom of speech or peaceful assembly.

The School District recognizes that free inquiry and free expression are indispensable to the objectives of the School District. The purpose of this code is to maintain public order and prevent abuse of the rights of others.

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

### A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy School District property or the personal property of a teacher, administrator, other School District employee or any person lawfully on school property, including graffiti or arson.
3. Use language or gestures that are profane, lewd, vulgar or abusive.
4. Engage in any sexual behavior and/or contact,
5. Obstruct pedestrian traffic in hallways, stairwells, and doorways.
6. Intentionally obstruct vehicular traffic.
7. Engaging in any willful act which disrupts the normal operation of the school community.
8. Intentionally damage or destroy, including graffiti or arson, the personal property of a student, teacher, administrator, other School District employee, or any person lawfully on school property or attending a school function.
9. Intentionally damage or destroy school property.
10. Steal or attempt to steal the property of students, school personnel, or any other person lawfully on school property or attending a school function.
11. Dishonesty (lying, lying by omission, knowingly sharing false information).
12. Fail to comply with reasonable directives of teachers, school administrators, or other school employees/ contractors in charge of students.
13. Trespass on school grounds or entering a school building without administrative permission and authorized supervision.
14. Fail to vacate school grounds at the conclusion of school authorized activities.
15. Be in an unauthorized area without supervision.
16. Use drones on or above school property.
17. Disrupt the orderly conduct of classes, school programs or other school activities.

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18. 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.
19. Intimidate, harass or discriminate against any person on the basis of actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).
20. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
21. Obstruct the free movement of any person in any place to which this code applies.
22. Violate the traffic laws, parking regulations or other restrictions on vehicles.
23. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
24. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the School District.
25. Loiter on or about school property.
26. Gamble on school property or at school functions.
27. Refuse to comply with any reasonable order of identifiable School District officials performing their duties.
28. Willfully incite others to commit any of the acts prohibited by this code.
29. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.
30. Commit an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
31. Commit an act of violence (such as hitting, kicking, punching, and scratching) upon a student or any other person lawfully on school property or attempting to do so.
32. Possess a weapon.
33. Displaying what appears to be a weapon.
34. Threaten to use any weapon.
35. Fight or engage in violent behavior.
36. Subject students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
37. Intimidate any student, school personnel or any other person lawfully on school property or attending a school function.
38. Threaten another with bodily harm.
39. Create a hazardous or physically offensive condition by any act which serves no legitimate purpose
40. Hide evidence of an illegal act or school violation
41. Haze
42. Discriminate against another individual(s)



43. Defame another individual
44. Bully (including cyberbullying) another individual
45. Harass another individual
46. Sell, use, distribute or possess obscene material.
47. Smoke cigarettes, cigars, pipes or use chewing or smokeless tobacco while on school grounds or at a school function.
48. Possess, consume, sell, distribute or exchange alcoholic beverages or illegal substances, or be under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."
49. Inappropriately use or share prescription and over-the-counter drugs.
50. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
51. Initiate a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
52. Engage in misconduct while using technology.

**General Guidelines for Players, Coaches, Parents/Guardians and Spectators**

1. Those in attendance at School District athletic events (home or away) are expected to demonstrate positive enthusiasm without causing harm, danger or embarrassment to others or to the school.
2. Everyone is to demonstrate common sense--respect opponents, players, coaches and officials and maintain self-control in their actions.
3. All in attendance are to be in compliance with School District's Code of Conduct, academic eligibility policy, the athletic departments return to play policies as well as follow team regulations and procedures.
4. Smoking, consuming alcohol, and/or using illegal substances is strictly prohibited.
5. Game officials, school administrators, coaches, teacher chaperones and/or security can have unruly fans removed from a contest facility.
6. All in attendance should be aware that the school can (and will) remove them from the premises and can prohibit them from attending future contests due to undesirable behaviors.

**Overall Behavior Expectations for Players, Parents/Guardians and Spectators**

1. Proper language is to be used. No swearing or language which is offensive to others will be tolerated. High school events are a family activity. Individual and group vulgarity is unacceptable, as is verbal harassment of players, coaches and officials.
2. Do not "coach" or instruct from the stands. Please respect the entire coaching staff's judgement and leadership of their team.
3. Respect the officials' judgment and interpretation of the rules.
4. Support your child and their teammates with positive actions and encouragement.

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5. Everyone is expected to demonstrate respect and pride for the school. Cheer for your team, not against your opponents. Do not personalize your comments towards players, coaches and officials.
6. Hazing of any kind is strictly prohibited which includes but not limited to harassment/bullying & cyberbullying/social media harassment.
7. Respect is the key to good sportsmanship. Respect both players and fans from the opposing team. Opposing players are not enemies, but teenagers who happen to attend other schools.
8. Acknowledge good plays by both teams.
9. Accept victory and defeat with pride and compassion.
10. Those in attendance are not at an event to intimidate or ridicule, but to support and enjoy the competition.

#### Parent/Guardian, Player, Coach Communication Expectations

1. Appropriate concerns to discuss with Coaches
  - a. Treatment of you/your child mentally and physically
  - b. Ways to help you/your child improve
  - c. Concerns about your/your child's behavior
2. Inappropriate concerns to discuss with Coaches
  - a. Playing time
  - b. Team Strategies or calling plays
  - c. Other student athletes

Student athletes and their parents/guardians will be required to sign an agreement agreeing to uphold the within Code of Conduct, team rules and regulations and the above guidelines for participation in the School District's athletic program.

#### B. Penalties

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law § 3020-a or any other legal rights that they may have.

4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law § 75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law § 75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 3 and 4. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

**C. Enforcement**

All School District employees shall be responsible for enforcing the conduct required by this code.

The School District shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the School District reserves its right to pursue a civil or criminal legal action against any person violating the code.

**XVI. 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:

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

The Board will sponsor an in-service education program for all School District staff members to ensure the effective implementation of the code of conduct. The Superintendent of Schools may solicit the recommendations of the School District staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. On-going professional development will be included in the School District's professional development plan, as needed.

**B. Review of Code of Conduct**

The Board will review this code of conduct every year and update it as necessary. In conducting the review, the Board will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently. Before adopting any revisions to the code, the Board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.

The code of conduct and any amendments to it will be filed with the Commissioner of Education, in a manner prescribed by the Commissioner, no later than thirty (30) days after adoption.

Adoption date: June 20, 2012 (5300.75)

Adoption Date: June 19, 2001

Revision Date: April 15, 2009

Revision Date: July 12, 2010

Revision Date: June 20, 2012

**POLICY 0110**  
**SEXUAL HARASSMENT**

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**REVIEW REVISED POLICY**

## **SACHEM CENTRAL SCHOOL DISTRICT**

### **SEXUAL HARASSMENT**

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The Board of Education recognizes that harassment of students, staff, and certain “non-employees” (which includes contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees) on the basis of sex, gender, gender identity, gender expression and/or sexual orientation is abusive and illegal behavior that harms victims and negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board of Education further recognizes that preventing and remedying such harassment in schools is essential to ensure a healthy, nondiscriminatory environment in which students can learn and employees can work productively.

The Board of Education is committed to providing an educational and working environment that promotes respect, dignity and equality and that is free from all forms of sexual harassment. To this end, the Board of Education condemns and strictly prohibits all forms of sexual harassment on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the School District.

#### Sexual Harassment Defined

Sex-based harassment can be comprised of two types of behavior: sexual harassment and/or gender-based harassment.

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature.

“Gender-based harassment” means verbal, non-verbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes, gender identity or expression.

Sexual or gender-based harassment of a student can deny or limit the student’s ability to participate in or to receive benefits, services, or opportunities from the school’s program.

Sexual or gender-based harassment occurs when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of an employee's or “non-employee’s” employment or a student's education (including any aspect of the student's participation in school-sponsored activities, or any other aspect of the student's education); or
2. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting an employee's or “non-employees” employment or a student's education; or

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3. the conduct or communication has the purpose or effect of substantially or unreasonably interfering with an employee's or "non-employee's" work performance or a student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile or offensive working or educational environment.

"Sexual violence" means physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. A person may be incapable of giving consent due to age, drug or alcohol use, or an intellectual or other disability. Sexual violence includes, but is not limited to, acts such as rape, sexual assault, sexual battery and sexual coercion. All such acts of sexual violence are forms of sexual harassment.

Because sexual harassment can occur staff to student, staff to staff, student to student, male to female, female to male, male to male or female to female, it shall be a violation of this policy for any student, employee or third party (school visitor, vendor, etc.) to sexually harass any student, employee, or "non-employee".

Under various state and federal laws, students, employees and "non-employees" have legal protections against sexual harassment in the school environment as described above. The School District's Code of Conduct also addresses appropriate behavior in the school environment. Sexual harassment can occur between persons of all ages and genders.

Prohibited Conduct

School-related conduct that the School District considers unacceptable and which may constitute sexual harassment includes, but is not limited to, the following:

1. rape, attempted rape, sexual assault, attempted sexual assault, forcible sexual abuse, hazing, and other sexual and gender-based activity of a criminal nature as defined under the State Penal Law;
2. unwelcome sexual invitations or requests for sexual activity in exchange for grades, promotions, preferences, favors, selection for extracurricular activities or job assignments, homework, etc.;
3. unwelcome and offensive public sexual display of affection, including kissing, making out, groping, fondling, petting, inappropriate touching of one's self or others, sexually suggestive dancing, and massages;
4. any unwelcome communication that is sexually suggestive, sexually degrading or implies sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance or activities; sexual jokes; sexual gestures; public conversations about sexual activities or exploits; sexual rumors and "ratings lists;" howling, catcalls, and whistles; sexually graphic computer files, messages or games, etc;

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5. unwelcome and offensive name calling or profanity that is sexually suggestive, sexually degrading, implies sexual intentions, or that is based on sexual stereotypes or sexual preference;
6. unwelcome physical contact or closeness that is sexually suggestive, sexually degrading, or sexually intimidating such as the unwelcome touching of another's body parts, cornering or blocking an individual, standing too close, spanking, pinching, following, stalking, frontal body hugs, etc.;
7. unwelcome and sexually offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking," "mooning," "nuggies" or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt "flip-ups," "spiking" (pulling down someone's pants or swimming suit); pinching; placing hands inside an individual's pants, shirt, blouse, or dress, etc.;
8. unwelcome leers, stares, gestures, or slang that are sexually suggestive; sexually degrading or imply sexual motives or intentions;
9. clothing with sexually obscene or sexually explicit slogans or messages;
10. unwelcome and offensive skits, assemblies, and productions that are sexually suggestive, sexually degrading, or that imply sexual motives or intentions, or that are based on sexual stereotypes;
11. unwelcome written or pictorial display or distribution of pornographic or other sexually explicit materials such as magazines, videos, films, Internet material, etc.;
12. any other unwelcome gender-based behavior that is offensive, degrading, intimidating, demeaning, or that is based on sexual stereotypes and attitudes.

For purposes of this policy, action or conduct shall be considered "unwelcome" if the student or employee did not request or invite it and regarded the conduct as undesirable or offensive.

Determining if Prohibited Conduct is Sexual Harassment

Complaints of sexual harassment will be thoroughly investigated to determine whether the totality of the behavior and circumstances meet any of the elements of the above definition of sexual harassment and should therefore be treated as sexual harassment. Not all-unacceptable conduct with sexual connotations may constitute sexual harassment. In many cases (other than quid pro quo situations where the alleged harasser offers academic or employment rewards or threatens punishment as an inducement for sexual favors), unacceptable behavior must be sufficiently severe, pervasive and objectively offensive to be considered sexual harassment.

In evaluating the totality of the circumstances and making a determination of whether conduct constitutes sexual harassment, the individual investigating the complaint should consider:

1. the degree to which the conduct affected the ability of the student to participate in or benefit from his or her education or altered the conditions of the student's



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- learning environment or altered the conditions of the employee's working environment;
2. the type, frequency and duration of the conduct;
  3. the identity of and relationship between the alleged harasser and the subject of the harassment (e.g., sexually based conduct by an authority figure is more likely to create a hostile environment than similar conduct by another student or a co-worker);
  4. the number of individuals involved;
  5. the age and sex of the alleged harasser and the subject of the harassment;
  6. the location of the incidents and context in which they occurred;
  7. other incidents at the school; and
  8. incidents of gender-based, but non-sexual harassment; and
  9. any other matters considered relevant.

Reporting Complaints

In order for the Board of Education to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The School District will promptly investigate all complaints of sexual harassment, formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation. Such disclosure shall be made to individuals on a "need-to-know" basis. If the complainant reports that they feel unsafe at school due to the nature of the complaint, the School District will determine if accommodations need to be made until the issue is resolved.

The School District will designate, at a minimum, two (2) Compliance Officers, one (1) of each gender. In addition, the Board of Education will designate a second individual for compliance with Title IX in regard to sexual harassment so that students who believe that they have been subjected to sexual harassment will have a second avenue of complaint, if the alleged harassers is the Compliance Officer.

Victims of sexual harassment are urged to come forward and to make reports of such sexual harassment to the Compliance Officer and/or Title IX coordinator without fear of retaliation or intimidation. Due to the sensitive and serious nature of these complaints, investigations or allegations of sexual harassment will be conducted with due regard for confidentiality. It is the School District's policy to respect the privacy of all parties and witnesses to complaints of sexual harassment.

In order to assist investigators, victims should document the harassment as soon as it occurs and with as much detail as possible including: the nature of the harassment; dates, times, places it has

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occurred; name of harasser(s); witnesses to the harassment; and the victim's response to the harassment.

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

The Title IX Compliance Officer or second designee shall conduct a preliminary review when they receive a verbal or written complaint of sexual harassment, or if they observe sexual harassment. Except in the case of severe or criminal conduct, Title IX Compliance Officer or second designee should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal investigation and resolution procedures is to end the harassment and obtain a prompt and equitable resolution to a complaint.

As soon as possible as but no later than three working days following receipt of a complaint, the Title IX Compliance Officer or second designee should begin an investigation of the complaint according to the following steps:

1. Interview the victim and document the conversation. Instruct the victim to have no contact or communication regarding the complaint with the alleged harasser. Ask the victim specifically what action he/she wants taken in order to resolve the complaint. Refer the victim, as appropriate, to school social workers, school psychologists, crisis team managers, other school staff, or appropriate outside agencies for counseling services.
2. Review any written documentation of the harassment prepared by the victim. If the victim has not prepared written documentation, instruct the victim to do so, providing alternative formats for individuals with disabilities and young children, who have difficulty writing and need accommodation.
3. Interview the alleged harasser regarding the complaint and inform the alleged harasser that if the objectionable conduct has occurred, it must cease immediately. Document the conversation. Provide the alleged harasser an opportunity to respond to the charges in writing.
4. Instruct the alleged harasser to have no contact or communication regarding the complaint with the victim and to not retaliate against the victim. Warn the alleged harasser that if he/she makes contact with or retaliates against the victim, he/she will be subject to immediate disciplinary action.
5. Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and his/her statement confidential.
6. Review all documentation and information relevant to the complaint.

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7. Where appropriate, suggest mediation as a potential means of resolving the complaint. In addition to mediation, use appropriate informal methods to resolve the complaint, including but not limited to:
  - a. discussion with the accused, informing him or her of the School District's policies and indicating that the behavior must stop;
  - b. suggesting counseling and/or sensitivity training;
  - c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
  - d. requesting a letter of apology to the complainant;
  - e. writing letters of caution or reprimand; and/or
  - f. separating the parties.
  
8. Parent/Student/Employee Involvement and Notification
  - a. Parents of student victims and accused students shall be notified within one school day of allegations that are serious or involve repeated conduct.
  - b. The parents of students who file complaints are welcome to participate at each stage of both informal and formal investigation and resolution procedures.
  - c. If either the victim or the accused is a disabled student receiving special education services under an IEP or section 504/Americans with Disabilities Act accommodations, the committee on special education will be consulted to determine the degree to which the student's disability either caused or is affected by the discrimination or policy violation. In addition, due process procedures required for persons with disabilities under state and federal law shall be followed.
  - d. The Title IX Compliance Officer or second designee (i.e., the investigator) shall submit a copy of all investigation and interview documentation to the Superintendent of Schools.
  - e. The investigator shall report back to both the victim and the accused, notifying them in writing, and also in person as appropriate regarding the outcome of the investigation and the action taken to resolve the complaint. The investigator shall instruct the victim to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against him/her.
  - f. The investigator shall notify the victim that if he/she desires further investigation and action, he/she may request a School District level investigation by contacting the Superintendent of Schools. The investigator shall also notify the victim of his/her right to contact the U.S. Department of Education's Office for Civil Rights and/or a private attorney. Employees

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may also contact the U.S. Equal Employment Opportunity Commission or the New York State Division of Human Rights.

If the initial investigation results in a determination that sexual harassment did occur, the investigator will promptly notify the Superintendent of Schools, who shall then take prompt disciplinary action in accordance with School District policy, the applicable collective bargaining agreement or state law.

If a complaint received by the Title IX Compliance Officer or second designee contains evidence or allegations of serious or extreme harassment, such as employee to student harassment, criminal touching, quid pro quo (e.g., offering an academic or employment reward or punishment as an inducement for sexual favors), or acts which shock the conscience of a reasonable person, the complaint shall be referred promptly to the Superintendent of Schools. In addition, where the Title IX Compliance Officer or second designee has a reasonable suspicion that the alleged harassment involves criminal activity, he/she should immediately notify the Superintendent of Schools, who shall then contact appropriate child protection and law enforcement authorities. Where criminal activity is alleged or suspected by a School District employee, the accused employee shall be suspended pending the outcome of the investigation, consistent with all contractual or statutory requirements.

Any party who is not satisfied with the outcome of the initial investigation by the Title IX Compliance Officer or second designee may request a School District-level investigation by submitting a written complaint to the Superintendent of Schools within thirty (30) days.

#### **B. School District-level Procedure**

The Superintendent of Schools shall promptly investigate and resolve all sexual harassment complaints that are referred to him/her by a Title IX Compliance Officer or second designee, as well as those appealed to the Superintendent of Schools following an initial investigation by a Title IX Compliance Officer or second designee. In the event the complaint of sexual harassment involves the Superintendent of Schools, the complaint shall be filed with or referred to the Board of Education President, who shall refer the complaint to a trained investigator not employed by the School District for investigation.

The School District level investigation should begin as soon as possible but not later than three working days following receipt of the complaint by the Superintendent of Schools or Board of Education President.

In conducting the formal School District level investigation, the School District will use investigators who have received formal training in sexual harassment investigation or that have previous experience investigating sexual harassment complaints.

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If a School District investigation results in a determination that sexual harassment did occur, prompt corrective action will be taken to end the harassment. Where appropriate, School District investigators may suggest mediation as a means of exploring options of corrective action and informally resolving the complaint.

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

The victim and the alleged harasser have the right to be represented by a person of their choice, at their own expense, during sexual harassment investigations and hearings. In addition, victims have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights.

Employee victims also have the right to register complaints with the federal Equal Employment Opportunity Commission and the New York State Division of Human Rights. Nothing in these regulations shall be construed to limit the right of the complainant to file a lawsuit in either state or federal court.

If, after appropriate investigation, the School District finds that a student, an employee or a third party has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, School District policy and state law. Mandatory arbitration clauses are prohibited in all School District contracts and agreements.

The School District may include nondisclosure agreements (to not disclose the underlying facts and circumstances of a sexual harassment complaint) in any sexual harassment settlement agreement or resolution only if it is the complainant's preference. Any such nondisclosure agreement shall be provided to all parties. Complainants shall have twenty-one days to consider any such nondisclosure provision before it is signed by all parties, and shall have seven days to revoke the agreement after signing. Nondisclosure agreements shall only become effective after this seven-day period has passed.

Confidentiality

It is the School District's policy to respect the privacy of all parties and witnesses to complaints of sexual harassment. To the extent possible, the School District will not release the details of a complaint or the identity of the complainant or the individual(s) against whom the complaint is filed to any third parties who do not need to know such information. However, because an individual's need for confidentiality must be balanced with the School District's legal obligation

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to provide due process to the accused, to conduct a thorough investigation, or to take necessary action to resolve the complaint, the School District retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

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

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

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

**Retaliation Prohibited**

All complainants and those who participate in the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind. Any act of retaliation against any person who complains of sexual harassment, is prohibited an illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing concerning a sexual harassment complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension or termination.

**Legal Protections and External Remedies**

As stated above, sexual harassment is not only prohibited by the School District but is also prohibited by state, federal, and, where applicable, local law. Complainants are advised that the School District's internal investigatory procedures do not toll the time within which claims are required to be filed pursuant to federal, state or local law.

***State Human Rights Law (HRL)***

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The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court. Complaining internally to the School District does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR. DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov). Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

#### ***Civil Rights Act of 1964***

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if

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discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov). If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

***Title IX***

Title IX of the Education Amendments of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

The U.S. Department of Education's Office for Civil Rights (OCR) is responsible for the enforcement of Title IX. OCR evaluates, investigates, and resolves complaints alleging sex discrimination. OCR also conducts proactive investigations, called compliance reviews, to examine potential systemic violations based on sources of information other than complaints.

For assistance related to Title IX or other civil rights laws, please contact [OCR](http://OCR) at [OCR@ed.gov](mailto:OCR@ed.gov) or 800-421-3481, TDD 800-877-8339.

***Dignity for All Students Act***

The Dignity for All Students Act (DASA), codified as N.Y. Education Law, Art. 2, § 10 et seq., protects all students from harassment, bullying and discrimination while on school grounds and during school activities based on numerous protected classes, including, but not limited to sexual orientation, gender (including gender identity and expression), and sex. A complaint alleging a violation of DASA may be made to one of the School District's Dignity Act Coordinators and/or any staff member in accordance with the School District's policy.

***Local Protections***

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.



## **SACHEM CENTRAL SCHOOL DISTRICT**

### **SEXUAL HARASSMENT**

**Policy 0110**

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#### Discipline/Penalties

Any individual who violates the sexual harassment policy by engaging in prohibited sexual harassment will be subject to appropriate disciplinary action. Sexual harassment by employees is considered employee misconduct. Disciplinary measures available to school authorities include, but are not limited to the following:

- |                           |   |
|---------------------------|---|
| <u>Students:</u>          | Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the student conduct and discipline policy and applicable law. |
| <u>Employees:</u>         | Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.                           |
| <u>Volunteers:</u>        | Penalties may range from a warning up to and including loss of volunteer assignment.  |
| <u>Vendors:</u>           | Penalties may range from a warning up to and including loss of School District business.  |
| <u>Other individuals:</u> | Penalties may range from a warning up to and including denial of future access to school property.  |

#### False Complaints

False or malicious complaints of sexual harassment may result in corrective or disciplinary action taken against the complainant.

#### Training

In addition, training programs shall be established for students and employees to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment including but not limited to the following:

1. All students and employee shall be informed of this policy in student and employee handbooks and student registration materials. The policy shall be posted on the School District's website and in prominent locations at each school.
2. All new employees shall receive information about the policy and procedures concerning the prohibition against sexual harassment at new

**-DRAFT REVISED POLICY-**

**SACHEM CENTRAL SCHOOL DISTRICT**

**SEXUAL HARASSMENT**

**Policy 0110**

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employee orientation. All other employees shall be provided information at least once a year regarding this policy and school district's commitment to a harassment-free learning and working environment. Principals, Title IX Officer/Coordinators, and other administrative employees who have specific responsibilities for investigating and resolving complaints of sexual harassment shall receive a yearly training on this policy, procedures and related legal developments.

3. Program directors and principals in each school shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including procedures established for investigation and resolution of complaints, general issues surrounding sexual harassment, the rights and responsibilities of students and employees, and the impact of sexual harassment on the victim.

Age appropriate instructional materials will be incorporated into the curriculum to educate students so that they can recognize and reduce the incidence of sexual harassment.

Annual employee training programs shall include: (i) an explanation of sexual harassment consistent with guidance issued by the NYS Department of Labor and the NYS Division of Human Rights; (ii) examples of conduct that is unlawful sexual harassment; (iii) information on federal and state laws about sexual harassment and remedies available to victims of sexual harassment; and (iv) information concerning employees' right to make complaints and all available forums for investigating complaints.

This policy shall be posted in a prominent place in each School District facility, on the School District's website and shall also be published in student registration materials, student, parent and employee handbooks, and other appropriate school publications.

Cross Ref: Policy 0100 Equal Opportunity  
Policy 0115 Dignity for All Students  
Policy 5300 Code of Conduct

Ref: Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*  
Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 *et seq.*

Adoption date:

**SACHEM CENTRAL SCHOOL DISTRICT**

**SEXUAL HARASSMENT**

**Regulation 0110 - E-1**

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**SACHEM CENTRAL SCHOOL DISTRICT  
Lake Ronkonkoma, New York  
SEXUAL HARASSMENT  
FORMAL COMPLAINT FORM**

Name and position of complainant: \_\_\_\_\_

Date of complaint: \_\_\_\_\_

Name of alleged sexual harasser: \_\_\_\_\_

Date of incident: \_\_\_\_\_

Place of incident: \_\_\_\_\_

Description of misconduct: \_\_\_\_\_

\_\_\_\_\_  
Name of witnesses (if any): \_\_\_\_\_

\_\_\_\_\_  
Has the incident been reported before? \_\_\_\_\_

If yes: When? \_\_\_\_\_

To Whom? \_\_\_\_\_

What was the resolution? \_\_\_\_\_

\_\_\_\_\_  
Reasons for dissatisfaction: \_\_\_\_\_

\_\_\_\_\_  
Supervisor/Compliance Officer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Complainant Signature

\_\_\_\_\_  
Date

**\*Please Note: To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation. Such disclosure shall be made to individuals on a "need to know" basis.**

**SACHEM CENTRAL SCHOOL DISTRICT**

**SEXUAL HARASSMENT**

**0110-E.2**

**SACHEM CENTRAL SCHOOL DISTRICT  
Lake Ronkonkoma, New York**

**SEXUAL HARASSMENT  
FORMAL APPEAL FORM**

Name and position of complainant: \_\_\_\_\_

Date of appeal: \_\_\_\_\_

Date of original complaint: \_\_\_\_\_

Name of alleged sexual harasser: \_\_\_\_\_

Have there been any prior appeals? \_\_\_\_\_

If yes: When: \_\_\_\_\_

To Whom: \_\_\_\_\_

Description of decision being appealed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Why is the decision being appealed? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Supervisor/Compliance Officer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Complainant Signature

\_\_\_\_\_  
Date

\*Please Note: To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation. Such disclosure shall be made to individuals on a "need to know" basis

**POLICY 6010**  
**FISCAL CONTROLS**

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**REVIEW NEW POLICY**

***-DRAFT NEW POLICY-***

**SACHEM CENTRAL SCHOOL DISTRICT**

**FISCAL CONTROLS**

**POLICY 6010**

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This policy sets forth the general fiscal roles and responsibilities of entities and individuals within the School District.

**Board of Education**

1. Fiscal approval of all expenditures, budget transfers and the overdraft of any budget account is vested in the Board of Education.
2. The Board of Education maintains control of the School District's finances through the work of individuals who report directly to the Board of Education, including the Superintendent of Schools, District Treasurer, Claims Auditor, Internal Auditor, and Independent Auditor. Each individual has responsibilities which include, but are not limited to, the items listed below. It is the responsibility of each individual to bring information directly and in a timely manner to the Board of Education when there is any need to adjust procedures or address the implementation of established fiscal controls.
3. In the case of an emergency arising out of an accident or other unforeseen occurrence or condition affecting school buildings, school property, or the life, health, safety or property of the students, staff and others in the School District which require immediate action and cannot await competitive bidding, the Board of Education may declare an emergency for competitive bidding purposes and authorize the immediate letting of contracts for public work or the purchase of supplies, materials, or equipment, although the costs of such work, equipment, or supplies is not provided for in the budget.

**Superintendent of Schools**

1. The Superintendent of Schools or his/her designee shall be responsible for proper procedures for the initiation, evaluation, and administrative approval for all expenditures, other than salaries. He/she or his/her designee shall have authority to issue purchase orders for items approved in the budget provided that statutory requirements for public bidding are followed. In all purchases about which the best interest of the School District will be served by informal competitive quotations, he/she shall require the submission of such quotations prior to the issuance of purchase orders.
2. The Superintendent of Schools, or his/her designee, shall certify the correctness of all payrolls.

**Treasurer**

1. Disbursements made in the form of checks shall be signed by the Treasurer or Deputy Treasurer.
2. During the month of August, the Treasurer shall prepare, and the clerk shall cause to be published in at least one newspaper in the School District, a statement of all monies received and expended during the previous fiscal year. Such published report to be in the form prescribed by statute or Board of Education policy.

**SACHEM CENTRAL SCHOOL DISTRICT**

**FISCAL CONTROLS**

**POLICY 6010**

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**Claims Auditor**

1. The Claims Auditor shall be responsible for the audit of all documents related to the payment of claims. When the schedules of bills are found to be in order, each shall be signed and certified by the claims auditor. He/she shall be bonded in an amount determined by the Board of Education.

**Internal Auditor**

1. The Internal Auditor shall be directly responsible to the Board of Education for carrying out the prescribed internal audit program and such other duties assigned by the Board of Education.

**Independent/External Auditor**

1. The financial accounts and fiscal affairs of the School District shall be subject to an outside, independent audit at least once each year, and more frequently if the Board of Education so determines.

**Audit Committee**

1. The Audit Committee shall perform audit oversight as required by and specified in applicable law.

Cross-ref: 6020 Fund Balance and Reserve Funds  
6100 Annual Budget  
6410 Authorized Signatures

Ref: Education Law §§1709(20-a), 1720, 1724, 2130  
General Municipal Law §103(4)  
8 NYCRR 170.12

Adoption date:

**POLICY 6150**  
**BUDGET TRANSFERS**

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**REVIEW REVISED POLICY**



***-DRAFT REVISED POLICY-***

**SACHEM CENTRAL SCHOOL DISTRICT**

**BUDGET TRANSFERS**

**POLICY 6150**

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The transfer of funds between and within functional unit appropriations of the General Fund is commonly required during the school year.

The Superintendent of Schools, upon the adoption of a resolution by the Board of Education and in accordance with the Regulations of the Commissioner of Education, is authorized to make budget transfers:

1. between and within functional unit appropriations so long as the transfer for any one item does not exceed \$50,000,
2. between function but within object codes related to employee salaries, and
3. any budget transfer required to close the School District's budget in accordance with the recommendations of the external auditor, and as long as the transfer supports activities categorically approved by the Board of Education in the annual expenditure budget.

The Superintendent of Schools will report all transfers to the Board as an information item at its next meeting.

All transfers in excess of \$50,000, except transfers between function but within object codes related to employee salaries and any budget transfer required to close the School District's budget as set forth above require prior Board approval. The Superintendent of Schools shall establish procedures wherein budget transfers are reported to the Board of Education periodically throughout the school year.

Cross-ref: 6010 Fiscal Controls  
6100 Annual Budget  
6110 Administration of the Budget  
6600 Fiscal Accounting and Reporting

Ref: 8 NYCRR §170.2(l)

Adoption Date: February 10, 1998

Revision Date: December 17, 2008

**POLICY 6410**

**AUTHORIZED SIGNATURES**

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**REVIEW REVISED POLICY**

***-DRAFT REVISED POLICY-***

**SACHEM CENTRAL SCHOOL DISTRICT**

**AUTHORIZED SIGNATURES**

**POLICY 6410**

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The Board of Education authorizes the signature of the District Treasurer on all district checks for the payment of all salaries. The Board also authorizes the signatures of the Superintendent of Schools, Assistant Superintendent for Business & Operations, Finance Manager, and Purchasing Agent assigned to review expenses on all district checks for bills, expenses, obligations, and liabilities of the district. Student activity account checks shall be signed by both the manager of student activity accounts and the Treasurer of the extracurricular activity fund.

The Treasurer/Deputy Treasurer shall be present and shall control the affixing of his/her signature when checks are run. Accounts payable/payroll shall maintain a log of checks signed and should verify the sequence of check numbers that are used and sign the log book. The signing of blank checks is expressly forbidden.

Contracts authorized by Board of Education resolution shall be signed by the Board of Education President or in his/her absence the Vice-President, unless a different signatory is identified in the Board of Education resolution. Purchase orders for goods and/or services identified in the various budget codes of the School District budget will be executed by the Purchasing Agent responsible for the procurement of such goods and/or services. In the absence or inability of the President of the Board to sign any of the above documents, the Vice President of the Board is authorized to sign in his/her place and stead.

The Board of Education authorizes the signature on checks issued against all accounts of the School District to be that of the Treasurer or, in his/her absence, the Deputy Treasurer. The Board authorizes the use of a machine check-signer to stamp school district checks with a plate containing the signature of the Treasurer. The check signing device must be a recognized manufactured product with safeguards for the school district's protection. The District Treasurer has the responsibility of preventing unauthorized use of the check-signer.

The Board of Education authorizes the payment in advance of audit of claims for all payroll, workers' compensation, public utility services, postage, freight and express charges, in accordance with law.

Cross-ref:      6010 Fiscal Controls  
                    6100 Annual Budget  
                    6675 Extra Classroom Activity Funds  
                    6700 Purchasing

Ref:      Education Law §§1720; 1724  
                    8 NYCRR 172

Adoption Date: February 10, 1998

**POLICY 6420**

**ONLINE BANKING**

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**SERVICES**

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**REVIEW REVISED POLICY**

***-DRAFT NEW POLICY-***

**SACHEM CENTRAL SCHOOL DISTRICT**

**ON-LINE BANKING SERVICES**

**POLICY 6420**

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The Board of Education acknowledges that online banking services offer convenience and facilitate management of the School District's finances provided that good accounting practices are adhered to and internal controls observed. The Board of Education requires a clear, complete and detailed accounting of all financial transactions for which the Board of Education is held accountable. The transfer of funds via online banking services between various accounts and the transfer of funds from School District accounts to non-School District accounts, and vice versa, for various purposes, are financial transactions to be properly monitored and controlled.

The following are online banking activities the School District engages in:

1. viewing bank account information;
2. transfers between School District accounts;
3. transfer of School District funds into investments in accordance with the School District's Investment Policy;
4. verifying cash disbursements to the banking institution;
5. initiate payroll ACH file;
6. receipt of revenues from various sources; and
7. wire transfers.

The School District will enter into written wire transfer security agreements for School District bank accounts which will include established procedures for authenticating wire transfer orders.

Transfers between School District accounts may be initiated and approved by the same person. All other transactions initiated through online banking services require secondary approval, and may not be initiated and approved by the same individual. The School District Treasurer and the Deputy School District Treasurer shall each respectively have the authority to initiate and process transactions made using online banking services. The Assistant Superintendent for Business & Operations shall develop a procedure for secondary and tertiary approvals, where appropriate, in connection with the School District's use of online banking services. A separate user name and password for processing online banking transactions shall be established for all individuals who have the authority to initiate, process or approval online banking transactions.

Each bank transfer will be recorded in monthly receipts and disbursements, showing the amount of monies and the purpose of the transferring of funds. The School District Treasurer and Deputy School District Treasurer will be responsible for the reviewing, reconciling and recording of online banking transactions. The External Auditor will periodically confirm that wire transfers have appropriate signatures, verification and authorization of proper personnel.

Adoption Date:

**POLICY 6600**  
**FISCAL ACCOUNTING AND**  
**REPORTING**

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**REVIEW REVISED POLICY**

# SACHEM CENTRAL SCHOOL DISTRICT

## FISCAL ACCOUNTING AND REPORTING

POLICY 6600

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The operations and programs of the School District are financed through various forms of taxation. Therefore, the Board of Education insists on clear, complete, and detailed accounting of all financial transactions for which the Board of Education is held accountable.

### Accounting and Reporting Systems

The system of accounts will conform to the Uniform System of Accounts for School Districts, as defined by the State Comptroller's Office and generally accepted governmental accounting standards. The accounting system will yield information necessary for the Board of Education to make intelligent policy decisions and perform its oversight function. The Board of Education directs the Superintendent of Schools or his/her designee to keep it informed of the financial status of the School District through written monthly and annual reports and to keep informed of changes in state and/or Government Accounting Standards Board (GASB) accounting requirements and implement changes, as appropriate.. The Superintendent of Schools should highlight in a separate memorandum to the Board of Education any deviation in actual fiscal conditions from planned fiscal conditions and offer recommendations to the Board of Education to remedy the situation. The Board of Education expects that the Assistant Superintendent for Business & Operations and/or external auditor will communicate new standards and/or requirements to the Board of Education, as necessary, so that the Board of Education can carry out its responsibilities.

The Assistant Superintendent for Business & Operations will prepare and submit, through the Superintendent of Schools, to the Board of Education and the Commissioner of Education, such reports as are prescribed by law. These shall be filed with appropriate governmental bodies as required under law or regulation. The School District will cooperate with governmental agencies and research organizations as required by law for data concerning the fiscal operations of the School District.

Proposed expenditures will be budgeted under and the actual expenditures will be charged to categories that most accurately describe the purpose for which monies are to be spent.

The Board of Education directs the School District Treasurer to keep it informed of the financial status of the School District through monthly cash reconciliation and budget status reports and annual fiscal reports and will include periodic projections of the end of year fund balance. The Assistant Superintendent for Business & Operations shall highlight any deviation in actual fiscal conditions from planned fiscal conditions and offer recommendations to the Board of Education to remedy the situation as necessary. The Assistant Superintendent for Business & Operations, the Accounting Manager and/or the Treasurer will prepare and submit, through the Superintendent of Schools, to the Board of Education and the Commissioner of Education, such reports as are prescribed by law. These shall be filed with appropriate governmental bodies as required under law or regulation. The School District will cooperate with governmental agencies and research organizations as required by law for data concerning the fiscal operations of the School District.

# SACHEM CENTRAL SCHOOL DISTRICT

## FISCAL ACCOUNTING AND REPORTING

POLICY 6600

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The School District shall be audited annually by an independent certified public accountant or a public accountant. The auditor's report shall be adopted by resolution. Copies shall be filed with the Commissioner of Education. The Treasurer shall give public notice of the reports.

The financial accounts of the School District shall also be subject to a field examination and audit at two or three year intervals by an auditor from the State Comptroller's Office.

The Superintendent of Schools is hereby directed to respond to all audit findings and recommendations. Such response is to include a statement of the corrective actions taken or proposed to be taken, or if action is not taken or proposed, an explanation of reasons, as well as a statement on the status of corrective actions taken on findings or recommendations contained in any previous report of examination or external audit, or any management letter for which a response was required.

The Superintendent of Schools shall also ensure that the provisions contained in the General Municipal Law in regard to audit reports are followed.

The District Treasurer shall maintain a ledger in which he/she shall record all receipts, noting the date funds are received, the name of the person from whom they are received, the purpose of the funds and the amount. Each payment shall be recorded by date, check number, payee and the amount of the check. The ledger shall be balanced each month by adding the receipts for the month, including the beginning balance and subtracting the expenditures for the month. The Treasurer shall reconcile the financial statements from the designated district bank(s) with the ledger. Whenever money is turned over to the Treasurer, he/she shall issue a receipt. The receipts shall be numbered. The original shall be given to the person turning over the money. The copy shall remain with the Treasurer.

Cross-ref:     1120 School District Records  
                  6010 Fiscal Controls  
                  6020 Fund Balance and Reserve Funds  
                  6100 Annual Budget

Ref:     Education Law §§ 1721; 2117;  
          General Municipal Law §33;  
          8 NYCRR §170.2

Adoption date: February 10, 1998

Revision date: September 21, 1999



**POLICY 6650**  
**CLAIMS AUDITOR**

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**REVIEW REVISED POLICY**

## SACHEM CENTRAL SCHOOL DISTRICT

### CLAIMS AUDITOR

POLICY 6650

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The Board of Education will designate and appoint a claims auditor for the district. In addition, the Board of Education may adopt a resolution establishing the office of Deputy Claims Auditor who shall act as the Claims Auditor in the absence of the Claims Auditor. The claims auditor shall serve at the pleasure of the Board. The Claims Auditor shall be bonded and shall report directly to the Board.

The Claims Auditor may be an outside entity or firm. The Board of Education may delegate the auditing of claims to an individual through the use of a District employee who is not prohibited from serving as the Claims Auditor as more fully set forth herein; an inter-municipal cooperative agreement; shared services permitted under Education Law §1950; or independent contractors, provided that the individual or entity serving as independent contractor meets generally accepted auditing standards for independence between the auditor and the School District; i.e., an individual or entity shall be deemed independent if the individual or entity does not: have any other responsibilities related to the business operations of the School District; an interest in any other contracts with, and does not provide any goods or services to the School District; and a close or immediate family member who is responsible for business operations of the School District or has an interest in any other contracts with the School District.

The Claims Auditor **may not** be a member of the Board of Education; the clerk or treasurer of the Board of Education; the Superintendent of Schools or other official of the district responsible for business management; the person designated as purchasing agent; and/or clerical or professional personnel directly involved in accounting and purchasing functions of the district; the individual or entity responsible for the internal audit function; the independent auditor charged with the annual external audit of the School District's financial statements and/or a close or immediate family member of an employee, officer or contractor providing services to the School District. For purposes of this policy, a close family member shall be defined as a parent, sibling or nondependent child, and an immediate family member shall be defined as a spouse, spouse equivalent, or dependent (whether or not related). Residency in the School District is not an eligibility requirement of the claims auditor.

The Claims Auditor shall have the necessary knowledge and skills to effectively audit claims. The Claims Auditor shall have experience with school district operations including purchasing, bidding and claims. The Claims Auditor shall also be bonded in accordance with Public Officers Law.

The Claims Auditor is responsible for formally examining, allowing or rejecting all accounts, charges, claims or demands against the School District except for compensation for services of an officer or employee and debt service. The auditing process should determine:

- 1.that the proposed payment is for a valid and legal purpose;
- 2.that the obligation was incurred by an authorized district official;
- 3.that the items for which payment is claimed were in fact received or, in the case of

***-DRAFT REVISED POLICY-***

**SACHEM CENTRAL SCHOOL DISTRICT**

**CLAIMS AUDITOR**

**POLICY 6650**

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- services, that they were actually rendered;
- 4.that the obligation does not exceed the available appropriation; and
- 5.that the submitted voucher is in proper form, mathematically correct, does not include previously paid charges, and is in agreement with the purchase order or contract upon which it is based.

The Claims Auditor shall certify that each claim listed on the warrant was audited and payment was authorized.

Although the Claims Auditor is not required to monitor the School District's business and accounting practices, in the event that the Claims Auditor observes any business or accounting practices which are, in the Claims Auditor's opinion, questionable or in need of improvement, the Claims Auditor shall promptly report such observations to the Board of Education.

The Claims Auditor shall report to the Board of Education on the results of the audits of claims and shall report, as directed by the Board of Education, to the clerk of the School District or Board of Education or the Superintendent of Schools, for administrative issues such as work space, time, and attendance. In addition, the Claims Auditor shall provide periodic written reports as may be requested by the Board of Education.

Cross-ref: 6010 *et seq.* as appropriate

Ref: Education Law §§ 1709(20-a); 1724  
8 NYCRR §170.12(c)

Adoption Date: February 10, 1998

**POLICY 6660**  
**INDEPENDENT/EXTERNAL**  
**AUDITS**

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**REVIEW REVISED POLICY**

***-DRAFT REVISED POLICY-***

**SACHEM CENTRAL SCHOOL DISTRICT**

**INDEPENDENT/EXTERNAL AUDITS**

**POLICY 6660**

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As required by law, the School District shall obtain an annual audit of its records by an independent certified public accountant or an independent public accountant. The report of such annual audit shall be presented to the Board of Education by such accountant in sufficient time for the Board of Education to accept it by resolution prior to the statutory deadline. The accountant shall also provide each Board of Education member with a true and complete copy of the audit report. The Board of Education shall adopt a resolution accepting the audit report and a copy of the audit report and the resolution accepting the report shall be furnished to and filed with the Commissioner of Education on or before October 15th following the end of the fiscal year for which the audit was performed.

The annual audit shall be of all funds, the School District's financial records and the student activity fund, and be in a form as prescribed by the Commissioner of Education, GASB and in accordance with generally acceptable accounting principles.

The School District shall, within ninety (90) days of the receipt of such report or letter, prepare a corrective action plan in response to any findings contained in the annual external audit report or management letter, a final audit report issued by the School District's internal auditor, any final audit report issued by the state comptroller, a final audit report issued by the State Education Department, a final audit report issued by the United States or any office, agency or department thereof, or a final report issued by other audit organizations. This corrective action plan shall be presented to the Board of Education for review and approval. The school district shall file its corrective plan with the State Education Department. To the extent practicable, implementation of such corrective action plan shall begin no later than the end of the next fiscal year.

The School District shall use a competitive request for proposals (RFP) process when contracting for such annual audit. In addition, pursuant to law, no audit engagement shall be for a term longer than five (5) consecutive years; provided, however, that the School District, in its discretion, may permit an independent certified public accountant or an independent public accountant engaged under an existing contract for such services to submit a proposal in response to an RFP or to be awarded a contract or provide such services under a RFP process.

The selection of the audit firm shall be based primarily on, but not be limited to, the following criteria:

1. The professional reputation and competence of the audit firm;
2. The availability of partners and other senior staff members for advice and consultation on School District operational matters;
3. Knowledge of the education field; and
4. The reasonableness of the fee charged, although cost factors shall not be the dominant factor in the selection of audit firms.

***-DRAFT REVISED POLICY-***

**SACHEM CENTRAL SCHOOL DISTRICT**

**INDEPENDENT/EXTERNAL AUDITS**

**POLICY 6660**

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The Board of Education shall formally appoint the certified public accounting firm to perform the independent/external audit at its annual reorganization meeting.

Cross-ref: 6010 *et seq.* as appropriate

Ref: Education Law §2116-a(3) and (b)

Adoption Date: February 10, 1998

**POLICY 6675**  
**EXTRA CLASSROOM ACTIVITY**  
**FUNDS**

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**REVIEW NEW POLICY**

***-DRAFT NEW POLICY-***

**SACHEM CENTRAL SCHOOL DISTRICT**

**EXTRA CLASSROOM ACTIVITY FUNDS**

**POLICY 6675**

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All extra-curricular and co-curricular activities, student organizations and intramural/interscholastic activities in the School District are considered extra-classroom activities and any and all moneys received by said activity are considered extra-classroom activity funds. Each extra classroom activity fund shall be under the supervision of a central treasurer who shall be appointed annually by the Board of Education, and shall be bonded. Under no circumstances shall a student or staff member receive or pay any funds associated with the activity through any means other than the extra-classroom activity fund.

Extra classroom activity funds are those collected voluntarily by pupils and expended by them as they see fit provided that all transactions and procedures are in accordance with the rules and regulations established for the conduct, operation, and maintenance of the extra classroom activity and for the safeguarding, accounting and auditing of all monies received and derived therefrom. In accordance with General Municipal Law, extra classroom activity funds that are not required for immediate expenditure shall be invested.

Extra classroom activity funds and procedures, rules and regulations will be consistent with the regulations of the Commissioner of Education. The Superintendent of Schools and Assistant Superintendent for Business & Operations shall be charged with developing regulations regarding Extra Classroom Activity Funds that will include:

- a) The method to be followed in establishing a club or organization.
- b) The records of receipts and expenditures to be maintained and the reports to be made at least quarterly to the Board of Education.
- c) The authority to expend monies that shall be distinct and separate from the custody of those monies and determine that clubs do not overspend their available resources.
- d) The independent and impartial audit of the School District records.
- e) The method of disposing of funds of defunct organizations.
- f) The process for the Superintendent of Schools or his/her designee to formally approve/disapprove activity fundraisers.
- g) Adequate controls over the receipt of monies through use of pre-numbered admissions tickets and pre-numbered receipt forms, together with reconciliation of receipts.

Cross-ref: 6700 Purchasing

Ref: 8 NYCRR 172

Adoption Date:



**POLICY 6800**

**PAYROLL PROCEDURES**

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**REVIEW REVISED POLICY**

***-DRAFT REVISED POLICY-***

**SACHEM CENTRAL SCHOOL DISTRICT**

**PAYROLL PROCEDURES**

**POLICY 6800**

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The Board of Education recognizes the importance of the payroll function to the effective administration of the School District. The Board of Education is also aware that this is an area at risk of fraud and abuse.

A duly certified payroll is one that has been examined and approved by the Superintendent of Schools, or his/her designee and the Assistant Superintendent for Business & Operations. It shall be the responsibility of the Assistant Superintendent for Business & Operations and his/her staff to prepare all payrolls authorized for payment by the Superintendent of Schools. Upon such authorization, voucher order checks and/or direct deposit authorizations, signed or authorized by the School District's Treasurer and payable to the order of the persons entitled to receive such moneys, shall be issued.

Each building principal or budget supervisor must certify their building/department claim form bi-weekly. No payment should be made to any employee prior to services being rendered. No person may be added to the payroll prior to approval by the Board of Education. The signed certification must be returned to the business office. The Assistant Superintendent for Business & Operations and his/her staff will then prepare all payrolls.

A periodic test will be conducted to verify accuracy and appropriateness of district payrolls. Payroll procedures will also be reviewed periodically by the individual or firm performing the Internal Audit Function. The Internal Auditor will report findings and recommendations to the Board of Education. It is the intention of the Board of Education to take reasonable and necessary steps to safeguard the School District's payroll.

Cross-ref:      6810 Fiscal Controls  
                     6600 Fiscal Accounting and Reporting  
                     6680 Internal Audit Function

Ref:      Education Law §§1720; 2116-a

Adoption Date: July 6, 2017

**POLICY 6830**  
**EXPENSE REIMBURSEMENT**

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**REVIEW REVISED POLICY**

***-DRAFT REVISED POLICY-***

**SACHEM CENTRAL SCHOOL DISTRICT**

**EXPENSE REIMBURSEMENT**

**Policy 6830**

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Members of the Board of Education, school officials and staff members shall be reimbursed for reasonable out-of-pocket expenses incurred while traveling for school related activities. Only necessary expenditures will be reimbursed. Tax exemption letters shall be issued and utilized only for official school related business.

The Board of Education shall determine, by duly adopted resolution, whether the attendance of members of the Board of Education at any conference or professional meeting is in the best interest of the School District and whether they are eligible for reimbursement of expenses under this policy. The Superintendent of Schools, or his/her designee, shall determine whether attendance by School District staff at any conference or professional meeting is in the best interest of the School District and whether such staff members are eligible for reimbursement of expenses under this policy within budgetary allocations.

To obtain reimbursement prior to expending School District funds, the claimant must:

- Submit a conference request form and a requisition with the approved conference request form; and
- obtain a purchase order number.

Once a request is approved, and after travel has occurred, the claimant must:

- complete and sign a claim for reimbursement and submit same to the Business Office;
- attach all receipts or other expense documentation, together with a copy of the approved conference request form from the School District's online approval system; and
- provide a completed conference attendance certificate, and submit the same to the Business Office.

Reimbursement shall only be made after such claim has been audited and cleared for payment.

Day Travel

When an employee engages in travel which does not result in overnight travel, only transportation and registration costs are eligible for reimbursement. If travel extends beyond the regular business day, the School District will reimburse the employee for meals.

Overnight Travel

Persons traveling on School District-related business are expected to secure the most reasonable rate for necessary hotel accommodations. The School District will reimburse for actual lodging fees up to the maximum lodging fee set by the federal government for that location. GSA rates can be found at <http://www.gsa.gov/portal/content/104877>.

***-DRAFT REVISED POLICY-***

**SACHEM CENTRAL SCHOOL DISTRICT**

**EXPENSE REIMBURSEMENT**

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Payment for overnight lodging is permitted for overnight travel which is necessary for the performance of School District business. When the lodging rate is pre-determined by the organization sponsoring the event, lodging costs shall be reimbursed at a rate not in excess of the rate charged by the convention/event hotel, notwithstanding what the federal travel reimbursement rate is. When a Board of Education member or a school official or staff member engages in overnight travel, that individual may also be reimbursed for meals, registration costs, and miscellaneous other expenses, as defined below, but not for personal expenses.

Hotel accommodations that exceed the GSA rate or the rate charged by the convention/event hotel rate will be reimbursed only if approved by the Board President (for members of the Board of Education and the Superintendent of Schools) and the Superintendent of Schools (for all others) prior to the stay. Notwithstanding the foregoing, when the purpose of staff travel is to chaperone or accompany students to a school-sponsored or school-related event, the lodging rate of the hotel at which the student is staying will determine the lodging rate for the employee to be paid by the School District.

Method of Transportation

Travel shall be by the most economical and practical means as determined by the School District, whether by private automobile, school vehicle, rental vehicle or common carrier such as bus, train, or airplane. Additional factors, including the number of people traveling, luggage and materials to be transported, meeting schedules, Board of Education member or school officer or staff member health and safety, the cost of the school officer's or staff member's time, and the impact on the Board of Education member's or school official's or staff member's ability to efficiently conduct School District-related business upon arrival, should also be considered when deciding on the most appropriate means of transportation.

Personal Vehicle

In certain instances, it may be appropriate for school officials or employees to use their personal vehicles for School District-approved travel. Employees may be reimbursed for personal vehicle use at the prevailing IRS rate per mile. Toll and parking are also eligible for reimbursement. Repairs, maintenance and vehicle fluids (including, but not limited to, fuel and oil) are not reimbursable. Reimbursement for travel to/from conferences held within the boundaries of the School District will not be permitted.

Rental Vehicle

Although the use of rental vehicles may be necessary when travel is required out of the area for school-related purposes, rental vehicles are generally not permitted for local travel. In lieu of mileage, vehicle rental charges and fuel costs for travel out of the area incurred by Board of Education members or school officials or staff members may be submitted for reimbursement,

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provided such expense is approved in advance, is necessary for conference attendance and is reasonable in cost.

Airline and Railroad Travel (Long Distance or Overnight Travel)

Transportation by airline or railroad may be reimbursed for or paid for by the School District only in connection with long distance or overnight travel for a school-related purpose, meeting the conditions applicable to overnight lodging. The School District shall carefully consider alternatives to overnight travel prior to authorization.

Other transportation costs such as taxi cabs are allowable only for essential transportation.

Meals

Reimbursement for meal charges, excluding gratuities, may be had for meals when traveling, subject to the limits defined below.

Overnight conferences: For overnight conferences, travelers will be provided with a \$50.00 per diem flat rate allowance for meals. No receipts will be required for this reimbursement.

Example: For a conference held on two days with one overnight stay, the traveler will be provide with a \$50.00 reimbursement (1 day x \$50 per day)

Daily conferences: Reimbursement will not be made for meals in connection with attendance at one day conferences, except with the prior written approval of the Superintendent of Schools.

Reimbursable Expenses

*Conventions, Seminars, Conferences*

Registration, workshop and other fees as itemized in the conference literature, will be reimbursed at actual cost, if not prepaid by the School District. Cost for non-essential activities unrelated to official business are considered personal expenses and will not be paid or reimbursed by the School District.

*Miscellaneous Other Services*

A Board of Education member or school officer or staff member, when traveling for School District business or under other circumstances, may be required to use fax, express mail, photocopying, postage, modem connection or other incidental offices services. These expenses are reimbursable if for official School District purposes only. The Board of Education member, school officer or staff member must document the date, time and purpose and provide receipts.

**SACHEM CENTRAL SCHOOL DISTRICT**

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Non-Reimbursable Expenses

*Tipping and Gratuities*

The School District shall not reimburse for tips and gratuities.

*Parking and Traffic Violations*

Any fines and/or penalties associated with a motor vehicle violation which were incurred during School District-approved travel are not reimbursable.

*Personal Expenses*

The School District does not reimburse persons traveling on School District-related business for personal expenses including, but not limited to, pay television, laundry, hotel health club facilities, alcoholic beverages, theater and show tickets, and telephone calls and transportation costs unrelated to School District business.

Cross Ref:

Ref: Education Law §§1709(30); 1804; 2118; 3023; 3028  
General Municipal Law §77-b

Adoption date: December 14, 2017