

## CODE OF CONDUCT

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#### **I. Introduction**

The Board of Education is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents and other visitors is essential to achieving this goal. The district has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity in accordance with the laws of New York State. The board recognizes the need to clearly define these expectations for acceptable conduct on school property, and at school related events, 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.

#### **II. Definitions**

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

**“Disruptive student”** means an elementary or secondary student under 21 years of age who substantially interferes with the educational process or the schools’ authority.

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

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

**“School function”** means any school-sponsored events, trips or activity, before, during or after school, including activities and events sponsored by the school parent organizations.

**“Student”** means an elementary or secondary student under 21 years of age .

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

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon self or another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Possesses, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, 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 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. It also means any other weapon such as but not limited to a gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death.

**“Controlled substance”** means a drug or other substance identified in New York Public Health Law §3306 or certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.

**“Illegal drugs”** means a controlled substance or marijuana 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.

**“Sexual orientation”** shall mean actual or perceived heterosexuality, homosexuality bisexuality or transgender.

**“Gender”** shall mean actual or perceived sex and shall include a person’s gender identity or expression.

**“Harassment”** shall mean the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person’s actual or perceived race, color, weight, , national origins, ethnic groups, religions, religious practices, mental or physical ability, sexual orientation, gender identity or expression, or sex.

**“Discrimination”** shall mean treatment or consideration of, or making a distinction in favor of or against, a person based on their actual or perceived race, color, weight, national origins, ethnic groups, religion, religious practices, mental or physical ability, sexual orientation, gender identity or expression, or sex.

**“Disability”** shall mean as defined in Executive Law Section 292(21).

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

#### **A. Student Rights**

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

1. Learn
2. Take part in all district activities on an equal basis regardless of their actual or perceived race, color, weight, national origins, ethnic groups, religion, religious practices, mental or physical ability, sexual orientation, gender identity or expression, or sex.
3. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
4. Access school rules and, when necessary, receive an explanation of those rules from school personnel.
5. Report concerns or violations of their own civil rights or the civil rights of others.

#### **B. Student Responsibilities**

All district students have the responsibility to:

1. Maintain a climate of mutual respect and dignity, free of harassment, discrimination, and retaliation, that will strengthen students’ self-concept and promote confidence to learn, and provide fair and consistent consequences.
2. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
3. Promote high standards of character, competence, civility and citizenship.

4. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
5. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
6. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
7. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
8. Work to develop mechanisms to control their anger.
9. Ask questions when they do not understand.
10. Seek help in solving problems that might lead to discipline.
11. Dress appropriately for school and school functions.
12. Accept responsibility for their actions.
13. Conduct themselves as representatives of the district when participating in or attending school-sponsored 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. Maintain a climate of mutual respect and dignity, free of harassment, discrimination, and retaliation, that will strengthen students' self-concept and promote confidence to learn, and provide fair and consistent consequences.
2. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community, through participation and attendance at events such as parent conferences, annual open school house and meetings focused upon the child's individual needs.
3. Send their children to school ready to participate and learn.
4. Ensure their children attend school regularly and on time.
5. Ensure absences are excused for legal reasons (see policy 5100).
6. Insist their children be dressed and groomed in a manner consistent with the student dress code.
7. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
8. Know school rules and help their children understand them.
9. Convey to their children a supportive attitude toward education and the district.
10. Build good relationships with teachers, other parents and their children's friends.
11. Help their children deal effectively with peer pressure.
12. Inform school officials of changes in the home situation that may affect student conduct or performance.
13. Provide a place for study and ensure homework assignments are completed.

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

## **B. District Employees**

All district employees are expected to:

1. Maintain a climate of mutual respect and dignity, free of harassment and discrimination, that will strengthen students' self-concept and promote confidence to learn, and provide fair and consistent consequences.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. 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.
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.
7. Dress in a professional manner that is not distracting to the learning process.
8. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
9. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
10. Regularly review with students their educational progress and career plans.
11. Articulate special needs and circumstances of individual student.
12. Encourage students to benefit from the curriculum and extracurricular programs.
13. Conduct themselves as representatives of the district when participating in or attending school-sponsored events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
14. Respond to and report all incidents of discrimination or harassment.
15. Take part in training to raise awareness and sensitivity of school employees to potential discrimination or harassment.

## **C. Administrators**

1. Maintain a climate of mutual respect and dignity, free of harassment, discrimination, and retaliation, that will strengthen students' self-concept and promote confidence to learn, and provide fair and consistent consequences.
2. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
3. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

4. Follow guidelines related to the development of nondiscriminatory instructional and counseling methods.
5. Assign one staff member at every school to be thoroughly trained to handle human relations in the areas of race, color, weight, national origins, ethnic groups, religions, religious practices, mental or physical ability, sexual orientation, gender identity or expression, or sex.

#### **D. Superintendent**

1. Maintain a climate of mutual respect and dignity, free of harassment, discrimination, and retaliation, that will strengthen students' self-concept and promote confidence to learn, and provide fair and consistent consequences.
2. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
3. Review with district administrators the policies of the board of education and state and federal laws relating to school operations and management.
4. Inform the board about educational trends relating to student discipline.
5. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
6. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

#### **E. Board of Education**

1. Maintain a climate of mutual respect and dignity, free of harassment, discrimination, and retaliation, that will strengthen students' self-concept and promote confidence to learn, and provide fair and consistent consequences.
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, district personnel and visitors on school property and at school functions.
3. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
4. Lead by example by conducting board meetings in a professional, respectful, courteous manner.
5. Develop policies intended to create a school environment that is free from discrimination or harassment.
6. Develop guidelines for school training programs to discourage discrimination or harassment that are designed to:
  - Raise awareness and sensitivity of school employees to potential discrimination or harassment
  - Enable employees to prevent and respond to discrimination or harassment.
7. Develop guidelines relating to the development of non-discriminatory instructional and counseling methods and require that at least one staff member be trained to handle human relations.

## **V. Dress Code**

1. All students and employees are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance.
2. All other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.
3. Dress, grooming and appearance, including hair style/color, jewelry, make-up and nails, shall:
  - a. Be safe, appropriate and not disrupt or interfere with the educational process for them or for others.
  - b. Recognize that extremely distracting garments are not appropriate.
  - c. Ensure that undergarments are completely covered with outer clothing.
  - d. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
  - e. Not include items that are vulgar, obscene, libelous or denigrate others on account of actual or perceived race, color, weight, national origins, ethnic group, , religion, religious practice, mental or physical ability sexual orientation, gender identity or expression, or sex..
  - f. Not promote and/or endorse the use or misuse of alcohol, tobacco, or substances (controlled, illegal, unauthorized) and/or encourage other illegal or violent activities.
4. Each building principal or his or her designee shall be responsible for informing all students and their parents, as well as all employees of the dress code particular to their building at the beginning of the school year and any revisions to the dress code made during the school year. The schools will define age appropriate specific dress. School handbooks will contain additional guidelines. Individuals who violate the 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.

## **VI. Prohibited Student Conduct**

The board of education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment. The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline. The board recognizes the need to make its expectations for student conduct while on district property or engaged in a school-related function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct.

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

**A. Engage in conduct that is disorderly**

*Examples of disorderly conduct include but are not limited to:*

1. Running in hallways.
2. Making unreasonable noise.
3. Using language or gestures that are profane, lewd, vulgar or abusive.
4. Purposely invading the personal space of others.
5. Obstructing vehicular or pedestrian traffic.
6. Engaging in any willful act which disrupts the normal operation of the school community [including lateness].
7. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building or his or her designee.
8. Computer/electronic communications misuse, including any unauthorized use of PDA's, cell phones, portable video games, computers, software, or internet/intranet account; accessing inappropriate web-sites; or any other violation of the district's acceptable use policies.

**B. Engage in conduct that is insubordinate or disruptive**

*Examples of such insubordinate behaviors include but are not limited to:*

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
2. Missing a class or leaving school without permission.
3. Failing to report to detention.

**C. Engage or threaten to engage in conduct that is violent**

*Examples of violent conduct include but are not limited to:*

1. Threatening or committing an act of violence (such as hitting, kicking, punching, and scratching) upon anyone, or attempting to do so.
2. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
3. Threatening or displaying what appears to be a weapon.
4. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person on school property, including graffiti or arson.
5. Threatening or intentionally damaging or destroying school district property, including electronic media.

**D. Engage in any conduct that endangers the safety, morals, health or welfare of others.**

*Examples of such conduct include:*

1. Lying to school personnel.
2. Spitting or biting

3. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
4. Distributing material or otherwise defaming, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
5. Acting in ways that are discriminatory, harassing and/or bullying based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, mental or physical ability, sexual orientation, gender identity or expression, or sex.
6. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
7. Selling, using or possessing obscene material.
8. Using vulgar or abusive language, cursing or swearing.
9. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.
10. 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 unauthorized substances.
11. Inappropriately using or sharing prescription and over-the-counter drugs.
12. Gambling.
13. Indecent exposure.
14. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

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

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

#### **F. 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. Assisting, encouraging or coercing another student in any of the above actions.
6. Inappropriate use of electronic devices.

### **VII. Reporting Violations**

It is important for all students to promptly report violations of the code of conduct to a teacher, guidance counselor, the building principal or his or her designee. Any student observing

a student possessing a weapon, alcohol or illegal substance on school property or at a school function must report this information immediately to a teacher, the building principal, the principal's designee or the superintendent.

District staff 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. All district staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner.

Any person having reasonable cause to suspect that a student has been subjected to discrimination or harassment by an employee or student, on school grounds or at a school function, who, acting reasonably and in good faith, either reports such information to school officials, to the commissioner, or to law enforcement authorities or otherwise initiates, testifies, participates or assists in any formal or informal proceedings under this Policy, shall have immunity from any civil liability that may arise from the making of such report or from initiating, testifying, participating or assisting in such formal or informal proceedings, and no school district or employee shall take, request or cause a retaliatory action against any such person who, acting reasonably and in good faith, either makes such a report or initiates, testifies, participates or assists in such formal or informal proceedings.

Any weapon, alcohol, or substance (controlled, illegal or unauthorized) found shall be confiscated immediately. If possible, this will be followed by immediate notification to the parent of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution. The building principal or his or her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school immediately. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime. Notification may be made by telephone, in which case a follow-up letter must be mailed.

### **VIII. 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 fair and impartial way. 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 shall keep in mind:

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, discipline shall be consistent with special education regulations.

### **A. Penalties**

Students who are found to have violated the district's code of conduct may be subject to the following penalties, consistent with the student's right to due process. This is not intended to be a progressive list. Certain offenses will warrant action that is appropriate and consistent with the severity of the offense.

1. Oral warning
2. Written warning
3. Written notification to parent
4. Detention
5. Suspension from transportation
6. Suspension from athletic participation or social or extracurricular activities
7. Suspension of other privileges
8. In-school suspension
9. Removal from classroom by teacher
10. Short-term (five days or less) suspension from school
11. Long-term (more than five days) suspension from school [by superintendent or board of education]
12. Permanent suspension from school [by superintendent or board of education]
13. Any other appropriate disciplinary action.

### **B. Procedures**

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 [or designees] and the superintendent may use detention or revocation of privileges during the school day or outside of school hours as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention must be scheduled as to insure appropriate transportation.

## 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 by completing the bus incident form. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. 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 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 to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension" provided such an object exists. A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

## 5. Teacher disciplinary removal of disruptive students

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student into the hallway briefly; (3) sending a student to the principal's office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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

A classroom teacher may remove a disruptive student from class for up to three days. The removal from class applies to the class of the removing teacher only. If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the discussion may a teacher remove a student from class.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24 hours provided that if such 24 hour period does not end on a school day, it shall be extended to the corresponding time on the next school day.

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

Within 24-hours after the student's removal, provided that if such 24 hour period does not end on a school day, it shall be extended to the corresponding time on the next school day, the principal or another district administrator designated by the principal must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet with the principal or the principal's designee to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal, provided that if such 24 hour period does not end on a school day, it shall be extended to the corresponding time on the next school day, at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

The principal may require the teacher who ordered the removal to attend the conference.

If at the meeting the student denies the charges, the principal or the principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The meeting must be held within

48 hours of the student's removal, provided that if such 48 hour period does not end on a school day, it shall be extended to the corresponding time on the next school day. The timing of the meeting may be extended by mutual agreement of the parent and principal.

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

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

The principal or his or her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, provided that if such 48 hour period does not end on a school day, it shall be extended to the corresponding time on the next school day, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.

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

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

#### 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 and the building principals. Any staff member may recommend to the superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the superintendent for a violation of the code of conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the

recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

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

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

When the superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents in writing that the student may be suspended from school.

Notice shall provide a description of the charges against the student and the incident for which the suspension has been proposed and shall inform the parents of the right to request an immediate informal conference with the principal.

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.

The principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days. The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the superintendent’s decision, they must file a written appeal to the board of education with the district clerk within 10 business days of the date of the superintendents’ decision. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

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

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

The superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before

him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer shall be advisory only, and the superintendent may accept all or any part thereof.

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

c. Permanent suspension

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

**C. Minimum Periods of Suspension**

1. Students who bring a weapon to or possess a weapon at school

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

1. The student's age.
2. The student's grade in school.
3. The student's prior disciplinary record.
4. The superintendent's belief that other forms of discipline may be more effective.
5. Input from parents, teachers and/or others.
6. 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 are repeatedly substantially disruptive of the educational process, interferes with the teacher's authority over the classroom, or who commit violent acts other than bringing a weapon to or possessing a weapon at school.

Any student, other than a student with a disability, who has engaged in these behaviors shall be subject to suspension from school for at least two days. 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.

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

The board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The board also recognizes that students with disabilities are entitled to certain procedural protections whenever school authorities intend to impose discipline upon them. The board is

committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations. This code of conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state laws and regulations.

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

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

A “**suspension**” means a suspension pursuant to Education Law § 3214.

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

An “**IAES**” means a temporary educational placement for a period of up to 45 days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to 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 or her current educational placement as follows:
  - a. The board, the district (BOCES) superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

- b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
- c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
- d. The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 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)(2) 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 New York Public Health Law §3306 or 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 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

B. Change of Placement Rule

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

- a. for more than 10 consecutive school days; or
  - b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal. However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

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

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

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

If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.
  - b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for

misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.

2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 of the Education Law at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
  - a. The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
  - b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
    - 1) conducted an individual evaluation and determined that the student is not a student with a disability, or
    - 2) determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations. If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.
3. The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current

educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

#### D. Expedited Due Process Hearings

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

substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.

- 2) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

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

E. Referral to law enforcement and judicial authorities

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

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

**X. Use of Reasonable Force**

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

1. Protect oneself, another student, teacher or any person from physical injury.
2. Protect the property of the school or others.
3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to refrain from further disruptive acts.
4. The use of physical force [corporal punishment] used for the purpose of punishing a student is strictly forbidden.

## **XI. Student Searches and Interrogations**

Any school official authorized to impose a disciplinary penalty on a student may question a student or request that a student provide a written statement about an alleged violation of law or the district code of conduct. Students are not entitled to any sort of “Miranda”-type warning before being questioned by school officials, nor are school officials required to contact a student’s parent before questioning the student. However, school officials will tell all students why they are being questioned.

An authorized school official may conduct a search of a student and his or her belongings that is minimally intrusive, provided there is reasonable suspicion.

## **XII. Visitors to the Schools**

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

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 are expected not to take class time to talk with teachers.
4. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
5. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

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

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

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

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

**A. Prohibited Conduct**

*No person, either alone or with others, shall:*

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, are libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person.
6. Be subjected to harassment by employees or students on school property or at a school function; nor shall any student be subjected to discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, mental or physical ability, sexual orientation, gender identity or expression, or sex by school employees or students on school property or at a school function. Nothing in this subdivision shall be construed to permit a denial of admission into, or exclusion from, a course of instruction based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, mental or physical ability, sexual orientation, gender identity or expression, or sex.
7. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
8. Obstruct the free movement of any person in any place to which this code applies.
9. Violate the traffic laws, parking regulations or other restrictions on vehicles.
10. 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.
11. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
12. Loiter on or about school property.
13. Gamble on school property or at school functions (see policy 5251).
14. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
15. Willfully incite others to commit any of the acts prohibited by this code.

16. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.
17. Smoke on school property.

**B. Penalties**

Persons who violate this code shall be subject to disciplinary action/penalties commensurate with the severity of their infraction as determined by principal or his designee.

**C. Enforcement**

The building principal or his or her designee shall be responsible for enforcing the conduct required by this code. When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

**XIV. Dissemination and Review**

Copies of a summary of the code will be provided to all students at the beginning of each school year.

Copies of the code will be made available to all parents at the beginning of the school year.

All district employees will be provided with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.

A summary of the code, and all related district policies will be made available on the district web page.

The board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the code of conduct. The superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in service programs pertaining to the management and discipline of students. The board of education will review this code of conduct every year and update it as necessary. In conducting the review, the board will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.

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

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